

Agenda--May 7-8, 2003

California State Board of Education (SBE) meeting agenda.

FULL BOARD Public Session

AGENDA

May 7-8, 2003

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

[Schedule of Meeting and Closed Session Agenda](#) (PDF; 170KB; 4pp.)

Wednesday, May 7, 2003 - 9:00 a.m.± (Upon adjournment of Closed Session if held)
California Department of Education, 1430 N Street, Room 1101, Sacramento , California

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

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

ITEM 1 (PDF; 116KB; 6pp.)	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
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ITEM 2 (PDF; 75KB; 6pp.)	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
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ITEM 3 (PDF; 202KB; 6pp.)	Seminar: High School Exit Exams in Other States.	INFORMATION
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ITEM 4 (PDF; 71KB; 2pp.)	California High School Exit Examination (CAHSEE): Including, but not limited to, Presentation of the Report Required by AB 1609. <ul style="list-style-type: none">• Last Min. (PDF; 269KB; 11pp.)	INFORMATION ACTION
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<p>ITEM 5 (PDF; 60KB; 1p.)</p>	<p>Standardized Testing and Reporting (STAR) Program: Including, but not limited to, STAR Program Update.</p>	<p>INFORMATION ACTION</p>
<p>ITEM 6 (PDF; 82KB; 1p.)</p>	<p>California English Language Development Test (CELDT): Including, but not limited to, Analysis of CELDT Sub-Group Results.</p> <ul style="list-style-type: none"> • Supplemental (PDF; 208KB; 16) • Last Min. (PDF; 75KB; 1p.) 	<p>INFORMATION ACTION</p>
<p>ITEM 7 (PDF; 72; 1p.)</p>	<p>No Child Left Behind - Monthly Update.</p> <ul style="list-style-type: none"> • Supplemental (PDF; 873KB; 30pp.) • Last Min. (PDF; 111KB; 3pp.) 	<p>INFORMATION ACTION</p>
<p>ITEM 8 (PDF; 67KB; 1p.)</p>	<p>Further discussion of the definition of Highly Qualified Teachers for the No Child Left Behind (NCLB) Act.</p>	<p>INFORMATION</p>
<p>ITEM 9 (PDF; 66KB; 1p.)</p>	<p>Supplemental Educational Services Providers required by Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001, including but not limited to, proposed regulations, annual notice to potential providers and revised provider application.</p> <ul style="list-style-type: none"> • Supplemental (PDF; 275KB; 17pp.) • Last Min. (PDF; 238KB; 7pp.) 	<p>INFORMATION ACTION</p>
<p>ITEM 10 (PDF; 65KB; 1p.)</p>	<p>Reading First Grant Approval.</p> <ul style="list-style-type: none"> • Last Min. (PDF; 83KB; 3pp.) 	<p>INFORMATION ACTION</p>
<p>ITEM 11 (PDF; 85KB; 2pp.)</p>	<p>Review of the criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) providers.</p>	<p>INFORMATION</p>
<p>ITEM 12 (PDF; 77KB; 2pp.)</p>	<p>Request to approve expenditure plan to support Immediate Intervention for Underperforming Schools Programs (II/USP) corrective actions in four non-Title 1 "state-monitored" schools.</p> <ul style="list-style-type: none"> • Supplemental (PDF; 69KB; 2pp.) 	<p>INFORMATION ACTION</p>
<p>ITEM 13 (PDF; 72KB;</p>	<p>High Priority Schools Grant Program -New Implementation Grant Awards.</p> <ul style="list-style-type: none"> • Supplemental (PDF; 119KB; 3pp.) 	<p>ACTION</p>

2pp.) [Last Min.](#) (PDF; 71KB; 1p.)

[ITEM 14](#) Review of entry requirements for alternative schools participating in the Alternative Schools Accountability Model (ASAM). INFORMATION
 (PDF; 70KB; 1p.)

- [Supplemental](#) (PDF; 114KB; 4pp.)

[ITEM 15](#) Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not limited to, Update on AB 466 Training and Approved Providers and Provider Evaluations in 2003-04. INFORMATION ACTION
 (PDF; 78KB; 1p.)

- [Last Min.](#) (PDF; 82KB; 1p.)

[ITEM 16](#) Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under The Principal Training Program (AB 75). ACTION
 (PDF; 101KB; 3pp.)

[ITEM 17](#) Title 5 Regulations to Implement the Instructional Materials Funding Realignment Program. INFORMATION ACTION
 (PDF; 67KB; 7pp.)

- [Supplemental](#) (PDF; 89KB; 2pp.)

[ITEM 18](#) Approval of 2002-2003 Consolidated Applications. ACTION
 (PDF; 87KB; 2pp.)

[ITEM 19](#) California's K-12 Education Technology Master Plan. ACTION
 (PDF; 393KB; 45pp.)

[ITEM 20](#) California Technology Assistance Project. INFORMATION ACTION
 (PDF; 323KB; 45pp.)

[ITEM 21](#) Title 5 Regulations on Administration of Medication to Pupils at Public Schools. ACTION
 (PDF; 167KB; 17pp.)

[ITEM 22](#) Appointments to Child Nutrition Advisory Council and, if necessary, Curriculum Development and Supplemental Materials Commission. INFORMATION ACTION
 (PDF;

77KB;
1p.)

- [Supplemental](#) (PDF; 110KB; 2pp.)

[ITEM 23](#) 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2. ACTION
(PDF; 88KB; 3pp.)

[ITEM 24](#) Assignment of Numbers for Charter School Petitions. ACTION
(PDF; 113KB; 3pp.)

- [Last Min.](#) (PDF; 63KB; 2pp.)

[ITEM 25](#) Request by the New West Charter Middle School Petitioners To Establish New Deadlines for Meeting State Board of Education Conditions of Approval to Open. INFORMATION ACTION
(PDF; 71KB; 1p.)

Thursday, May 8, 2003 - 8:00 a.m.± (Upon adjournment of Closed Session if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California
REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

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

ITEMS DEFERRED FROM PRECEDING DAY

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

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

[ITEM 26](#) Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities. ACTION
(PDF; 143KB; 7p.)

[ITEM 27](#) Permanent Regulations Pertaining to Annual Financial Reporting for all K-12 Local Educational Agencies, including Charter Schools, as Required by Assembly Bill 1994 (Chapter 1058, Statutes of 2002). INFORMATION ACTION
(PDF; 72KB; 2pp.)

- [Supplemental](#) (PDF; 188KB; 15pp.)

[ITEM 28](#) Legislative Update: Including, but not limited to, information on legislation. INFORMATION ACTION
(PDF; 63KB; 1p.)

- [Supplemental](#) (PDF; 190KB; 9pp.)

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.

COUNTY COOPERATIVE

[ITEM WC-1](#) Request by North Cow Creek Elementary School District (NCCESD) to ACTION
(PDF; waive Title 5 Section 3945, to withdraw from Shasta County Cooperative (SCC)
105KB; for the purposes of the Consolidated Application and Funding.
2pp.) CDSIS-24-1-2003
(Recommended for APPROVAL) EC 33051(c) will apply

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

[ITEM WC-2](#) Request by eight school districts for a retroactive waiver of *Education Code* (EC) ACTION
(PDF; Section 60119 regarding Annual Public Hearing on the availability of textbooks or
107KB; instructional materials. These districts have audit findings for fiscal year 2001-2002
4pp.) that they 1) failed to hold the public hearing, or 2) failed to properly
notice (10 days) the public hearing and/or 3) failed to post the notice
in the required three public places.
CDSIS-01-04-2003 - Antelope Elementary School District
CDSIS-13-12-2003 - Blochman Union School District
CDSIS-172-3-2003 - Lennox School District
CDSIS-13-04-2003 - Loomis Union School District
CDSIS-02-04-2003 - Roseland School District
CDSIS-08-04-2003 - Soledad Unified School District
CDSIS-52-03-2003 - San Lorenzo Unified School District
CDSIS-56-03-2003 - San Lucas Union School District
(Recommended for APPROVAL)

NONPUBLIC SCHOOL/AGENCY (annual certification)

[ITEM WC-3](#) Request by the Los Angeles Unified School District *Education Code* (EC) ACTION
(PDF; Section 56366.1(g), the August 1 through October 31 timeline requirement on
101KB; annual certification renewals for Aviva High School.
1p.) CDSIS-20-2-2003
(Recommended for APPROVAL)

[ITEM WC-4](#) Request by the South East Consortium to waive *Education Code* (EC) Section ACTION
(PDF; 56366.1(g), the August 1 through October 31 timeline requirement on annual
100KB; certification renewals for nonpublic, nonsectarian schools/agencies. Pacific Autism
1p.) Center for Education (PACE) - NPS
CDSIS-129-3-2003
(Recommended for APPROVAL)

REGIONAL OCCUPATIONAL PROGRAM

[ITEM WC-5](#) Request by Los Angeles Unified School District for a renewal waiver of ACTION
(PDF; *Education Code* (EC) Section 53314.6(a) regarding the 3% limit on enrollment of

84KB; students under the age of 16, in the Regional Occupational Program (ROP).
2pp.) CDSIS-38-3-2003
(Recommended for APPROVAL WITH CONDITIONS)
Education Code Section 33051(c) will apply

SUMMER SCHOOL STATE MEAL MANDATE (original)

[ITEM WC-6](#) Original request by Golden Valley Unified School District to waive *Education* ACTION
(PDF; *Code* Section 49550, the State Meal Mandate during the summer school session.
87KB; CDSIS-23-2-2003
2pp.) (Recommended for APPROVAL)

SUMMER SCHOOL STATE MEAL MANDATE (renewal)

[ITEM WC-7](#) Renewal requests by 24 school districts to waive *Education Code* Section 49550, the ACTION
(PDF; State Meal Mandate during the summer school session.
87KB; CDSIS # various
2pp.) (Recommended for APPROVAL)

ADULT INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

[ITEM WC-8](#) Request by Inyo County Office of Education to waive *Education Code* (EC) ACTION
(PDF; Section 52522(b) to increase their adult education state block entitlement of 5
121KB; percent to 7 percent for implementation of approved programs (Adult Education
4pp.) Innovation and Alternative Instructional Delivery Program).
CDSIS-4-2-2003
(Recommended for APPROVAL)

RESOURCE SPECIALIST CASELOAD

[ITEM WC-9](#) Request by Orange Center Elementary School District to waive *Education* ACTION
(PDF; *Code* (EC) Section 56362 (c), which allows the district to exceed the maximum
81KB; caseload of 28 students (but not more than 32) for Resource Specialist Susan
2pp.) Carlock assigned at Orange Center.
CDSIS-54-3-2003
(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.

ACADEMIC PERFORMANCE INDEX

[ITEM W-1](#) McFarland Unified School District requests a waiver of Title 5 CCR Section ACTION
(PDF; 1032(d)(5) which would in effect allow McFarland High School to receive a valid API

94KB;
2pp.)
for the 2002 base and growth targets with "less than 85%" of students taking the mathematics portion of the California Standards Test.
CDSIS-82-3-2003
(Recommended for DENIAL)
Per *Education Code* Section 33051(a)(1)

- [Last Min.](#) (PDF; 81KB; 1p.)

ADULT INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

[ITEM W-2](#) Request by Los Angeles Unified School District for a renewal to waive *Education Code* (EC) Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program). ACTION
(PDF;
128KB;
4pp.)
CDSIS-39-3-2003
(CDE Recommendation will follow in SBE Supplemental)

- [Supplemental](#) (PDF; 128KB; 6pp.)

CONCURRENT ENROLLMENT COMMUNITY COLLEGE/HIGH SCHOOL

[ITEM W-3](#) Request by Windsor School District to waive *Education Code* (EC) Section 76001(h)(i), the five percent (5%) limit on the number of high school students a principal may recommend for summer school enrollment in a community college. ACTION
(PDF;
97KB;
2pp.)
The request is to go up to 12%.
CDSIS-37-3-2003
(CDE Recommendation will follow in SBE Supplemental Mailing)

- [Supplemental](#) (PDF; 113KB; 4pp.)

EQUITY LENGTH OF TIME

[ITEM W-4](#) Request by Jefferson Elementary School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement for the kindergarten pupils at Roosevelt School, Garden Village, Westlake, Cloma, M.H. Tobias, and Edison Elementary School. ACTION
(PDF;
94KB;
2pp.)
CDSIS-128-3-2003
(Recommended for APPROVAL WITH CONDITIONS)

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

[ITEM W-5](#) Request by Orcutt Union School District for a retroactive waiver of *Education Code* (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to hold the public hearing, and also had insufficient texts, and has developed a plan to remedy this situation. ACTION
(PDF;
104KB;
2pp.)
CDSIS-13-3-2003
(Recommended for APPROVAL)

- [ITEM W-6](#) Request by Wilsona School District for a retroactive waiver of *Education Code* (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to hold the public hearing. ACTION
(PDF; 96KB; 2pp.)
CDSIS-11-2-2003
(Recommended for APPROVAL)
- [Supplemental](#) (PDF; 95KB; 2pp.)
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INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

- [ITEM W-7](#) Petition request under *Education Code* Section 60421(d) and 60200(g) by East Whittier City Elementary School District to purchase Instructional Resources (*Everyday Mathematics* , Grades K-3, c. 2001, and Grades 4 - 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies. ACTION
(PDF; 103KB; 2pp.)
CDSIS-21-2-2003
(Recommended for APPROVAL WITH CONDITIONS)
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- [ITEM W-8](#) Petition request under *Education Code* Section 60421(d) and 60200(g) by Pleasant Valley School District to purchase Instructional Resources (*Everyday Mathematics*, Grades K-5) using Instructional Materials Funding Realignment Program (IMFRP) monies for one of their eleven schools, Los Senderos Open School . ACTION
(PDF; 91KB; 2pp.)
CDSIS-125-3-2003
(Recommended for APPROVAL WITH CONDITIONS)
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INSTRUCTIONAL TIME PENALTY

- [ITEM W-9](#) Request by Planada Elementary School District to waive *Education Code* Section 46201, the longer day instructional time penalty for the 2000-2001 school year for Planada Elementary School. ACTION
(PDF; 102KB; 2pp.)
CDSIS-3-3-2003
(Recommended for APPROVAL WITH CONDITIONS)
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- [ITEM W-10](#) Request by Victor Valley Union High School District for fiscal year 2001-2002 to waive *Education Code* (*EC*) Section 46202, the penalty for offering less time than what the district offered in 1982-1983, at the seventh through eighth grades at Hook Junior High School and at Victor Valley Junior High School. ACTION
(PDF; 102KB; 2pp.)
CDSIS-10-2-2003
(Recommended for APPROVAL WITH CONDITIONS)
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NONPUBLIC SCHOOL/AGENCY (child specific)

- [ITEM W-11](#) Request by Konocti Unified School District (KUSD) to waive *Education Code* (EC) Section 56366.1(a), certification requirements for an uncertified nonpublic agency to provide Occupational Therapy Services to 16 special needs students. ACTION
(PDF; 100KB; 1p.)

Jeanette T. Gallegos, The Mountain O.T.R
CDSIS-2-7-2002
(Recommended for APPROVAL)

RESOURCE SPECIALIST CASELOAD

[ITEM W-12](#) Request by Hart-Ransom Union School District to waive *Education Code* ACTION
(PDF; (EC) 56362(c), which allows the district to exceed the maximum caseload of 28
86KB; students (but not more than 32) for Resource Specialist Susan Mead assigned
2pp.) at Hart-Ransom School.
CDSIS-35-2-2003
(Recommended for APPROVAL)

SUMMER SCHOOL STATE MEAL MANDATE (renewal)

[ITEM W-13](#) Request by Dunsmuir Joint Union High School District for a General ACTION
(PDF; Waiver of *Education Code* (EC) Section 49550, the State Meal Mandate and E.C.
88KB; 49548 (the waiver process for the summer school meal program) during the
2pp.) summer school this year.
CDSIS-26-4-2003
(Recommendation will be provided in the supplemental mailing)

- [Supplemental](#) (PDF; 88KB; 3pp.)

SUMMER SCHOOL STATE MEAL MANDATE (renewal)

[ITEM W-14](#) Renewal request by Bishop Joint Union High School District to waive ACTION
(PDF; *Education Code* Section 49550, the State Meal Mandate during the summer
95KB; school session.
2pp.) CDSIS-30-3-2003
(Recommended for DENIAL)

SUMMER SCHOOL STATE MEAL MANDATE (original)

[ITEM W-15](#) Original request by Brea Olinda Unified School District to waive *Education* ACTION
(PDF; *Code* Section 49550, the State Meal Mandate during the summer school session.
184KB; CDSIS-12-3-2003
4pp.) (Recommended for Partial APPROVAL)

- [Supplemental](#) (PDF; 115KB; 4pp.)

GOLDEN STATE SEAL MERIT DIPLOMA

[ITEM W-16](#) Request by numerous districts (see list in last minute memorandum) to waive ACTION
(PDF; *Education Code* Section 51451, regarding the method of qualifying this years high
107KB; school seniors (as listed) for a Golden State Seal Merit Diploma.
1p.) CDSIS: See numbers in last minute memorandum.
(Recommendation to be provided in the last minute memorandum.)

- [Last Min.](#) (PDF; 111KB; 4pp.)

PUBLIC HEARINGS

The Public Hearings on the following items will be held at or after 10:00 a.m. as the business of the State Board of Education permits.

ITEM 29 (PDF; 150KB; 10pp.)	Environmental Effect of Proposed Formation of Dixie-Terra Linda Unified School District from Dixie Elementary School District and a Portion of San Rafael City High School District in Marin County.	PUBLIC HEARING ACTION
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ITEM 30 (PDF; 268KB; 31pp.)	Proposed Formation of Dixie-Terra Linda Unified School District from Dixie Elementary School District and a Portion of San Rafael City High School District in Marin County.	PUBLIC HEARING ACTION
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END OF PUBLIC HEARINGS

ADJOURNMENT OF MEETING

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

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

Last Reviewed: Monday, November 21, 2011

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CALIFORNIA STATE BOARD OF EDUCATION

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Executive Director
Rae Belisle

AGENDA

May 7-8, 2003

SCHEDULE OF MEETING

LOCATION

Wednesday, May 7, 2003

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:

- *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
- *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
- *Campbell Union High School District. et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmino, et al. v. California State Board of Education, et al.*, San Francisco City/County Superior Court., Case No. CPF-03-502554
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

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)].

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

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

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

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

Wednesday, May 7, 2003

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION
Public Session

California Department of Education

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

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

Thursday, May 8, 2003

8:00 a.m. ±

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

California Department of Education

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

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

Thursday, May 8, 2003

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STATE BOARD OF EDUCATION
Public Session

California Department of Education

1430 N Street, Room 1101
Sacramento, CA 95814
(916) 319-0827

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

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker’s list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education’s website: www.cde.ca.gov/board.**

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

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MAY 2003 AGENDA

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

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

Summary of Previous State Board of Education Discussion and Action.

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

Summary of Key Issue(s).

N/A

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

2003-2004 Agenda Planner.
State Board Bylaws (as amended April 11, 2001).

AGENDA PLANNER 2003-2004

MAY 7-8, 2003 MEETINGSACRAMENTO

Other Activities of Interest to the State Board:

- NCLB Liaison Team, Sacramento, May 5
- Curriculum Development and Supplemental Materials Commission, Sacramento, May 15-16
- Advisory Commission on Charter Schools, Sacramento, May 22
- Advisory Commission on Special Education, Sacramento, May 21-23
- Release of early alert notice to the school districts concerning schools not making AYP.

JUNE 11-12, 2003.....SACRAMENTO

Board Meeting

- STAR, proposed revisions to parent report format
- CAHSEE, update/action as necessary
- No Child Left Behind Act, provide new list of approved supplemental educational service providers
- Regulations, public hearing on proposed regulations for Reading First
- No Child Left Behind Act, update/action as necessary
- Approval of definition for highly qualified teacher
- Designation of annual measurable objectives for English language fluency
- Seminar on National Assessment of Educational Progress (NAEP)

Other Activities of Interest to the State Board:

- Advisory Commission on Charter Schools, Sacramento, June 18
- Advisory Commission Special Education, Sacramento, date to be determined

JULY 9-10, 2003.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary, including decision on whether to defer passage of the exam as a requirement of graduation per AB 1609.
- Regulations, public hearing on proposed regulations for administration of medication to pupils
- No Child Left Behind Act, update/action as necessary

Other Activities of Interest to the State Board:

- Advisory Commission on Special Education, date and location to be determined
- 2003 Foreign Language Adoption, deliberations of Instructional Materials Advisory Panels and Content Review Panels, Sacramento, July 7-10, and August 6-7 (for German language materials only)

AUGUST 2003..... NO MEETING SCHEDULED

AGENDA PLANNER 2003-2004

SEPTEMBER 10-11, 2003.....SACRAMENTO

Board Meeting

- STAR, analysis of 2003 STAR and CAHSEE data and relationship between student performance on both tests
- CAHSEE, presentation of state-by-state review of current practices in high school exit exams
- No Child Left Behind Act, update/action as necessary

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, September 17-19

OCTOBER 8-9, 2003SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, feasibility and cost/benefits of using STAR performance as a supplement to CAHSEE
- No Child Left Behind Act, update/action as necessary

NOVEMBER 12-13, 2003.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, discussion on using STAR performance as a supplement to CAHSEE
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2003-04 Student Member of the State Board
- Appointment to Curriculum Commission, paper screening of applications
- 2003 Foreign Language Adoption, Curriculum Commission recommendations for adoption, for information only
- 2004 Health Adoption, action on Curriculum Commission recommendations for members of Instructional Materials Advisory Panels and Content Review Panel
- No Child Left Behind Act, update/action as necessary

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 6-7

AGENDA PLANNER 2003-2004

DECEMBER 10-11, 2003SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, additional discussion of policy issues related to using STAR performance as a supplement to CAHSEE
- Nomination of State Board Officers
- Appointments to Curriculum Commission, interviews and selection of candidates
- 2003 Foreign Language Adoption, Curriculum Commission recommendations for adoption, for action
- No Child Left Behind Act, update/action as necessary

JANUARY 7-8, 2004SACRAMENTO

Board Meeting

- Election of Board Officers
- Presentation of the California Teacher of the Year Awards
- United States Senate Youth
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

FEBRUARY 10-11, 2004 (TUESDAY/WEDNESDAY)SACRAMENTO

Board Meeting

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

MARCH 10-11, 2004SACRAMENTO

Board Meeting

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

APRIL 7-8, 2004SACRAMENTO

Board Meeting

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

AGENDA PLANNER 2003-2004

APRIL 7-8, 2004.....SACRAMENTO

Other Activities of Interest to the State Board:

2004 Health Adoption, training of Instructional Materials Advisory Panels and Content Review Panels, Sacramento, April 6-9

MAY 12-13, 2004.....SACRAMENTO

Board Meeting

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

JUNE 9-10, 2004.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- No Child Left Behind Act, provide new list of approved supplemental educational service providers

JULY 7-8, 2004.....SACRAMENTO

Board Meeting

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

Other Activities of Interest to the State Board:

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

AUGUST 2004..... NO MEETING SCHEDULED

SEPTEMBER 8-9, 2004.....SACRAMENTO

Board Meeting

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

AGENDA PLANNER 2003-2004

OCTOBER 6-7, 2004SACRAMENTO

Board Meeting

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

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

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary 2004 Health Adoption, Curriculum Commission recommendations for adoption, for information only
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2004-05 Student Member of the State Board

DECEMBER 8-9, 2004SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary Nomination of State Board Officers
- Appointments to Curriculum Commission, interviews and selection of candidates
- 2004 Health Adoption, Curriculum Commission recommendations for adoption, for action



CALIFORNIA STATE BOARD OF EDUCATION ITEM # 2_____

MAY 2003 AGENDA

SUBJECT: PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	<input type="checkbox"/>	ACTION
	<input checked="" type="checkbox"/>	INFORMATION
	<input type="checkbox"/>	PUBLIC HEARING

RECOMMENDATION:

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

Summary of Previous State Board of Education Discussion and Action.

N/A.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information Attached to this Agenda Item.

None.



MAY 2003 AGENDA

SUBJECT: Seminar: High School Exit Exams in Other States	<input type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Hear a seminar presentation on high school exit exams in other states.

Summary of Previous State Board of Education Discussion and Action.

California's high school exit exam is one of many such exams in the United States. The California High School Exit Exam (CAHSEE) was first administered in 2002. Students in the class of 2004 are required to pass the CAHSEE as one condition of receiving a high school diploma. The State Board of Education has previously reviewed and approved the exam content and set the cut points for passage of the CAHSEE.

Summary of Key Issue(s).

As high school exit exams are implemented throughout the United States, educators, students, parents, and policy makers have responded with both support and opposition.

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

Attachment 1: States Conducting Student Competency Testing for High School Graduation (Exit Exams)

Additional information will be provided in the supplemental agenda.



Assessment and Secondary Education

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

States Conducting Student Competency Testing for High School Graduation (Exit Exams)

(August 2000)

Under revision December 2002

When students graduate from high school, the public expects that each student will possess the skills to be successful at either work or postsecondary education. We know, however, that not all students meet this expectation. In an effort to increase the numbers of well-prepared young adults, nearly all states have set standards that describe what students should know and be able to do. The logical next question is, "Have students met those standards?" or "What do they know?" And then, "How will we measure what they know?" To answer these questions, some states have made a diploma contingent upon the demonstration of knowledge and skills. Some require students to pass a single "exit exam," while others require students to pass "end-of-course" tests. Still others require proficiency on sets of particular standards such as math or English.

High School Exit Exams (27 states)

States that require students to pass an assessment with a minimum score in order to graduate

State	Notes	Citation
Alabama	The class of 2002 was required to pass the reading and language sections of the graduation exam; the class of 2003 also must pass the math and science sections; the class of 2004 also must pass social studies.	Ala. Admin. Code r. 290-4-2-.02
Alaska	Effective for the class of 2004, students must pass a competency exam in reading, writing and math.	Alaska Stat. § 14.03.075
Arizona	The class of 2006 must pass tests in reading, writing and math.	ARIZ. ADMIN. CODE R7-2-302
California	The class of 2004 must pass the exit exams in English language arts and math to graduate. Students could take the exam in grade 9 in 2000-01. The board must study the [potential] appropriateness of other criteria by which a student who fails the test may earn a diploma, including exemplary grades and alternative tests of equal rigor, (Cal. Educ. Code § 60856).	Cal. Educ. Code § 60851

State	Notes	Citation
Delaware	State assigns weights to scores on the grade 10 reading, writing and math tests under the Delaware Student Testing Program. These weights are calculated to determine a “diploma index.” Beginning with the class of 2004, only students who attain a diploma index of at least 3.0 may earn a standard diploma. Students who meet other requirements but who do not attain a 3.0 on the diploma index are to be awarded a basic diploma. Beginning with the class of 2006, performance on the grade 11 Delaware Student Testing Program assessments in science and social studies also must be included in the student’s diploma index.	14 Del. C. § 152
Florida	All 11th-grade students must pass a high school competency test in reading, writing and math. Students enrolling as 9th-graders in 1999-2000 and later (the class of 2002 and thereafter) must pass the 10th-grade assessment test instead of the high school competency test. “In establishing passing scores [for these tests], the state board shall consider any possible negative impact of the test on minority students.”	Fl. Stat. ch. 229, § 57
Georgia	A curriculum-based test is administered in 11th-grade “for graduation purposes.” The graduation test will be replaced with end-of-course assessments when they are developed.	Ga. Code Ann. § 20-2-281
Indiana	Beginning with the class of 2000, each student must pass a graduation exam to graduate, unless the principal certifies that the student will complete the Core 40 curriculum (§ 20-10.1-5.70-1), or meet several other, fairly stringent requirements (grades, attendance, teacher recommendations, etc.).	Ind. Code § 20-10.1-16-13
Louisiana	Language arts, writing and mathematics tests are administered in 10th-grade, science and social studies in the 11th-grade.	La. Admin. Code § 2.099.00
Maryland	Exit exam covers math, reading, writing, citizenship, arts and physical education, the “World of Work” and “Survival Skills,” but only at basic levels. They will be replaced with end-of-course exams in English, government, algebra, geometry and biology. Students entering 9th-grade in 2003 will be required to pass those end-of-course exams to graduate.	Md. Regs. Code title 13A, § 03.02.03
Massachusetts	All 10th-grade students must take tests in math, science and technology, history and social science and English. Starting with the class of 2003, all students must pass the math and English tests to graduate. In coming years, passing the other tests will also become requirements for graduation.	Mass. Gen. Laws ch. 69, § 1D Mass. Regs. Code title 603, § 30.03
Minnesota	Students must pass the Basic Skills test in reading, writing and math. The class of 2002 also must meet “High Standards” in 24 of 48 content standards from 10 Learning Areas.	Minn. Statute § 120B.02 Minn. R. 3501.0040, 3501.0230
Mississippi	Requires mastery of “minimum academic skills as measured by assessments developed and administered by the State Board of Education.”	Miss. Code Ann. § 37-16-7
Nevada	Test covers reading, writing, math and science.	Nev. Rev. Stat. § 389.015
New Jersey	Requirements include passing an assessment and demonstrating skills in areas identified by the state board of education other than those covered in the assessment tests.	N.J. Rev. Stat. § 18A:7C-2

State	Notes	Citation
New Mexico	Test includes reading, English, math, science and social science. Students leaving high school may take the exam within five years and still receive a diploma.	N.M. Stat. Ann. § 22-2-8.4
New York	New York State Board of Regents is phasing in a schedule under which all students will have to pass the Regents exams to graduate, beginning with the class of 2000. Students must achieve a minimum score of 65 on the exams unless their district requests a 55 for the first few years. <ul style="list-style-type: none"> • Class of 2000 – English • Class of 2001 – English, math • Class of 2002 – English, math, U.S. History, Global History • Class of 2003 – All previous curricular areas plus science • Class of 2004 – All previous areas, except students must score at least 55 in math and science • Class of 2005 – All previous areas with a minimum score of 65 	N.Y. Comp. Codes R. & Regs. title 8, § 100.5
North Carolina	Effective with the graduating class of 2001, all students must pass a computer skills test, to be administered in the 8th-grade. Effective with the graduating class of 2003, all students must pass basic competency exit exams, to be administered in the 11th-grade.	N.C. Gen. Stat. § 115C-12 N.C. Admin. Code title 16, r. 6D.0103
Ohio	Includes math, reading, writing, science and citizenship.	Ohio Rev. Code Ann. § 3313.61
Pennsylvania	According to the state department of education Web site, "Requirements [for graduation from high school] shall include ... results of local assessments aligned with the academic standards. Beginning in the school year 2002-03, students must demonstrate performance at the proficient level or better in reading, writing and mathematics on <u>either</u> the State assessments administered in grade 11 or 12 <u>or</u> local assessments aligned with academic standards <u>or</u> both. The local school district's board of directors must decide whether it will use the PSSA, its own local assessments or both as one of its graduation requirements. The only requirement that the Commonwealth mandates is, at a minimum, that students perform at the proficient level or better in reading, writing and mathematics in order to graduate. The methods used to make this determination remain the decision of the local school board."	
South Carolina	Exam covers reading, writing and math.	S.C. Code Ann. § 59-30-10
Tennessee	Beginning with the 2001 freshman class, students must pass end-of-course tests in English II, Algebra I and Biology instead of a single exam.	Tenn. Code Ann. § 49-6-6001
Texas	Exit-level assessments include English, math, social studies and science.	Tex. Educ. Code Ann. § 39.025
Utah	Effective with the graduating class of 2005. The test must include at least language arts, reading and math.	Utah Code Ann. § 53A-1-611, amended in H.B. 177 (Utah 2000)

State	Notes	Citation
Virginia	All students must pass a literacy test to graduate. Students graduating in 2004, 2005 or 2006 must pass 6 end-of-course exams, 2 in English and 4 student-selected. Students graduating in 2007 and later may select only one subject; the remaining 3 must be in history, science and math. (Those subject-matter requirements were applied to all students in the previous regulation.) Other tests, including the SAT II, Advanced Placement or International Baccalaureate exams, TOEFL and others may substitute for the end-of-course exams.	Va. Code Ann. § 22.1-253.13:4 8 Va. Regs. Reg. § 20-131-50
Washington	Students must pass test before being issued "certificate of mastery," which is required for graduation starting with class of 2006.	Wash. Laws § 28A.655.060
Wisconsin	By September 1, 2004, every local board is required to establish criteria for awarding a high school diploma, criteria which must include the student's score on the locally adopted high school graduation exam.	§ 118.30

Exit Exams Barred or Repealed (2 states)

State	Notes	Citation
Hawaii	The Hawaii Department of Education has placed a moratorium on its exit exam, effective with the class of 2000, so that a new assessment system based on Hawaii's new performance standards may be developed. The old exam, developed in 1977, was not aligned with the new standards, was insufficiently rigorous and was entirely multiple-choice in format. The new exam is expected to be first administered in 2002 to the 10th-grade.	No citation
Missouri	A statute forbids exit exams: "In no case shall the state board of education or any other state agency establish any single test or group of tests as a condition or requirement for high school graduation or as a requirement for a state-approved diploma."	Mo. Rev. Stat. § 160.570

Variations on Exit Exams (4 states)

State	Notes	Citation
Arkansas	Students in grade 11 must take end-of-course tests in Algebra I and Geometry, as well as a Literacy Exam. No information, however, could be located suggesting that every student must attain a passing score on these tests to graduate from high school.	
Connecticut	All 10th-graders must take a mastery examination. The results of this assessment must be one of the criteria but may not be the sole criteria to determine whether a student may graduate from high school.	§ 10-14n and § 10-223a
Michigan	Students must score above a certain level in mandatory state assessments (in communication, math, science and social studies) to gain state endorsement in that area. The scores and any endorsements earned appear on each student's transcript. Students need not gain state endorsement in any area to graduate, but if a student does not receive one of the endorsements, a district staff member and the student must meet "to determine an educational program for the pupil designed to have the pupil achieve state endorsement in each area in which he or she did not achieve state endorsement."	Mich. Comp. Laws § 380.1279

State	Notes	Citation
Oklahoma	To graduate, students must take end-of-instruction tests in English (starting in 2000-01), U.S. history (2000-01), biology (2001-02) and algebra (2001-02), but do not have to pass the tests. Results are recorded on transcripts. "It is the intent of the Legislature that... the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation."	70 Okla. Stat. title 70, § 1210.508

Endorsed/Honors Diplomas (5 states)

States that award special diplomas, in part, for performance on exit exams that is better than merely adequate. (See also ECS StateNote "Differentiated Diplomas.")

State	Notes	Citation
Arizona	To earn an honors endorsement, students must show an "extraordinary level of knowledge, skill and competency" in math, English, science and social studies.	Ariz. Rev. Stat. § 15-1626
Massachusetts	Students may earn a "Certificate of Mastery" by meeting criteria that vary depending on a student's performance on skills assessments. Those criteria may include superior performance on advanced placement tests or various awards.	Mass. Gen. Laws ch. 69, § 1D Mass. Reg. Code title 603, § 31.04
New York	Students entering 9th-grade in 2000-01 and before may earn a Regents diploma (rather than a local diploma) by meeting more stringent requirements for courses and Regents exam scores. For students entering 9th-grade in 2001-02 and thereafter, all students must meet requirements for Regents diplomas. To earn a Regents diploma with honors, a student must achieve an average of 90% in all Regents examinations required for the diploma.	N.Y. Comp. Codes R. & Reg. title 8, § 100.5
Ohio	To earn a diploma with honors, students must maintain a 3.5 GPA, and either earn certain proficiency test scores as designated by the state board, or earn a 27 on the ACT (or the equivalent on the SAT), as well as meet certain course requirements.	Ohio Rev. Code Ann. § 3313.61 Ohio Admin. Code § 3301-13-07
Virginia	Beginning with the class of 2002, students may earn an Advanced Studies Diploma by passing more end-of-course exams or their substitutes (9 rather than 6,) and taking more courses.	Va. Code Ann. § 22.1-253.13:4 8 Va. Regs. Reg. § 20-131-50

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**May 2003 AGENDA**

SUBJECT	X	ACTION
California High School Exit Examination (CAHSEE): Including, but not limited to, Presentation of the Report Required by AB 1609.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

This report is being presented to the State Board of Education (SBE) for information this month and for action at a future meeting.

Summary of Previous State Board of Education Discussion and Action

Assembly Bill (AB) 1609 (Ch. 716, 2001, Calderon) required the State Superintendent of Public Instruction (SSPI), with the approval of the SBE, to contract for an independent study regarding the requirement of passage of the CAHSEE as a condition of receiving a diploma of graduation and a condition of graduation from high school. A final report based on the study is to be delivered to the Governor, the chairs of the education policy committees in the California Legislature, SBE, and the SSPI, on or before May 1, 2003.

The study is to include, but not be limited to, examination of whether the test development process and the implementation of standards-based instruction meet the required standards for a test of this nature.

The Human Resources Research Organization (HumRRO) is conducting this study. California Department of Education (CDE) staff and SBE testing liaisons have reviewed the study design.

In March 2002, SBE received a report on the status of the study required by AB 1609. The contract was signed in late September 2002.

During November, the draft surveys were reviewed by the contractors' outside consultant panel, CDE staff and SBE testing liaisons and staff.

HumRRO and CDE have been providing status briefings to SBE on the report since November.

Summary of Key Issue(s)

AB 1609 was passed to require the SSPI to contract for an independent study to determine the state's readiness to require the Class of 2004 to pass the high school exit examination as a condition of receiving a diploma of graduation from high school. This bill also authorized the SBE to delay the date for requiring students to pass the high school exit examination if the SBE determines, based on the results of the study, that the test development process or the implementation of standards-based instruction does not meet the required standards for a test of this nature.

Summary of Key Issue(s)

HumRRO is already the independent evaluator to examine the high school exit examination test development process. Additionally, they conducted a survey this spring of approximately 600 high schools from 480 school districts as well as one feeder middle school for each high school. They also visited about 61 schools to get more detailed information than in the survey. They were looking student pass rates, particularly for English learners and students with disabilities; remediation programs; instructional materials; and current courses in English-language arts and mathematics.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

None.

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: May 7, 2003

From: Geno Flores, Deputy Superintendent, Assessment and Accountability Branch

Re: ITEM #4

Subject: CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE):
INCLUDING, BUT NOT LIMITED TO, PRESENTATION OF THE REPORT
REQUIRED BY AB 1609.

Please insert the following attachment:

[Attachment 1](#): CAHSEE AB 1609 Study – PowerPoint Presentation to: The California State Board of Education (Pages 1-5)



CAHSEE AB 1609 Study

Presentation to:
The California State Board of Education

Date:
Wednesday, May 7, 2003

Prepared by:
Dr. Laress L. Wise
HumRRO

HUMRRO



Background

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



Study Design

- ◆ The evaluation of CAHSEE test development and standards-based instruction included the following activities:
 - ◆ Reviewing test development documentation against requirements in *Standards for Educational and Psychological Testing*.
 - ◆ Administering surveys to a representative sample of California high schools, including charter, alternate, and continuation schools, and to middle-grade feeder schools associated with many of these schools.
 - ◆ The principal and up to 40 teachers were surveyed at each school. Principals provided data on school-wide policies and identified relevant courses. Teachers provided information about each course identified by the principals.
 - ◆ Responses were received from 298 high schools and 173 middle schools covering 3,170 different high school and 2,006 middle school courses.
 - ◆ Visiting 62 schools and conducting 499 interviews with principals and teachers at these schools.
 - ◆ Analyzing CAHSEE passing rates for each of California's 1,843 high schools and using this information in assessing the effectiveness of instruction for the schools participating in the surveys and interviews.



Findings

General Finding 1: The development of the CAHSEE meets all of the test standards for use as a graduation requirement.

- ◆ ***Issues for further discussion:***
 - ◆ Standard 13.5 requires that students have adequate opportunity to learn the material covered by tests used to make important decisions about them. The Board must decide, based on this report and other information, whether current opportunities are sufficient.
 - ◆ Standard 13.7 requires that important decisions not be based on a single test score. Students can take the CAHSEE many times, and there could be additional ways for students to demonstrate the required competency.
 - ◆ Further documentation may be needed to support other uses of CAHSEE scores, including diagnostic interpretations based on content area scores or gain scores and establishment of additional levels of achievement for use in school accountability.



Findings (Continued)

General Finding 2. The CAHSEE requirement has been a major factor leading to (a) dramatically increased coverage of the California Content Standards at both the high school and middle school levels and (b) development or improvement of courses providing help for students who have difficulty mastering these standards.

- ◆ Coverage of the California Content Standards has increased significantly since 1999 at high school *and* middle school levels.
- ◆ New textbooks, offering more complete coverage of the California Content Standards, have been adopted in the last two years.
- ◆ New courses have been introduced in the high schools to provide additional opportunities for students who did not master the required standards in earlier grades.



Findings (Continued)

General Finding 3. Available evidence indicates that many courses of initial instruction and remedial courses have only limited effectiveness in helping students master the required standards.

- ◆ Through January 2003, cumulative passing rates have risen to 81% for ELA and 62% for mathematics, up about 10 percentage points from July 2002, BUT passing rates in mathematics are still very low for English learners (37%) and for special education students (22%).
- ◆ In half of California's high schools, fewer than 50 percent of students in the Class of 2004 have passed the mathematics section of the CAHSEE (through January 2003).
- ◆ All schools reporting high levels of content coverage for three years or more had high passing rates (above 75%) for both ELA and mathematics. Passing rates for mathematics averaged only 22% for schools that had not yet implemented instruction closely aligned with the content standards.



Findings (Continued)

General Finding 4. Lack of prerequisite skills may prevent many students from receiving the benefits of courses that provide instruction in relevant content standards. Inadequate student motivation and lack of strong parental support may also play a contributing role in limiting the effectiveness of these courses.

- ◆ More than half the teachers of supplemental and remedial courses reported that most of their students did not yet have prerequisite skills; for courses targeting special education students, 72% of the teachers gave this response.
- ◆ In interviews, teachers expressed concern with student motivation and attendance; many principals reported that fewer than 25% of students who had not passed the CAHSEE participated in available 2002 summer courses.
- ◆ Teacher credentials and experience were not a concern for most courses, although 22% of the math courses targeting special education students had teachers without appropriate credentials. Most teachers of courses targeting special populations had considerable experience with these populations.



Findings (Continued)

General Finding 5. Many factors suggest that the effectiveness of standards-based instruction will improve for each succeeding class after the Class of 2004, but the speed with which passing rates will improve is currently unknown.

- ◆ The Class of 2006 was in 7th grade when the CAHSEE blueprints were adopted and also when standards-aligned textbooks for mathematics were identified.
- ◆ The Class of 2008 is finishing 7th grade this year, when the CAHSEE Student Study Guides will be released; compared to 11th grade for the Class of 2004.
- ◆ Middle school principals report dramatic increases in the proportion of 8th graders taking some algebra (from < 50% for the Class of 2006 to 67% estimated for the Class of 2008).
- ◆ Students in the Class of 2004 will have 3 or 4 more opportunities to take the CAHSEE, but 25% or more will not pass without very dramatic intervention.
- ◆ Initial passing rates for the Class of 2005 (those who tested in March 2003) should be available by June of this year.



Recommendations

The Board must weigh competing risks and benefits in deciding whether to continue or defer the CAHSEE requirement for the Class of 2004.

If the requirement is continued, options for reducing concerns about whether students have had adequate instructional opportunities include:

- ◆ Increasing the passing rate by lowering the minimum passing scores, reducing the content coverage, or by adopting a compensatory policy (e.g., allowing students to pass with a total score of 700 rather than requiring scores of 350 or higher on each section of the CAHSEE).
- ◆ Identifying additional ways for students to demonstrate mastery.
 - ◆ Some states allow students to petition for waivers based on coursework or other evidence; others provide alternate assessment formats.
- ◆ Creating options to recognize effort and achievement for students who can not pass the CAHSEE.



Recommendations (Continued)

If the CAHSEE requirement is deferred, options for maintaining efforts to help students to achieve essential skills include:

- ◆ Offering a diploma seal or certificate for students who pass the CAHSEE or noting satisfaction of CAHSEE requirements on transcripts.
- ◆ Encouraging districts to include CAHSEE as part of their own graduation requirements, releasing one or more forms for districts to use, or continuing to provide statewide testing for students who do not pass.
- ◆ Continuing to use the CAHSEE for school accountability
 - ◆ As part of the Academic Performance Index (API).
 - ◆ In meeting high school core knowledge assessment requirements under No Child Left Behind (NCLB).



MAY 2003 AGENDA

SUBJECT	X	ACTION
Standardized Testing and Reporting (STAR) Program: Including, but not limited to, STAR Program Update.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Information item only. Submitted as an update on the STAR Program.

Summary of Previous State Board of Education Discussion and Action

None.

Summary of Key Issue(s)

None.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

None.



MAY 2003 AGENDA

SUBJECT	X	ACTION
California English Language Development Test (CELDT): Including, but not limited to, Analysis of CELDT Sub-Group Results.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

The following item is presented to the State Board of Education (SBE) based on their request to have the information provided to them for the May SBE meeting.

Summary of Previous State Board of Education Discussion and Action

SBE received information regarding the CELDT results at the March and April meetings.

Summary of Key Issue(s)

The California Department of Education (CDE) has performance information for both program types and years enrolled in United States schools. The program types include English Language Development, Specially Designed Academic Instruction In English, and Bilingual. The years enrolled analysis will compare performance based on 1 or less, 2, 3, 4, and 5 or more years enrolled.

At the April meeting SBE asked CDE to do a comparative analysis of the test results in two additional ways:

- Compare the performance of English Learners (ELs) based on number of years enrolled in U.S. schools; and
- Compare the performance of ELs based on program enrollment.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

The two reports will be provided in the supplemental mailing.

Supplemental Memorandum

To: STATE BOARD MEMBERS **Date:** April 22, 2003

From: Geno Flores, Deputy Superintendent, Assessment and Accountability Branch

Re: ITEM #6

Subject: California English Language Development Test (CELDT): Including, but not limited to, Analysis of CELDT Sub-Group Results.

Please insert the following attachments.

[Attachment 1](#): Longitudinal Overall Proficiency Level Analysis (Page 1-1)

[Attachment 2](#): Years in USA Schools for English Learners (Pages 1-6)

[Attachment 3](#): English Learner Instructional Services (Pages 1-8)

Attachment 1 describes the subgroup of 862,004 students for which data for the same set of students for year 1 and year 2 of the CELDT is available and excludes any students without previous overall scale score results, students whose previous grade was not a grade below their current grade, or students who exercised the Listening/Speaking exemption.

In Attachment 2, the student sample of 406,140 students is due to the additional criteria of excluding students that did not report data on their time in USA schools. In Attachment 3, the total of 721,334 students in the sample is due to the exclusion of students that did not report instructional services information from the original sample in Attachment 1 (862,004 students).

The information in Attachments 2 and 3 are provided for the overall student population instead of by grade-level due to the small number of students in the various subgroups.

Longitudinal Overall Proficiency Level Analysis

Table 1. Percent of Students by Grade and Overall Proficiency Level for Those Students with Previous Overall CELDT Results (2002 AA)*

	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
% Beginner	0	6	11	14	7	5	6	5	5	7	7	6	4	8
% Early Intermediate	0	22	29	32	22	15	16	14	13.0	11	15	14	13	21
% Intermediate	0	44	40	35	40	38	43	41	37	38	38	38	39	40
% Early Advanced	0	21	15	14	23	28	26	29	31	35	32	32	33	24
% Advanced	0	7	4	5	9	13	9	11	14	9	8	10	11	8
% TOTAL	0	100	100	100	100	100	100	100	100	100	100	100	100	100
Total Count	0	99,456	109,594	126,449	108,762	88,191	86,903	64,715	54,014	47,948	33,325	24,911	17,736	862,004

Table 2. Percent of Students by Previous Grade and Previous Overall Proficiency Level (2001 AA or 2001-02 II)*

	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
% Beginner	39	22	19	22	14	10	12	12	10	16	13	9	0	19
% Early Intermediate	38	35	36	41	32	21	24	19	14	16	17	17	0	30
% Intermediate	23	37	37	34	47	49	54	53	44	49	48	49	0	41
% Early Advanced	1	6	8	3	6	18	10	14	28	17	19	23	0	10
% Advanced	0	1	1	0	1	3	1	1	4	1	2	2	0	1
% TOTAL	100	100	100	100	100	100	100	100	100	100	100	100	0	100
Total Count	99,456	109,594	126,449	108,762	88,191	86,903	64,715	54,014	47,948	33,325	24,911	17,736	0	862,004

*Note: These tables include data for the same set of students for year 1 and year 2 of the CELDT. Students without previous overall scale score results, students with invalid previous overall scale score results, students whose previous grade was not a grade below their current grade, or students who exercised the L/S exemption were excluded from this analysis. In general, students progressed a grade between the two CELDT administrations (e.g., a 1st grader in 2001 is a 2nd grader in 2002).

Table 1

Years in USA Schools for English Learners

Time in USA Schools	Percent Students	Number Students
One Full School Year or Less in USA School	20%	80,281
Two School Years in USA School	17%	67,662
Three School Years in USA School	15%	62,361
Four School Years in USA School	12%	50,257
Five School Years or More in USA School	36%	145,579
TOTAL STUDENTS	100%	406,140

Note:

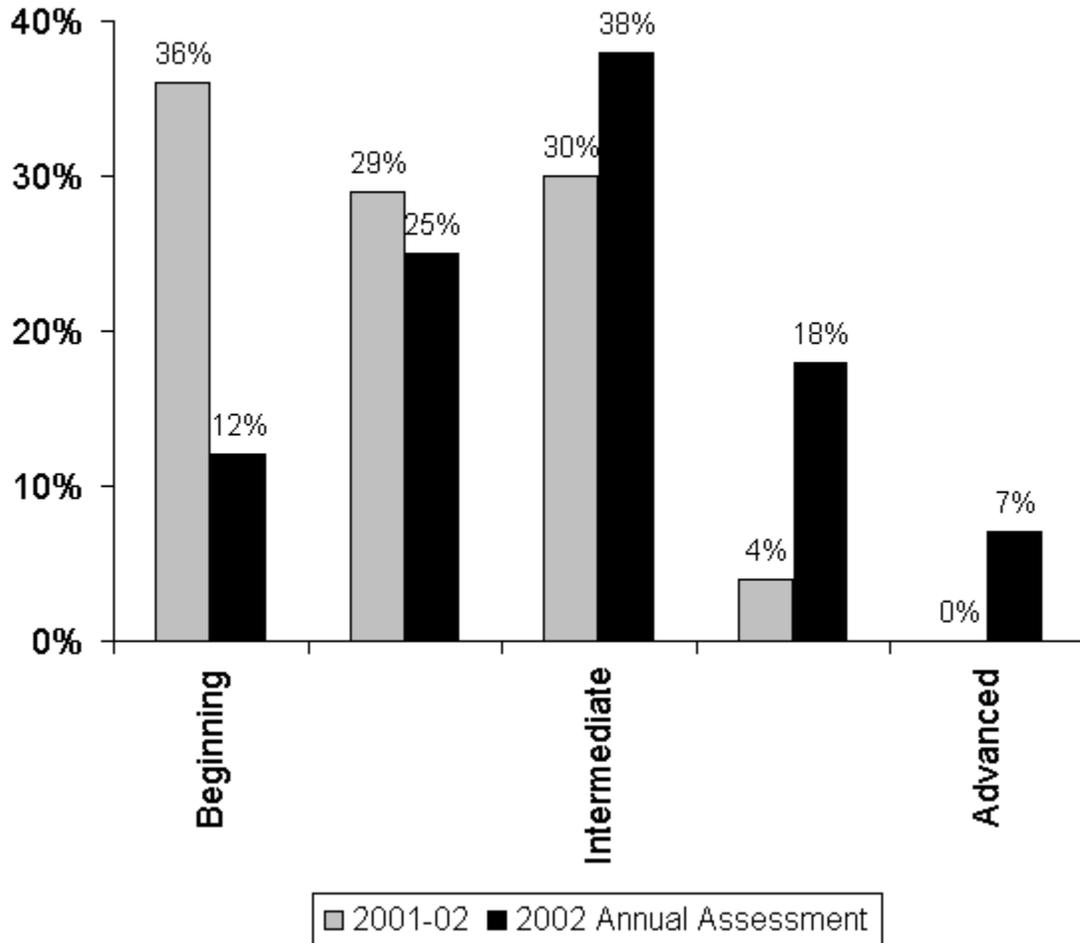
- The table above describes the sample of students for which data for the same set of students for year 1 and year 2 of the CELDT were provided. Students without previous overall scale score results, students whose previous grade was not a grade below their current grade, students who exercised the Listening/Speaking exemption, or students without time in USA schools information were excluded from the analysis.
- Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- A large percentage of English Learners were in USA schools for 5 years or more during the time of the 2002 annual CELDT assessment.

Table 2

One Full School Year or Less in USA School



Note:

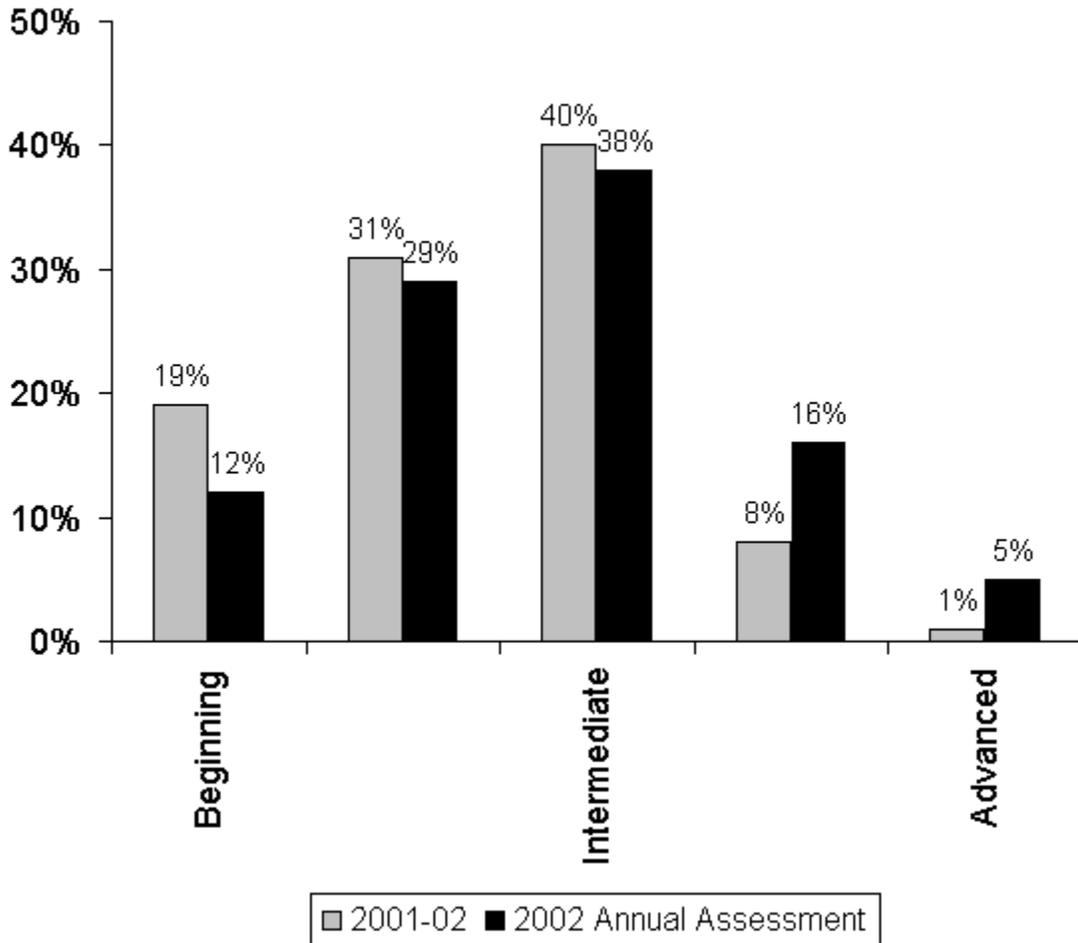
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students who were in USA schools for 1 full year or less during the 2002 CELDT annual assessment, made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 4% of the students scored at least Early Advanced on the CELDT compared to 25% in the 2002 annual assessment.

Table 3

Two School Years in USA School



Note:

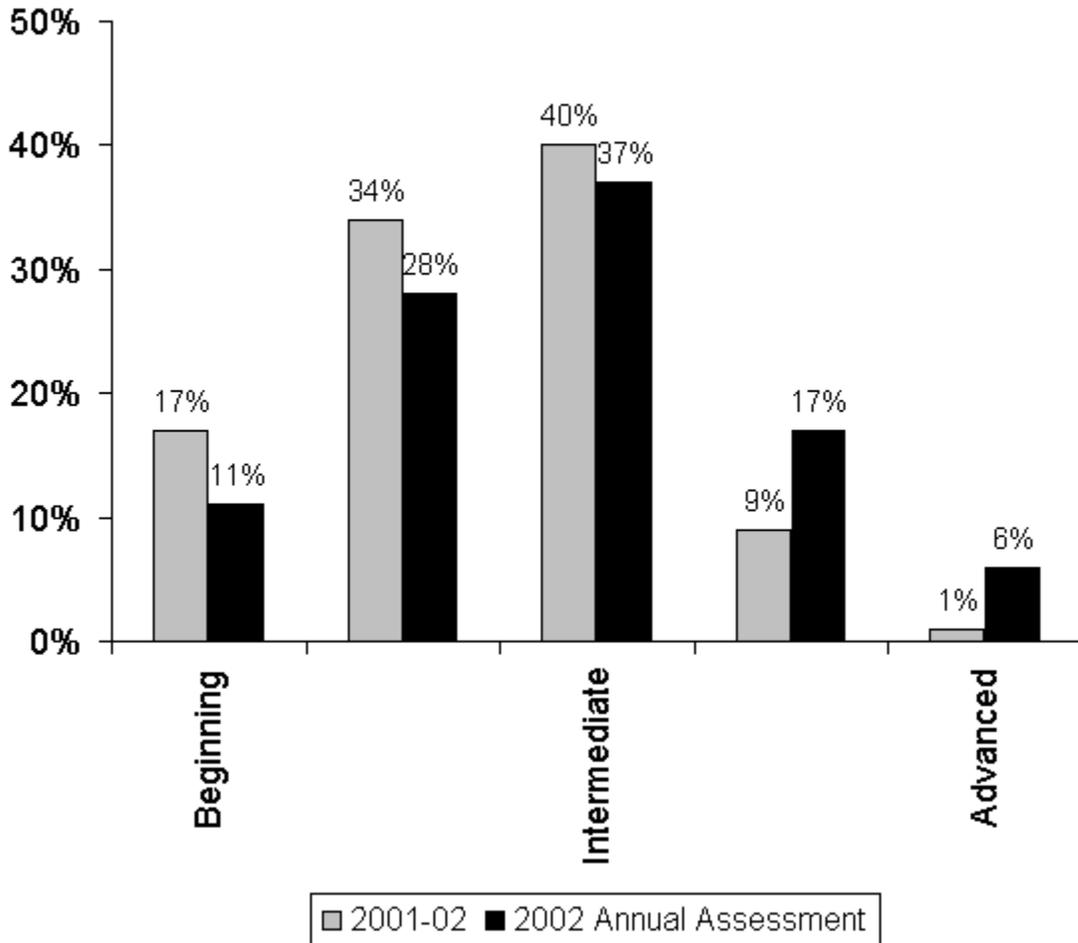
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students who were in USA schools for 2 years made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 9% of the students scored at least Early Advanced on the CELDT compared to 21% in the 2002 annual assessment.

Table 4

Three School Years in USA School



Note:

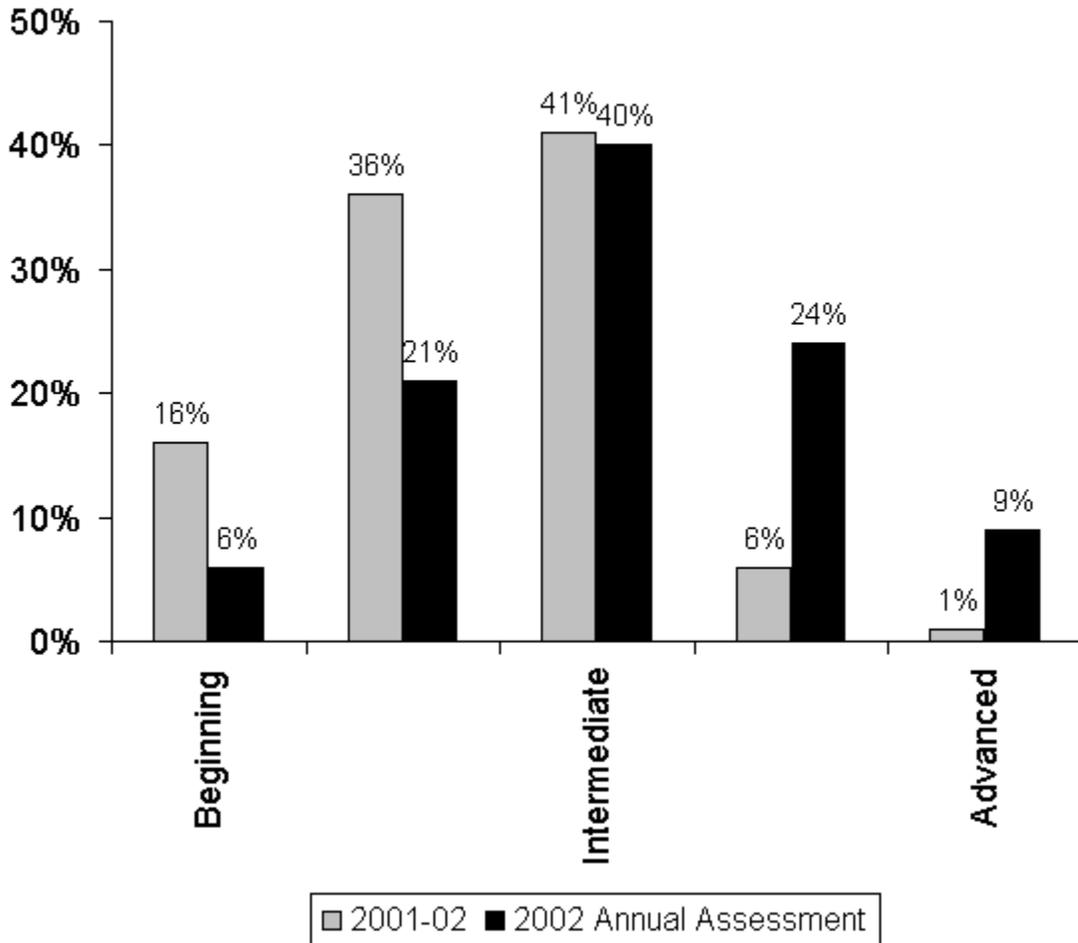
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students who were in USA schools for 3 years made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 10% of the students scored at least Early Advanced on the CELDT compared to 23% in the 2002 annual assessment.

Table 5

Four School Years in USA School



Note:

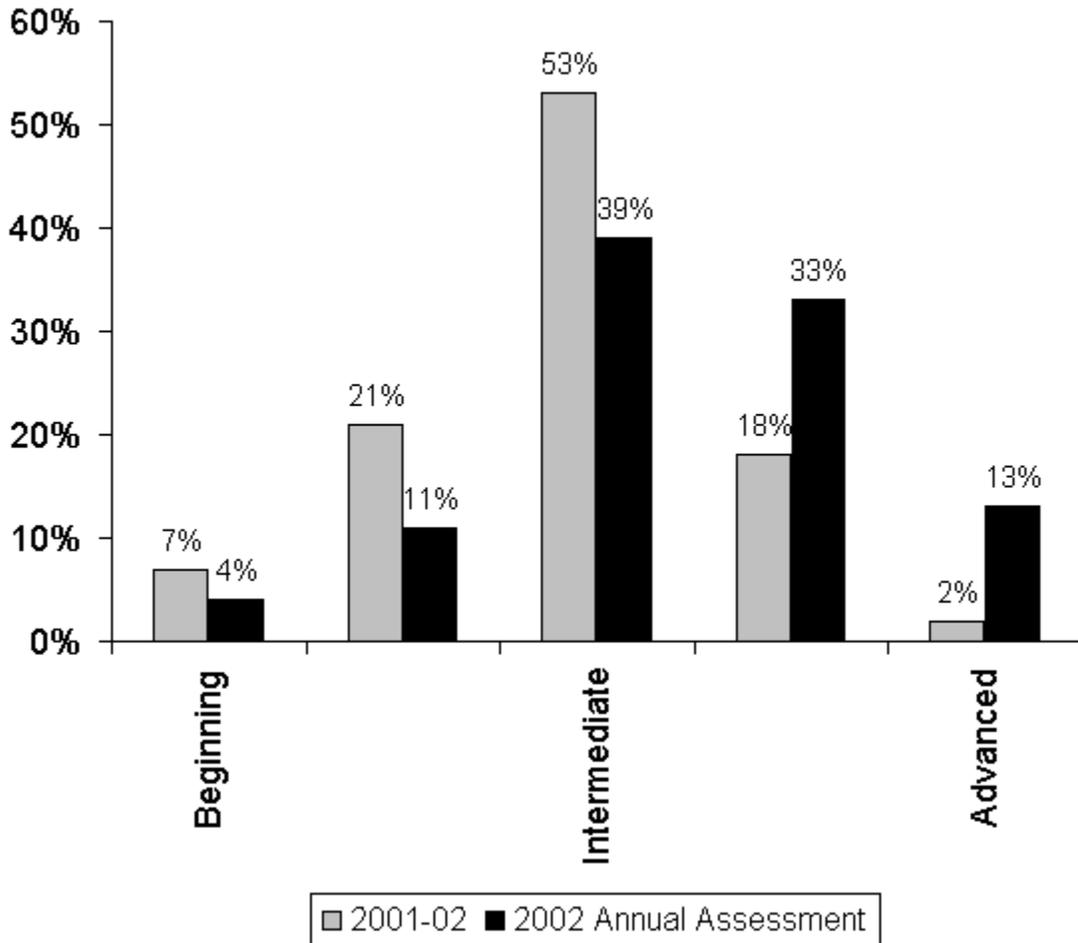
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students who were in USA schools for 4 years made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 7% of the students scored at least Early Advanced on the CELDT compared to 33% in the 2002 annual assessment.

Table 6

Five School Years or More in USA School



Note:

Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students who were in USA schools for 5 years or more made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 20% of the students scored at least Early Advanced on the CELDT compared to 46% in the 2002 annual assessment.

Table 1

English Learner Instructional Services

Instructional Services	Percent Students	Number Students
English Language Development (ELD) only	44%	315,478
Specially Designed Academic Instruction in English (SDAIE) only	22%	161,689
Bilingual only	7%	52,547
ELD and SDAIE	22%	156,286
ELD and Bilingual	2%	12,348
SDAIE and Bilingual	0%	577
ELD, SDAIE, and Bilingual	3%	22,409
TOTAL STUDENTS	100%	721,334

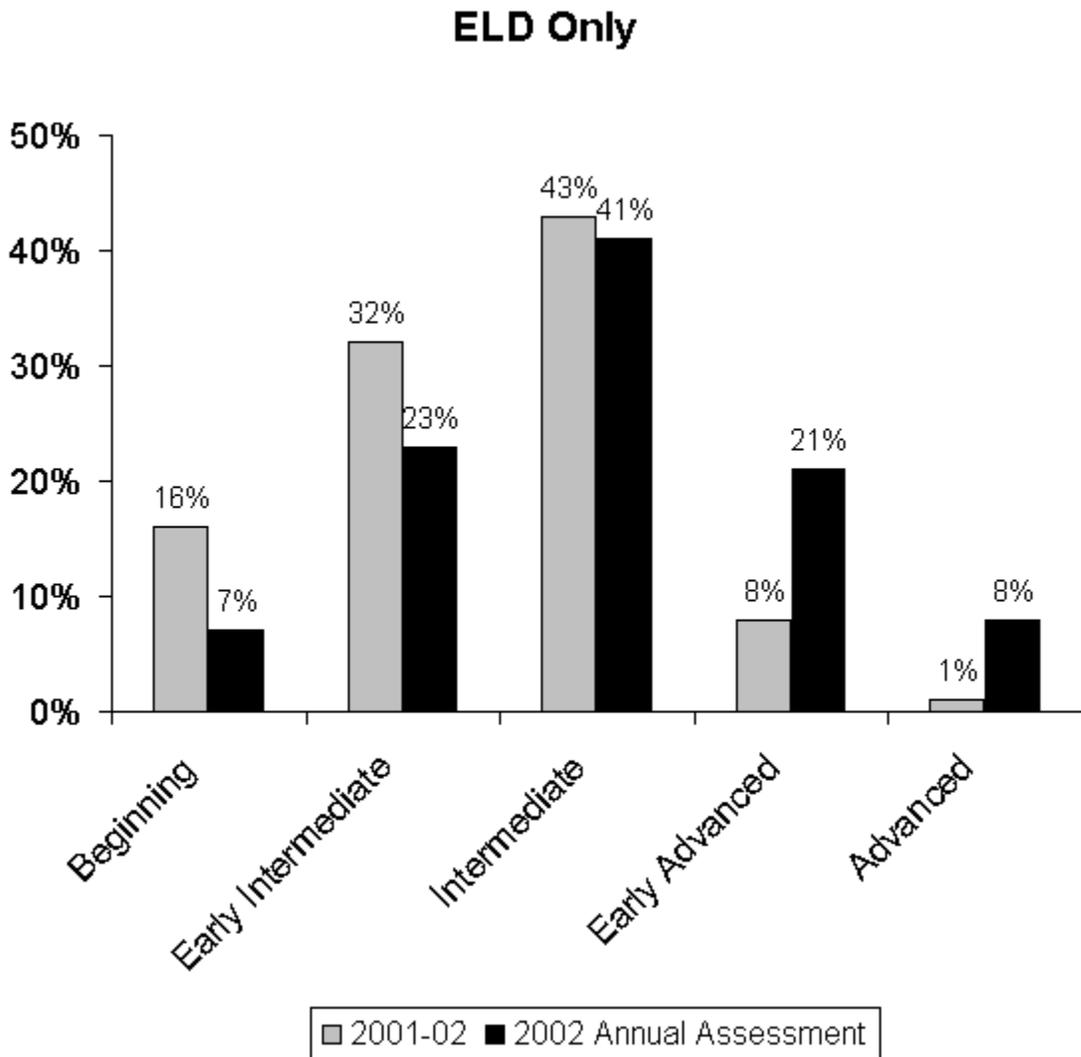
Note:

- The table above describes the sample of students for which data for the same set of students for year 1 and year 2 of the CELDT were provided. Students without previous overall scale score results, students whose previous grade was not a grade below their current grade, students who exercised the Listening/Speaking exemption, or students without instructional services information were excluded from the analysis.
- Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- More students received ELD instructional services only, compared to the other services.
- A large percentage of students received ELD in combination with SDAIE instructional services.
- A large percentage of students received SDAIE instructional services only.

Table 2



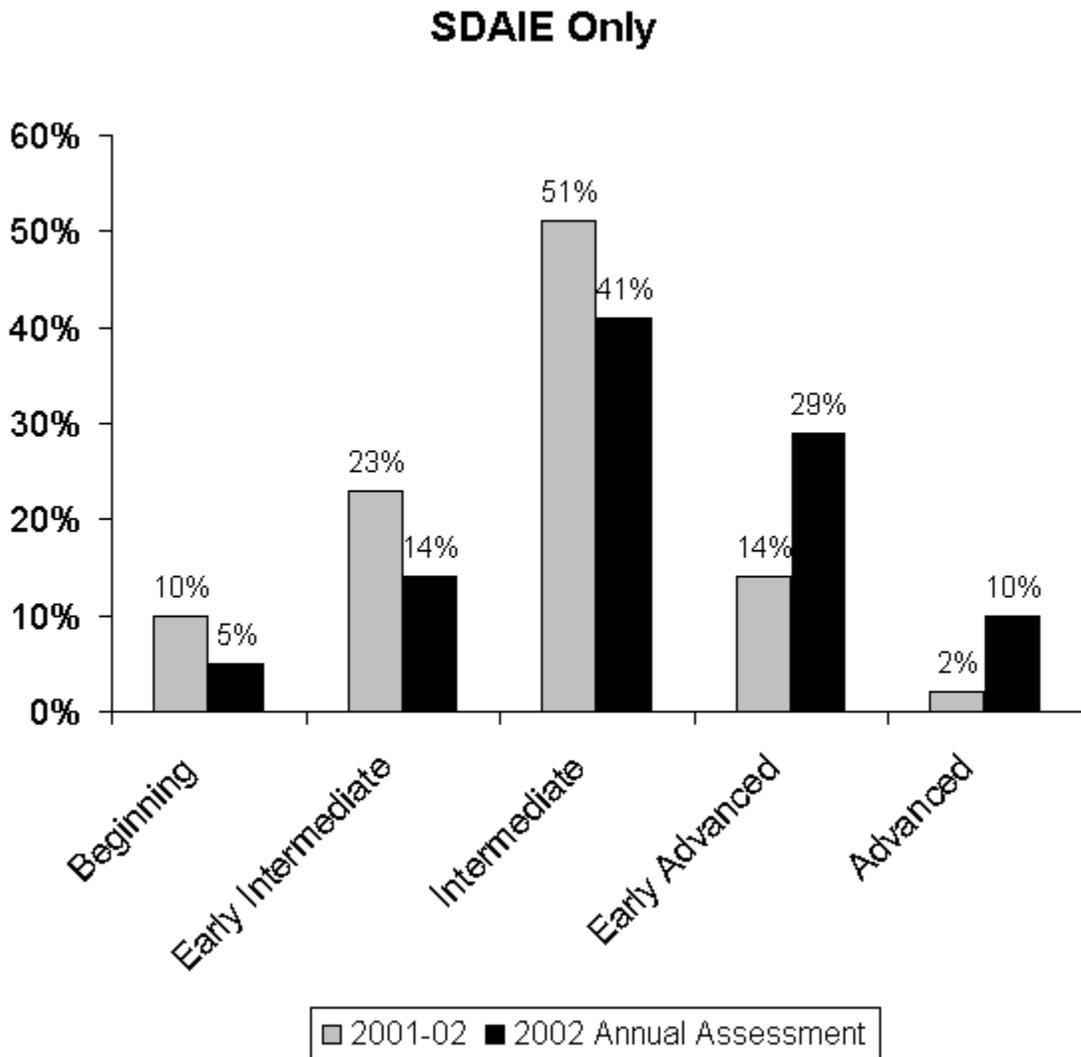
Note:

Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving only ELD instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 9% of the students scored at least Early Advanced on the CELDT compared to 29% in the 2002 annual assessment.

Table 3



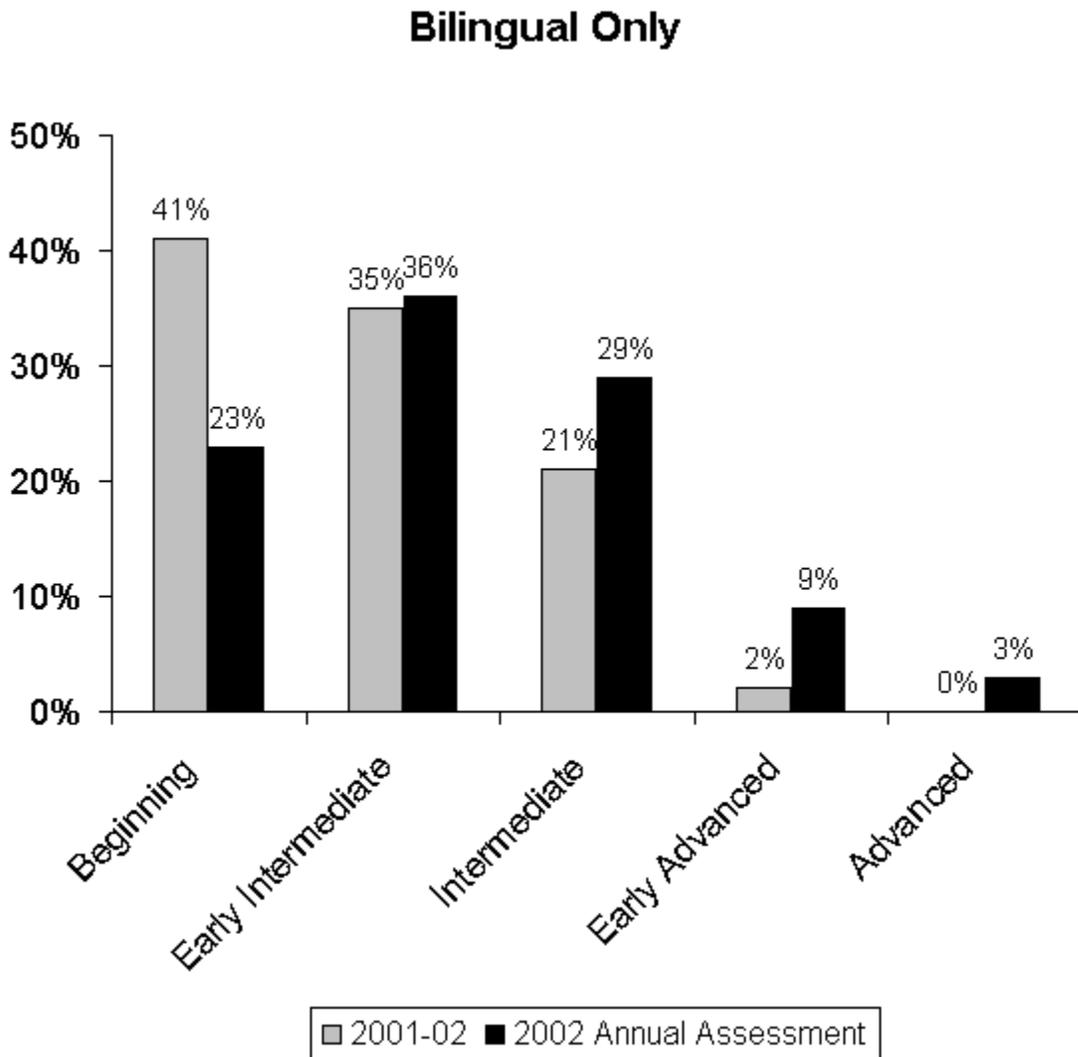
Note:

Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving only SDAIE instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 16% of the students scored at least Early Advanced on the CELDT compared to 39% in the 2002 annual assessment.

Table 4



Note:

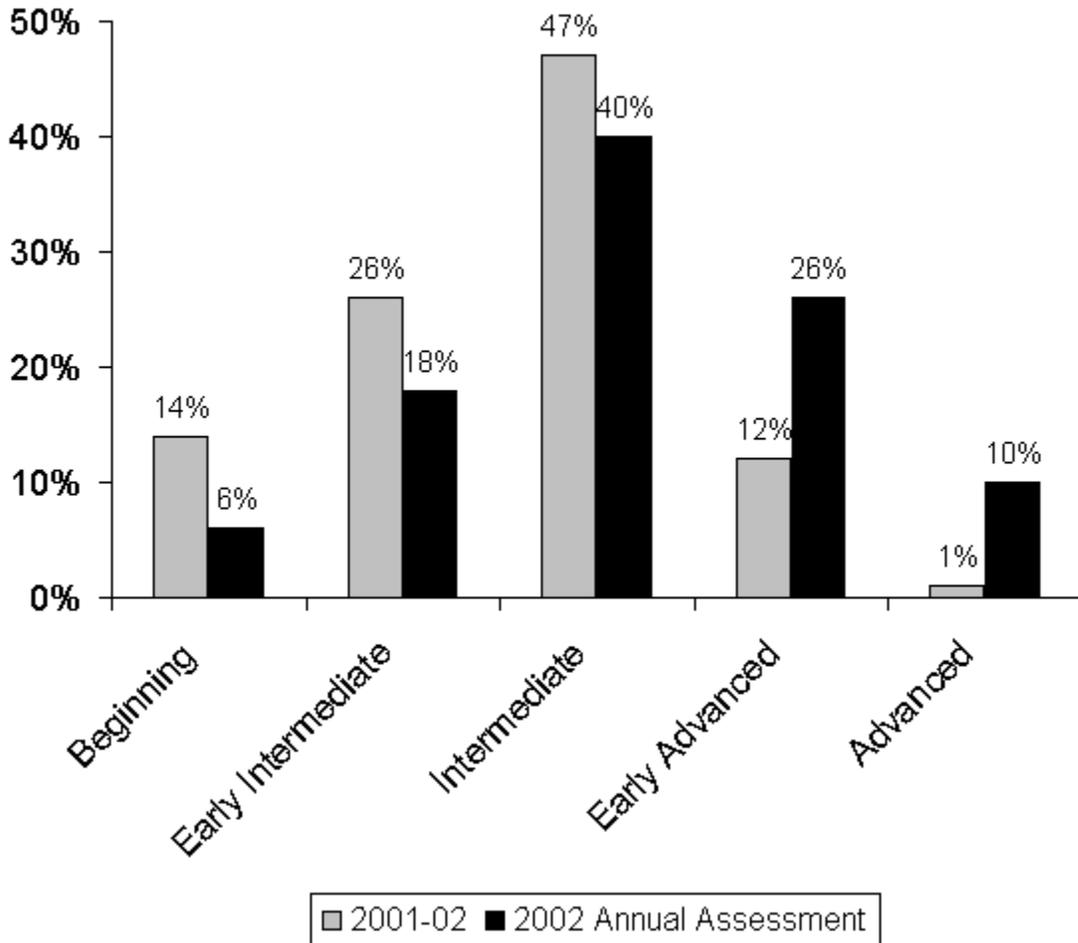
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving only bilingual instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 2% of the students scored at least Early Advanced on the CELDT compared to 12% in the 2002 annual assessment.

Table 5

ELD and SDAIE



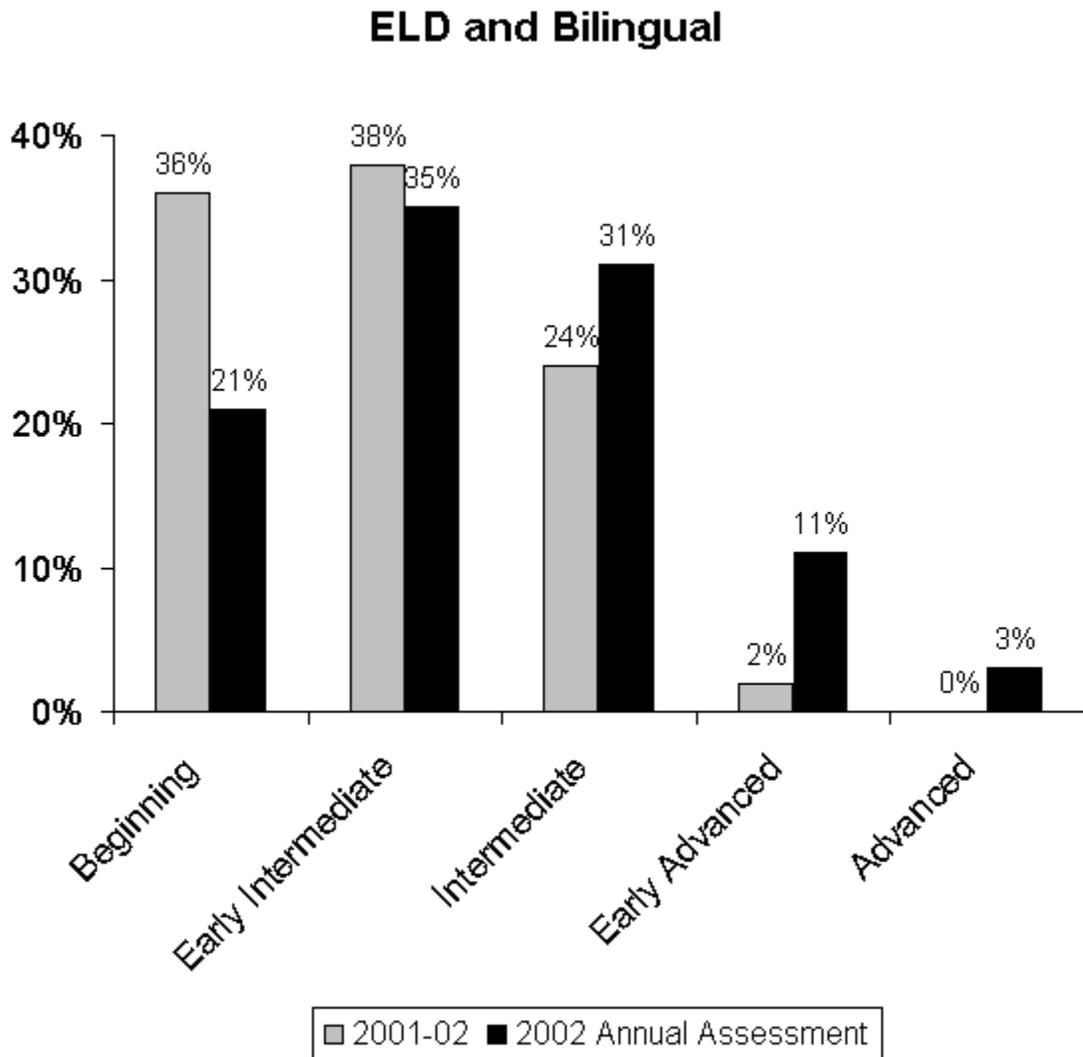
Note:

Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving ELD and SDAIE instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 13% of the students scored at least Early Advanced on the CELDT compared to 36% in the 2002 annual assessment.

Table 6



Note:

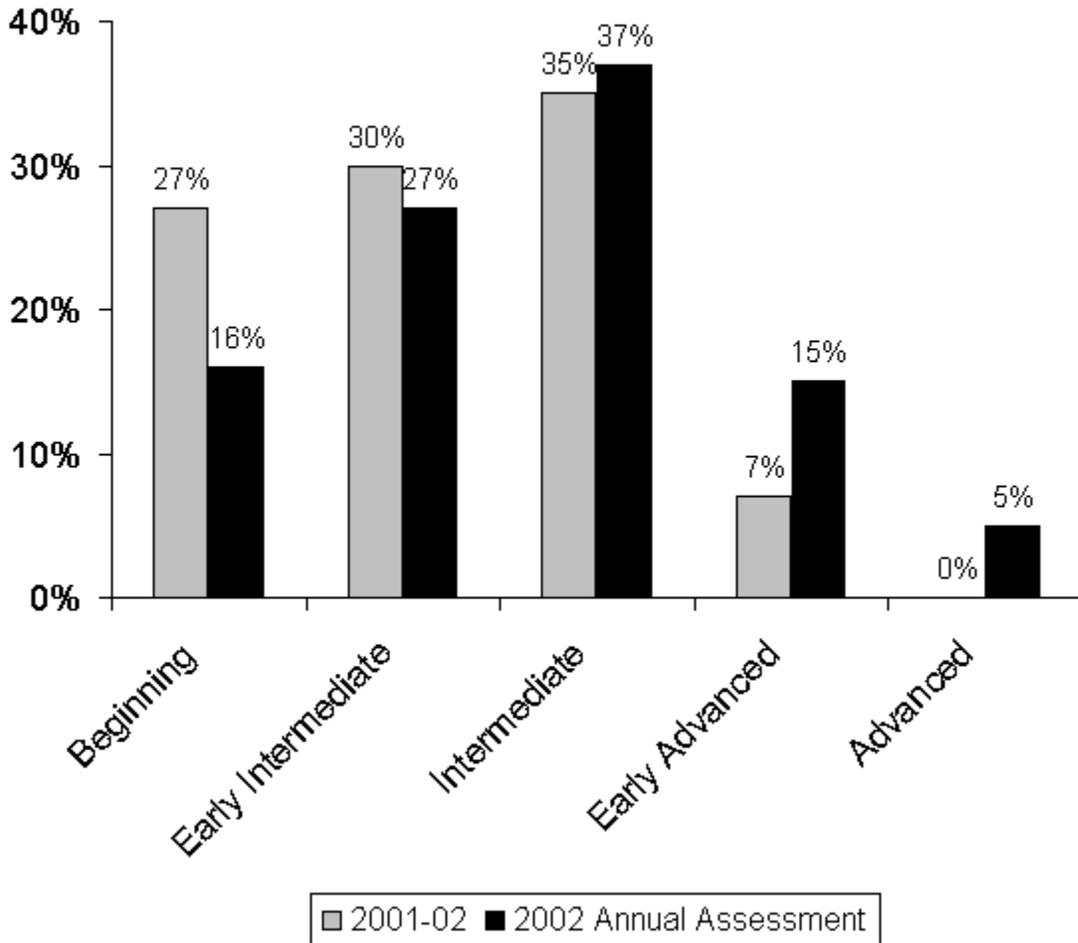
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving ELD and bilingual instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 2% of the students scored at least Early Advanced on the CELDT compared to 14% in the 2002 annual assessment.

Table 7

SDAIE and Bilingual



Note:

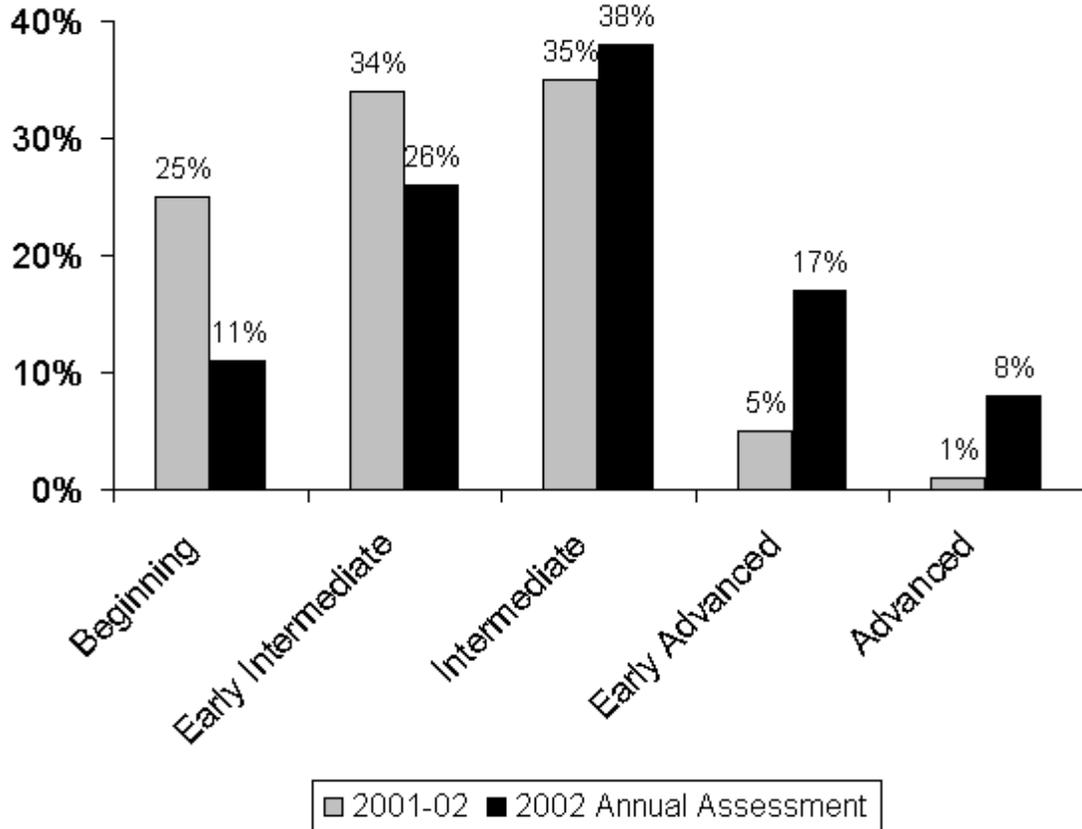
Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving SDAIE and bilingual instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 7% of the students scored at least Early Advanced on the CELDT compared to 20% in the 2002 annual assessment.

Table 8

ELD, SDAIE, and Bilingual



Note:

Caution should be used when making causal relationships based on descriptive statistics.

Key Points:

- Students receiving ELD, SDAIE, and bilingual instructional services made gains in their English proficiency between 2001-02 and 2002.
- In 2001-02 approximately 6% of the students scored at least Early Advanced on the CELDT compared to 25% in the 2002 annual assessment.

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: May 5, 2003

From: Geno Flores, Deputy Superintendent, Assessment and Accountability Branch

Re: ITEM #6

Subject: California English Language Development Test (CELDT): Including, but not limited to, Analysis of CELDT Sub-Group Results.

The following definitions were taken from the R-30 Language Census and may be used to aid in the interpretation of Item 6. To be consistent with the Standardized Testing and Reporting (STAR) Program, the term 'bilingual' was used to describe L1 instruction during the 2001 and 2002 CELDT administrations.

Academic Subjects through the Primary Language (L1 instruction)

English Learner (EL) students (*formerly LEP students*) receiving a program of English Language Development (ELD) and, at a minimum, two academic subjects through the primary language (L1). L1 instruction is (1) for Kindergarten - grade 6, primary language instruction provided, at a minimum, in language arts (including reading and writing) and mathematics, science, or social science; or (2) for grades 7 - 12, primary language instruction provided, at a minimum, in two academic subjects required for grade promotion or graduation. The curriculum is equivalent to that provided to Fluent-English-Proficient (FEP) and English-only students. These students may also be receiving Specially Designed Academic Instruction in English (SDAIE). L1 instruction is provided by teachers with a California Teacher Credential (CTC) bilingual authorization in the primary language.

English Language Development (ELD)

A specialized program of English language instruction appropriate for the English Learner (EL) student's (*formerly LEP students*) identified level of language proficiency. It is consistently implemented and designed to promote second language acquisition of listening, speaking, reading, and writing.

Specially Designed Academic Instruction in English (SDAIE)

SDAIE is an approach utilized to teach academic courses to English Learner (EL) students (*formerly LEP students*) in English. It is designed for nonnative speakers of English and focuses on increasing the comprehensibility of the academic courses normally provided to FEP and English-only students in the district. Students reported in this category receive a program of ELD and, at a minimum, two academic subjects required for grade promotion or graduation, taught through SDAIE.



MAY 2003 AGENDA

SUBJECT No Child Left Behind -- Monthly Update	X	ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Hear an update on NCLB. Take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

This standing item will allow CDE and SBE staff to brief the board on timely topics related to NCLB. Topics for discussion include an update on the NCLB Accountability Workbook, the May Submission, Annual Measurable Objectives for English Proficiency for English Language Learners, and the Integration of the State and Federal Accountability System. Additionally a discussion of the review and approval process for the Local Education Plans, will be discussed.

Summary of Key Issue(s)

Topics for discussion include an update on the NCLB Accountability Workbook, the May Submission, Annual Measurable Objectives regarding English Proficiency for English Language Learners, and the Integration of the State and Federal Accountability System. Additionally a discussion of the review and approval process for the Local Education Plans, will be discussed.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Additional material on the topics to be covered will be provided in the supplemental agenda.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: May 7, 2003

From: Camille Maben and Diane Levin

Re: ITEM # 7

Subject NO CHILD LEFT BEHIND

This standing item will allow CDE and SBE staff to brief the board on timely topics related to NCLB. Topics for discussion include an update on the NCLB Accountability Workbook, the May Submission, Persistently Dangerous Schools, the Integration of the State and Federal Accountability Programs, specifically an update on Statewide System of School Support (S4). Additionally a discussion of the review and approval process for the Local Education Plans will be held.

Attachments include: May Submission
Letter Regarding Persistently Dangerous Schools
LEA Timeline



JACK O'CONNELL
State Superintendent of Public Instruction

REED HASTINGS
President, California State Board of Education

**CALIFORNIA
DEPARTMENT
OF
EDUCATION**

1430 N Street

P. O. Box 944272

Sacramento, CA

94244-2720

May 1, 2003

Eugene W. Hickok
Office of the Under Secretary
U.S. Department of Education
400 Maryland Ave., SW, Room 6W324
Washington, D.C. 20202-6400

Dear Under Secretary Hickok:

Enclosed for your review and approval is California's Consolidated State Application for state grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107 – 110). It contains information and data for each of the required components for the May 1, 2003, submission to the U.S. Department of Education (USDE). The application complements and reinforces California's Accountability Workbook submission of January 31, 2001; specific follow-up components to our Accountability Workbook are being submitted under separate cover.

In compliance with USDE's instructions for completing the Consolidated State Application, California's submission includes the following components:

- Baseline Data for Performance Indicators 1.1, 1.2, 2.2, and 2.3
- Performance Targets for Performance Indicators 1.1, 1.2, 2.2, and 2.3
- Baseline Data and Performance Targets for Performance Indicator 1.3
- Evidence of Adoption of Content Standards in English-language Arts and Mathematics
- Evidence of the Adoption of Content Standards in Science
- Timeline of Major Milestones for Development and Implementation of Assessments in Science (per Section 1111(b)(3))
- Evidence of Development and Implementation of assessments in Mathematics and English-Language Arts (per Section 1111(b)(3))
- Evidence of Academic Achievement Standards in Mathematics, English-language Arts, and Science (per Section 1111(b)(3))

Eugene W. Hickok
May 1, 2003
Page 2

As of this date, the State has *not* received its official letter from USDE in response to our February 2003 Peer Review. We did, however, have a telephone conference call with USDE staff in which several areas of concern resulting from the Peer Review process were identified and discussed. Once we receive the official feedback from our Peer Review follow-up letter, the State may submit additional modifications to fully address and resolve any identified issues.

California is proud of the progress we have made in the implementation of the No Child Left Behind (NCLB) Act of 2001. We are pleased for the opportunity to continue to work in partnership with USDE as we lead our students to achieve the goals that form the basis of NCLB.

Sincerely,



JACK O'CONNELL
State Superintendent of Public Instruction



REED HASTINGS
President, State Board of Education

JO:dl
Enclosures

**CALIFORNIA'S
CONSOLIDATED STATE APPLICATION**

**for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary
Education Act (Public Law 107-110)**

**Submitted by
the California State Board of Education
in association with the
California State Superintendent of Public Instruction**

**Sacramento, CA
May 1, 2003**

A. ESEA GOALS, ESEA INDICATORS, STATE PERFORMANCE TARGETS

Baseline Data for Performance Indicators 1.1, 1.2, 2.2, and 2.3

In the following charts, please provide baseline data from the 2001-2002 school year test administration. States should provide baseline data on the percentage of students scoring at the proficient or advanced levels for those grades in which the State administered mathematics and reading/language arts assessments during 2001-2002.

BASELINE STUDENT ACHIEVEMENT DATA

Grades 2 - 8

1.1 Performance indicator: The percentage of students, in the aggregate and for each subgroup, who are at or above the proficient level in **English-language arts** on the State’s assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.1 performance indicator are based on grades 2-8.

Aggregate (data based on spring 2002 testing): 32.0

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	19.6
American Indian or Alaska Native	28.1
Asian	51.0
Filipino	45.3
Hispanic or Latino	16.2
Pacific Islander	27.6
White	50.7
Socioeconomically disadvantaged	16.3
English language learners*	13.1
Students with disabilities	9.7
Male**	29.0
Female**	35.2
Migrant**	7.9

*Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

**Required for performance goals only; not required for AYP determination.

Grades 2 - 8

1.2 Performance Indicator: The percentage of students, in the aggregate and in each subgroup, who are at or above the proficient level in **mathematics** on the State's assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.2 performance indicator are based on grades 2-8.

Aggregate (data based on spring 2002 testing): 33.8

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	18.1
American Indian or Alaska Native	27.8
Asian	60.5
Filipino	46.6
Hispanic or Latino	20.2
Pacific Islander	29.7
White	48.9
Socioeconomically disadvantaged	20.7
English language learners*	21.0
Students with disabilities	12.1
Male**	34.1
Female**	33.1
Migrant**	14.4

*Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

** Required for performance goals only; not required for AYP determination.

Grade 10

1.1 Performance indicator: The percentage of students, in the aggregate and for each subgroup, who are above the proficient level in **English-language arts** on the State’s assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.1 performance indicator are baseline for grade 10.*

Aggregate: 28.5

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	15.4
American Indian or Alaska Native	25.2
Asian	43.4
Filipino	37.3
Hispanic or Latino	12.7
Pacific Islander	22.0
White	45.4
Socioeconomically disadvantaged	11.3
English language learners**	9.6
Students with disabilities	2.8
Male***	23.4
Female***	33.9
Migrant***	6.5

*Estimated based on grade 9 data. Will be updated when full census data are available for 2003.

**Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

*** Required for performance goals only; not required for AYP determination.

Grade 10

1.2 Performance Indicator: The percentage of students, in the aggregate and in each subgroup, who are at or above the proficient level in **mathematics** on the State’s assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.2 performance indicator are baseline for grade 10.*

Aggregate: 25.4

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	10.3
American Indian or Alaska Native	21.9
Asian	52.1
Filipino	32.8
Hispanic or Latino	10.2
Pacific Islander	20.2
White	39.4
Socioeconomically disadvantaged	10.7
English language learners**	11.5
Students with disabilities	3.5
Male***	26.8
Female***	24.0
Migrant***	6.7

*Estimated based on grade 9 data. Will be updated when full census data are available for 2003.

**Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

*** Required for performance goals only; not required for AYP determination.

Performance Targets for Performance Indicators 1.1, 1.2, 2.2, and 2.3

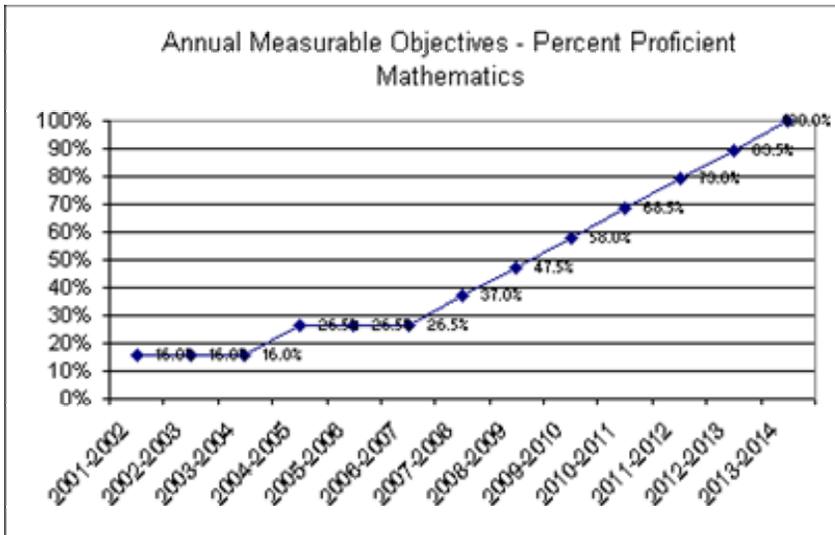
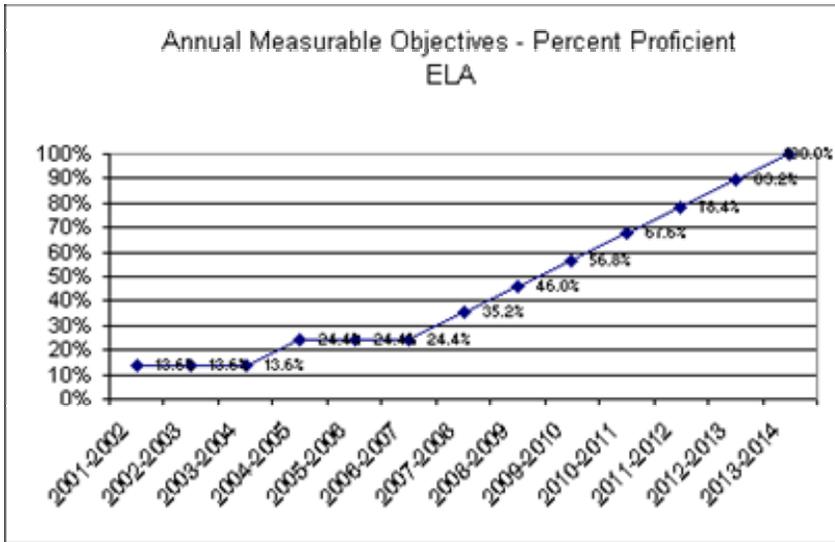
Please provide performance targets for the percentage of students who will be at or above the proficient level in mathematics and reading/language arts on the State's assessment, consistent with the State's annual measurable objectives. At the top of each set of charts, please indicate the grades levels to which your annual measurable objectives apply.

STATE PERFORMANCE TARGETS (ANNUAL MEASURABLE OBJECTIVES)
Grades 2 - 8

7 intermediate objectives, designated by asterisks

Annual Measurable Objectives – Percent at or above Proficient

English-language arts	Year	Mathematics
0.136	2001-2002	0.160
0.136	2002-2003	0.160
0.136	2003-2004	0.160
0.244	2004-2005	0.265*
0.244	2005-2006	0.265
0.244	2006-2007	0.265
0.352	2007-2008	0.370*
0.460	2008-2009	0.475*
0.568	2009-2010	0.580*
0.676	2010-2011	0.685*
0.784	2011-2012	0.790*
0.892	2012-2013	0.895*
1.000	2013-2014	1.000

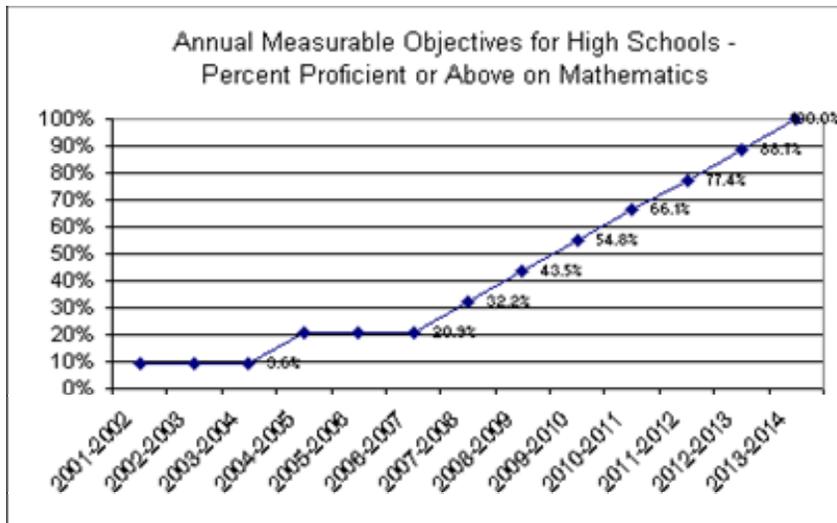
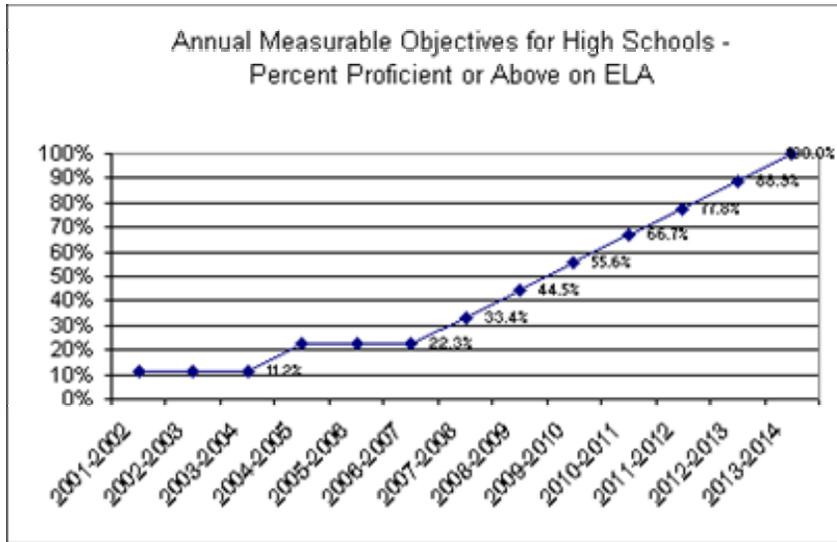


**STATE PERFORMANCE TARGETS (ANNUAL MEASURABLE OBJECTIVES)
High School**

7 intermediate objectives, designated by asterisks

Annual Measurable Objectives for High Schools - Percent Proficient or Above

English-Language Arts	Year	Mathematics
0.112	2001-2002	0.096
0.112	2002-2003	0.096
0.112	2003-2004	0.096
0.223	2004-2005	0.209*
0.223	2005-2006	0.209
0.223	2006-2007	0.209
0.334	2007-2008	0.322*
0.445	2008-2009	0.435*
0.556	2009-2010	0.548*
0.667	2010-2011	0.661*
0.778	2011-2012	0.774*
0.889	2012-2013	0.887*
1.000	2013-2014	1.000



Baseline Data and Performance Targets for Performance Indicator 1.3

Please provide baseline data and performance targets for the percentage of Title I schools that make adequate yearly progress. For baseline data, please indicate the percentage of Title I schools that made adequate yearly progress in the 2001-2002 school year, based upon the 2001-2002 school year test administration. For performance targets, please indicate the percentage of Title I schools that will make adequately yearly progress from the 2002-2003 school year through the 2013-2014 school year.

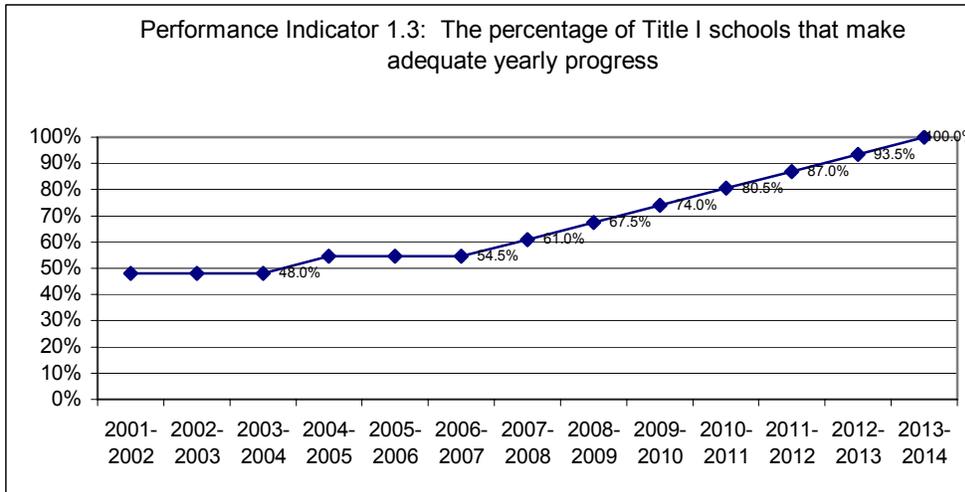
1.3 Performance indicator: The percentage of Title I schools that make adequate yearly progress.

A total of **48%** (2,438 of 5,077) of Title I schools met AYP based on spring 2002 assessment results.

Note: In 2002, AYP was synonymous with the Academic Performance Index (API), but defined differently by type of Title I funding. Schools designated as Schoolwide Programs (SWP) achieved AYP if they made their schoolwide API growth target and the growth targets for all numerically significant subgroups. Schools in the upper half of the API distribution that were Targeted Assistance Schools (TAS) achieved AYP if they made the API growth target for their socio-economically disadvantaged subgroup.

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Baseline Data and Targets	Percentage of Title I Schools Making Adequate Yearly Progress
2001-2002 Baseline	48.0%
2002-2003 Target	48.0%
2003-2004 Target	48.0%
2004-2005 Target	54.5%
2005-2006 Target	54.5%
2006-2007 Target	54.5%
2007-2008 Target	61.0%
2008-2009 Target	67.5%
2009-2010 Target	74.0%
2010-2011 Target	80.5%
2011-2012 Target	87.0%
2012-2013 Target	93.5%
2013-2014 Target	100%



B. STATE ACTIVITIES TO IMPLEMENT ESEA PROGRAMS

1a. Please provide evidence that the State has:

- **adopted challenging content standards in reading/language arts and mathematics at each grade level for grades 3 through 8, consistent with section 1111(b)(1).**

California's Standards for English-Language Arts and Mathematics

California's implementation of challenging academic content standards began in December 1997, when the California State Board of Education (SBE) adopted content standards for English-language arts and mathematics. These standards contain coherent and rigorous content and specify what students are expected to know and be able to do. California's world-class standards were developed for *all* students and can be attained by *all* students given the appropriate standards-aligned instruction, sufficient time, and intervention when necessary.

All of California's grade-level academic content standards can be viewed via the Internet on the California Department of Education web site at:

<http://www.cde.ca.gov/standards/>

1b. Please provide a detailed timeline for major milestones for adopting challenging academic content standards in science that meet the requirements of section 1111(b)(1).

California's Standards for Science

California's State Board of Education adopted challenging academic content standards in science in 1998. These standards contain coherent and rigorous content and specify what students are expected to know and be able to do in science. California's world-class standards were developed for *all* students and can be attained by *all* students given the appropriate standards-aligned instruction, sufficient time, and intervention when necessary.

All of California's grade-level academic content standards can be viewed via the Internet on the California Department of Education web site at:

<http://www.cde.ca.gov/standards/>

1c. Please provide a detailed timeline of major milestones for the development and implementation, in consultation with LEAs, of assessments in science that meet the requirements of section 1111(b)(3) in the required grade levels.

**Proposed Timeline of Tasks and Events for the
Development of the Middle (grades 6-9) and
High School (grades 10-12) Core Knowledge Science Tests**

Date	Responsibility	Task
April 2003	ETS	Prepare scope of work and cost proposal for development and implementation of tests
May 2003	SBE	Approve scope of work and cost proposal
June 2003	CDE	Secure funding and Department of Finance approval for test development and program implementation
July/August 2003	CDE/SBE	Identify and select members to assist the Science Content Review Panel (CRP)
November 2003	Committee	Develop recommendations for test content and grade levels for test administration
January 2004	SBE	Approve test content and grade levels for test administration
February 2004	ETS	Develop preliminary blueprints for committee review
March 2004	Committee	Consider and recommend blueprints to SBE
April 2004	SBE	Adopt blueprints
May/June 2004	ETS	Develop test items
July 2004	CRP	Review items for accuracy and alignment to standards
August 2004	SPAR Panel	Review items for issues of privacy
August 2004	ETS	Build field test forms and prepare directions for administration
October 2004	CDE	Review field test lasers
November 2004	ETS	Print field test forms
Spring 2005	ETS	Administer field tests at designated grade levels
May/June 2005	ETS	Continue development of test items
July 2005	CRP	Review items for accuracy and alignment to standards
August 2005	SPAR Panel	Review items for issues of privacy

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Date	Responsibility	Task
August 2005	ETS	Build operational forms including field test items
Spring 2006	STAR Contractor	Administer operational forms including field test items
May/June 2006	STAR Contractor	Continue development of test items
July 2006	CRP	Review items for accuracy and alignment to standards
August 2006	SPAR Panel	Review items for issues of privacy
August 2006	CDE	Report tests results of Spring 2006 Administration
August 2006	STAR Contractor	Complete technical manual
September 2006	STAR Contractor	Organize and supervise standard setting following operational administration and recommend performance levels to SBE/CDE
October 2006	SBE	Approve performance levels
November 2006	SBE	Hold public hearings on approved performance levels
December 2006	SBE	Adopt performance levels
January 2007	CDE	Apply performance levels retroactively and send results to districts
Spring 2007	STAR Contractor	Administer second operational test
August 2007	CDE	Report results using adopted performance levels
August 2007	CDE	Use results to calculate new base science API

1c. Please provide a detailed timeline of major milestones for the development and implementation, in consultation with LEAs, of assessments in mathematics and reading/language arts that meet the requirements of Section 1111(b)(3) in the required grade levels.

The chart on the following page lists the assessments already developed and implemented for use in California's current system of assessment and accountability in English-language arts and mathematics. Each of these assessments, which are aligned with the California's adopted content standards in English-language arts and mathematics, were developed and adopted in consultation with LEAs and fulfill the requirements of Section 1111(b)(3) for all required grade levels.

**CALIFORNIA
ASSESSMENTS
in English-Language Arts
& Mathematics**

<i>CA Standards Tests</i>	<i>CA High School Exit Exam</i>	<i>CA English Language Development Test</i>
Standards-based	Standards-based	Standards-based
Grades 2 - 11	Grades 10 - 12	Grades K - 12
English-language Arts Mathematics Grades 4, 7: Written Composition	English-Language Arts Mathematics For 2002-03 Grade 10: Required Grades 11-12: For those not passing one or both parts	K - 1: Listening Speaking Grades 2 - 12: Listening Speaking Reading Writing
Results:	Results:	Results:
Individual School District County State	Individual School District County State	Individual School District County State

1d. Please provide a detailed timeline for major milestones for setting, in consultation with LEAs, ACADEMIC ACHIEVEMENT STANDARDS in mathematics, reading/language arts, and science that meet the requirements of section 1111(b)(1).

As indicated on page 12 of California's Accountability Workbook, California's State Board of Education approved performance levels on the California Standards Tests (CSTs) in 2001. Five performance levels were adopted:

- **Advanced**
- **Proficient**
- **Basic**
- **Below basic**
- **Far below basic**

Sensitivity to gains at the lower levels was one major concern that prompted the adoption of five performance levels, rather than the minimum of three required by NCLB.

Elementary and middle schools: Results from the CSTs will be used to determine the percentage of students scoring at the "proficient" level or above for all elementary and middle schools.

High schools: California proposes to use results from the California High School Exit Examination (CASEE) to establish AYP for high schools. Currently, CASEE test results are evaluated on the basis of pass/no pass. California will identify the three required achievement levels for the CASEE as part of a technical process that will be completed by May 2003. It is anticipated that the baseline results for high schools will be roughly equivalent to the elementary and middle school results. Evidence of setting the achievement levels was submitted to the Peer Review team.

ATTACHMENT 1

Provisions, Definition, and Policy

Unsafe School Choice Option Provisions

The Unsafe School Choice Option in Title IX, Part E, Subpart 2, Section 9532 sets forth the following provisions:

“(a) UNSAFE SCHOOL CHOICE POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.”

Definition of “Persistently Dangerous” Schools

In April 2002, CDE convened an advisory committee that included representatives from approximately twenty educational agencies, both large and small, from around the state; this committee helped develop California’s statewide policy definition for designating “persistently dangerous” schools. The California State Board of Education adopted the definition in May 2002.

Under California’s policy, **a public elementary or secondary school is considered to be “persistently dangerous” if both of the following conditions exists for three-consecutive fiscal years:**

- (1) The school has a federal or state gun-free schools violation or a violent criminal offense has been committed by a student or a non-student on school property, **and**
- (2) The number of expulsions for violent criminal offenses (delineated in the policy) for students enrolled in the school exceeds one of the following rates:
 - (a) For a school of fewer than 300 enrolled students, three expulsions or
 - (b) For a larger school, one expulsion for every 100 enrolled students or fraction thereof

Below is a copy of the full State Board policy that includes a description of the pertinent *California Education Code* violent criminal offenses and applicable definitions for

identifying “persistently dangerous” schools. The policy can also be viewed and downloaded at the following web site: www.cde.ca.gov/pr/nclb/unsafeschl.htm.

**Unsafe School Choice Option
California's Definition of a "Persistently Dangerous" School**

**No Child Left Behind Act of 2001
TITLE IX, PART E, SUBPART 2, SEC. 9532. UNSAFE SCHOOL CHOICE OPTION**

In the context of this act, a California public elementary or secondary school is considered to be "persistently dangerous" if each of the following two conditions exist for **three-consecutive fiscal years**:

1. The school has a federal or state gun-free schools violation or a violent criminal offense has been committed by a student or a non-student on school property **and**
2. The school has expelled students, under *California Education Code*, for any of the following offenses:
 - Assault or battery upon any school employee - Section 48915(a)(5)
 - Brandishing a knife - Section 48915(c)(2)
 - Causing serious physical injury to another person, except in self-defense - Section 48915(a)(1)
 - Hate violence - Section 48900.3
 - Possessing, selling, or furnishing a firearm - Section 48915(c)(1)
 - Possession of an explosive - Section 48915(c)(5)
 - Robbery or extortion - Section 48915(a)(4)
 - Selling a controlled substance - Section 48915(c)(3)
 - Sexual assault or sexual battery - Section 48915(c)(4)

The number of expulsions for these offenses must exceed one of the following rates:

- (a) For a school of fewer than 300 enrolled students, three expulsions
- (b) For a larger school, one expulsion for every 100 enrolled students or fraction thereof

For the purpose of this definition - "fiscal year" means the period of July 1 through June 30 (*California Education Code*, section 37200); "gun-free schools violation" means a student who is determined to have brought a firearm to a school, or to have possessed a firearm at school (federal Gun-Free Schools Act); "firearm" means handgun, rifle, shotgun or other type of firearm (section 921 of title 18, *United States Code*); "violent criminal offense" means all of the offenses identified in condition (2) above; "expulsion" means an expulsion ordered regardless of whether it is suspended or modified; "assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (*California Penal Code*, section 240); "battery" means any willful and unlawful use of force or violence upon the person of another (*California Penal Code*, section 243), "knife" means any dirk, dagger, or other weapon as defined in the *California Education Code*, section 48915[g]; "hate violence" means any act punishable under *California Penal Code*, sections 422.6, 422.7, 422.75; "explosive" means a destructive device (section 921 of title 18, *United States Code*); "robbery" means acts described in *California Penal Code*, sections 211, 212; "extortion" means acts described in *California Penal Code*, sections 71, 518, 519; "controlled substance" means drugs and other substances listed in Chapter 2 of Division 10 of the *California Health and Safety Code* (commencing with Section 11053); "sexual assault" means acts defined in the *California Penal Code*, section 261, 266(c), 286, 288, 288(a), 289; "sexual battery" means acts defined in the *California Penal Code*, section 243.4; "enrolled students" means students included in the most current California Basic Educational Data System (CBEDS) report for the school.

ATTACHMENT 2

Persistently Dangerous School Reporting Form

Data Collection and Reporting Requirements

All LEAs and charter schools will be required to complete a standardized data collection form, (“**Persistently Dangerous School Reporting Form**”) to identify all “persistently dangerous” schools. This form will be included in the ConApp, Part I; a sample of this form is included in this Attachment. **The completion of a single form is required for each school.**

This electronic version of the ConApp provides CDE with the opportunity to streamline the process for submitting the required expulsion information. This requirement for completing the data collection form also applies to county offices of education for the schools they operate in which students are subject to expulsion proceedings.

The form covers the following reporting period: **2000-01, 2001-02, and 2002-03 fiscal years**. The total number of expulsions ordered by the governing school board during each fiscal year must be entered on the data collection form for the following violent criminal offenses (pertinent *California Education Code* Sections are referenced) that were committed by students enrolled in the school:

- 48900.3 — Hate violence
- 48915(a)(1) — Causing serious physical injury to another person
- 48915(a)(4) — Robbery or extortion
- 48915(a)(5) — Assault or battery upon any school employee
- 48915(c)(1) — Possessing, selling, or furnishing a firearm
- 48915(c)(2) — Brandishing a knife
- 48915(c)(3) — Selling a controlled substance
- 48915(c)(4) — Sexual assault or sexual battery
- 48915(c)(5) — Possession of an explosive

(Note: report expulsions ordered by the governing board must be included, regardless of whether they have been suspended, modified, or stipulated during the period of July 1 through June 30 of any of these three years.)

Please note that if a student is expelled for multiple offenses listed above on one date, the LEA reports the expulsion for the most serious violation only. For assistance in determining the order of seriousness for the nine offenses listed above, a suggested hierarchy of offenses can be used as a guide based on the Uniform Crime Code, Federal Bureau of Investigation. Related offenses included in the hierarchy in order of seriousness are as follows, beginning with the most serious offense: forcible rape, robbery/extortion, assault with a deadly weapon, battery, possession of a weapon, sexual offenses (other than forcible rape), sale or furnishing of drugs, and destructive/explosive devices. Hate crimes are not separate, distinct crimes, but rather the motivation behind a crime. For that reason, they are not separately listed on the hierarchy. The hierarchy is a

guide only. If further assistance is needed, local law enforcement agencies should be consulted.

The electronic “**Persistently Dangerous School Reporting Form**” in the ConApp, Part I, has a built-in computation feature that will automatically identify whether the school is “at-risk” of being designated “persistently dangerous” for each fiscal year based on the expulsion data entered on the form by the LEA and the supplied CBEDS enrollment data identified for the school. For a school to be “at-risk” for the “persistently dangerous” designation in a fiscal year, it must exceed one of the following rates: (a) for a school of fewer than 300 enrolled students, three expulsions or (b) for a larger school, one expulsion for every 100 enrolled students or fraction thereof. A school will be designated “persistently dangerous” if it exceeds the applicable rate above for three consecutive fiscal years

Reporting tip: It is recommended that LEAs first compile and enter a school’s expulsion data for the 2001-02 fiscal year on the form. If the school is not determined to be “at-risk” of being identified as “persistently dangerous” for the 2001-02 fiscal year, based on criteria in the State Board policy for designating “persistently dangerous” schools (see Attachment 1), it is not necessary to enter expulsion data on the reporting form for the 2000-01 fiscal year. If, however, the school is determined to be “at-risk” for being identified as a “persistently dangerous” school for the 2001-02 fiscal year, then expulsion data also must be collected and entered on the reporting form for the 2000-01 fiscal year. Expulsion information must be reported on the form for the 2001-02 and 2002-03 fiscal years.

LEAs are encouraged to allow sufficient time to gather all pertinent expulsion information for the 2000-01, 2001-02, and 2002-03 fiscal years to ensure that the “Persistently Dangerous School Reporting Form” for each school is complete at the time the ConApp, Part I is submitted to CDE. LEAs should retain copies of relevant support documentation used to complete the “Persistently Dangerous School Reporting Forms” for at least three years for audit purposes.

By July 1, 2003, based on the expulsion information electronically submitted by the LEAs via the ConApp, CDE will begin officially designating “persistently dangerous” schools and notifying affected districts and county offices of education. As soon as CDE designates schools as “persistently dangerous,” CDE will ensure that the respective LEAs receive prompt notification via certified mail or other means. Please note, however, that some LEAs may determine in advance of submitting their completed ConApp, Part I that they have one or more schools that meet the “at-risk” criteria of being designated “persistently dangerous” consecutively for each of the 2000-01, 2001-02, and 2002-03 fiscal years. While these LEAs still must submit the “Persistently Dangerous School Reporting Forms” for those schools, they may begin implementing actions required of LEAs for schools identified as “persistently dangerous” without waiting for the official designation from CDE that the schools are “persistently dangerous.” The required actions, which include notifying parents, offering student transfers, completing student transfers, and developing corrective action plans, are described below.

Any LEA failing to submit complete “Persistently Dangerous School Reporting Forms” will be subject to the withholding of NCLB funding until the information is provided.

ATTACHMENT 3

Required Actions

CDE Required Actions Regarding “Persistently Dangerous” Schools

In July 2002, the U.S. Department of Education released its *Draft Non-Regulatory Guidance* that provides direction to States in administering various aspects of the USCO requirements. This publication can be viewed and downloaded at the following web site:

www.ed.gov/offices/OSDFS/unsafeschoolchoice.pdf.

The guidance indicates that each State must be prepared to implement the required transfers of students no later than the start of the 2003-04 school year. To fully comply with this requirement, the State Board clarified in December 2002 that expulsion information, as specified in the State Board policy, must be collected for the 2000-01, 2001-02, and 2002-03 fiscal years to determine “persistently dangerous” schools. Students attending any “persistently dangerous” school **or** students who become victims of violent criminal offenses while in or on the grounds of the school they attend must be allowed to transfer to a safe school at the beginning of the 2003-04 school year.

To help facilitate implementation and ensure statewide compliance with the USCO requirements, LEAs are encouraged to thoroughly review the guidance provisions.

As outlined in the *USCO Draft Non-Regulatory Guidance*, CDE will do the following:

- (1) Based on the expulsion information provided by LEAs, CDE will officially designate as “persistently dangerous” schools that have exceeded their expulsion rate threshold for each of the three fiscal years (2000-01, 2001-02, and 2002-03). (Reference Section B-1, *Guidance*)
- (2) CDE will notify affected LEAs of schools designated “persistently dangerous” and require the LEA to submit a corrective action plan for approval for each “persistently dangerous” school. (Reference Section C-3, *Guidance*)
- (3) CDE will provide USDE with the number of California public schools that have been designated “persistently dangerous” for the 2003-04 school year. (Reference Section B-8, *Guidance*)
- (4) CDE, to the extent possible, will monitor the progress of all LEA approved corrective action plans and provide technical assistance. (Section C-3, *Guidance*)

Actions Required of LEAs for Schools Identified as “Persistently Dangerous”

The *USCO Draft Non-Regulatory Guidance* indicates that an LEA that has one or more schools identified as “persistently dangerous,” must in a timely manner:

- (1) Notify parents of each student attending the school that the State has identified the school as persistently dangerous (Sections C-1 and C-2, *Guidance*)—generally, an example of timely

notification to parents or guardians is within ten school days from the time that the LEA learns that the school has been identified as persistently dangerous;

- (2) Offer students the opportunity to transfer to a safe public school, including a safe public charter school, within the LEA (Sections C-1 and C-2, *Guidance*)—an example of a timely offer to students of the opportunity to transfer generally is within twenty school days from the time the LEA learns that the school has been identified as persistently dangerous (*Note: parental notification regarding the status of the school and the offer to transfer students may be made simultaneously*); and
- (3) For those students who accept the offer, complete the transfer—transfers of students generally should occur within thirty school days. (Section C-2, *Guidance*)

LEAS are encouraged to take into account the needs and preferences of the affected students and parents for students opting to transfer (Section C-9, *Guidance*). If there is not another school within the area served by the LEA for transferring students, the LEA is encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students. (Section C-11, *Guidance*)

Please note that students who have been assigned to a particular school, e.g., an alternative school or juvenile court school, due to the students' violent or criminal behavior, or for disciplinary reasons sufficiently serious to justify placement in a particular learning environment, are not entitled to this school transfer option.

Additionally, LEAs should:

- (4) Develop a corrective action plan and submit it to CDE for approval (Sections C-1, C-2, and C-3, *Guidance*)—an example of timely development of a corrective action plan generally is within twenty school days from the time the LEA learns that the school has been identified as persistently dangerous; and
- (5) Implement that plan in a timely manner. (Section C-1, *Guidance*)

Transfer Option for Victims of Violent Crimes

In accordance with the USCO requirements, any student attending a California public elementary or secondary school who becomes a victim of a violent crime while in or on the school grounds must be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

To help assure compliance with this USCO requirement, it is imperative for each COE and school district to review its policies to ensure that its governing board has adopted a policy that implements the **victim transfer option**. In applying this option, LEAs should consider the specific circumstances of incidents on a case-by-case basis and consult with local law enforcement agencies, as appropriate, in determining whether a student is the victim of a violent criminal offense as provided for in the *California Penal Code*. Primary examples of violent criminal offenses in the *Penal Code* include attempted murder, battery with serious bodily injury,

assault with a deadly weapon, rape, sexual battery, robbery, extortion, and hate crimes. *Policies that allow the victim transfer option must be in effect no later than the start of the 2003-2004 school year.* Section E of the *USCO Draft Non-Regulatory Guidance* provides additional information to help local education agencies administer the victim transfer option. Each local educational agency should maintain appropriate records for at least three years for audit purposes to demonstrate compliance with this federal requirement—i.e., policy statements, procedures, and school transfer records of student victims.

Actions Required of LEAs for Students Who Have Been Victims of a Violent Criminal Offense

The *USCO Draft Non-Regulatory Guidance* (Section E-1, *Guidance*) indicates that an LEA should offer, generally within ten calendar days, an opportunity transfer to a safe public school (including public charter schools) within the LEA to any student who has become the victim of a violent criminal offense while in or on the grounds of a public school that the student attends.

LEAs are encouraged to take into account the needs and preferences of the affected students and parents for student victims opting to transfer (Section E-3, *Guidance*). If there is not another school within the area served by an LEA for transferring students, the LEA is encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students (Section E-4, *Guidance*).

Please note that some students are assigned to a particular school (e.g., an alternative school or juvenile court school) due to the students' violent or criminal behavior, or for disciplinary reasons sufficiently serious to justify placement in a particular learning environment. For students placed in such a setting and who become victims of violent crimes, LEAs are encouraged to the extent possible to move them to a safer environment.

Local Education Agency Plan Timeline

February 26, 2003	Local Education Agency (LEA) Plan posted on CDE website; all Local Education Agencies required to submit a plan are notified.
June 1, 2003	LEA Plans due to CDE
June 2 – 6	CDE screens LEA Plans
June 9 – 13	1 st LEA Plan Reading Conference
June 23 – 27	2 nd LEA Plan Reading Conference
July 9 - 10	LEA Plans to State Board for approval

Item 7

Title III Accountability Issues in No Child Left Behind (NCLB)

This paper identifies issues for the SBE to address this month in order to meet the requirements of Title III of NCLB. The SBE's task under Title III is to define two annual measurable achievement objectives (AMAOs) for limited-English-proficient (LEP) students (§ 3122).

The two AMAOs that need to be defined are:

1. Gains in the percentage of children meeting annual California English Language Development Test (CELDT) growth objectives.
2. Annual increases in the percentage of students attaining English language proficiency as demonstrated by the CELDT.

Last month the Board discussed using proficiency levels as the metric for demonstrating growth and the use of the Overall Proficiency Level scores rather than skill scores to show growth. CDE recently received clarification from the USDE that the state responsibilities under Title III are to hold Local Education Agencies (LEAs) accountable for meeting the AMAOs, not the schools, as was done in Title I. CDE will report on each LEA receiving Title III funds indicating whether they have met the two AMAOs. CDE will also analyze and report to LEAs on the progress of their schools in meeting the targets. This school level reporting is not required under Title III but CDE would like to prepare school level reports in order to assist LEAs since they are required to hold their schools accountable.

This month the Board will decide on the criterion for English language proficiency. In June, the Board will be presented with different options for the two AMAOs and corresponding information on the percentage of LEAs that would meet each of the options.

What criterion of English language proficiency on the CELDT should be used in the second AMAO?

NCLB requires California to report on the percentage of students attaining English language proficiency on the state’s annual assessment of English language development. (This level of proficiency can be thought of as “linguistic fluency,” to distinguish it from academic proficiency which includes to the student’s achievement of state standards.)

In California, the State Board of Education has already set a performance level on the CELDT that students must meet to be considered for redesignation. This level is an Overall Score at the Early Advanced level with all of the skill scores at the Intermediate level or above. Reaching this level is one criterion needed for redesignation to Fluent English Proficient (RFEP) status. In order to be redesignated, English learners must also meet the following criteria:

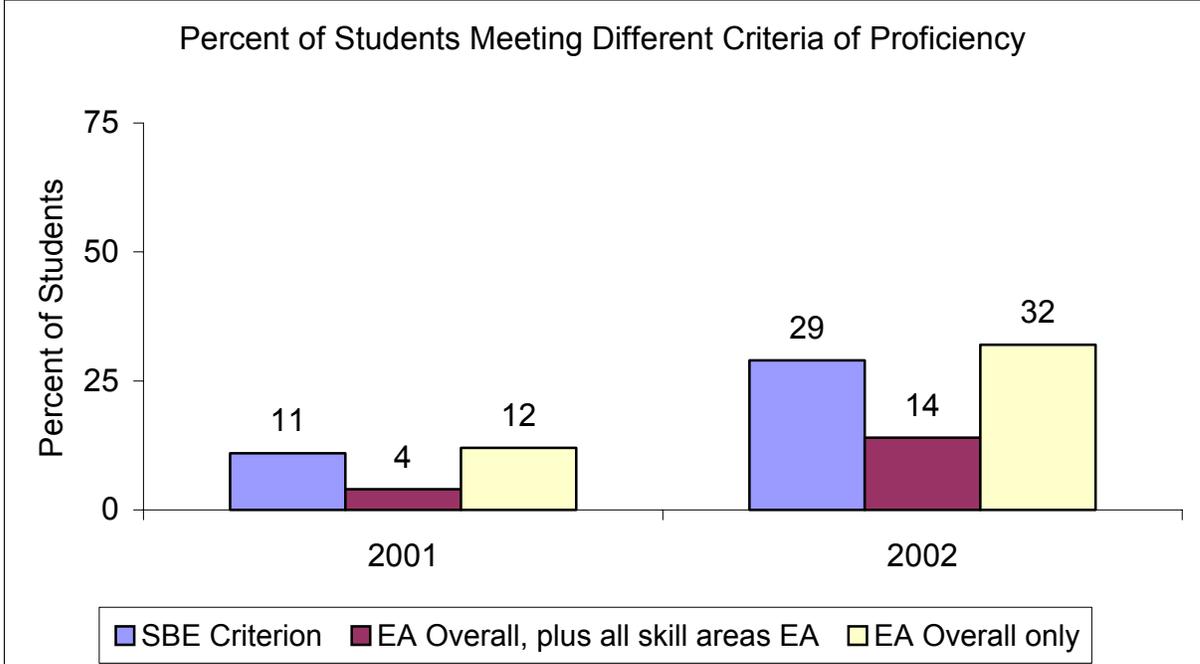
- Performance at the basic proficiency level on the California Standards Test in English language arts
- Teacher evaluation
- Parent opinion and consultation.

In exploring the criterion that will be used for English language proficiency, we have outlined three possible criteria for SBE consideration.

- Current SBE criterion for redesignation—Early Advanced (EA) Overall, plus all skill areas at the Intermediate level or above
- EA Overall, plus all skill areas at Early Advanced
- EA Overall Only (skill area scores are not considered)

As is illustrated on the chart on the following page, there is little difference between using the SBE criterion of Early Advanced Overall with all skill areas at the Intermediate level and Early Advanced Overall. CDE recommends that the State Board criterion for redesignation be used to ensure consistency with current SBE guidelines.

Recommendation: Use the State Board criterion of Early Advanced Overall, plus all skill area scores at the Intermediate level or above.



Note. The chart includes the 862,004 students who have scores for both the 2001 and 2002 CELDT administration.



MAY 2003 AGENDA

SUBJECT		ACTION
Further discussion of the definition of Highly Qualified Teachers for the No Child Left Behind (NCLB) Act.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Information item only

Summary of Previous State Board of Education Discussion and Action

In the February, March, and April meetings, the SBE received a staff report on California's efforts to define highly qualified teachers. The Board staff and the Department staff are working with the NCLB Liaison Team to draft a workable definition as districts are currently developing plans for ensuring all core subject area teachers meet the requirements of NCLB by 2005-06.

Summary of Key Issue(s)

Defining California's criteria for determining whether a teacher meets the requirements of NCLB. The definition must reference credentialing requirements, as well as indicators (appropriate to each grade span) of teachers' subject-matter competence.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

None

Information, if any, will be provided in the supplemental mailing.

**MAY 2003 AGENDA**

SUBJECT	X	ACTION
Supplemental Educational Services Providers required by Section 1116(e) of the No Child Left Behind Act of 2001, including but not limited to, proposed regulations, annual notice to potential providers and revised provider application.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Staff recommends approval of the emergency regulations, annual notice to potential providers, and the revised providers application.

Summary of Previous State Board of Education Discussion and Action

At the May 2002 State Board of Education meeting the criteria for the selection of supplemental services providers was adopted.

Summary of Key Issue(s)

The following items will be sent in the supplemental mailing: 1) emergency regulations defining “demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the state academic content and student achievement standards” (Section 1116(e)(4)(b)). It will incorporate a two-year provisional approval plan and indicate that there will be subsequent reviews every two years once the provider has moved beyond provisional approval; 2) annual notice to potential providers; and 3) the updated application. The application process is open on an ongoing basis. In the future, provider applications will be presented to the State Board monthly.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachments will be submitted in the Supplemental

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 29, 2003

From: Sue Stickel, Deputy Superintendent

Re: ITEM # 9

Subject SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS REQUIRED BY SECTION 1116(E) OF THE NO CHILD LEFT BEHIND ACT OF 2001, INCLUDING BUT NOT LIMITED TO, PROPOSED REGULATIONS, ANNUAL NOTICE TO POTENTIAL PROVIDERS AND REVISED PROVIDER APPLICATION

The insert the following attachments:

[Attachment I](#): Application For Supplemental Educational Services Providers (pages 1-3)

[Attachment II](#): Supplemental Educational Service Provider Request for Application (pages 1-11)

[Attachment III](#): Emergency Regulations for Supplemental Services (pages 1-2)

DRAFT



JACK O'CONNELL
State Superintendent of Public Instruction

CALIFORNIA
DEPARTMENT
OF
EDUCATION

1430 N Street

P.O. Box 944272

Sacramento, CA

94244-2720

May 31, 2003

Dear Prospective Providers for Supplemental Educational Services:

APPLICATION FOR SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

You are invited to apply to the California Department of Education (CDE) to become a provider of supplemental educational services, as defined in No Child Left Behind (NCLB). Title I, Part A, Section 1116(e) of NCLB provides for supplemental educational services in English-language arts and mathematics for eligible students in schools that have been in Title I Program Improvement for two or more years. An eligible student is a child from a low-income family.

Parents of eligible students may choose a provider of supplemental educational services to assist their children in achieving California's adopted curriculum standards. Supplemental educational services include tutoring or other academic enrichment activities that are furnished beyond the regular school day. NCLB requires that services be of high quality, research-based, and designed to improve the academic achievement of participating students.

Application Process

NCLB requires the State to develop an application process to establish a statewide list of qualified providers. Approved providers may be faith-based entities, non-profit or for-profit agencies, institutions of higher education, county offices of education, local educational agencies (LEAs), and schools that are not in Program Improvement.

Criteria for Providers

Providers must:

- (a) Ensure that programs offered are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the assessment instruments required under ESEA Section 1111 and attain proficiency in meeting the State's academic achievement standards.
- (b) Ensure that supplemental educational services are coordinated with the student's school program.

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May 31, 2003

Page 2

(c) Ensure that the instruction and content provided are aligned with state-adopted curriculum content standards, instructional materials, and state and local assessments.

(d) Ensure that all instruction and content are secular, neutral, and non-ideological.

(e) Provide evidence of recent successful experience in improving student achievement. (If the student population served by the provider is composed in large part of English learners, the provider must demonstrate experience in improving the student achievement of English learners.)

(f) Meet all applicable federal, state, and local health, safety, and civil rights laws.

(g) Have a record or evidence of effectiveness in enhancing student achievement.

(h) Have knowledge of the state-adopted content standards, frameworks, and instructional materials.

(i) Be capable of providing appropriate services to eligible students based on individual needs consistent with the instructional program of the LEA and the state-adopted standards, frameworks, and instructional materials.

(j) Be financially sound.

(k) Guarantee that all staff working with students and their parents undergo and pass background checks.

(l) Abide by the conditions of the contract with the LEA.

Writing Requirements

The application narrative must be limited to no more than ten (8 ½ x 11) pages with 12-point font and one-inch margins. The applicant's name and subject area must appear at the top of each page.

Application Scoring Process

The scoring process will include two independent reviews of the application for evidence of meeting the Scoring/Screening Criteria. CDE reserves the right to verify the validity of evidence provided.

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May 31, 2003

Page 3

Appeals

The only grounds for appeal will be procedural and based upon whether the application is complete.

Evaluation of Providers

Providers will be evaluated by the California Department of Education. The SBE may approve providers of supplemental services for eligible students on a provisional basis to ensure that each provider is able to increase the academic proficiency of students in subjects relevant to meeting state academic content and student achievement standards adopted under section 1111(b)(1) of PL 107-110. Provisional providers that meet the SBE standards for approval for two consecutive years, including evidence that students who received services are making progress toward achieving proficiency on state-adopted assessments, may be recommended for inclusion on the SBE-approved list of providers for a period of two years.

How to Apply

The original application and three copies must be mailed to:

Title I Policy and Partnerships Office
California Department of Education
1430 N Street, 4th Floor
Sacramento, California 95814
Attn: Supplemental Services Provider

We encourage you to apply for designation as a provider of supplemental educational services. The application is available to download at:

<<http://www.cde.ca.gov/iasa/titleone/pi/supservapp.html>>

Please contact Jerry Cummings, Consultant, Title I Policy and Partnerships Office at (916) 319-0854 for additional information.

Sincerely,

SUE STICKEL

Deputy Superintendent, Curriculum and Instruction Branch

SS:lj:flh

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Supplemental Educational Services Provider

REQUEST FOR APPLICATION

**TITLE I PART A
SECTION 1116(e)**

**PREPARED BY THE
CALIFORNIA DEPARTMENT OF EDUCATION
SACRAMENTO, CALIFORNIA
MAY 2003**

DRAFT

Supplemental Educational Services Provider Request for Application

Instructions

Please submit the original completed application plus three copies to:

Title I Policy and Partnerships Office
California Department of Education
1430 N Street, 4th Floor, Suite 4309
Sacramento, California 95814
Attn: Supplemental Educational Services

Application to serve as a Supplemental Educational Services Provider (see Section 1116(e) of No Child Left Behind (NCLB)). Criteria for providers include the following:

- (a) Ensure that programs offered are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the assessment instruments required under ESEA Section 1111 and attain proficiency in meeting the State's academic achievement standards.
- (b) Ensure that supplemental educational services are coordinated with the student's school program.
- (c) Ensure that the instruction and content provided are aligned with state-adopted curriculum standards, instructional materials, and state and local assessments.
- (d) Ensure that all instruction and content are secular, neutral, and non-ideological.
- (e) Provide evidence of recent successful experience in improving student achievement. (If the student population served by the provider is composed in large part of English learners, the provider must demonstrate experience in improving the student achievement of English learners.)
- (f) Meet all applicable federal, state, and local health, safety, and civil rights laws.
- (g) Have a record or evidence of effectiveness in enhancing student achievement.
- (h) Have knowledge of the state-adopted curriculum standards, frameworks, and instructional materials.
- (i) Be capable of providing appropriate services to eligible students based on

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individual needs consistent with the instructional program of the LEA and the state-adopted standards, frameworks, and instructional materials.

(j) Be financially sound.

(k) Guarantee that all staff working with students and their parents undergo and pass background checks.

(l) Abide by the conditions of the contract with the LEA.

The application must include each of the parts described below. In order for the application to be considered, all parts must be received (you may use this page as a checklist to verify completion of all items.)

Application Cover

Please use the attached (page 4).

I. Provider Profile (page 8)

Please summarize your proposed services as a Supplemental Educational Services Provider on the attached Provider profile.

II. Professional Resumé (page 5)

Please submit a two- to three-page professional resumé of the program director (see page 5 for requirements).

III. Narrative Responses (page 6)

Please provide a written response to each of the eight items; please do not exceed a total of ten pages for Part III.

IV. Evidence of Financial Responsibility

Please provide a copy of a business license or other evidence of financial responsibility.

V. Assurances

Please read carefully, sign, and return (page 7).

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**SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER
APPLICATION**

Provider Information: Please type or write clearly.

Name: _____

Title/Position: _____

Company/Affiliation: _____

Preferred Address: _____

Work Phone () _____ **Home Phone:** () _____

Cell Phone () _____

Work Fax: () _____

E-mail Address: _____

Geographic areas (county, city, district) in California in which you will deliver services:

(Please check applicable box)

- For Profit Company Non-profit Organization School District Individual
 Faith Based Organization School

I certify that all the information contained within this application is true.

Signature of Authorized Agent

Date

The original completed application plus **three** copies must be mailed to:

Title I Policy and Partnerships Office
California Department of Education
1430 N Street, 4th Floor Suite 4309
Sacramento, California 95814
Attn: Supplemental Educational Services

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I. Provider Program Profile

- Complete the attached Provider Program Profile (page 8).

II. Professional Resumé

Please include a professional resumé not to exceed three pages that highlights experiences related to performing in the role of a provider for underperforming students.

The resumé is to be completed by the program director. Resumés for tutors may be requested at a later time. The California Department of Education reserves the right to verify the accuracy of any information provided in the resumé.

The resumé must include the six sections listed below and should not exceed three pages.

Categories of Information

1. Name and contact information
2. Academic Qualifications
3. Employment/Experience
4. Current Employment
5. Professional Development
6. Professional Affiliations

III. Narrative Responses

All applicants must respond to each of the eight items on page 6, which address the application evaluation criteria adopted by the California State Board of Education.

Each response should reflect the applicant's actual experience(s). Documentation of the school, district, or other setting in which the cited experiences occurred is essential. Also, at a minimum, school/district name(s), dates (months, year), applicant's role/capacity, etc., should be provided.

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Narrative:

Please address the following eight items in a narrative of no more than ten pages total:

1. Describe the program that will be offered.
2. Describe how the content is aligned with California's adopted academic content standards in English-language arts and mathematics.
3. Indicate the names of the individuals who will provide the instruction for the program, their qualifications, and the ongoing support they will receive.
4. Describe the research base that demonstrates that the proposed program is an effective method to increase student achievement.
5. Provide evidence of the program's demonstrated record of effectiveness. If available include data that supports student academic progress.
6. Describe how the program will be monitored for effectiveness.
7. Describe how the progress of students receiving supplemental educational services will be measured and what assessments will be used to determine their progress.
8. Describe how the school and parents will be notified of the student's progress (in their native language, if necessary.)

IV. Business License or Other Evidence of Ability to Enter into Contracts in California.

Applicants must submit a copy of the business license filed with the Secretary of State or other formal documentation of the individual's legal status with respect to conducting business in California.

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Part V: Assurances

Supplemental Educational Services Provider

The following assurances are required of all Supplemental Educational Services Providers.

As the duly authorized representative of this applicant, I certify compliance with all of the following assurances:

1. Provider will provide an instructional program that is supplemental to and aligned with the regular school program.
2. Provider agrees to provide, at a minimum, quarterly academic achievement progress reports to parents and students' home school district.
3. Provider will collaborate with the school to provide appropriate services for the student.
4. Provider will respect the confidentiality of student needs and progress and share this information only with parents and appropriate school personnel.
5. Provider will not disclose to the public the identity of any student who is eligible for or receiving supplemental educational services without the written permission of the student's parents.
6. Provider will make every effort to involve parents/guardians in developing the needs assessment for the student, developing a plan of services, and exchanging information on progress of the student.
7. Provider will provide a healthy, safe, and clean environment in which to tutor students.
8. Provider agrees to meet all applicable federal, state, and local health, safety, and civil rights law.
9. Provider will provide secular, neutral, and non-ideological instruction and content.
10. Provider has liability insurance. List company name and policy number or attach a copy of the policy cover page. _____
11. Provider will provide copies of background checks to school districts.
12. Provider agrees to abide by the conditions of the contract with the LEA including the fee that will be in compliance with Section 1116(e)(6)(A)(B) of the No Child Left Behind Act of 2001.

Signature of Service Representative

Date signed

Name of Agency

Position of Service Representative

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Provider Program Profile

Title of Organization:

Service Area: (Statewide, counties, city or school districts)

Description of Proposed Services

Subject areas provided:

Grade levels:

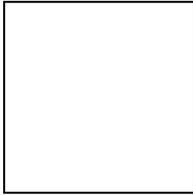
Number of students that can be served:

Time and place of services:

Mode of instructional delivery:

Instructional materials/resources to be used:

DRAFT Supplemental Educational Services Rubric



Proposal # _____
Reviewer: _____

OVERALL SCORING: _____ /40

Part II Application Narrative

Element I.	Program	10
points		

- ❖ Describe the program that will be offered. Be sure to include the following specifics:
 - Location of service delivery
 - Length of each tutoring session (i.e., everyday, biweekly, summer)
 - Grade Levels served
 - Special groups served, if applicable
 - Discuss the transportation arrangements, if applicable

- ❖ Indicate how the content of the program will be aligned with the state academic standards.

Level I 0-1 points	Level II 2-5 points	Level III 6-10 points
<ul style="list-style-type: none"> • The description fails to provide an adequate description of the program. • The description fails to demonstrate how the provider’s services are consistent with state academic standards. 	<ul style="list-style-type: none"> • The description addresses some of the areas listed above in the program description. • The description includes some information regarding the alignment of the supplemental services offered and state academic standards. 	<ul style="list-style-type: none"> • The description details clearly the instructional program offered by the provider. Addresses each of the areas listed above. • The description includes strong evidence that the program offered is consistent with the state academic standards.

Total points for element _____ /10

Comments:

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Element II.	Staff	10
points		

- ❖ Indicate who will be teaching in the program, their qualifications and the ongoing support that they will receive.

Level I 0-1 points	Level II 2-5 points	Level III 6-10 points
<ul style="list-style-type: none"> • The description does not address the qualifications of teachers or the ongoing support that will be given. 	<ul style="list-style-type: none"> • The description provides some description of the qualifications of teachers and the ongoing support that will be given. 	<ul style="list-style-type: none"> • Staff is identified and fully qualified. • There is a comprehensive plan in place for professional development and technical assistance.

Total points for element	/10	
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Comments:

Element III.	High Quality Research and Program Effectiveness	10
points		

- ❖ Describe the research that demonstrates that this is an effective method to increase student achievement.
- ❖ Provide evidence of the program’s effectiveness. If available, include data that supports student academic progress.

Level I 0-1 points	Level II 2-5 points	Level III 6-10 points
<ul style="list-style-type: none"> • The description fails to discuss the research that supports the effectiveness of the program. • The description fails to include evidence that the program has a record of effectiveness. 	<ul style="list-style-type: none"> • The description shows some evidence of the research that supports the effectiveness of the program. • The description shows some evidence that the program has a record of effectiveness. 	<ul style="list-style-type: none"> • The description cites research that fully supports that this method is effective. • The description provides strong evidence that the program has a record of effectiveness.

Total points for element	/10	
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Comments:

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Element IV.	Evaluation/ Monitoring	10
points		

- ❖ Describe how the program will be monitored for effectiveness.
- ❖ Delineate how the progress of students receiving supplemental educational services will be measured and which assessments will be used.
- ❖ Describe how the school and parents will be notified of the student’s progress (in their native language, if necessary).

Level I 0-1 points	Level II 2-5 points	Level III 6-10 points
<ul style="list-style-type: none"> • The description fails to discuss how the program will be evaluated. • The description does not address monitoring progress of each student receiving tutorial assistance. • The description does not adequately explain how parents and schools will be informed of a student’s progress. 	<ul style="list-style-type: none"> • The description provides some description of how the program will be evaluated. • The description shows limited method for monitoring progress of each student receiving tutorial assistance. • The description provides some explanation as to how parents and schools will be informed of a student’s progress. 	<ul style="list-style-type: none"> • The description clearly explains how the program will be consistently monitored for effectiveness • The description details how student progress will be monitored through assessments. • The description describes plan to thoroughly inform parents and schools of the student’s progress.

Total points for element	/10
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Comments:

1 (h) Have knowledge of the state-adopted content standards, frameworks, and instructional
2 materials.

3 (i) Be capable of providing appropriate services to eligible students based on individual
4 needs consistent with the instructional program of the LEA and the state-adopted standards,
5 frameworks, and instructional materials.

6 (j) Be financially sound.

7 (k) Guarantee that all staff working with students and their parents undergo and pass
8 background checks.

9 (l) Abide by the conditions of the contract with the LEA.

10 And, by the end of the second year of provisional approval, ninety-five percent of eligible
11 students receiving services have made increases in academic proficiency at a level articulated in
12 the supplemental educational services contract and as measured by the STAR.

13 NOTE: Authority cited: Reference:

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31 4/30/02

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: May 5, 2003

From: Sue Stickel, Deputy Superintendent

Re: ITEM #9

Subject SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS REQUIRED BY SECTION 1116(E) OF THE NO CHILD LEFT BEHIND (NCLB) ACT OF 2001, INCLUDING BUT NOT LIMITED TO PROPOSED REGULATIONS, ANNUAL NOTICE TO POTENTIAL PROVIDERS AND REVISED PROVIDERS APPLICATION

The attached items support the need for emergency regulations to define a “demonstrated record of effectiveness” for providers of supplemental educational services who are approved by the California State Board of Education.

Please insert the following attachments:

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

[Attachment II](#): Finding of Emergency (pages 1-2)

CALIFORNIA STATE BOARD OF EDUCATION

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



Attachment I
Page 1 of 4

TITLE 5. EDUCATION**CALIFORNIA STATE BOARD OF EDUCATION****NOTICE OF PROPOSED RULEMAKING****Supplemental Services**

[Notice published June 6, 2003]

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

PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Thursday, September 11, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Friday, July 25, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone : (916) 319-0641 FAX: (916) 319-0155
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Authority:

Reference:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Education proposes to add Section _____ to Title 5 of the California Code of Regulations. This section pertains to providers of supplemental educational services that are approved by the State Board of Education.

Title I of the 2001 reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) requires that certain local education agencies contract with providers of supplemental educational services from a list established by the State Education Agency (SEA.)

These services are primarily tutoring for eligible disadvantaged school children, occurring before or after school, or during inter-session periods. Parents may select a provider from the approved list.

Approved providers of supplemental educational services must have a "demonstrated record of effectiveness." STAR test data on student progress must be available as one factor for determining program effectiveness.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to the state: None

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

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

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or

(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The program regulations will not have an affect on small businesses because the regulations only apply to Local Education Agencies (LEAs).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the

State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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

CONTACT PERSONS

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

Jerry Cummings, Consultant
Specialized Programs Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
E-mail: jcumming@cde.ca.gov
Telephone: (916) 319-0381

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Debra Strain, Regulations Adoption Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0642.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the

proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

Finding of Emergency

The State Board finds that an emergency exists and that the foregoing regulation is necessary for the safety of California's public school children and to bring California into compliance with federal law.

Title I of the 2001 reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) requires that certain local education agencies contract with providers of supplemental educational services for eligible students. These services are primarily tutoring for eligible disadvantaged school children, occurring before or after school, or during inter-session periods. Parents may select a provider from an approved list. Providers must have a demonstrated record of effectiveness pursuant to 20 U.S.C. Section 6316 (e)(1).

In June 2002, the SBE began to approve providers on a monthly basis with the contingency that any provider appointed to the list would need to reapply in June 2003. STAR test data covering the period that providers offered services will not be available until August. Thus, the Board needs this regulation on an emergency basis to establish criteria for granting provisional approval to supplemental educational services providers by June 2003.

To ensure that the approved providers have a demonstrated record of effectiveness, including the provision of services in safe and secure environments, the regulation allows providers to be appointed to the list on a provisional basis, thus allowing time for STAR data to become available and the provider to demonstrate that the services provided meet the intended goals and are not injurious to the students served.

Authority and Reference

Authority: EC 33031

Reference: 20 United States Code 6316(e)(1)

Informative Digest

Existing federal law requires that the State Education Agency (SEA) establish a list of approved providers of supplemental educational services that have a "demonstrated record of effectiveness." Existing law provides that the State Board of Education is the authority to serve as the State Education Agency for federal programs (E.C. Section 12000)

Section 13075, Definition of a Demonstrated Record of Effectiveness

This regulation will establish a definition for a demonstrated record of effectiveness for providers of supplemental educational services. The effect of the regulation is to ensure that the safety of students who receive services is protected and that the state has the necessary test data for making a determination as to the efficacy of the services provided.

Mandate on Local Agencies or School Districts

State Board has determined that Section 13075 does not impose a mandate on local agencies or school districts.

Cost Estimate

State Board determined that the regulation will involve no costs or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the State. Federal funding may or may not be jeopardized if the State is unable to establish a list of supplemental educational service providers.

**MAY 2003 AGENDA**

SUBJECT	X	ACTION
Reading First Grant Approval	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Approve additional districts for Reading First subgrant awards.

Summary of Previous State Board of Education Discussion and Action

On November 13, 2002 the State Board of Education approved thirteen school districts for Reading First subgrants.

Summary of Key Issue(s)

The state plan for Reading First requires the State Board of Education to approve district applications for funding.

Fiscal Analysis (as appropriate)

Approximately \$60 million remains available for districts as Reading First subgrants.

Attachment(s)

Additional material will be provided in a supplemental mailing.

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: May 3, 2003

From: William W. Vasey, Director
Professional Development and Curriculum Support Division

Re: ITEM # 10

Subject READING FIRST GRANT APPROVAL

Attached is a list of 61 districts whose applications for Reading First funding have been recommended for approval.

Thirteen additional districts have been previously approved.

[Attachment](#)

Reading First Second Round Applications Submitted for Approval

Co Name	LEA
Alameda	Hayward Unified School District
Contra Costa	Mt. Diablo Unified School District
Contra Costa	Pittsburg Unified School District
Del Norte	Del Norte County Unified School District
Fresno	Fowler Unified School District
Fresno	Fresno Unified School District
Imperial	Seeley Union Elementary
Imperial	El Centro Elementary
Imperial	Meadows Union School District
Imperial	Calexico Unified School District
Kern	Lamont School District
Kern	Arvin Union School District
Kern	McFarland Unified School District
Lassen	Johnstonville Elementary School District
Los Angeles	South Whittier Elementary School District
Los Angeles	Glendale Unified School District
Los Angeles	Keppel Union School District
Los Angeles	Mountain View School Road
Los Angeles	Pomona Unified School District
Los Angeles	Hacienda La Puente Unified School District
Los Angeles	Long Beach Unified School District
Los Angeles	Whittier City School District
Merced	Le Grand Union Elementary School District
Merced	Winton Elementary School District
Merced	Atwater Elementary School District
Merced	Livingston Union School District
Merced	Merced City School District
Monterey	King City Union School District
Monterey	Salinas City Elementary School District
Orange	Newport-Mesa Unified School District
Orange	Anaheim City School
Orange	Santa Ana Unified School District
Orange	Orange Unified School District
Orange	Magnolia School District
Riverside	Palm Springs Unified School District
Riverside	San Jacinto Unified School District
Riverside	Perris Elementary School District
Sacramento	Elk Grove Unified School District
Sacramento	Del Paso Heights School District
Sacramento	San Juan Unified School District
San Bernardino	Fontana Unified School District
San Bernardino	Ontario-Montclair School District
San Bernardino	Rialto Unified School District
San Bernardino	San Bernardino City Unified School District
San Diego	Cajon Valley Union School District
San Diego	Chula Vista Elementary School District
San Diego	San Ysidro School District
San Francisco	San Francisco Unified School District

**Reading First Second Round
Applications Submitted for Approval**

Co Name	LEA
San Joaquin	Manteca Unified School District
San Joaquin	New Hope Elementary School District
San Mateo	East Palo Alto Charter School
Santa Barbara	Guadalupe Union School District
Santa Barbara	Santa Maria-Bonita School District
Santa Clara	Luther Burbank School District
Santa Clara	San Jose Unified School District
Siskiyou	Junction Elementary School District
Sonoma	Roseland School District
Stanislaus	Chatom Elementary School
Tulare	Dinuba Unified School District
Ventura	Santa Paula Elementary School District
Ventura	Oxnard School District



CALIFORNIA STATE BOARD OF EDUCATION ITEM # 11

MAY 2003 AGENDA

SUBJECT Review of the criteria for the selection of 2003-2004 School Assistance and Intervention Team (SAIT) Providers.		ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

None: Information only

Summary of Previous State Board of Education Discussion and Action

At the April 2002 State Board meeting, the members approved criteria for SAIT Providers that explicitly required organizations to have recent demonstrated, successful expertise in improving school achievement. CDE used the State Board-approved criteria as the basis for the application process. Sixty organizations submitted applications in July of 2002 and 27 applicants were able to demonstrate success in the 12 areas, and thus became approved SAIT Providers. Eleven of the approved providers are currently in the process of conducting Academic Audits for the 24 II/USP state-monitored schools.

Summary of Key Issue(s)

The purpose of this item is to begin discussion of the potential criteria that the state might use to select 2003 Approved SAIT Providers.

In April 2002, the SBE reviewed the following criteria and indicated that SAIT Providers should demonstrate recent success in improving school achievement and demonstrate recent successful expertise in the following areas:

- Knowledge of state-adopted content standards and assessments
- The teaching of standards-based reading, writing, language arts and mathematics for students by grade span
- Helping English Learners acquire full academic proficiency in English and meet grade-level standards in the context of state statutory requirements
- The use of STAR assessment information, as well as standardized, criterion-referenced and other assessments, to guide school planning
- Accelerated interventions for underperforming students and schools
- Classroom management and discipline
- Evaluation and research-based reform strategies
- Professional development that addresses standards-based instruction, focused on State Board-approved instructional materials that are in use at the school
- Re-allocating human and fiscal resources to accelerate the academic achievement of underperforming students

Summary of Key Issue(s)

- Effective school management and leadership for “turning around” underperforming schools
- Effective communication with parents, students, teachers, staff and administrators in underperforming schools
- Oral and written communication skills.

CDE staff will work with SBE liaisons to review the above criteria and make recommended revisions, if necessary, for action at the June State Board meeting.

Fiscal Analysis (as appropriate)

None

Attachment(s)

None



MAY 2003 AGENDA

SUBJECT	X	ACTION
Request to approve expenditure plan to support Immediate Intervention for Underperforming Schools Programs (II/USP)	X	INFORMATION
corrective actions in four non-Title 1 “state-monitored” schools.		PUBLIC HEARING

Recommendation:

The Department recommends approval of the expenditure plan.

Summary of Previous State Board of Education Discussion and Action

On March 12, the State Board approved the State Superintendent of Public Instruction’s recommendation to assign a School Assistance and Intervention Team (SAIT) to each of the 24 II/USP state-monitored schools.

Summary of Key Issue(s)

Four II/USP “state-monitored” schools are not eligible to receive federal funds. As noted in the 2002-03 State budget, Chapter 379, the funds appropriated in Schedule (4) shall, upon approval by the State Board of Education, be available to support schools working with School Assistance and Intervention Teams or schools subject to state or federal sanctions by the Superintendent of Public Instruction as part of the Immediate Intervention/Underperforming Schools Program or No Child Left Behind (P.L. 107-110).

Fiscal Analysis (as appropriate)

None

Attachment(s)

[Attachment I](#): II/USP Expenditure Plan for Non-Title I State-Monitored Schools

II/USP Expenditure Plan for Non-Title I State-Monitored Schools

Requirements	Formula	Costs
E.C. 52059, Section 5 (a) (1) and (2) (A) requires that each school that contracts with a SAIT team shall receive \$150 per student to improve student learning. Districts receiving funds are required to provide an in-kind match of services or funds in an amount equal to the amount received.	Four II/USP schools with 3,887 students @ \$150 per student (enrollment based on 2002 CBEDS)	\$583,050
TOTAL COSTS		\$583,050

Funding for non-Title I schools is appropriated by Schedule 4 of Item 6110-123-001 of Section 2.00 of the Budget Act of 2002.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 29, 2003

From: Wendy Harris

Re: ITEM # 12

Subject REQUEST TO APPROVE EXPENDITURE PLAN TO SUPPORT II/USP
CORRECTIVE ACTIONS IN FOUR NON-TITLE I “STATE-MONITORED”
SCHOOLS

Enclosed is a technical correction to [Attachment I](#) for the expenditure plan to support corrective actions in four Non-Title I “state-monitored” schools.



MAY 2003 AGENDA

SUBJECT High Priority Schools Grant Program – New Implementation Grant Awards	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

Approve applications for additional schools to participate in the High Priority Schools Grant Program (HPSGP)

Summary of Previous State Board of Education Discussion and Action

Beginning with its June 2002 meeting, the State Board of Education has approved 568 schools to participate in the High Priority Schools Grant Program.

Summary of Key Issue(s)

In September 2002, AB 425, the Budget Act of 2002, appropriated an additional \$20 million to allow more schools in the first decile of the 2001 Academic Performance Index (API) to participate in the High Priority Schools Grant Program. As a result, the base funding for the program increased from \$197 to \$217 million. However, in March 2003, the passage of SBX1 18 reduced the HPSGP appropriation by \$37.4 million. Based on this amount, the HPSGP Office calculated that additional schools can be added.

Selected schools were mailed letters on September 27, 2002 informing them of their eligibility and asking them to return Letters of Intent to apply by October 18, 2002. Upon receipt, schools were provided information to guide them through the application process and told that their narrative summaries and completed applications were due to the Department by February 10, 2003.

Applications received were subjected to a thorough review by program staff. Narratives were reviewed to insure they addressed the seven key elements needed for program approval. Budgets were inspected to ensure they were accurate and aligned with program objectives. Finally, staff completed a technical review of each application to ensure all required forms, signatures, and assurances are included.

Fiscal Analysis (as appropriate)

After the passage of SBX1 18 the appropriation for the High Priority Schools Grant Program is \$179. 6 million.

Attachment(s)

None

Names of successful applicants will be recommended for approval and provided to the Board through the supplemental mailing for its May meeting.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 29, 2003

From: Sue Stickel, Deputy Superintendent

Re: ITEM # 13

Subject HIGH PRIORITY SCHOOLS GRANT PROGRAM – NEW
IMPLEMENTATION GRANT AWARDS

The Board is being requested to approve funding not to exceed \$18.7 million for an estimated 55 new schools to be added to the High Priority Schools Program in 2002-03. The schools included on the attached list have submitted applications that were approved by Department staff and are being recommended for funding. Additionally, each school has agreed to the following conditions:

- Schools will receive \$400 per student (prorated at 80% pursuant to SBX1 18) for fiscal year 2002-03. SBX1 18 reduced funding for the Immediate Intervention/Underperforming Schools Program and the High Priority Schools Grant Program by 20% for fiscal year 2002-03. The remaining 20% will be funded in fiscal year 2003-04.
- Funds allocated in fiscal year 2002-03 may be carried over into 2003-04.
- Schools agreeing to accept these funds will be subject to the same accountability and timeline standards as schools that received their funding earlier in 2002-03. In other words, even though schools may not receive funding to implement their action plans until June, they will still be held accountable for making API growth targets and/or significant growth this year. In addition, as required at statute, these schools will also be required to submit an evaluation, due on November 30, 2003.

The schools on the attached list were identified as eligible to participate in the High Priority Schools Grant Program based on their rank on the Academic Performance Index (API). Using the approved process of funding schools in decile 1 beginning with the lowest API score upward, new schools were recommended based on the amount of funding available.

Please note that the attached list contains two sets of schools. The first contains 52 schools having API scores between 501 and 521. Funding them will require \$17.4 million. The second set lists five schools that all have API scores of 522. Funding all five would require an additional \$1.7 million, which is more than the \$18.7 million that is available.

All eligible districts were emailed letters outlining the above listed conditions of receipt of funding and asked to verify in writing if they accepted them and wished to participate in the program. At the time of this writing, not all districts have had the opportunity to respond to the Department's email. If a district decides not to participate in the program, it will be removed from the attached list, and program staff will identify the next eligible school on the list and recommend it to the Board at its May 7 meeting. If all districts decide to participate, the CDE will make a recommendation to the board at its meeting as to how many and which of the five schools that have API scores of 522 can be funded.

CDE Funding Recommendations for Additional High Priority Schools for Fiscal Year 2002-03

Attachment 1

C	D	S	County	District	School	Status	Funding
01	61259	6002034	Alameda	Oakland Unified	Longfellow	Approve	\$63,800
07	61796	6004824	Contra Costa	West Contra Costa	Lake	Approve	\$182,000
07	61796	6004600	Contra Costa	West Contra Costa	Bayview	Approve	\$265,200
10	62125	6005961	Fresno	Coaling/Huron Unified	Huron	Approve	\$284,000
15	63313	6008817	Kern	Arvin Union Elem	Haven Drive	Approve	\$336,800
15	63404	6009377	Kern	Delano Union Elem	Fremont	Approve	\$316,000
15	63842	6010250	Kern	Wasco Union Elem	Palm Avenue	Approve	\$179,200
15	63313	6110464	Kern	Arvin Union Elem	Bear Mountain	Approve	\$360,000
19	64733	6017511	Los Angeles	Los Angeles Unified	Hawaiian Avenue	Approve	\$540,000
19	64733	6019335	Los Angeles	Los Angeles Unified	State Street	Approve	\$650,000
19	64733	6104822	Los Angeles	Los Angeles Unified	Sunrise	Approve	\$265,200
19	64733	6017875	Los Angeles	Los Angeles Unified	Lillian Street	Approve	\$282,400
19	64808	6058416	Los Angeles	Montebello Unified	Eastmont	Approve	\$658,000
19	64733	6019160	Los Angeles	Los Angeles Unified	Shenandoah Street	Approve	\$336,000
19	64873	6114615	Los Angeles	Paramount Unified	Orange Avenue	Approve	\$456,800
19	64725	6113146	Los Angeles	Long Beach Unified	Constellation Community	Approve	\$69,200
19	64733	6019095	Los Angeles	Los Angeles Unified	Second Street	Approve	\$283,200
19	73437	6023774	Los Angeles	Compton Unified	Lincoln	Approve	\$153,600
19	64469	6012934	Los Angeles	Duarte Unified	Maxwell	Approve	\$244,000
19	64733	6058192	Los Angeles	Los Angeles Unified	Nightingale (Florence)	Approve	\$786,800
19	64733	6018998	Los Angeles	Los Angeles Unified	Rowan Avenue	Approve	\$553,200
19	64501	6013189	Los Angeles	El Monte City Elem	Shirpser	Approve	\$318,800
19	64733	6058184	Los Angeles	Los Angeles Unified	Mullholland (William)	Approve	\$346,800
19	64295	6057491	Los Angeles	Bassett Unified	Torch	Approve	\$338,400
19	64733	6018378	Los Angeles	Los Angeles Unified	Ninety-Sixth Street	Approve	\$382,000
19	64816	6020697	Los Angeles	Mountain View Elem	Baker	Approve	\$444,000
19	64733	6017941	Los Angeles	Los Angeles Unified	Lorena Street	Approve	\$346,400
19	73445	6014377	Los Angeles	Hacienda La Puente	Sparks Middle	Approve	\$396,400
19	64733	6015804	Los Angeles	Los Angeles Unified	Angeles Mesa	Approve	\$142,000
19	64733	6016141	Los Angeles	Los Angeles Unified	Brooklyn Avenue	Approve	\$276,400
19	64733	6016299	Los Angeles	Los Angeles Unified	Canoga Park	Approve	\$547,200
19	64733	6110977	Los Angeles	Los Angeles Unified	Walnut Park	Approve	\$554,400
19	64733	6018816	Los Angeles	Los Angeles Unified	Queen Anne Place	Approve	\$213,200
20	65243	6024012	Madera	Madera Unified	La Vina	Approve	\$130,400
24	65631	6025324	Merced	Atwater Elem	Bellevue	Approve	\$250,400
27	66050	6106777	Monterey	King City Union Elem	Del Rey	Approve	\$384,400
27	66159	6110753	Monterey	Salinas Union High	Harden	Approve	\$560,000
27	66159	2730166	Monterey	Salinas Union High	Alvarez (Everett)	Approve	\$834,400
30	66670	6113377	Orange	Santa Ana Unified	King (Martin Luther Jr.)	Approve	\$432,400
30	66423	6027221	Orange	Anaheim Elem	Lincoln	Approve	\$175,800
33	73676	6031710	Riverside	Coachella Valley Unified	Peter Pendleton	Approve	\$271,200
33	67124	6032338	Riverside	Moreno Valley Unified	Sunnymead Elem	Approve	\$143,600

CDE Funding Recommendations for Additional High Priority Schools for Fiscal Year 2002-03

C	D	S	County	District	School	Status	Funding
33	73676	6032379	Riverside	Coachella Valley Unified	Sea View	Approve	\$98,400
36	67876	6036842	San Bernardino	San Bernardino City Unified	Cypress Elem	Approve	\$306,800
36	67876	6037105	San Bernardino	San Bernardino City Unified	Rio Vista Elem	Approve	\$134,200
36	67710	6035844	San Bernardin	Fontana Unified	Oleander	Approve	\$436,400
36	67876	6036834	San Bernardino	San Bernardino City Unified	Cole Elem	Approve	\$112,000
36	67710	6114052	San Bernardin	Fontana Unified	Date	Approve	\$298,000
37	68338	6061980	San Diego	San Diego City Unified	Wilson	Approve	\$584,000
39	68585	6097760	San Joaquin	Lodi Unified	Heritage	Approve	\$189,000
41	69005	6044598	San Mateo	Redwood City Elem	Taft	Approve	\$246,400
54	72256	6054639	Tulare	Visalia Unified	Ivanhoe	Approve	\$232,000

\$17,391,200

19	64733	6015978	Los Angeles	Los Angeles Unified	Beachy Avenue	Approve	\$243,600
19	64733	6017446	Los Angeles	Los Angeles Unified	Hammel Street	Approve	\$422,800
19	64733	6018436	Los Angeles	Los Angeles Unified	Norwood Street	Approve	\$452,800
19	64907	6108914	Los Angeles	Pomona Unified	Vejar	Approve	\$316,000
34	67363	6059265	Sacramento	Grant Jt. Union High	Rio Tierra	Approve	\$270,400

\$1,705,600

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: May 6, 2003

From: Sue Stickel, Deputy Superintendent

Re: ITEM # 13

Subject HIGH PRIORITY SCHOOLS GRANT PROGRAM – NEW
IMPLEMENTATION GRANT AWARDS

The green Supplemental Memorandum for Item 13 identified two lists of schools as eligible to participate in the High Priority Schools Grant Program (HPSGP). The first list consisted of 52 schools with API scores between 501 and 521. Funding them will require \$17.4 million. The second list identified five schools with identical API scores of 522. Funding all five would require an additional \$1.7 million, which is more than the \$18.7 million available to fund new HPSGP schools.

Staff contacted all 57 schools with API scores of 522 and below to ensure that they agreed to the conditions specified by the grant and that they still wished to participate in HPSGP. All 57 schools affirmed their commitment to the program. Unable to fund all of the five schools with API scores of 522, staff subsequently ranked the schools based on the amount of progress each made with respect to its schoolwide API growth from October 2001 to October 2002 (see chart below).

In keeping with the spirit of the legislation, which places lowest performing schools in highest need, staff recommends funding Vejar Elementary, Rio Tierra Junior High, Beachy Avenue Elementary, and Norwood Street Elementary -- the four schools demonstrating the least significant API growth from 2001-2002.

The total to fund all 56 schools is \$18,674,000, which does not exceed \$18.7 million.

CDS	COUNTY	DISTRICT	SCHOOL	API01g (Oct 2001)	API02g (Oct 2002)
19649076108914	Los Angeles	Pomona Unified	Vejar Elementary	522	520
34673636059265	Sacramento	Grant Joint Union High	Rio Tierra Junior High	522	554
19647336015978	Los Angeles	Los Angeles Unified	Beachy Avenue Elementary	522	575
19647336018436	Los Angeles	Los Angeles Unified	Norwood Street Elementary	522	578
19647336017446	Los Angeles	Los Angeles Unified	Hammel Street Elementary	522	581

If additional state funds become available the Department will recommend approval of additional schools by continuing upward on the API list, starting with Hammel Street Elementary School.



MAY 2003 AGENDA

SUBJECT Review of entry requirements for alternative schools participating in the Alternative Schools Accountability Model (ASAM).		ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Review recommendations of the Superintendent’s Advisory Committee for the Public Schools Accountability Act relating to criteria for alternative schools participating in the Alternative Schools Accountability Model.

Summary of Previous State Board of Education Discussion and Action

Members of the State Board have requested that the criteria for alternative schools participating in the Alternative Schools Accountability Model (ASAM) be reviewed and made more rigorous. The Superintendent’s Advisory Committee for the Public Schools Accountability Act (PSAA) will review the criteria and develop recommendations at its meeting on April 24, 2003 for presentation as information to the Board in May.

Summary of Key Issue(s)

Several types of alternative schools that are defined in law participate in the ASAM. These include Community Day Schools, Continuation Schools, Opportunity Schools, Juvenile Court Schools, County Community Schools, and California Youth Authority (CYA) Schools. Approximately 170 “other alternative schools,” including 33 charter schools, also participate. For districts and county offices of education that have “other alternative schools” participating in the ASAM, the Superintendent and Local Governing Board Chairperson must both certify that the purpose of the school is to serve students with specified characteristics, and that these students currently make up a majority of the student population. These student characteristics include “classified as being at high risk for behavioral or educational failure.”

Questions have been raised about the appropriateness of the ASAM for certain “other alternative schools.” Stated another way, questions have been raised as to whether the criteria that those schools have had to meet in order to participate in the ASAM have been sufficiently well-defined and rigorous.

Fiscal Analysis (as appropriate)

None

Attachment(s)

Additional materials will be provided in the supplemental agenda.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 25, 2003

From: Susan M. Bennett

Re: ITEM # 14

Subject Review of Entry Requirements for Alternative Schools Participating in the Alternative Schools Accountability Model

[Attachment I](#): Reconsideration of Entry Requirements for Alternative Schools Participating in the Alternative Schools Accountability Model (Pages 1-3)

Members of the State Board have requested that the criteria for alternative schools participating in the Alternative Schools Accountability Model (ASAM) be reviewed and made more rigorous. The Superintendent's Advisory Committee for the Public Schools Accountability Act (PSAA) has reviewed the criteria and developed recommendations for Board information.

Reconsideration of Entry Requirements for Alternative Schools Participating in the Alternative Schools Accountability Model

Background. The Alternative Schools Accountability Model (ASAM) is a multiple-indicator system. By design, schools participating in the ASAM are held accountable not only for performance on the STAR Indicator/Academic Performance Index (API), but also for performance on several additional performance indicators. ASAM schools select the additional indicators appropriate to the student populations they serve from a list of 15 indicators approved by the State Board of Education (State Board). These additional indicators include, for example, measures of attendance, credits completed, courses completed, suspension, and – beginning in 2003-2004 – pre-post tests of achievement.

Under the requirements of the federal No Child Left Behind (NCLB) Act the ASAM schools, like all other schools, will be held accountable for adequate yearly progress (AYP) based on the percent of students who are proficient in reading and in mathematics. (See attached chart for a comparison of accountability as provided under NCLB for schools that are held accountable through the ASAM and for non-ASAM schools.)

A variety of schools serving high-risk students, including Community Day Schools, Continuation Schools, Opportunity Schools, Juvenile Court Schools, County Community Schools, and California Youth Authority (CYA) Schools are eligible to participate in the ASAM as it was established with State Board approval in 2000. These types of schools are all defined by the California Education Code. The Public Schools Accountability Act (PSAA) also specified that other “alternative schools” would be eligible to participate in the ASAM. The PSAA Committee recommended, and the State Board approved, participation of alternative schools in the ASAM if their school principal, district superintendent and local board president certified that they served a majority of students characterized by one or more of the following¹:

- classified as being at high risk for behavioral or educational failure,
- expelled or under disciplinary sanction,
- wards of the court
- pregnant and/or parenting,
- recovered dropouts.

The first of these criteria – high risk for behavioral or educational failure – has been further defined as follows:

“This refers to the characteristics of students served by Continuation Schools, Opportunity Schools, Community Day Schools, and County Court and Community Schools as distinguished from students served by low-performing schools.”

¹ The school principal, district superintendent and local board president must also certify that the school serves a majority of students that meet these criteria.

Questions have recently been raised about the appropriateness of the ASAM for certain of the “other alternative schools.” The concern is whether the criteria that “other alternative schools” have had to meet in order to participate in the ASAM have been sufficiently well defined and rigorous.

To address these concerns, the Subcommittee on Alternative Accountability considered the option of limiting participation in ASAM to only the following types of schools: Continuation Schools, Opportunity Schools, Community Day Schools, Juvenile Court Schools, County Community Schools, and CYA Schools. These specific types of alternative schools, their mission, and the student populations involved are defined by Education Code (“defined alternative schools”). The Subcommittee rejected this option because it would exclude “other alternative schools” that serve the same types of students that are served in the “defined alternative schools.”

The Subcommittee instead recommended revised entry requirements for “other alternative schools” to participate in the ASAM, as described below. The full Superintendent’s Advisory Committee on the PSAA unanimously concurred in this recommendation.

Recommendation for the State Board to Consider: Allow “other alternative schools” to participate in the ASAM if they meet the following two conditions:

1) Their specific mission is to serve high-risk student populations, defined as students who are or were²:

- expelled, suspended, or under disciplinary sanction,
- wards of the court,
- pregnant and/or parenting,
- recovered dropouts or at risk of dropping out,
- habitually truant or referred by a school attendance board (SARB) or other district-level referral process,
- one or more semesters behind in credits, or have been retained, or
- probation-referred.

2) Require that 70 percent (rather than a majority) of students meet these criteria.

These requirements would exclude those “other alternative schools” that couldn’t meet the newly tightened criteria, but would allow “other alternative schools” that serve the same types of students that are served in the “defined alternative schools” to participate in the ASAM.

² Notes that some of these criteria will require more explicit definitions. For example, “dropout” is defined for purposes of the California Basic Educational Data Systems (CBEDS) as a student who has left school for 45 consecutive days.

Comparison of Accountability Requirements for ASAM Schools and Schools Non-ASAM Schools		
School Size	ASAM Schools	Non-ASAM Schools
Schools of Sufficient Size for CDE to Determine AYP¹	AYP API and ASAM Indicator data	AYP API
Schools Too Small for CDE to Determine AYP²	API ^{*3} Test results incorporated into district AYP and CDE provides technical support for district to determine school-level AYP using ASAM Indicator data	API ^{*3} Test results incorporated into district AYP and CDE provides technical support for district to determine school-level AYP
Schools Too Small for CDE to Determine AYP or Report API⁴	Test results incorporated into district AYP and CDE provides technical support for district to determine school-level AYP using ASAM Indicator data ⁵	Test results incorporated into district AYP and CDE provides technical support for district to determine school-level AYP ⁵

¹ Following California's *Accountability Workbook* proposal, the school must have at least 100 valid test scores from 100 or more students eligible for testing to meet annual measurable objectives in mathematics and English language arts.

² The school had fewer than 100 valid test scores for purposes of determining AYP, but for purposes of calculating an API it had more than 10 valid test scores and tested 85 percent of the eligible students in each content area.

³ API* published for disclosure purpose only.

⁴ The school had less than 11 valid test scores.

⁵ Data may need to be rolled up for two or three years.



MAY 2003 AGENDA

SUBJECT: Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not Limited to, Update on AB 466 Training and Approved Providers and Provider Evaluations in 2003-04.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Hear an update on AB 466 training and approved providers. Take action as deemed necessary and appropriate including any action necessary to continue provider evaluations in 2003-04.

Summary of Previous State Board of Education Discussion and Action.

At the February 2002 meeting, the Board approved criteria for the approval of training providers and training curricula. The State Board has approved AB 466 training providers and training curricula at numerous meeting meetings.

Summary of Key Issue(s).

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the State Board approved criteria and been approved by the State Board, local education agencies may contract with the approved providers for AB 466 professional development.

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

None

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111
P.O. Box 944272
Sacramento, CA 94244-2720
916-319-0827



May 6, 2003

TO: Members, State Board of Education

FR: Deborah Franklin, Education Policy Consultant

RE: Item 15: Implementation of AB 466 Mathematics and Reading Professional Development Program

At the March 2002 meeting, the Board authorized the Board President to enter into an agreement on behalf of the State Board with a local education agency (or agencies) to review provider applications and make recommendations to the State Board regarding approval of professional development providers and training curricula using the funds specifically appropriated for that purpose. The contract scope of work included the creation of an archive of approved training curricula to be used as a model for LEAs and other organizations developing training programs.

A contract was let with the Sacramento County Office of Education and Orange County Department of Education for this work through June 30, 2003. The Board has approved AB 466 providers and training curricula based on the review panels' recommendations. These approved training curricula are archived. The contract for creating the model training curricula archive and review of AB 466 provider applications will expire on June 30, 2003.

State Board Staff Recommendation

To facilitate the creation of the model training curricula archive and Board approval of additional AB 466 providers and training curricula, Board staff recommends extending the current contract through June 15, 2004. Board staff further recommends that the Board authorize the Executive Director to approve the contract extension on behalf of the Board.



MAY 2003 AGENDA

SUBJECT Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under The Principal Training Program (AB 75)	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education requests State Board of Education approval of LEAs and Consortia members who have submitted applications for funding under The Principal Training Program (AB 75).

The California Department of Education staff recommends that the State Board of Education approve the attached list of LEAs and Consortia applications by name only. Administration of funding is dependent upon further information to be provided by LEAs , such as names of administrator participants, and number of hours in actual training. It is feasible that initial award requests will be amended throughout the three-year funding period.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education approved criteria and requirements for Principal Training Program applications at the February 6-7, 2002 meeting.

Summary of Key Issue(s)

The Principal Training Program requires the State Board of Education to approve all program applicants.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

[ATTACHMENT 1](#) – Local Educational Agencies Recommended for State Board of Education Approval

[ATTACHMENT 2](#) – Consortia Members Recommended for State Board of Education Approval

ATTACHMENT 1

**PRINCIPAL TRAINING PROGRAM
Local Educational Agencies Recommended
For
State Board of Education Approval
May 2003**

Applications received during the month of March 2003

LOCAL EDUCATIONAL AGENCIES	Total Number of Administrators	Total Amount of State Funding Requested
LOS ANGELES		
Lowell Joint Elementary	4	\$12,000.00
Lynwood Unified	35	\$105,000.00
SAN MATEO		
Belmont-redwood Shores Elementary	2	\$6,000.00
SONOMA		
Healdsburg Unified	8	\$24,000.00
STANISLAUS		
Empire Union Elementary	3	\$9,000.00
TOTAL	52	\$156,000.00

Total State Funds Requested for May LEA Approval: \$156,000.00

Total Number of LEAs Requested for May Approval: 4

Total Number of Approved Single LEAs to date: 323

Total State Funds Encumbered by Single LEAs to date: \$32,784,000.00

Total Number of Administrators Recommended for Program Participation in May: 52

Total Number of Administrators Approved to date for Program Participation: 10,182

**PRINCIPAL TRAINING PROGRAM
 Consortium Members Recommended
 for
 State Board of Education Approval
 May 2003**

CONSORTIA With RECOMMENDED MEMBERSHIP	Total Number of Administrators in Consortium	Total Amount of State Funding Requested
KERN COUNTY OFFICE OF EDUCATION Lakeside Union School District	101	\$303,000.00

Total Number of Consortia Participating in the Principal Training Program: 19

Total Number of New Consortia Recommended for May Approval: 0

Total Number of Single Local Educational Agencies Approved to Participate in a Consortium: 207

Total Number of New Consortia Members Recommended for May Approval: 1

State Funds Approved for Consortia: \$3,756,000.00

**MAY 2003 AGENDA**

SUBJECT	X	ACTION
Title 5 Regulations to Implement the Instructional Materials Funding Realignment Program	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Approve permanent regulations as amended on April 9, 2003.

Summary of Previous State Board of Education Discussion and Action

At the January 2003 meeting, the State Board adopted Emergency Regulations to implement the Instructional Materials Realignment Program (IMFRP). A public hearing was held on April 9, 2003. Written comments were received related to the Emergency Regulations which are summarized below. One change was made to the Emergency Regulations to reflect recently enacted legislation (Senate Bill X1-18) which added *Education Code* section 60423 to the IMFRP.

The revised regulations have been circulated for a 15 day comment period. Any comments received during this time will be presented to the Board at the May meeting along with the Final Statement of Reasons.

Summary of Key Issue(s)

The Initial Statement of Reasons summarized the key issues addressed in the proposed regulations.

Fiscal Analysis (as appropriate)

Funding for the Instructional Materials Realignment Program is subject to annual appropriation in the state Budget Act.

Attachment(s)

[Attachment I:](#) Summary and Response to Comments Received During the Initial Notice Period of January 31, 2003, through April 9, 2003 (1 page)

[Attachment II:](#) Updated Information Digest (1 page)

[Attachment III:](#) Revised Title 5 Regulations (4 pages)

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JANUARY 31, 2003 THROUGH APRIL 9, 2003

Comment No. 1: Received from Karen Stapf Waters and Brett McFadden, of the Association of California School Administrators, and Rachel Jordan and Cara Lambirth of Palo Alto Unified School District. Both groups stated that materials adopted under AB2519 in mathematics and reading/language arts should qualify as standards-aligned for the purposes of the Instructional Materials Funding Realignment Program (IMFRP).

Response: Senate Bill X1-18, which was enacted on March 18, 2003, added *Education Code* section 60423 to the IMFRP. This section allows districts to use the materials adopted under AB2519 to meet the requirements of the IMFRP for the 2002-03 and 2003-04 school year. The emergency regulations were revised to reflect this change in law.

Comment No. 2: ACSA also suggested that paragraph (e) provide thirty percent of the IMFRP for flexibility instead of the \$9.00 in the emergency regulations.

Response: The Board set the amount at \$9.00 as a reasonable amount for other authorized purposes under *Education Code* section 60242. A percentage would fluctuate with the changes in annual allocations, while a set dollar amount would provide a stable amount for district use.

Comment No. 3: Rachel Jordan and Cara Lambirth of Palo Alto Unified School District also referred to the statutory requirement in *Education Code* section 60422 that materials for grades K-8 be provided to pupils within 24 months of the state adoption as being a financial burden on districts.

Response: Since this requirement is in statute, it cannot be changed by regulation.

UPDATED INFORMATION DIGEST

The Board proposes to adopt Sections 9531 and 9532 in Title 5 of the California Code of Regulations (CCR). These sections concern the implementation of the Instructional Materials Funding Realignment program for school districts and charter schools, grades K-12.

The purpose of the regulations is to establish the expenditure percentages and priorities for the use of state instructional materials funds for grades K-12, as well as, to clarify and define the procedures for new school districts, charter schools and expanding grade levels.

Education Code Section 60422 provides that districts use instructional materials funding to provide each pupil, grades K-12, with a standards-aligned textbook or basic instructional materials aligned to the state content standards in history-social science, mathematics, reading/language arts and science no later than 24 months after those materials are adopted by the State Board, for grades K-8. It also provides that after a district certifies compliance with these requirements and with the requirements of Section 60119, the district may use instructional materials funds for other purposes consistent with Section 60242.

Education Code Section 60421 also provides for estimation of enrollment for the purposes of receiving instructional materials funds for new school districts, new charter schools, or expanding grade levels.

Section 9531 specifies the expenditure priorities and percentages of the instructional materials fund that may be used for specified purposes.

Section 9532 clarifies the procedures for estimation of enrollment for new school districts, new charter schools, or expanding grade levels.

Title 5. EDUCATION
Division 1. State Department of Education
Chapter 9. Instructional Materials

Add Article 2.3 and Sections 9531 and 9532 to read:

ARTICLE 2.3. INSTRUCTIONAL MATERIALS FUNDING

§ 9531. Instructional Materials Funding Realignment Program: Expenditure Policy Percentages and 24 Month Purchasing Requirement.

(a) As much of the allocation, as is necessary, from the Instructional Materials Funding Realignment Program (IMFRP) annual appropriation to local education agencies must be spent to purchase textbooks or basic instructional materials adopted subsequent to the adoption of content standards (Education Code section 60605) for each pupil, in reading language arts, mathematics, history-social science, and science.

(1) For kindergarten and grades 1 to 8 this shall be textbooks or basic instructional materials adopted by the State Board of Education (SBE) pursuant to Education Code section 60200 inclusive. For grades 9 to 12, this shall be textbooks or instructional materials adopted by the local governing board pursuant to Education Code section 60400 following receipt of the standards maps submitted by publishers in accordance with Education Code section 60451.

(2) Textbooks or instructional materials must be purchased that are consistent with the content and cycles of the curriculum frameworks as required by Education Code section 60119.

(3) To ensure compliance with Education Code section 60119, first priority shall be for the purchase of textbooks or instructional materials after the adoption of the *K-12 Reading Language Arts Curriculum Framework* (December 1998), and the *K-12 Mathematics Curriculum Framework* (December 1998). For purposes of K-8 instructional materials, only mathematics materials adopted in or after 2001 and reading/language arts/English language development materials adopted in or after 2002 meet the requirements of this paragraph, **except as provided in Education Code section 60423.**

(4) Second priority shall be for the purchase of K-8 SBE adopted textbooks or basic instructional materials in history-social science (1999) and science (2000), or 9-12 textbooks or instructional materials adopted locally after the completion of the *K-12 History-Social Curriculum Framework* (October 2000) and the *K-12 Science Curriculum Framework* (February 2002).

(b) Upon certification by the local governing board that each pupil has been provided with a standards-aligned textbook or basic instructional materials in the four core curriculum areas, up to 100 percent of the annual IMFRP funds may be spent to purchase other instructional materials adopted by the SBE pursuant to Education Code section 60200 for kindergarten and grades 1 to 8,

inclusive, or by the governing board pursuant to Education Code section 60400 for grades 9 to 12, as may be necessary to meet the requirements of Education Code section 60119 in all subjects which are consistent with the content and cycles of the curriculum frameworks.

(c) Upon determination through the annual local public hearing and approval of a resolution by the local governing board, pursuant to Education Code section 60119, that each K-12 pupil has, or will have prior to the end of that fiscal year, sufficient textbooks or instructional materials or both, or the local governing board has taken action to ensure sufficiency of textbooks or instructional materials or both within a two-year period as required, and also that pursuant to Education Code section 60422(a), the local governing board has provided each K-12 pupil with standards-aligned textbooks or basic instructional materials by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the SBE or, for grades 9-12, inclusive, were adopted by the local governing board, up to 100% of the remaining Instructional Materials Funding Realignment funds may be spent on any of the following:

(1) Instructional materials, including but not limited to supplementary instructional materials and technology-based materials, from any source and approved locally or by the state for legal and social compliance pursuant to Education Code sections 60040-60045 and 60048 and the SBE guidelines in *Standards for Evaluating Instructional Materials for Social Content* (revised 2000).

(2) To purchase tests.

(3) To bind basic textbooks that are otherwise useable and are on the most recent list of basic instructional materials adopted by the state board and made available pursuant to Education Code section 60200 or by the governing board pursuant to Education Code section 60400 for grades 9 to 12.

(4) To fund in-service training related to instructional materials.

(5) To purchase classroom library materials for kindergarten and grades 1 to 4 with the condition the school district has developed a district wide classroom library plan pursuant to Education Code section 60242 (d)(1), (2) and (3).

(d) For purposes of subdivision (c) and Education Code section 60422 (a), the reference to adoption of textbooks or basic instructional materials by the SBE shall refer to a primary adoption, which is the first adoption after the adoption of evaluation criteria by the SBE. A primary adoption is distinguished from a follow-up adoption, which is the second adoption of textbooks or basic instructional materials conducted by the SBE using the same evaluation criteria. Textbooks and basic instructional materials adopted in a follow-up adoption are added to the then-existing list of adopted textbooks and basic instructional materials for a subject area, and the period of adoption for those materials is the remaining time of the list for the primary adoption.

(e) Notwithstanding the provisions of subdivisions (a) and (b), in a fiscal year immediately following a primary adoption of textbooks and basic instructional materials in reading/language arts,

mathematics, history-social science, or science, a local education agency may use up to nine dollars (\$9.00) per student of a local agency's IMFRP allocation for that fiscal year generated by students in kindergarten through grade 8, and grades 9-12 inclusive, for the purposes specified in paragraphs (1) to (5), inclusive, of subdivision (c), provided the local governing board certifies by resolution adopted at a duly noticed public meeting a decision to pilot (i.e. evaluate in actual classroom application), during that fiscal year immediately following the primary adoption, one or more of the textbooks or basic instructional materials adopted by the SBE in that primary adoption. The local governing board certification must be made after the SBE concludes the primary adoption and before the commencement of the fiscal year immediately following that primary adoption.

NOTE: Authority cited: Sections 33031 and 60005, Education Code. Reference: Sections 60242, 60242.5, 60421, and 60422, and 60423.

§ 9532. School District or Charter School in its First Year of Operation or of Expanding Grade Levels at a School Site.

(a)(1) In order to be eligible to receive funding pursuant to Education Code section 60421 and consistent with Education Code section 47652, in the current fiscal year, a charter school in its first year of operation must commence operation on or before September 30 of that fiscal year. A charter school in its first year of operation that begins operations after September 30 of the current fiscal year shall not be eligible to receive instructional materials funding until the following fiscal year.

(2) For the purposes of this section and Education Code section 60421, "operation" shall be defined as providing instruction to pupils enrolled in the charter school.

(3) For purposes of receiving funding pursuant to Education Code section 60421, and consistent with Education Code section 35534, except as provided in Education Code sections 35535 and 35536, the first year of operation of a school district shall be July 1 of the calendar year following the calendar year in which the school district reorganization action is completed.

(b)(1) For the purposes of Education Code section 60421, "expanding grade levels" shall be defined as additional grades in the current fiscal year that did not exist as a school site of the school district or charter school in the prior fiscal year. For charter schools that operate multiple sites, expanding grade levels shall also only include any additional grades that did not exist in the prior fiscal year when considering all of the individual or satellite sites of the charter school in aggregate. If any one site of a charter school with multiple sites provides instruction to pupils in a particular grade level, then that grade level shall not be included in expanding grade levels.

(2) In order to receive funding pursuant to Education Code section 60421, the provision of instruction to pupils enrolled in the expanding grade levels at a school site of the school district or charter school shall commence on or before September 30 of the current fiscal year. A school site of the school district or charter school that commences instruction in its expanding grade levels after September 30 of the current fiscal year shall not be eligible to receive funding until the following fiscal year.

(c) For the purposes of this section and Education Code section 60421, "school site" shall be defined as a school with a separate County/District/School (CDS) code, as maintained by the

Superintendent of Public Instruction as of September 30 of the current fiscal year. Charter schools operating multiple school sites under one charter number provided by the SBE and one CDS code shall be considered one school site.

(d) A school district or charter school in its first year of operation or of expanding grade levels at a school site shall provide enrollment estimates to the California Department of Education by September 30 of the current fiscal year in order for the school district or charter school to receive funding in that fiscal year. The enrollment estimates shall be certified by the school district governing board or the charter school's charter-granting local educational agency (LEA), as appropriate, and the county office of education in which the school district or charter school's charter granting LEA is located. These enrollment estimates and the associated funding shall be adjusted for actual enrollment as reported by the California Basic Education Data System for the current fiscal year.

NOTE: Authority cited: Sections 33031 and 60005, Education Code. Reference: Sections 47652 and 60421, Education Code.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 29, 2003

From: Suzanne Rios, Administrator
Curriculum Frameworks and Instructional Resources Division

Re: ITEM # 17

Subject: TITLE 5 REGULATIONS TO IMPLEMENT THE INSTRUCTIONAL
MATERIALS FUNDING REALIGNMENT PROGRAM

Please insert the following attachment to Item # 17.

[Attachment 1: Final Statement of Reasons](#)

RECOMMENDATION:

1. Approve Final Statement of Reasons

SUMMARY:

At the April 2003 Board Meeting, the emergency regulations were amended to reflect the addition of *Education Code* Section 60423 to the Instructional Materials Funding Realignment Program. An additional 15 day public comment period was held to receive comments on this change. If any comments that are received by 5:00 p.m. on April 30, 2003, they will be included in a last minute memorandum to the Board.

The Final Statement of Reasons is attached. This document addresses the concerns that were expressed during the initial public comment period held January 31 – April 9, 2003. This document will be submitted with the final approved regulations.

**INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM
FINAL STATEMENT OF REASONS**

UPDATE OF INITIAL STATEMENT OF REASONS

SECTION 9531.

The emergency regulations did not allow instructional materials adopted under AB2519 in mathematics and reading/language arts to qualify as standards-aligned for the purposes of the Instructional Materials Funding Realignment Program (IMFRP). Two comments were received asking that these materials be included for the purpose of certifying that the district has provided standards-aligned materials to all pupils. Senate Bill X1-18, which was enacted on March 18, 2003, added *Education Code* section 60423 to the IMFRP. This section allows districts to use the materials adopted under AB2519 to meet the requirements of the IMFRP for the 2002-03 and 2003-04 school year. The emergency regulations were revised to reflect this change in law.

One comment referred to the amount of \$9.00 in paragraph (e) that is provided for flexibility and suggested that thirty percent be provided instead. The Board set the amount at \$9.00 as a reasonable amount for other authorized purposes under *Education Code* section 60242. A percentage would fluctuate with the changes in annual allocations, while a set dollar amount would provide a stable amount for district use.



MAY 2003 AGENDA

SUBJECT Approval of 2002-2003 Consolidated Applications.	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2002-2003 Consolidated Applications (ConApps) submitted by local educational agencies (LEAs).

Summary of Previous State Board of Education Discussion and Action

To date, the SBE has approved ConApps for 1,156 LEAs. This is the second year LEAs have completed, and submitted the ConApp via a software package downloaded from the Internet. This mechanism substantially decreased calculation errors and the time needed for review and approval.

Each year the CDE, in compliance with *California Code of Regulations*, Title 5, section 3920, recommends that SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs.

There are 16 state and federal programs that LEAs may apply for in the ConApp. Approximately, \$2.4 billion is distributed annually through the ConApp process. The state funding sources include: School Improvement Program, Economic Impact Aid (which is used for State Compensatory Education (SCE) and/or English Learners), Miller-Unruh, Tobacco Use Prevention Education, 10th Grade Counseling, Peer Assistance Review, and School Safety (AB 1113). The federal funding sources include: Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

Summary of Key Issue(s)

ConApps are presented to SBE for approval after they have been reviewed. CDE recommendation is based upon application completeness and the status of outstanding compliance issues.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

[Attachment 1](#): List of Consolidated Applications Recommended for Approval (Page 1-1)

List of Consolidated Applications Recommended for Approval

CDS Code	Local Educational Agency Name
37 68338 0000000	San Diego City Unified School District

Number of LEAs Recommended for Approval: 1



CALIFORNIA STATE BOARD OF EDUCATION Item 19

MAY 2003 AGENDA

SUBJECT California K-12 Education Technology Master Plan	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

Approve the Commission on Technology in Learning’s *California K-12 Education Technology Master Plan* as the State Master Plan for Education Technology.

Summary of Previous State Board of Education Discussion and Action

The *California K-12 Education Technology Master Plan* was presented for information only at the February 2003 Board meeting

Summary of Key Issue(s)

The Commission on Technology in Learning (CTL) was established by AB 598 (Soto) as an advisory body to the State Board and developed the attached document prior to sunset on January 1, 2003.

The *California K-12 Education Technology Master Plan* is presented for Board approval. The Department recommends the Board:

- Approve this document as the State’s Master Plan for Education Technology, replacing the 1996 California Education Technology Master Plan titled, *Connect, Compute and Compete*, as California’s vision for education technology. After approval, CDE will post the document on the department’s website.
- Consider slightly modifying Recommended Action #7 to state, “The State should **consider developing** information and technology literacy standards for all students at every grade level, and as an interim step, may consider the adoption of the International Society for Technology in Education (ISTE) Nation Education technology Standards (NETS)”. This modified recommendation appears to be more consistent with the Board’s position that technology is an instructional tool, but not a content area, which would require standards.

Summary of Key Issue(s)

The purpose of the Master Plan is to provide a vision for the state on how to effectively use and support education technology to improve student achievement of the Academic Content Standards. The Master Plan sets state-level goals and benchmarks for education technology integration by the year 2008 and includes 25 recommended actions that support technology use goals in three areas: 1) Curriculum, Instruction, and Assessment; 2) Professional Development; and 3) Infrastructure.

As a companion to the Master Plan document, CDE also plans to post a collection of “Promising Practices of Technology Integration” on the CDE Education Technology Office website. The CTL collected examples of effective integration of technology in local education communities while developing the Master Plan. CDE will expand and update this collection using a submission process and selection criteria to be developed with input from the field.

Fiscal Analysis (as appropriate)

None

Attachment(s)

[Attachment 1:](#) Commission on Technology in Learning’s *California K-12 Education Technology Master Plan* (Pages 1-43)

DRAFT DOCUMENT

California K-12 Education Technology Master Plan

Developed by the
Commission on Technology in Learning

Approved by the
Commission on Technology in Learning
December 13, 2002

Presented to the California State Board of Education
February and May 2003

[Copyright page]

Commission Chair: Richard A. Navarro, Ph.D. Dean, College of Education and Integrative Studies, CSU Pomona

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Members of the **Commission on Technology in Learning** at the time the document was approved were:

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106 **Brandi Jauregui**, Associate Governmental Program Analyst, Education Technology Office
107
108 **Jeanne McKibbon**, Office Technician, Education Technology Office
109

110 **The Following Individuals and Organizations**
111 **Presented at Commission Meetings**
112

113 **Individual Presenters included:**

114 **Sara Armstrong**, Director of Content, The George Lucas Educational Foundation
115
116 **Rowland Baker**, Director, TICAL
117
118 **Shelly Bernard**, District Program Specialist, Technology TEAMatrix coordinator,
119 Hacienda La Puente Unified School District
120
121 **David Byer**, Member of the Web-based Commission
122
123 **Rob Darrow**, Library Media Teacher on Special Assignment, Online Learning Specialist.
124 Center for Advanced Research and Technology (CART), Clovis Unified School District
125
126 **Betsy Eaves**, Director K-12 ELA Educational Leadership,
127 Teacher Education and Professional Development, University of California, Office of the
128 President
129
130 **Todd Finnel**, past Director, TechSets
131
132 **Ann Flynn**, Director of Education Technology,
133 National School Boards Association
134
135 **Bridget Foster**, Director, California Learning Resources Network (CLRN)

136 **Glenn Gilbert** of the Joint Committee to Develop a Master Plan for Education – Kindergarten
137 through University (Alternative Modes of Delivery subgroup)

138

139 **John Hodges**, past Legislative Advocate, Computer Using Educators (CUE)

140

141 **Dr. M. G. (Peggy) Kelly**, Professor, College of Education, California State University, San
142 Marcos

143 **Dave Master**, Hugh O. La Bounty Endowed Chair, College of Education and Integrative
144 Studies, California State Polytechnic University, Pomona

145

146 **Gary Quiring**, Education Consultant and liaison for the CTAP², Education Technology Office,
147 California Department of Education

148 **Cathy Ringstaff**, Senior Research Associate, WestEd Laboratories

149 **Chris Shultz**, Governor’s Office of the Secretary for Education

150

151 **Jean Treiman**, Education Consultant, Professional Development Office, California Department
152 of Education

153

154 **Ellis Vance**, Director, Computer Using Educators (CUE)

155

156 **David Warlick**, Director of the Landmark Project

157

158 **Dr. Yong Zhao**, Michigan State University

159

160

161 **Presentations by Organizations included:**

162 **California Technology Assistance Project (CTAP) Region 9:** Harry Bloom, Director; Susanna
163 Prentice; Todd Finnell

164

165 **Center for Applied Research in Educational Technology (CARET) Project:** John Cradler,
166 Ruthmary Cradler and Molly Freeman

167

168 **California Technology Assistance Project (CTAP),** Directors from various regions

169

170 **Finally, the Commission would like to thank the numerous individuals who provided input**
171 **to the development of this document by presenting public testimony at Commission**
172 **meetings during public input sessions and submitting written comments on various drafts**
173 **of the document.**

Executive Summary

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An aspiring teacher once told me, “I want to teach because I want to touch the future everyday.” She knew what many prefer to ignore; that our future is dependent upon the quality of our educational system and how well prepared our children are to become adults and be productive, contributing citizens. While we succeed in ensuring a promising future for some, we are failing far too many.

The Commission for Technology in Learning was created out of this concern for closing the achievement gap and providing access for all children to the knowledge and skills required to sustain the growth and prosperity we have come to expect as Californians. AB 598, Soto carried a clear message, technology is basic to a 21st Century educational system, and **all** our children should have access to it. The Commission began first with the development of Technology Planning Guidelines for School Districts. These guidelines prepared with extensive input from state, county and district administrators and technology planning experts provide a rubric for assessing and planning for continually increasing the role of technology in schools. Next, the Commission turned its attention to articulating a vision of education in California in which improving student achievement is intertwined with the growing significance of integrating technology in the teaching and learning process, as well as the administration of schools.

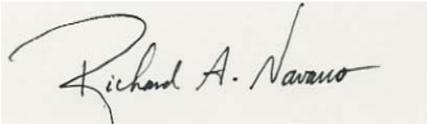
The proposed Master Plan was guided by five principles. First, that educational technology is both a **tool** for overcoming many of the barriers to learning, particularly among our most challenging educational conditions (i.e., poverty, limited English proficiency, before and after-school activities, literacy and numeracy, limited resources, etc.); AND, that educational technology is a **skill** required for full participation in the workforce and society.

Second, that technology provides an unprecedented opportunity to completely **redefine the learning environment** for all children and adults, inside of school and beyond. Third, that to realize its potential, the technology **must work** and **it has to be accessible anytime, anywhere, for all users**. Fourth, that achieving these goals is not just the responsibility of governments, but **the responsibility of all citizens**. The private sector has a particular interest in the success of this endeavor because our success (or failure) will determine the **productivity of our future workforce**. And society has an intrinsic interest in the changes proposed because the productivity of its citizens will have a direct effect on the **quality of life for future generations**.

And, fifth, that there is a general consensus that our children require **more powerful learning opportunities to achieve high standards of knowledge and skills**, to be prepared to assume the mantle of leadership in tomorrow’s fiercely competitive global society.

Therefore, we have proposed a Master Plan that will catalyze those actions, which we believe, will help to “tip” the educational system in the direction of harnessing the power we believe exists in technology for the benefit of all our children and society as a whole. Society is slow to catch up with the pace of technological innovation; it is our hope that this Master Plan will contribute to accelerating that process.

219 This Master Plan is the result of countless hours of deliberation, debate, and compromise among
220 a very committed group of Commissioners, Department of Education staff, consultants, and
221 many other professionals from both the public and private sectors who care deeply about
222 children and are passionate about the promise of technology for lifting the ceiling on learning.
223 Much of this deliberation occurred in less than ideal circumstances. But, as the State's economy
224 worsened and the resources to support the Commission's work became scarcer, the
225 determination of the Commissioners to complete the task without compromising in the quality or
226 integrity of the plan was strengthened. Fortunately, we were blessed with an equally hard
227 working staff in the California Department of Education, and an extremely talented team of
228 consultants. While the ideas and recommendations are those of the Commissioners, the
229 harmonic prose is the teamwork of Drs. Lara Brown and Christina Dehler. Personally, I have
230 been honored to have had the privilege of working with such an excellent team. If we can claim
231 any inspiration for this plan, it is our collective respect and admiration for the tens of thousands
232 of educators who touch our future everyday. As Californians, we dedicate this Master Plan to
233 the future--California's children.
234

A handwritten signature in black ink on a light-colored background. The signature reads "Richard A. Navarro" in a cursive script.

235 Richard A. Navarro, Ph.D.
236 Chair
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The Commission on Technology in Learning
Recommended Actions

1. The State should study, identify and determine multiple measures for a Technology Integration Performance Index (TIPI) and develop appropriate methods for the collection, analysis, and publishing of the TIPI in the Annual School Accountability Report.
2. The State should use the TIPI to develop incentives and allocate resources to districts and schools to help them achieve ubiquitous access to rigorous and effective digital content to meet the diverse learning needs of all students.
3. The State should continue to support, expand, and coordinate technology resources such as, the Digital California Project (DCP) and California Learning Resources Network (CLRN), to gather and promote access to rigorous and effective digital content.
4. The State Board of Education should revise the K-8 Instructional Materials Adoption process to provide for a more in-depth review of each Electronic Learning Resources (ELR) submitted for adoption, including an assessment of the rigor and effectiveness of the resource. To help educators take advantage of appropriate technology, review results should identify the specific standard(s) addressed by each separate ELR, be posted on the CLRN website, and be searchable by the academic content standards addressed by each resource.
5. The State should provide incentives to business and industry to develop rigorous and effective digital content in curriculum, instruction, and assessment that are aligned to State Academic Content Standards and take advantage of appropriate technology.
6. The State should provide incentives to districts and schools to integrate rigorous and effective digital content in curriculum, instruction, and assessment that are aligned to State Academic Content Standards and take advantage of appropriate technology.
7. The State should develop information and technology literacy standards for all students at every grade level, and as an interim step, may consider the adoption of the International Society for Technology in Education (ISTE) National Education Technology Standards (NETS).
8. The State should provide incentives to establish and sustain high-quality partnerships and annually recognize exemplary partnerships that develop students' information and technology literacy.
9. The State should use the TIPI to develop incentives and allocate resources to districts and schools to help them achieve ubiquitous access to rigorous and effective systemic professional development that promotes the integration of technology in education.

- 282 10. The State should provide incentives to districts and schools to foster and sustain rigorous and
283 effective systemic professional development that promotes the integration of technology in
284 education.
285
- 286 11. The State should provide incentives to business and industry to foster and sustain rigorous
287 and effective systemic professional development that promotes the integration of technology
288 with their education products.
289
- 290 12. The State should use technology and statewide technology resources to foster and sustain
291 rigorous and effective systemic professional development that promotes the integration of
292 technology in education.
293
- 294 13. The State should provide incentives that fairly compensate educators who show leadership by
295 developing technology innovations and transfer the intellectual property rights to the State,
296 thereby, placing the innovations in the public domain.
297
- 298 14. The State should provide incentives to enhance K-12 collaboration with higher education,
299 business and industry, nonprofits and community-based organizations to use technology
300 across the professional development continuum (teacher education through accomplished
301 teaching).
302
- 303 15. The State should provide incentives to districts and schools that encourage educators to use
304 data to inform reflective practice and guide continuous improvement; and frequently publish
305 those exemplary applications of data-driven decision-making.
306
- 307 16. The State should provide incentives to high-quality partnerships and annually recognize
308 exemplary partnerships that deliver professional development focused on reflective practice
309 and continuous improvement.
310
- 311 17. The State should use the TIPI to develop incentives and allocate resources to districts and
312 schools to help them achieve ubiquitous access for all students and educators.
313
- 314 18. The State should explore providing learning opportunities that use technology to promote
315 State Academic Content Standards and qualify for average daily attendance (ADA) funding,
316 allowing for greater flexibility with categorical funding and resources.
317
- 318 19. The State should require districts and schools to incorporate the total cost of ownership
319 model as a prerequisite to receiving new educational technology funding.
320
- 321 20. The State should be required to review and update the District Planning Guidelines as
322 necessary.
323
- 324 21. The State should provide incentives to high-quality partnerships and annually recognize
325 exemplary partnerships that foster innovation and sustain technology acquisition and
326 integration.
327

- 328 22. The State should develop incentives that promote the coordination of existing education
 329 policy and resources for technology acquisition and integration.
 330
 331 23. The State should encourage local flexibility to allow categorical funds and Lottery funds to
 332 be used for technology acquisition and integration.
 333
 334 24. The State should provide support and assistance to districts and schools to help them collect
 335 and use data to make better-informed decisions.
 336
 337 25. The State should use technology to coordinate state efforts to collect, secure, analyze, plan,
 338 and annually publish data related to technology integration and its impact on district, school,
 339 and student improvement.
 340
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343 The following matrix illustrates how the 25 Recommended Actions in this document support a
 344 number of categories/themes associated with “closing the gaps.”

<u>Closing the Gaps Matrix</u>	<u>Curriculum, Instruction, & Assessment</u>	<u>Professional Development</u>	<u>Infrastructure</u>
Ubiquitous Access	1, 2	1, 9	1, 17
Educational Technology	1, 3, 4, 5	1, 10, 11, 12, 13, 14, 15, 16	1, 18, 19, 20, 21, 22, 23, 24, 25
Technology Integration	1, 6, 7, 8	1, 10, 11, 12, 13, 14, 15, 16	1, 18, 19, 20, 21, 22, 23, 24, 25

345
 346 Numbers in the table correspond to specific Recommended Actions (1 – 25).
 347
 348

349 **Vision for California: Closing the Gaps**

350
351 *Closing the gaps in access to technology that enhance and enable teaching, learning and*
352 *leadership, will help all students achieve mastery of the State Academic Content Standards*
353 *throughout California, providing students a future of choices and a choice of futures.*
354

355 California’s global economic future increasingly depends on California’s educational system.
356 California currently ranks as the world’s fifth largest economy, yet despite significant interest
357 and improvement in recent years, California’s K-12 educational system still ranks below
358 most other states on key educational benchmarks including, spending and student
359 achievement.¹
360

361 The Commission on Technology in Learning (CTL) recognizes the need for California’s
362 educational system to improve, and it is the hope of the CTL that the recommendations in
363 this report will ensure that **technology** is systemically integrated into all levels of education.
364 The CTL believes that California has the opportunity to reemerge as a national educational
365 leader by investing in our schools and working with educators² to integrate the technologies
366 that will enhance and enable teaching, learning, pedagogy, and school management.
367

368 Education continues to be an issue of concern and a high investment priority for Californians.
369 The CTL believes that educational technology policy initiatives and funding at the state level
370 should be aligned to recognize student achievement, educational leadership, and school
371 improvement. Moreover, these initiatives and funding allocations should be designed to
372 provide consistency, stability, and transparency to educators and the public. The policy
373 environment at the state level must facilitate the ability of educators at both districts and
374 schools to use technology to ensure that all students achieve mastery of the State Academic
375 Content Standards at every grade level. The Commission recognizes that these educational
376 goals cannot be achieved through state action and support alone. Thus, the CTL calls on
377 those from higher education, business and industry, and nonprofit and community
378 organizations to assist educators and policymakers to improve and further **technology**
379 **integration** in California schools.³
380

381 The Commission on Technology in Learning believes that educational technology, equitably
382 distributed and appropriately applied, enhances and enables student learning, innovative
383 teaching, professional development, school management, **data-driven decision-making**, and
384 collaboration across the education spectrum.
385
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387
388

¹ Howell, Penny and Miller, Barbara. 2001. “How California Ranks: A Comparison of Education Expenditures,”
EdSource, October issue, p. 1-8.

² Refers to all teachers, administrators, and school staff. This is in keeping with the organizational learning
literature that discusses the importance of everyone involved in a system (Senge, 2000).

³ Throughout the document, key terms will be highlighted and defined in Appendix I.

389 **Nature and Purpose of the Education Technology Master Plan**
390

391 The purpose of the Education Technology Master Plan is to provide a vision for the state on how
392 to effectively use and support educational technology to improve student achievement, close the
393 gaps in access to educational technology, and move California schools to at least parity with or
394 exceed the level of technology integration in other states.
395

396 The Education Technology Master Plan sets forth goals and recommendations for state
397 policymakers to help educators attain higher levels of educational technology integration by the
398 year 2008. Achieving higher levels of educational technology integration will close the gaps in
399 access to improved curriculum, instruction, and assessment; professional development; and
400 infrastructure statewide.
401
402

403 **Progress Towards the 1996 Plan: Connect, Compute, and Compete**
404

405 Progress has been made towards the goals of the 1996 California Education Technology Master
406 Plan (*Connect, Compute, and Compete*). The 1996 Plan was intended to assess the current state
407 of technological readiness in California's classrooms and libraries and to serve as a blueprint for
408 action. It recommended building the technology capacity in California's schools, so that by the
409 year 2000, California would have met the following objectives:
410

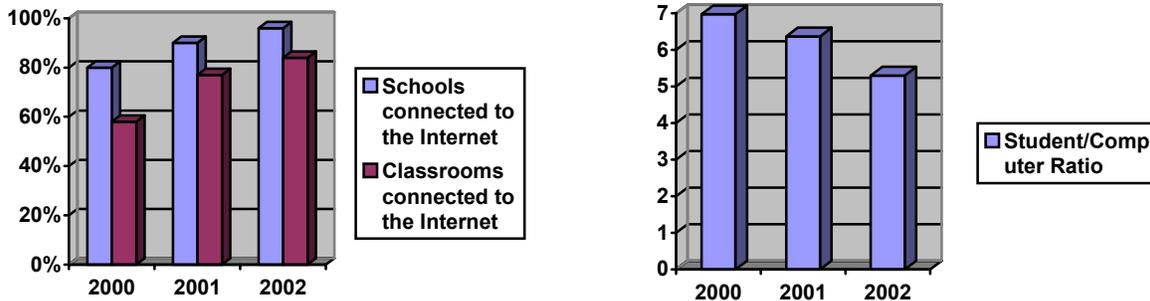
- 411 • A student-to-computer ratio of four to one;
- 412 • Telecommunications access for students in every classroom and library;
- 413 • Technology as an integral resource for all students and teachers; and
- 414 • Reading and math scores above the 50th percentile nationally.
415

416 Despite significant effort and commitment, at both the State and regional levels, the lack of
417 overall educational technology funding, and the lack of priority educational technology has
418 received relative to other educational needs among state policymakers have been the primary
419 impediments to reaching the 1996 objectives. The current economic downturn continues to
420 adversely affect the state's progress because of the high-cost nature of educational technology
421 integration into curriculum and assessment, including the need for professional development and
422 hardware acquisition. In addition, many schools in California have complex infrastructure
423 needs, including those related to telecommunications and electrical requirements, which have
424 also served as impediments to the successful implementation of the educational technology goals
425 set forth in 1996.
426

427 While the educational technology goals set in 1996 have not yet been achieved, the gains have
428 been impressive, especially with respect to the ratio of students to computers and Internet access
429 in classrooms. The California Technology Assistance Project (CTAP) *Summary of Year 2002*
430 *School Technology Survey Findings: California Statewide Report*, found that 96% of schools
431 were connected to the Internet in 2002, and that telecommunication access in the classroom has
432 broadened across the state with the average school providing connections to the Internet in 84%
433 of its classrooms (up from 58% two years earlier). Additionally, the student-to-computer ratio (a

434 common measurement of student access to computers) has made steady improvement, declining
 435 to a ratio of 5.3 to one in 2002. Another measurement of student access to technology is the ratio
 436 of students-to-multimedia computers (which include computers with internet access capability).
 437 During 2002, this ratio was 9.10 to one; however, because the definition for multimedia
 438 computers changed in 2002 for purposes of the survey, reliable trend data is not available.
 439

440 **Connectivity & Access**



441
 442 With recent efforts at the state level to fund the implementation of comprehensive technology
 443 programs, such as the Digital High School Program, California schools have made significant
 444 gains in connectivity and access to technology. High schools reportedly provide students with
 445 access to more technology than at the other grade levels, with 99% of high schools in the state
 446 connected to the Internet, 94% of their classrooms connected, and a student to computer ratio of
 447 4.1 to one. It is only through sustained, ongoing efforts such as the Digital High School Program
 448 that effective technology integration can take place.
 449

450 Conversely, the survey findings provide a clearer picture of how well technology in our schools
 451 is supported at the district and site levels. Survey results indicate that although schools are
 452 acquiring more computers and high-speed connections to the Internet, there is a clear lack of
 453 personnel to provide technical support and training to help teachers integrate educational
 454 technology with instruction. In 2002, 62% of schools had no certificated personnel to provide
 455 technical support and 45% of schools had no classified personnel to provide technical support.
 456 Additionally, 33% of schools had to wait more than a week (but less than a month) for hardware
 457 repairs, making it more difficult to utilize technology on a regular basis for instruction. Support
 458 and training for the integration of computer technology into daily lesson planning has emerged as
 459 a critical area in recent years. In 2002, 50% of schools had no certificated staff at the school site
 460 to provide the necessary curriculum support.
 461

462 All students should have access to state of the art technology and rigorous and effective **digital**
 463 **content**. Although the “digital divide” gap is closing, California schools still struggle with
 464 digital inequities. Despite the state’s efforts, students living in poverty continue to have less
 465 access to better technology. Survey results indicate that students attending the “richest” schools
 466 in California (those with the lowest poverty levels) have a student-to-computer ratio of 4.74, as
 467 compared to a ratio of 6.13 for the poorest schools (those with the highest levels of poverty).

468 Also, schools with high poverty levels reported fewer classrooms connected to the Internet
469 (80%) as compared to schools with low poverty levels (93%).

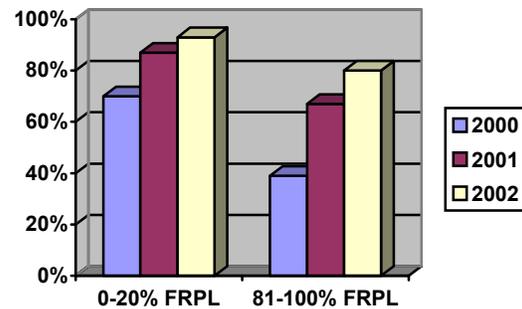
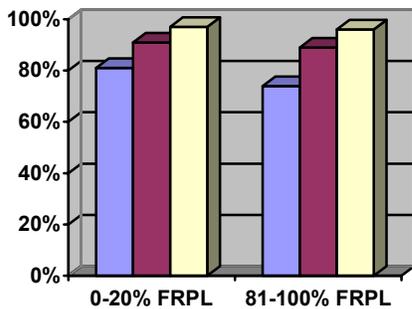
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472 **Connectivity & Access by Measures of Poverty – Free and Reduced Priced Lunch (FRPL)**

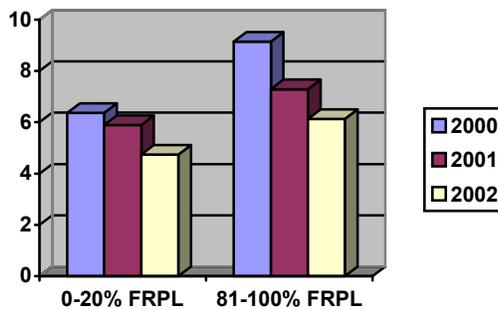
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Schools Connected to the Internet

Classrooms Connected to the Internet



Student to Computer Ratio



474

475 Federal educational technology programs, such as the E-rate program and the Technology
476 Literacy Challenge Grant Program, have made efforts to target high poverty schools and the data
477 shows marked improvements in access and connectivity in even the poorest schools as compared
478 to two years ago. In the last two years, the number of high poverty schools connected to the
479 Internet increased from 74% to 96%, which almost equals the same percentage as for the
480 “richest” schools (97% in 2002). Also, the number of classrooms connected to the Internet for
481 the poorest schools, made significant gains, increasing from 39% to 80%.

482

483 As California plans for the future, policymakers must recognize the technology investment that
484 the state has made in our schools and understand that the recommendations in this report aim to
485 maximize that investment by putting the power of technology into the hands of all teachers,
486 students, and administrators.

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Looking Forward

The Commission on Technology in Learning is committed to the integration of technology in education to enable and enhance the ability of educators at both the district and school site to improve student achievement.

Recognizing that technology will change over the next five years, the CTL encourages the state to support local flexibility in the integration of technology. It is important to allow educators flexibility to ensure that technology is used appropriately to meet the needs of all students. The CTL believes that the state must consistently support and align education policy to promote the integration of technology throughout California.

In recent years, California passed legislation that has furthered the integration of technology in education. Programs such as, Digital High Schools, have benefited students throughout California and should continue to be supported by policymakers. Current statewide technology resources such as the Digital California Project (DCP), California Student Information System (CSIS), California Learning Resource Network (CLRN), California Technology Assistance Project (CTAP), Technology Information Center for Administrative Leadership (TICAL), Technical Support for Education Technology in Schools (TechSETS), and the California Teacher Technology Assessment Project CTAP^{2 4}, have also played a significant role in California's technology integration and need to continue to be supported and expanded to better serve the needs of the districts, schools, and educators throughout the state.

The Commission on Technology in Learning recommends that the state continue to develop the possibilities of the Digital California Project to ensure the availability of the network to all schools and to realize effective uses for the newly completed network (multi-dimensional aspect). The Commission also recommends that the state focuses on the coordination and efficient use of resources and explores the possibilities for furthering data-driven decision-making processes at all levels. Consistency and alignment of policy and funding at the state and local levels are critical for California to improve educational technology integration to assist all students in achieving California's State Academic Content Standards.

The Commission on Technology in Learning gathered⁵ examples of promising practices to demonstrate the variety of ways technology is integrated in education to improve curriculum, instruction, assessment, professional development, and school management.

- ***Ubiquitous Access***
Closing the gaps in access to educational technology for students and educators will help all students achieve the State Academic Content Standards. Ubiquitous access will ensure that student and educator work is neither impeded, nor restricted to the school or district site. Districts and

⁴ These statewide technology resources are defined in Appendix VII.

⁵ The California Department of Education's Technology Office distributed a "Call for Case Studies" to the CTAP Regional Directors as a source of promising practices and solicited information from projects discussed during the Commission Meetings.

530 schools have approached providing ubiquitous access differently in their local
531 communities. For examples of “Promising Practices” to meet the challenges
532 of ubiquitous access to technology, visit the CDE website at
533 www.cde.ca.gov/edtech.
534

- 535 • ***Curriculum, Instruction, and Assessment***

536 Closing the gaps in access to rigorous and effective digital content will help
537 all students and educators to be both users and producers of academic content
538 and innovative curriculum and assessment, furthering efforts to ensure that all
539 students achieve State Academic Content Standards. Districts and schools
540 have created and utilized an assortment of rigorous and effective digital
541 content ranging from commercial software to educator developed materials.
542 For examples of “Promising Practices” to meet the challenges of access to
543 digital content, visit the CDE website at www.cde.ca.gov/edtech.
544

- 545 • ***Professional Development***

546 Closing the gaps in access to systemic professional development will ensure
547 the integration of educational technology into curriculum, pedagogy, and
548 school management. Districts and schools have developed different programs
549 for delivering technology training. For examples of “Promising Practices” to
550 meet the challenges of access to professional development, visit the CDE
551 website at www.cde.ca.gov/edtech.
552

- 553 • ***School Management***

554 Closing the gaps in access to professional development focused on school
555 management and educational technology integration; to district, school, and
556 student data; and to the educational technology that facilitates procedures and
557 processes, and provides analytical feedback will ensure effective and efficient
558 school management. Districts and schools have addressed improving school
559 management differently. Districts and schools have developed different
560 programs for delivering technology training. For examples of “Promising
561 Practices” to meet the challenges of access to school management, visit the
562 CDE website at www.cde.ca.gov/edtech.
563

- 564 • ***Assistive Technology***

565 Closing the gaps in access to assistive technology will ensure that all students,
566 including English language learners, and those with disabilities and special
567 needs achieve State Academic Content Standards. Assistive technology
568 allows educators to develop individualized learning programs to meet the
569 needs of all students. Different technologies exist to help all students meet
570 their learning needs. For examples of “Promising Practices” to meet the needs
571 for assistive technology, visit the CDE website at www.cde.ca.gov/edtech.
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- **Higher Education, Business, and Community Partnerships**
High-quality partnerships will help districts and schools close the gaps in curriculum, professional development, and infrastructure. Partnerships with higher education institutions, businesses, and community organizations provide districts and schools opportunities to leverage resources and expertise to promote the integration of technology in education. Districts and schools have developed various types of partnerships. For examples of “Promising Practices” related to successful partnerships, visit the CDE website at www.cde.ca.gov/edtech.

Goals and Recommendations

Vision for California: Closing the Gaps

Closing the gaps in access to technology that enhance and enable teaching, learning and leadership, will help all students achieve mastery of the State Academic Content Standards throughout California, providing students a future of choices and a choice of futures.

Recommended Action:

1. The State should study, identify and determine multiple measures for a **Technology Integration Performance Index (TIPI)** and develop appropriate methods for the collection, analysis, and publishing of the TIPI in the Annual School Accountability Report.

Curriculum, Instruction, and Assessment: Ubiquitous Technology and Mastery of Academic Standards

Closing the gaps in access to rigorous and effective digital content aligned to the State Academic Content Standards and fully integrated into curriculum, instruction, and assessment will help ensure that all students are prepared to meet the present and future needs of California.

- **Equity and Access**

Goal: All students and educators will have **ubiquitous access** and the ability to utilize rigorous and effective digital content.

Rationale: Technology may be used effectively to facilitate the distribution and broaden the delivery of rigorous and effective digital content throughout California. The digital divide that stretches across many communities is not only related to hardware and connectivity, but also to rigorous and effective digital content. Traditionally, students in the least advantaged schools also have had the least access to rigorous and effective

618 digital content.⁶ Closing this knowledge gap requires the state to ensure that rigorous and
619 effective digital content is accessible and utilized by all students and teachers to assist
620 students in meeting and exceeding the State Academic Content Standards. Importantly,
621 technology allows all students, including English language learners and those with
622 special needs, the opportunity to participate fully in education. Ensuring equity and
623 access to rigorous and effective digital content allows students and teachers to be both
624 users and producers of academic content and innovative curriculum and assessment,
625 furthering efforts to improve student achievement.

626
627 Recommended Actions:

- 628 2. The State should use the TIPI to develop incentives and allocate resources to
629 districts and schools to help them achieve ubiquitous access to rigorous and
630 effective digital content to meet the diverse learning needs of all students.
- 631 3. The State should continue to support, expand, and coordinate technology
632 resources such as, the DCP and CLRN, to gather and promote access to
633 rigorous and effective digital content.

634
635 Target Tech Indicators:

- 636 ➤ 100% of students and educators have ubiquitous access to rigorous and
637 effective digital content to meet the diverse learning needs of all students.
- 638 ➤ Digital content is seamlessly integrated and used by 100% of students and
639 educators on a daily basis in all classes and subjects.
- 640 ➤ 100% of students have anytime, anywhere access to online course units to
641 supplement and expand course offerings.

642
643 • **Standards**

644
645 Goal: All educators will fully integrate into their practice appropriate educational
646 technology and rigorous and effective digital content to promote mastery of the State
647 Academic Content Standards by all students.

648
649 Rationale: Educational technology and digital content, aligned to State Academic
650 Content Standards, enable students and teachers to address individual learning needs
651 (e.g., age, disabilities, ability level, special needs) using multiple approaches to rigorous
652 and effective content. Learning flexibility increases the opportunities for all students to
653 achieve mastery of the State Academic Content Standards. Educational technology
654 promotes this flexibility, along with collaboration, innovation, applied and contextual
655 learning, and has been shown to increase student achievement.⁷ Moreover, educational
656 technology makes possible data collection, analysis and real-time assessment of learning,

⁶ *Summary of Statewide Results for the 2001 California Technology; Summary of Statewide Results for the 2002 California School Technology Survey*; Macias, Julia; Montes, Ana; and Cibran, Alma. 2001. "Connecting California's Children: Is E-Rate Enough?" in *Latino Issues Forum*, July issue, p.1-28.

⁷ Ringstaff, Cathy. *Survey of Existing Evaluations on the Impact of Education Technology on Teaching and Learning*. WestEd.; Branigan, Cara. 2002. "Missouri's Ed-Tech Program Is Raising Student Achievement," in *eSchool News*, March 13.

657 all of which provide educators with necessary feedback loops that assist in identifying
658 and targeting the individual learning needs of students.
659

660 Recommended Action:

- 661 4. The State Board of Education should revise the K-8 Instructional Materials
662 Adoption process to provide for a more in-depth review of each Electronic
663 Learning Resources (ELR) submitted for adoption, including an assessment of
664 the rigor and effectiveness of the resource. To help educators take advantage
665 of appropriate technology, review results should identify the specific
666 standard(s) addressed by each separate ELR, be posted on the CLRN website,
667 and be searchable by the academic content standards addressed by each
668 resource
- 669 5. The State should provide incentives to business and industry to develop
670 rigorous and effective digital content in curriculum, instruction, and
671 assessment that are aligned to State Academic Content Standards and take
672 advantage of appropriate technology.
- 673 6. The State should provide incentives to districts and schools to integrate
674 rigorous and effective digital content in curriculum, instruction, and
675 assessment that are aligned to State Academic Content Standards and take
676 advantage of appropriate technology.

677
678 Target Tech Indicators:

- 679 ➤ 100% of curriculum and assessment incorporate rigorous and effective digital
680 content that is aligned to state academic standards and takes advantage of
681 appropriate technology.
- 682 ➤ 100% of students and educators utilize curriculum and assessment that
683 incorporate rigorous and effective digital content that is aligned to state
684 academic standards and takes advantage of appropriate technology.
- 685 ➤ 100% of educators utilize CLRN to assist in developing lesson plans that
686 incorporate rigorous and effective digital content, integrate state academic
687 standards, and take advantage of appropriate technology.

688
689 • **Information & Technology Literacy**

690
691 Goal: All students will develop information and technology literacy skills⁸ that enable
692 them to meet and exceed the demands for an information and technologically literate
693 workforce.
694

695 Rationale: The knowledge economy age requires that workers be information-literate, “a
696 person must be able to recognize when information is needed and have the ability to
697 locate, evaluate, and use effectively the needed information.”⁹ Workers must also have
698 knowledge of and proficiency with numerous technologies (e.g., hardware, programs,

⁸ International Society for Technology in Education includes a set of skills as a part of their NETS and the website address is included in Appendix VI: ISTE NETS.

⁹ *American Library Association Presidential Committee on Information Literacy*. Chicago: American Library Association, 1989.

699 applications) and the vast resources available through the Internet and the World Wide
700 Web. Students who are the workers of tomorrow must learn to develop the skills that
701 will enable them to use the technological tools available and to understand the
702 information gleaned and analyzed by the technology. Ensuring students develop
703 **information and technology literacy** will help to ensure the state's economic
704 competitiveness in the 21st Century.

705
706 Recommended Action:

- 707 7. The State should develop information and technology literacy standards for all
708 students at every grade level, and as an interim step, may consider the
709 adoption of ISTE National Education Technology Standards (NETS).
710 8. The State should provide incentives to establish and sustain high-quality
711 partnerships and annually recognize exemplary partnerships that develop
712 students' information and technology literacy.

713
714 Target Tech Indicators:

- 715 ➤ 100% of information literacy skills are embedded in and assessed by the State
716 Academic Content Standards¹⁰
717 ➤ 100% of high-quality partnerships develop student mastery of information and
718 technology literacy skills.

719
720
721 ***Professional Development: Systemic Reforms and Continuous Improvement***

722
723 *Closing the gaps in access to systemic professional development that encourages leadership,*
724 *collaboration, and continuous improvement will ensure ubiquitous technology integration in*
725 *education that supports the present and future needs of California.*

726
727 • **Equity and Access**

728
729 Goal: All educators will have access to rigorous and effective systemic professional
730 development that promotes the integration of technology in education.

731
732 Rationale: Technologies may be used effectively to facilitate the distribution and
733 broaden the delivery of rigorous and effective professional development across the state.
734 The opportunity to develop professionally must be equally accessible to all educators.
735 Improving upon and learning new methods for technology integration will bring about
736 systemic reform in curriculum, assessment, pedagogy, and school management.

737
738 Recommended Actions:

- 739 9. The State should use the TIPI to develop incentives and allocate resources to
740 districts and schools to help them achieve ubiquitous access to rigorous and
741 effective systemic professional development that promotes the integration of
742 technology in education.

¹⁰ See Appendix V.

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Target Tech Indicators:

- 100% of educators have ubiquitous access to rigorous and effective systemic professional development that promotes the integration of technology in education.
- 100% of educators’ release time is compensated for rigorous and effective systemic professional development that promotes the integration of technology in education.

• **Systemic Professional Development**

Goal: All educators will receive the training, resources and support necessary to appropriately and effectively integrate technology into curriculum, assessment, pedagogy, and school management.

Rationale: Capacity building in the profession and reform in education requires that all educators participate in **systemic professional development** programs that support the integration of technology. Educators’ varying technology proficiencies require a professional development model that evolves as technical skills increase. This professional development model should be systemic, comprehensive, and include fully supported training that is scaffolded according to individual needs, providing opportunities for one-on-one interaction, workplace and classroom support, and on-line instruction. This model should also include daily or weekly training to meet technical and pedagogical needs, as well as annual or semi-annual intensive training to learn new applications and pedagogical strategies. Most important, educators need time to participate in training programs, develop their newly learned skills, and apply them into their practice. Systemic professional development for technology integration must be fully supported at the state, district, and school level.

Recommended Action:

10. The State should provide incentives to districts and schools to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology in education.
11. The State should provide incentives to business and industry to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology with their education products.
12. The State should use technology and statewide technology resources to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology in education.

Target Tech Indicators:

- 100% of professional development is systemic and promotes the integration of technology in education, and uses technology to deliver rigorous and effective training, mentoring, and support to educators statewide.

789 ➤ 100% of educators use and integrate rigorous and effective digital content into
790 their practice.
791

792 • **Leadership and Collaboration**
793

794 Goal: All educators will engage in **professional activities** that develop rigorous and
795 effective digital content, integrate technology in education, and promote leadership and
796 collaboration across the education profession.
797

798 Rationale: Educators need to be actively working together to create, share, and scale best
799 practices, rigorous and effective digital content and effective uses of technology
800 integration. Technology provides educators the opportunity to work collaboratively,
801 independent of location, to develop and disseminate exemplars of technology integration
802 into curriculum, instruction, assessment, pedagogy, and school management. Educators
803 need to develop leadership skills that encourage the systemic production, evaluation, and
804 application of digital content, and support the use of technology in schools. Educators
805 also need to serve as models and mentors, to sustain a positive professional culture of
806 continuous improvement and a system of opportunity for professional development that
807 makes use of all available resources at the local, state, and national level.
808

809 Recommended Action:

- 810 13. The State should provide incentives that fairly compensate educators who
811 show leadership by developing technology innovations and transfer the
812 intellectual property rights to the State, thereby, placing the innovations in the
813 public domain.
814 14. The State should provide incentives to enhance K-12 collaboration with
815 higher education, business and industry, nonprofits and community-based
816 organizations to use technology across the professional development
817 continuum (teacher education through accomplished teaching).
818

819 Target Tech Indicators:

- 820 ➤ 100% of districts and schools offer systemic professional development,
821 perhaps in partnerships, which cultivate leadership skills and encourage
822 experimentation with the effective uses of technology.
823 ➤ 100% of districts and schools provide opportunities for educators to engage in
824 collaborative activities focused on technology integration.
825

826

827 • **Continuous Improvement**
828

829 Goal: All educators will participate in systemic professional development activities that
830 encourage reflective practices and use technology to continuously improve curriculum,
831 assessment, pedagogy, and school management.
832

833 Rationale: Systemic professional development must encourage reflective practice, data-
834 driven decision-making processes, and continuous improvement in education. Educators

835 need to be actively working to continually improve their use of technology in order to
836 improve teaching, learning and school management. Reflective practice requires that
837 educators be knowledgeable of current research and application, develop mechanisms
838 that provide feedback, and work to continually improve their skills. Educators must also
839 use data to make better-informed decisions about the appropriate and effective uses of
840 technology.

841
842 **Recommended Action:**

843 15. The State should provide incentives to districts and schools that encourage
844 educators to use data to inform reflective practice and guide continuous
845 improvement; and frequently publish those exemplary applications of data-
846 driven decision-making.

847 16. The State should provide incentives to high-quality partnerships and annually
848 recognize exemplary partnerships that deliver professional development
849 focused on reflective practice and continuous improvement.

850
851 **Target Tech Indicators:**

852 ➤ 100% of districts and schools offer systemic professional development that
853 teaches data-driven decision-making skills and encourages the use of
854 technology for continuous improvement.

855 ➤ 100% of districts and schools make use of state of the art technology to
856 continuously improve curriculum, assessment, pedagogy, and school
857 management.

858
859
860 ***Infrastructure: Ubiquity, Sustainability, and Dynamic Design***

861
862 *Closing the gaps in anytime, anywhere access for all students and educators; promoting*
863 *sustainability and comprehensive planning; and leveraging resources and education data will*
864 *ensure a dynamic technological infrastructure that supports the present and future needs of*
865 *California.*

866
867
868 • **Equity and Access**

869
870 Goal: All students and educators must be able to access and utilize all necessary and
871 appropriate technology resources anytime, anywhere.¹¹

872
873 Rationale: Large inequities exist and persist in anytime, anywhere access to operable,
874 reliable, and assistive technology for all students and educators across all communities in
875 California. There are significant technological infrastructure challenges statewide, some
876 impacting rural and urban districts, others affecting schools and their communities.

¹¹ For a further definition of anytime, anywhere access, refer to the Target Tech Level provided in the CEO Forum StaR Charts in Appendix II.

877 Moreover, ubiquitous access to and reliable operability of assistive technology ensure
878 that the learning needs of all students are met in an appropriate and timely manner.
879

880 Recommended Action:

- 881 17. The State should use the TIPI to develop incentives and allocate resources to
882 districts and schools to help them achieve ubiquitous access for all students
883 and educators.
884 18. The State should explore providing learning opportunities that use technology
885 to promote State Academic Content Standards and qualify for average daily
886 attendance (ADA) funding, allowing for greater flexibility with categorical
887 funding and resources.
888

889 Target Tech Indicators:

- 890 ➤ 100% of students and educators have ubiquitous access and can utilize all
891 necessary and appropriate technology.
892 ➤ 100% of districts and schools have greater flexibility with categorical funds
893 and the allocation of resources to promote learning opportunities using
894 technology.
895

896 • **Sustainability and Comprehensive Planning**
897

898 Goal: All districts and schools must engage in comprehensive technology planning,
899 incorporating **total cost of ownership** into annual budget processes, and design
900 infrastructure for sustainability and optimal utilization of present and future technology.
901

902 Rationale: Designing infrastructure for sustainability and optimal utilization means that
903 technology cannot be treated as a stand-alone or a one-time cost in state, district, and
904 school budgets. Sustainability requires that the technology infrastructure be scalable,
905 reliable, upgradeable, and interoperable across the entire education system in California.
906 As with other infrastructure costs, technology has several components, including
907 technical support, maintenance, replacement, recycling, and disposal. Building
908 infrastructure and acquiring technology requires state and local policymakers, educators,
909 and education partners (businesses and nonprofit organizations) to employ a total cost of
910 ownership model in their technology planning and budgeting. The State should
911 encourage districts and schools to seek out new and leverage existing resources to design
912 for sustainability and optimal utilization of technology.
913

914 Recommended Actions:

- 915 19. The State should require districts and schools to incorporate the total cost of
916 ownership model as a prerequisite to receiving new educational technology
917 funding.
918 20. The State should be required to review and update the District Planning
919 Guidelines as necessary.
920 21. The State should provide incentives to high-quality partnerships and annually
921 recognize exemplary partnerships that foster innovation and sustain
922 technology acquisition and integration.

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Target Tech Indicators:

- 100% of districts and schools incorporate the total cost of ownership model in their budgeting and planning for technology.
- 100% of districts and schools have technical support available twenty-four hours a day and seven days a week.

- **Leveraging Existing Resources**

Goal: All policymakers and educators must collaborate to promote flexibility with existing state technology tools, funding mechanisms, and additional resources to coordinate and develop a sustainable, ubiquitous, and dynamic technology infrastructure.

Rationale: At all levels policymakers and educators need greater flexibility to leverage and coordinate existing resources to ensure a sustainable, ubiquitous, and dynamic infrastructure (e.g., how funds and building spaces are used and allocated for technology integration). With increased flexibility, there is a need to design policy that improves accountability in the area of technology integration emphasizing outcomes and not inputs (e.g., student achievement and administrative efficiency, and not categorical funding). Moreover, the state has invested significantly in the use of technology by creating resources such as a statewide network, a technical assistance support structure, a curriculum tool, professional development and resources for administrators and technology staff, and a student data and record-keeping system. These technology tools provide tremendous benefit to educators and can be further developed and better coordinated to realize their potential. The State must continue its support of these programs and work to structure policy incentives to encourage local policymakers and educators to collaborate and leverage these and other resources.

Recommended Action:

22. The State should develop incentives that promote the coordination of existing education policy and resources for technology acquisition and integration.
23. The State should encourage local flexibility to allow categorical funding and Lottery Funds to be used for technology acquisition and integration.

Target Tech Indicators:

- 100% of districts and schools utilize state resources and work to coordinate local technology decisions with regional and statewide education opportunities for technology acquisition and integration.
- 100% of districts and schools have flexibility to leverage their resources and reallocate funding for technology acquisition and integration.

- **Collecting, Storing, Using, and Securing Data**

Goal: All policymakers, educators, students, and parents will have anytime, anywhere access to appropriate and necessary data that is securely collected and stored to help them make better-informed decisions related to educational technology integration.

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Rationale: Technology may be used effectively to facilitate the collection and distribution of educational data and broaden the understanding of policymakers, educators, students, and parents to help them make better-informed decisions. There is a need for better student data at all levels, so that policymakers, educators, students, and parents will be able to assess and determine the educational effectiveness of their actions and decisions. While there are security and privacy issues related to record keeping, there are also sufficient technological safeguards that can secure student data. The State must support the secure coordination, collection, analysis, planning, and publishing of district, school, and student data in order to accurately assess educational improvement.

Recommended Actions:

24. The State should provide support and assistance to districts and schools to help them collect and use data to make better-informed decisions.
25. The State should use technology to coordinate state efforts to collect, secure, analyze, plan, and annually publish data related to technology integration and its impact on district, school, and student improvement.

Target Tech Indicators:

- 100% of districts and schools collect and use data relevant to technology integration and its impact on curriculum, assessment, pedagogy, and school management to make better-informed decisions.
- All education stakeholders have the necessary and appropriate data available to them through the State to help them better understand the educational effects of technology on curriculum, assessment, pedagogy, and school management.

996 **Appendix I: Definitions of terms used in plan**

997
998 *Data-driven decision-making:* A process where educators use a variety of district, school,
999 educator, student, and community data to make better-informed decisions about how to
1000 improve technology use, acquisition, and integration in education.

1001
1002 *Digital content:* The digitized multimedia material that calls upon students to seek and
1003 manipulate information in the collaborative, creative and engaging ways, which make digital
1004 learning possible. It includes video on demand, software, CD-ROMs, websites, e-mail,
1005 online learning management systems, computer simulations, streamed discussions, data files,
1006 databases, audio, and all other digital applications and devices.

1007
1008 *Educational technology:* The methods and materials employed to assist teaching, learning,
1009 and school management, and includes hardware, software, programs, applications, and all
1010 digital content.

1011
1012 *High-quality partnerships:* Collaborative agreements that are beneficial to all parties and
1013 occur between districts and schools with institutions of higher education, businesses, and
1014 nonprofits and community-based organizations, which address various educational needs.

1015
1016 *Information literacy:* The ability to locate, access, evaluate and effectively use information as
1017 needed from a variety of sources.

1018
1019 *Professional activities:* Includes all activities relating to training, mentoring, conference
1020 presentations, research, publishing, materials development and evaluation, and participation
1021 in and contributions to projects such as the Digital California Project (DCP), the California
1022 Learning Resource Network (CLRN) and other online resources.

1023
1024 *Rigorous and effective:* (insert definition)

1025
1026 *Systemic professional development:* A model for professional development that includes
1027 continuous and comprehensive anytime, anywhere training that evolves with, and
1028 accommodates all educators' needs and educational environments.

1029
1030 *Target Tech:* Is the desired level for every district and school to achieve and is further
1031 articulated in Appendix IV: CEO Forum School Technology and Readiness (STaR) Chart.
1032 Elements in the chart are used throughout the plan as suggested measures of progress.

1033
1034 *Technology integration:* Technology is seamlessly integrated into school culture,
1035 management, pedagogy, curriculum, instruction, and assessment. Effective and appropriate
1036 integration of technology is part of a planned program of school improvement as it relates to
1037 school management and student achievement of the State Academic Content Standards.

1038
1039 *Technology Integration Performance Index (TIPI):* An index of multiple measures that
1040 describes the learning environment for students and educators, and represents an objective

1041 standard of the level of technology integration that all districts and schools should achieve.
1042 (See Appendix II.)

1043
1044 *Technology literacy:* The ability to use technology to improve student achievement, and the
1045 capability to think critically about the use and integration of technology in teaching and
1046 learning. ISTE NETS standards describe the technology skills and knowledge students
1047 should acquire as they progress through the K-12 system and is further articulated in
1048 Appendix VI: ISTE NETS.

1049
1050 *Total Cost of Ownership:* A model that incorporates all aspects of technology costs and
1051 includes, technical support, professional development, maintenance, replacement, recycling,
1052 and disposal.

1053
1054 *Ubiquitous access:* Is the availability of all resources necessary to utilize technology for
1055 teaching, learning, and school management, anytime, anywhere. It includes access to
1056 hardware, software, online resources, digital content, curriculum, assessment, and technical
1057 support. Ubiquitous access will ensure that student and educator work is neither impeded,
1058 nor restricted to the school or district site.

1059

1060 **Appendix II: Technology Integration Performance Index (TIPI)**

1061
1062 The Technology Integration Performance Index (TIPI) of multiple measures, describing a
1063 learning environment for students and educators, should represent an objective standard on the
1064 level of technology integration that all districts and schools should achieve. The TIPI should be
1065 collected and published in the Annual School Accountability Report and should be considered a
1066 parallel index to the API.

1067
1068 The TIPI will measure the Target Tech levels of every district and school and will assist in
1069 mapping the progress of educational technology integration throughout California. Policymakers
1070 and educators will be able to use the TIPI to make better-informed decisions regarding the
1071 allocation of resources and the primacy of legislation needed to improve educational technology
1072 integration. The TIPI will assist parents, community members and other education partners to
1073 develop high quality partnerships that address local educational technology needs and priorities.

1074
1075 The Commission on Technology and Learning (CTL) recommends that the State study, identify
1076 and determine the multiple measures and their relative value for inclusion in the TIPI. While the
1077 Commission has not focused on the TIPI in depth, there has been consensus that the Index
1078 should measure the levels of ubiquitous access, educational technology, and technology
1079 integration, along the dimensions of curriculum, instruction, and assessment; professional
1080 development; and infrastructure at every school and district site throughout California. In other
1081 words, the TIPI should capture the breadth and the depth of the *Closing the Gaps Matrix* in the
1082 Executive Summary (see page --).

1083
1084 The Commission recommends that the State utilize those data elements already collected by state
1085 agencies, districts, and schools, and determine their relative value for inclusion in the TIPI.
1086 Additionally, the Technology in Schools Task Force developed a guide to assist those assessing
1087 technology in education through the National Cooperative Education Statistics System and
1088 funded by the National Center for Education Statistics (NCES) of the U.S. Department of
1089 Education. The Commission strongly recommends that the State review the findings of the
1090 Technology in Schools Task Force to develop the TIPI, including their report, *Technology in
1091 Schools: Suggestions, Tools, and Guidelines for Assessing Technology in Elementary and
1092 Secondary Education*, and the list of comprehensive data elements, reproduced in Appendix III
1093 of this plan.

1094 **Appendix III: National Center for Education Statistics Technology in Schools:**
1095 **Suggestions, Tools, and Guidelines for Assessing Technology in Elementary**
1096 **and Secondary Education**

1097
1098 Appendix A2 from the above document published by the National Center for Education Statistics
1099 (NCES) contains a list of data elements to be reviewed for possible inclusion during the
1100 compilation of the TIPI. Refer to the website at <http://nces.ed.gov/pubs2003/2003313.pdf>.

Appendix IV: CEO Forum K-12 School Technology and Readiness (STaR) and Teacher Preparation StaR Charts
<http://www.ceoforum.org/starchart.cfm>

School Technology and Readiness (STaR) Achievement in the 21st Century

How to find your school's profile

The CEO Forum's STaR Chart is a guide, not a definitive measure, of a school's effectiveness in integrating technology into the teaching and learning process.

Your school may fall within one category based on certain indicators and in another based on others. Such mixed readings are expected because every school is unique. The STaR Chart allows any school, district, or state, no matter what its budget, priorities, or current educational technology profile, to better understand where it is today and to better plan for its future goals.

1 Select one of the five categories located across the top: Educational Benefits, Hardware & Connectivity, Professional Development, Digital Content or Student Achievement and Assessment.

2 Under the selected category, find the box that best describes your school's efforts (it's possible that your school may fall between two boxes).

3 After finding where your school falls, compare your school's program components with the ones listed in the Target Tech box, which describes the ideal scenario.

4 Use your findings to start discussions with staff, administrators, technology directors, school board members, and community leaders about improving your school's education technology plan.

Star Indicators	Educational Benefits	Hardware & Connectivity				
		1	2	3	4	5
		Students per instructional computer connected to the Internet	Technical support	% of instructional rooms and administrative offices connected to the Internet	Quality of school's connection to the Internet	Use and availability of other forms of hardware technology
Early Tech	Master basic academic skills through linear drill and tutorial software	More than 10	Takes several days	More than 25%	Dial up access on some computers	VCRs, cable TV, projection devices, calculators
Developing Tech	<ul style="list-style-type: none"> Improve 21st century higher-order critical thinking with access to multimedia content Greater resources available for research and learning from Internet and CD-ROM 	10 or less	Takes place next day	50% or more	Direct connectivity on campus and in some classrooms	VCRs, cable TV, telephones, voicemail, projection devices, digital cameras, calculators
Advanced Tech	<ul style="list-style-type: none"> Improve 21st century skills especially higher-order thinking, research, collaborative and creative skills Most students/teachers able to communicate with parents, experts, other students and teachers outside school 	5 or less	Takes place same day	75% or more	<ul style="list-style-type: none"> Direct connectivity in most classrooms Adequate bandwidth 	Wide variety of VCRs, cable TV, telephones, voicemail, random access video, projection devices, digital cameras, scanners, portals, personal digital assistants, two way video conferencing, calculators
Target Tech	<ul style="list-style-type: none"> Improve student achievement Develop and support the full range of 21st century skills that students will need to thrive in today's educational environment and tomorrow's workplace Promote student-centered authentic project-based learning All students/teachers able to communicate with parents, experts, community members and teachers outside the school Learning at home and at school occurs seamlessly 	1 student per instructional computer connected to the Internet	Tech support available 24/7	100% or more of all instructional rooms and administrative offices are connected to the Internet	Direct connectivity in all classrooms with adequate bandwidth to prevent delays	There is broad use of a wide variety of other technologies such as VCRs, cable TV, telephones, voicemail, random access video, personal digital assistants, two way video conferencing, projection devices, digital cameras, scanners, portals, calculators, thin clients, servers, etc.

Star Indicators	Professional Development			Digital Content				
	7	8	9	10	11	12	13	14
	Delivery and format of professional development	% of technology budget allocated to professional development	Understanding and use of digital content by educators	Format	Educator	Students		Content budget allocation to purchase digital content
					Role of educator and degree to which digital content is integrated into instruction	Students employ digital content to enhance learning	% of students using digital content and frequency of use	
Early Tech	Trainer-led instruction	Less than 10%	<ul style="list-style-type: none"> • 100% at entry or adoption phase • A few use for lesson planning 	Receive information/ tools from prepackaged software	<ul style="list-style-type: none"> • Teacher centered • Supplement instruction with digital content 	Reinforce basic academic skills	<ul style="list-style-type: none"> • 50% or more • Weekly 	Use some Supplemental instructional materials funds only
Developing Tech	<ul style="list-style-type: none"> • Trainer-led instruction • Embedded help within applications 	11-15%	<ul style="list-style-type: none"> • 100% at adaptation phases • Some begin to use with students 	Receive information from CD-ROM and searchable, online content	<ul style="list-style-type: none"> • Teacher directed • Beginning to integrate into instruction 	Use for research, communications And presentations	<ul style="list-style-type: none"> • 75% or more • 3-4 times a week • 20% have online course units available to expand opportunities 	Use significant instructional materials budget, but little to no textbook budget
Advanced Tech	Online mentoring	16-29%	100% at appropriation phases	Manipulatable digital content and tools available commercially and on the Web	<ul style="list-style-type: none"> • Teacher facilitated in local or distant classrooms • Fully integrate into instruction and use for research, planning, multimedia presentations and simulations, and to correspond and communicate 	Use for research, to solve problems, to analyze data, to collaborate and to correspond with experts and to become content producers	<ul style="list-style-type: none"> • 100% • Use digital content daily, but activities are isolated by grade, disciplines, classes • 30% or more have online course units available to expand opportunities 	Scrutinize entire budget as appropriate and shift funds from textbook budget to acquire digital content
Target Tech	Anytime, anywhere	30%	100% at appropriation or invention phases	Full range of digital content and tools structured to support production and collaboration	<ul style="list-style-type: none"> • Student-centered in local or distant classrooms; teacher as guide • Digital content changes the teaching process, allowing for greater levels of inquiry, analysis, creativity and content production 	Digital content changes the learning process, allowing for greater levels of collaboration, inquiry, analysis, and creativity	<ul style="list-style-type: none"> • Seamlessly integrated throughout all classes and subjects on a daily basis • 100% have online course units available to supplement and expand school course offerings 	100% instructional materials budget is available to purchase "most appropriate" content

Star Indicators	Student Achievement and Assessment						
	15	16	17	18	19	20	21
	Student achievement & 21st century skills	Alignment and Continuous improvement	Assessment	Equity of access	Using research	Administrators	Parent & community involvement
Early Tech	Demonstrate improved basic skills	25% align standards, curriculum and assessment using technology	<ul style="list-style-type: none"> • 25% or more beginning to integrate digital strategies into assessment • Limited to use of fixed answer format 	<ul style="list-style-type: none"> • Some students have access to technology to reinforce basic skills 	Schools inconsistently apply ad hoc research	<ul style="list-style-type: none"> • Communicate objectives w/ other administrators and teachers 	<ul style="list-style-type: none"> • One-way access to school web page which communicates policies, standards and initiatives
Developing Tech	Demonstrate some improved mastery of 21 st century skills	<ul style="list-style-type: none"> • 50% align standards, curriculum and assessment and report results • 25% monitor and measure results to inform new instructional decisions 	<ul style="list-style-type: none"> • 50% or more integrate digital strategies into assessment • Measure 25% of 21st century skills • Experiment with additional formats including open ended and self-assessment tools 	<ul style="list-style-type: none"> • Can access Internet at times other than school hours • All teachers are appropriately trained to integrate technology 	<ul style="list-style-type: none"> • 50% review external research and apply appropriately • 50% conduct internal research on program effectiveness • 50% of schools use IT for planning • 25% of teachers use IT in classrooms for ad hoc action 	<ul style="list-style-type: none"> • Use technology to collect data and communicate with constituents • Initiate some data driven decision making 	<ul style="list-style-type: none"> • Limited access to two-way communications via email, and privacy-protected web tools, e.g., to obtain individual attendance & assessment data
Advanced Tech	Demonstrate mastery of 21 st century skills	<ul style="list-style-type: none"> • 100% align standards, curriculum and assessment using technology and report results • 50% monitor and measure results to inform new instructional decisions 	<ul style="list-style-type: none"> • 75% or more integrate digital strategies into assessment • Measure 50% of 21st century skills • Use multiple formats including project based assessment, portfolios and simulations 	<ul style="list-style-type: none"> • Can access digital content at times other than school hours • 75% or more of students use technology to develop 21st century skills 	<ul style="list-style-type: none"> • 100% use external research and apply appropriately • 100% conduct internal research on program effectiveness • 100% use IT in classrooms and administrative planning to collect and manage data to improve current operations 	<ul style="list-style-type: none"> • Use technology to collect data and analyze results • Use technology for data driven decision making 	<ul style="list-style-type: none"> • Communicate two-way via email, and privacy protected web tools, e.g., to access some school information and resources from home
Target Tech	Demonstrate improved student achievement and mastery of the full range of 21 st century skills	100% align standards, curriculum and assessment using technology 100% monitor and measure results to support teaching and learning and link to continuous improvement	<ul style="list-style-type: none"> • 100% integrate digital strategies in assessment • Measure 100% of the entire range of 21st century skills • Technology evaluates student mastery in multiple formats and sets ever more challenging experiences 	<ul style="list-style-type: none"> • Equitable access technology to all students anytime, anywhere • 100% of students use technology to develop 21st century skills • All students have the opportunity to achieve and to receive remediation 	<ul style="list-style-type: none"> • 100% of schools and districts systematically use external and conduct internal research • 100% of teachers and administrators to collect and manage data to guide decisions and inform continuous improvement 	<ul style="list-style-type: none"> • Use technology to set policies, procedures, analyze performance, report and communicate with constituencies • Use technology to manage continuous improvement 	<ul style="list-style-type: none"> • Parents Actively involved in defining educational objectives, setting individual student learning plans and able to view results via privacy protected web tools • Community Involved in defining educational objectives and informed of results and district level interventions via privacy protected web tools

About the **STaR Chart** A Tool for Assessing School Technology and Readiness

The STaR Chart can help any school or community answer some critical questions:

- **Is your school using technology effectively to ensure the best possible teaching and learning?**
- **What is your school's current education technology profile?**
- **What criteria should be used in judging your progress?**

First released in 1997, the STaR Chart was created by the CEO Forum to provide a clear framework for understanding how well schools are prepared to equip students with the knowledge and skills they need to thrive in today's information technology economy. The STaR Chart is a tool that can help all schools create and implement a plan for improving education with the help of information technology. Over the past year, education leaders nationwide have used the STaR Chart as a road map to help understand and plan for the integration of education and technology. Here are some of the ways the STaR Chart has been put to use:

- **Setting benchmarks and goals** Schools, districts, and states have used the STaR Chart to identify current education technology profiles, establish goals, and measure their progress.

- **Applying for grants** The STaR Chart has helped schools and school districts identify their education technology profiles and objectives as they apply for technology-related grants.

- **Determining funding priorities** Education leaders have also used the STaR Chart to help determine where to allocate funds to fill gaps.

- **Creating assessment tools** Education policymakers have used the STaR Chart to help construct their own state technology assessments.

The new Year 4 STaR Chart provides a look at Student Achievement and Assessment, ranging from "Early Tech" to "Target Tech."

Schools and districts should focus on the key building blocks for student achievement in the 21st century- assessment, alignment, accountability, access and analysis- to ensure technology boosts student learning and improves education.

Access The ability or right for all students to make use of education technology.

Accountability Holding people and institutions responsible for their, or their institutions, performance in meeting defined objectives

Alignment The clear lineation and linkage of instructional resources and tools, including technology, and assessment to support standards and educational objectives

Analysis The research, development and study of education technology, specifically on the link between the effective use of education technology to achieve educational objectives and student

achievement

Assessment The means of evaluating student performance, skills and knowledge. Assessment takes place in two forms. Formative assessment occurs on an ongoing basis as part of the instructional process and provides opportunities to revise or adjust instruction accordingly. Summative assessment occurs at the end of projects, courses or grade levels and can include educator, school or district designed evaluations and tests or state mandated standardized short answer and multiple-choice tests

The Stages of Professional Development

In defining professional development profiles, the Year 4 STaR Chart builds upon the five phases of professional development identified by Apple Classrooms of Tomorrow (ACOT) through a decade of research on the instructional changes that occur during the process of integrating technology to transform the learning environment:

- **Entry** Educators struggle to learn the basics of using technology.
- **Adoption** Educators move from the initial struggles to successful use of technology on a basic level (e.g., integration of drill and practice software into instruction).
- **Adaptation** Educators move from basic use to discovery of its potential for increased

productivity (e.g., use of word processors for student writing, and research on the Internet)

- **Appropriation** Having achieved complete mastery over the technology, educators use it effortlessly as a tool to accomplish a variety of instructional and management goals.
- **Invention** Educators are prepared to develop entirely new learning environments that utilize technology as a flexible tool. Learning becomes more collaborative, interactive and customized.

The CEO Forum on Education and Technology

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Founded in 1996, the CEO Forum on Education & Technology is a unique five year partnership between business and education leaders who are committed to assessing and monitoring progress toward integrating technology in America's schools. The CEO Forum hopes to ensure that the nation's students will achieve higher academic standards and will be equipped with the skills they need to be contributing citizens and productive workers in the 21st century.

Organizing Principles

- All students must graduate with the technology skills needed in today's world and tomorrow's workplace.
- All educators must be equipped to use technology as a tool to achieve high academic standards.
- All parents and community members must stay informed of key education technology decisions confronting policymakers, administrators and educators.
- All students must have equitable access to technology.
- The nation must invest in education technology research and development.

The CEO Forum Four Year Agenda

Year 1: *The School Technology and Readiness Report: From Pillars to Progress* (October 1997)

The first report issued by the CEO Forum focused on the importance of integrating all the elements of education technology, from hardware and connectivity to professional development and content.

- STaR Chart, a self-assessment tool for schools to gauge progress toward integrating technology to improve education.
- STaR Assessment, a benchmark measure of national progress toward integrating technology in schools.

Year 2: *Professional Development: A Link to Better Learning* (February 1999)
This second year report focused on educator professional development, the foundation for effective use of technology in education.

- Ten Principles for Effective Professional Development
- STaR Chart Update
- STaR Assessment Update

Year 3: *The Teacher Preparation STaR Chart: A Self-Assessment Tool for Colleges of Education* (January 2000)

This self-assessment tool enabled colleges of education to determine their institution's level of readiness in preparing tomorrow's teachers to integrate educational technology into instruction.

The Power of Digital Learning: Integrating Digital Content (June 2000) This report offered a vision for digital learning and focuses on the actions that schools, teachers, students and parents must take to integrate digital content into the curriculum to create the learning environments that develop 21st century skills.

- Creating a Digital Content Strategy
- STaR Chart Update

Year 4: *Education Proposals Must Be Included in Comprehensive Education Legislation*(March 2001) This policy paper provided recommendations regarding education technology for the federal government.

Key Building Blocks for Student Achievement in the 21st Century: Assessment, Alignment, Accountability, Access and Analysis (June 2001) The final CEO Forum report focuses on the important educational objectives that can be achieved through the effective use of education technology. It also highlights the changes in alignment, assessment, measurement, continuous improvement and research needed to ensure technology produces positive results in education.

- STaR Chart Update

4

5 **Appendix V: Information literacy skills/ Academic Content Standards**

6 *Education Technology Planning: A Guide for School Districts: Appendix B*

7 <http://www.cde.ca.gov/ctl/edtechplan/appendixes.pdf>

8

9 Academic Content Standards for California Public Schools

10 <http://www.cde.ca.gov/standards/>

11

12 **Appendix VI: ISTE National Education Technology Standards (NETS)**

13 <http://cnets.iste.org/>

14
15
16

Appendix VII: Current state-administered technology resources

17 **California Learning Resource Network (CLRN).** CLRN services include the review of
18 supplemental electronic learning resources (including software, on-line resources, and
19 video) and on-line model technology lessons for alignment with the State Board-adopted
20 Academic Content Standards. The review criteria used in this process were approved by
21 the State Board of Education. The goal is to provide a comprehensive instructional
22 delivery package that combines standards-aligned resources and standards-based lesson
23 plans in a single, easy-to-use access point. The searchable website includes the review
24 results of the resource evaluation, the standards-based instructional lessons, and links to
25 other resources. Refer to the website at <http://www.clrn.org>.

26 **California Student Information System (CSIS).** CSIS builds the capacity of Local
27 Education Agencies (LEAs) to implement and maintain comparable, effective, and
28 efficient student information systems that supports local education agency (LEA) daily
29 program needs and promotes the use of information for educational decision-making by
30 school-site, district office and county staff. It enables the accurate and timely exchange of
31 student transcripts between LEAs and post secondary institutions. CSIS assists LEAs with
32 the transmittal of state reports electronically to the California Department of Education,
33 thereby reducing reporting burden of LEA staff.

34 **California Technology Assistance Project (CTAP).** CTAP works collaboratively with all
35 school districts and county offices of education, through a network of eleven regions statewide,
36 to meet locally defined technology-based needs. CTAP regional staff provide assistance in the
37 areas of staff development; learning resources; hardware telecommunications infrastructure;
38 technical assistance to school districts in developing a support system to operate and maintain an
39 education technology infrastructure, including improving pupil record keeping and tracking
40 related to pupil instruction; coordination with federal, state, and local programs consistent with
41 State Board-adopted Academic Content Standards; and funding for technology. Refer to the
42 website at <http://www.cde.ca.gov/edtech/ctap.htm>.

43
44 **Digital California Project (DCP).** DCP provides California's K-12 education community with
45 access to the high speed, high bandwidth on-line network currently available to higher education.
46 DCP is designed to build the necessary network infrastructure needed to provide districts with at
47 least one access point in each county to the high-speed statewide network. Refer to the website
48 at <http://www.cenic.org/CDP.html>.

49 **Technical Support for Education Technology in Schools (TechSETS).** This project
50 provides professional development and resources for technology staff. Services include
51 identifying technology skills needed, along with appropriate professional development,
52 arrayed in a user-friendly matrix; identifying cost effective sources of training aligned to
53 the matrix of skills; providing resources and support for California school technologists
54 through an online interactive helpdesk, and providing assistance for planning and installing
55 technology infrastructures. Refer to the website at <http://www.techsets.org>.

56 **Technology Information Center for Administrative Leadership (TICAL).** TICAL
57 provides assistance for district and site administrators by providing professional
58 development focused on "digital school leadership" for educational administrators in the
59 areas of: data-driven decision making, integrating technology into standards-based
60 curriculum, technology planning, professional development needs of staff, financial
61 planning for technology, and operations and maintenance. Professional development is
62 conducted through a series of workshops provided by TICAL cadre members throughout
63 the state. TICAL maintains a web portal that features hundreds of resources that have
64 been reviewed and recommended by practicing administrators to assist with digital school
65 leadership. The portal is frequently augmented with current content that provides just-in-
66 time assistance for administrators and is also used as the dissemination vehicle for
67 information on upcoming professional development workshops. Refer to the website at
68 <http://www.portical.org>.

69 **CTAP² Technology Assessment Profile.** CTAP² is an on-line, self-assessment data collection
70 tool that allows school administrators to gather information on their staffs technology proficiency
71 and use of technology for instruction. The website includes two administrative tools. The
72 Proficiency Assessment is an on-line, self-assessment tool that allows educators to determine
73 their level of technology proficiency. The self-assessment is based upon rubrics established in
74 each area of technology competency and aligned with the California Commission on Teacher
75 Credentialing (CTC) "Factors to Consider", which is the Technology Standard for a California
76 K-12 Preliminary Teaching Credential. Based on the results of the assessment, educators can
77 view and select training opportunities that will advance their proficiency. While the results for
78 the individual teacher are private, charts can be displayed showing the overall level for teachers
79 at a school site as well as within a district, county, region, or for the entire state. The
80 Technology Use Survey is an on-line tool that allows site, district, county and state
81 administrators to gather information regarding certificated staff's use of technology tools. The
82 survey addresses four areas of teacher technology usage: 1) use of technology tools for
83 classroom management and instruction; 2) their student's use of technology tools for classroom
84 assignments; 3) their professional development preferences, and 4) their technical support
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86
87
88

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MAY 2003 AGENDA

SUBJECT California Technology Assistance Project	X	ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Approve the CTAP Implementation Report of Services for the 11 California Technology Assistance Project Regions.

Summary of Previous State Board of Education Discussion and Action

Education Code Section 51871 (AB 1761, Sweeney, Chapter 801, Statutes of 1998) established the California Technology Assistance Project (CTAP) and specified that CTAP would provide regional technical assistance on education technology to school districts and county offices of education. The law called for the selection of a lead agency within each region and required the lead agency to work collaboratively with all school districts and county offices of education in the region in order to meet locally defined technology-based needs, including, but not limited to:

1. Staff development;
2. Learning resources;
3. Hardware and telecommunications infrastructure;
4. Technical assistance to school districts in developing a support system to operate and maintain an education technology infrastructure, including improving pupil record keeping and tracking related to pupil instruction;
5. Coordination with federal, state, and local programs consistent with State Board-adopted content standards; and
6. Funding for technology.

In April 2002, the Board approved a second period of three-year grants to the eleven California Technology Assistance Project (CTAP) regional lead agencies for the period of July 1, 2002, to June 30, 2005, and approved the following regional leads:

- Region 1: Mendocino County Office of Education
- Region 2: Butte County Office of Education
- Region 3: Sacramento County Office of Education
- Region 4: Alameda County Office of Education
- Region 5: Santa Clara County Office of Education
- Region 6: Stanislaus County Office of Education
- Region 7: Fresno County Office of Education
- Region 8: Kern County Superintendent of Schools
- Region 9: San Diego County Superintendent of Schools
- Region 10: San Bernardino County Superintendent of Schools
- Region 11: Los Angeles County Office of Education

Summary of Key Issue(s)

AB 1761 requires the State Board to approve an annual report of services provided by the lead CTAP agency. School districts and county offices of education within each region are to have the opportunity to comment on the report before it is submitted to the state.

This Board item transmits the results of the annual report, also called the CTAP Implementation Report. A copy of each Implementation Report for the eleven CTAP regions has been forwarded to the State Board Office.

The eleven CTAP regional lead agencies have effectively serviced and supported their client county offices and districts during the first year of the three-year grant period beginning July 1, 2002. They have provided extensive local support for grant application and implementation of No Child Left Behind (NCLB) Enhancing Education Through Technology (EETT), School Renovation Technology Grant (SRTG), Technology Literacy Challenge Grant (TLC), Digital High School (DHS), and E-RATE programs. Professional development provided by CTAP helps schools promote technology literacy for staff and students and also helps develop the capacity of teachers to integrate technology effectively into the curriculum.

CDE is very pleased with the services and support provided by CTAP and the annual process CTAP has used to evaluate and improve services. CTAP works closely with sites and customizes their efforts to meet the specific needs of the site staff and their programs. Support is often provided over the course of several months with very focused attention on promoting the use of technology to improve teaching, learning, and overall school management.

CDE meets with CTAP directors on a regular basis to coordinate regional services and to ensure that CTAP is providing services based upon local needs. CTAP services have effectively helped districts and schools develop technology plans focused on using technology as a tool to improve teaching, student achievement, and the local education agencies' abilities to collect and use data in school and classroom management.

As CDE administers the CTAP grants, we continue to work with the regions to improve the evaluation and accountability aspects of their programs. In developing the Request for Applications (RFA) for this three-year grant that began July 1, 2002, the CDE strengthened the accountability requirements for the CTAP lead agencies. In the Implementation Reports, applicants were required to report their progress towards meeting measurable objectives with benchmarks for each year and were required to outline the specific steps and instruments that were used to gather data on their objectives. Also, if the CTAP regional structure includes a lead LEA with sub-regional LEAs, then the region must report specific steps used to monitor the performance of the sub-regional LEAs.

Each Implementation Report includes data on the specific services provided, an unduplicated count of services provided to districts by category of service (staff development; learning resources; hardware and telecommunications infrastructure; technical assistance to school districts; coordination with federal, state, and local programs; and funding), information on expenditures, and data on regional efforts to collect feedback on their plans.

There are two attachments to this Board item. The first attachment is a statewide summary of CTAP services by category of service (e.g. professional development). This attachment includes the number of activities planned for the year, the number actually implemented between July and

Summary of Key Issue(s)

December, as well as the number to be conducted between now and June 30th, the number of participants, the average hours per participant, and the number of districts served. Because some participants attend multiple sessions during the year, the Board requested that CTAP collect unduplicated counts this year. A summary of the unduplicated counts is also included in the first attachment. The second attachment is a summary of each regional report. Each summary includes the following:

1. An overview of the regional structure, including the number of counties and schools served by the region and a brief description of the governance structure within each region
2. An overview of the services provided by the region, including the numbers served and the average length of activities
3. A summary of the region's method(s) for monitoring progress toward implementing the regional plan approved by the State Board
4. A report on the expenditures between July 1, 2002, and December 31, 2002, and an estimate of the amount of funding to be spent between January 1, 2003, and June 30, 2003
5. A brief overview of the process used to gather feedback on the implementation report and planned adjustments to regional activities and services as a result of the feedback received

Although each regional report contains region-specific information, there are some strengths common across the state. These are:

1. All CTAP regions are implementing their plans as approved by the State Board and are meeting their performance goals.
2. All regions are providing services in each of the areas required by law and are serving a significant number of districts and individuals. Between July 1 and December 31, 2002, more than 95 percent of the districts in California took advantage of CTAP services, with more than 34,000 people receiving services. The majority of CTAP resources are devoted to staff development. Trainings address the needs of teachers, administrators, and technical support staff, with workshops for teachers receiving the greatest emphasis. Teacher professional development increasingly focuses on integration of technology into the curriculum to help students meet state standards. However, there is still a need for skill development training.
3. Each CTAP region is tailoring its services to local needs. Each region works on an ongoing basis to have good communication with its clients. Regions adjust their plans based upon feedback and changing circumstances. As required by law, each region provided its clients with the opportunity to comment on the region's implementation report. All regions increased the amount of feedback they received from their clients this year; however some regions are still receiving only very limited responses. CDE will continue to work with these regions. The feedback received in every region was complimentary, with districts and schools expressing their appreciation for CTAP services.
4. CTAP is successfully leveraging resources from a variety of funding sources. Regions are working with their local S4, BTSA, and a variety of public and private agencies to stretch limited resources to meet local needs.
5. All CTAP regions are promoting the three statewide education technology services approved by the State Board and administered by CDE. There is very good communication and collaboration between the regions and the statewide projects. CTAP representatives sit on the advisory bodies for the statewide projects and are helping the statewide projects understand regional needs.
6. All CTAP regions have worked very hard to implement the EETT Formula Grant Program

Summary of Key Issue(s)

and to help their eligible districts develop technology plans that comply with both the State Board and federal requirements. By the end of this year, CTAP will have assisted more than 700 districts to receive funding under this program.

7. Each region participated in the Student Technology Showcase held on March 11, 2002. The Showcase is a CDE/CTAP-sponsored event featuring exemplary curriculum-based technology projects from across the state. The regions selected students to participate in the Showcase and assisted in the logistics for the event. Over 400 students presented at the Showcase and more than 1,800 people attended the event and evaluations were very positive. The Showcase would not have been possible without the assistance of CTAP. CTAP is helping to plan another Showcase this year at the Spring Computer Users Educators (CUE) Conference in Anaheim and is committed to involving even more students.

The regions continue to monitor their budgets to ensure timely expenditure of funds and have made improvements in this area this year. All regions did not receive any funding until late December 2002 due to the budget crisis and as a result most have spent only a moderate portion of their funding. However, all regions are on track to complete their plan for the year and CDE is satisfied with the level of expenditures by regions.

Although each region has successfully completed many activities this year, much remains to be done. The regions will be conducting technology-planning activities this spring and next fiscal year to help districts understand and use the new State Board Education Technology Planning Guidelines to develop or update district technology plans in a manner consistent with State Board policy. In addition, the regions will be assisting with the new competition for the EETT Competitive Grant and with follow-up support required to ensure districts meet the completion requirements for the School Renovation Technology Grant. CTAP and CDE have agreed to continue collaboration in the coming year with respect to the data collected about CTAP services. The goal is to continue to refine monitoring and evaluation systems to enhance delivery of services focused on supporting improved teaching and student academic achievement.

Fiscal Analysis (as appropriate)

Following State Board approval of the Implementation Reports and contingent upon authorization in the 2003-04 State Budget, CDE will release funding to each region for the second year of this program period. CDE anticipates receiving approximately \$12 million for CTAP regional services for the 2003-04 fiscal year.

Attachment(s)

- [Attachment 1:](#) California Technology Assistance Project, Statewide Summary of Services, Provided July 2002 – December 2002 (page 1 of 1)
- [Attachment 2:](#) CTAP Regions 1-11 Summary Report (pages 1 of 37)

A copy of each region's full CTAP Implementation Report has been forwarded to the State Board Office.

California Technology Assistance Project
Statewide Summary of Services Provided
July 2002 – December 2002

CTAP Legislated Service Areas	Number of Activities Included in Regional Plan	Number Activities Implemented July – Dec.	Number Activities to be Implemented Jan. – June	Number of Participants	Average Training Hours Per Region Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	1726	1,840	1,998	29,394	28	2,193
<i>Total Unduplicated Professional Development and Learning Resources Services</i>				20,731		1,092
Total Professional Development and Support Related to Hardware/Telecommunications	619	423	252	14,333	12	899
<i>Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications</i>				8,144		431
Total Professional Development and Support Related to School Improvement	456	343	197	4,880	10	640
<i>Total Unduplicated Professional Development and Support Related to School Improvement</i>				2,615		465
Total Funding and Coordination	476	832	612	5,566	16	1,814
<i>Total Unduplicated Funding and Coordination</i>				3,281		872
Grand Total Unduplicated for All Service Areas				34,771		2,860

CTAP Region 1 Summary Report

Overview of Governance Structure

Region 1 encompasses an area of 11,000 square miles and stretches over 400 miles along the Highway 101 corridor. The area is primarily rural and the major industries are fishing, lumber, and agriculture. The southern part of the region is a prime area for wine production. The vast distances within Region 1 can limit access to technology in outlying areas. There is little public transportation and phone service can be poor. Several of our client school sites have no commercial power and telephone service is limited to radio technology. There is a size disparity between counties within the region and an unusually large number of small schools and districts. Thus, there are a few areas where educational technology is both abundant and accessible, and many others where it is neither. The size of districts ranges from the largest of over 37,000 students to the smallest of 15 students. The Region serves 5 counties and 97 districts. The size of districts range from 1 to 15 schools with 12 districts having student populations of less than 100 students and 33 districts having only one school.

The CTAP Region 1 Director, in collaboration with the *Regional Leadership Team* (RLT), with input from *Regional Coordinating Council* (RCC), makes every effort to ensure that the activities and services funded by CTAP Region 1 provide an equitable benefit to the majority of clients in the region. An external evaluation is incorporated into the plan to document the extent to which the planned objectives were met as well as the extent to which clients in the region are equitably being served by CTAP Region 1. CTAP Region 1 plan objectives and activities will be adjusted over time based both on formative evaluation of the extent to which the planned activities are implemented and address the needs of clients.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Leadership Team	5	4	10
Regional Coordinating Council	16	1	12

Overview of Services

The region's strategies for meeting the needs of their client school districts are based on client feedback through online surveys, communication between CTAP and districts and input at regularly scheduled meetings. Region 1 has made significant progress toward successful implementation of every one of their regional objectives. As shown in the tables below, multiple trainings and meetings have been held in each of the CTAP program areas.

Professional Development and Learning Resources: A variety of services have been provided in this area. They include traditional classroom-based technology skills training, online professional development, website resources, and implementation support for those utilizing grant-funded technology resources to improve student achievement. Some of the more unique activities include expanding the Video web-database at local Instructional Media Centers, establishing demonstration sites of effective technology integration, and developing a web-based

repository of student projects, teaching strategies, and video vignettes of technology integration practices.

Professional Development and Support Related to Hardware/Telecommunications: A variety of activities have been held in this area to help our districts. They include technical classes to technology coordinators on computer maintenance and network basics, assistance with E-rate and CTF design and applications, technology integration planning assistance, second level technical help to counties and districts, maintaining the technical assistance listserv, monthly Tech meetings, Tech-SETS videoconferences, and training in the use of visualization tools.

Professional Development and Support Related to School Improvement: Most educators are not familiar with how technology can be used as a tool to improve school management. CTAP Region 1 staff serves as the local experts on the use of these tools. The region provides a variety of services in this area with the focus of CTAP’s activity in this area as the sharing of valuable information. The activities include providing periodic TICAL training, web-use assistance, and vendor demonstrations of management applications.

Funding and Coordination: This area is of critical need to our clients. Our small school districts do not have the resources to look for funding and other services available to them on their own. The work of Region 1 staff replaces the dedicated specialists that would be found in large urban districts. The activities provided include assistance to districts in applying for School Renovation Technology Grants, Enhancing Education Through Technology Formula Grants, collaboration with S4, distribution of a paper and online funding opportunity newsletter, and establishing a partnership with NASA K-12 education projects.

Regional Services	Number in Plan	Number Implemented July – Dec.	Number to be Implemented Jan. – June	Number of Participants	Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	197	141	174	1075	6	175
Total Unduplicated Professional Development and Learning Resources Services				641		74
Total Professional Development and Support Related to Hardware/Telecommunications	32	28	16	441	4	138

Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				188		45
Total Professional Development and Support Related to School Improvement	6	6	6	103	3	21
Total Unduplicated Professional Development and Support Related to School Improvement				39		14
Total Funding and Coordination	40	75	41	554	4	196
Total Unduplicated Funding and Coordination				396		88

Program Monitoring

The Regional Leadership team meets monthly via videoconference and the Regional Coordinating Council meets twice per year in-person. At each of these meetings, each sub-region reports its expenditures and progress in meeting the plan goals, objectives and benchmarks. If there are any questions regarding sub-regional budgets telephone conference calls are used on an as-needed basis. Twice per year, the sub-regions provide budget reports in writing outlining their expenditures.

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$696,830	\$125,490	18%	\$464,033	85%
Carryover from Prior Year Funding	\$113,184	\$113,184	100%		

The Region 1 Implementation Report was posted on the CTAP Region 1 web site at <http://ctap1.org> on February 28th, 2003. Feedback was accepted through the required period of February 28th to March 28th. Some additional feedback received after March 28th is also included. A message was distributed on all CTAP mailing lists when the report went online announcing its availability and requesting feedback. Each Monday during the feedback period, an email was automatically sent to the CTAP Region 1 Announcement Mailing List reminding members of the report. Each member of the Regional Leadership Team distributed the implementation report and request for feedback within their county using listservs, email lists, paper copies and through attendance at local meetings.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	26		
Total Responses Received	61		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions (if appropriate)	5	5	100%
County Offices of Education	5	5	100%
Districts	97	53	55%

The results of the feedback have been shared with the Regional Leadership Team during a videoconference on April 7th. During the May meeting of the Regional Coordinating Council, the results will be shared with this larger body. Additional discussion will take place during that meeting regarding any needed changes.

CTAP Region 2 Summary Report

Overview of Governance Structure

CTAP Region 2 consists of nine northeastern counties of California: Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity. Region 2 faces special geographic challenges in delivering regional services. All CTAP activity is monitored and approved by the 25-member Regional Policy Council. Each county has equal representation on the Policy Council with one member representing the county office and one member representing the districts within the county. Institutions of Higher Education (IHE) are also represented with Community Colleges and Universities each having one representative. Parents and business members also have a seat on the council.

Regional Meetings	Number of Members	Number of Meetings for Report Period	Average Attendance
Regional Council	25	2	19

Overview of Services

Because of the challenges of providing services to a large land area, Region 2 offers online services through its Web based CTAP Online courses and county offices of education in the region are growing video conferencing capability. Region 2 is meeting or exceeding most of the stated objectives. See the table on page 2 for a summary of the regional services provided in each of the four areas.

Professional Development and Learning Resources: Region 2 held a Summer Teaching and Leadership Conference (STLC), a three-day hands-on technology and leadership conference focused on improving technical skills and technology integration into curricular areas. In addition, hands-on workshops focusing on specific applications or technology integration were offered through CTAP at various county offices and school sites around Region 2. Two hundred and fifty teachers participated in such workshops between June 30 and January 1.

CUE and CTAP Region 2 partnered to send over 50 Region 2 teachers to CUE north. It is the initial segment of an ongoing professional development opportunity consisting of CUE, STLC, and Region 2 Mini-CUE.

Professional Development and Support Related to Hardware/Telecommunications: Region 2 provides information, support, and follow-up for 130 districts and over four hundred schools that should participate in the annual State Technology Survey. Introductory workshops focused on the State Education Technology Services (SETS) projects were planned, but have been reformatted. Due to budget constraints, the TechSets workshops are now combined with Basic Workstation Troubleshooting and other Wide Area Network training opportunities. Thirty technology specialists and network administrators from throughout the region participated in a five-day training focused on networking design, protocols, and network fundamentals.

Professional Development and Support Related to School Improvement: Region 2 provided Technology Information Center for Administrative Leadership (TICAL) and California Learning Resources Network (CLRN) trainings that were combined with Digital High School Support Workshops and other countywide workshops throughout the region. CTAP partnered with California School Leadership Academy (CSLA) to provide AB75 Module 2- Effective School Leadership training.

Sixteen hours of video in a six-video series were developed in partnership with The Southern California Center for Comprehensive Assistance and the Butte County Office of Education Center for Distributed Learning. The video series focuses on effective strategies for teachers to use in analyzing classroom data in order to make effective decisions regarding instruction.

Funding and Coordination: Nine sessions, one in each Region 2 County Office, were held to provide an overview of the federal Enhancing Education Through Technology (EETT). Program requirements and tech planning requirements were reviewed and support workshops planned. Region 2 supports the state technology plan review process by providing 25 state-level reviewers.

Overview workshops were held for the Schools Renovation Technology Grant Program requirements and tech-planning requirements. Follow-up support workshops are planned. Region 2 provided four reader/reviewers to support state evaluation of SRTG applications.

Regional Services	Number in Plan (if not in plan use a 0)	Number Implemented July – Dec.	Number to be Implemented Jan. - June	Number of Participants	Average Training Hours Per Participant	Number of Districts Served
Total Professional Development Learning Resources Activities	49	35	483	3545	16	630
Total Unduplicated Professional Development Learning Resources Activities				2730		120
Total Professional Development and Support Related to Hardware/Telecommunications	22	1	12	210	8.3	87
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				180		65

Total Professional Development and Support Related to Data Management for School Improvement.	1	7	7	274	18.8	115
Total Unduplicated Professional Development and Support Related to Data Management for School Improvement				250		100
Total Grants, Funding and Coordination with Other Programs Activities.	36	36	33	644	26.5	471
Total Grants, Funding and Coordination with Other Programs Activities.				360		130

Program Monitoring

The Regional Policy Council meets quarterly on the second Tuesday or Wednesday of March, June, September, and December. At each meeting the Project Director reports on the implementation of the Project Plan. The role of the Policy Council is to develop policy based upon recommendations of subcommittees, approve the annual CTAP work plan, develop an annual CTAP regional accountability plan, and provide oversight for the implementation of the Project Plan and budget. All CTAP activity is monitored and approved by the 25 member Regional Policy Council.

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$717,435	\$210,413	29%	\$507,022	100%

The CTAP Regional Implementation Report was posted on the CTAP Region 2 web site and made available for public review. An email was sent to Region 2 constituents asking for review and participation in the Region 2 Support Survey. The target audience was primarily classroom teachers as participants in professional development opportunities and secondarily district and county office personnel regarding technical support and other CTAP assistance.

Initially the CTAP Regional Director did a preliminary review and reporting of results. The CTAP Policy Council will review feedback, discuss, and develop any changes to the Implementation Plan at it's June 2003 meeting. Policy Council feedback and suggestions will be presented the Northeastern Regional Curriculum Council (NERCC), at their next scheduled meeting following the June Policy Council meeting. Any additional recommendations will be appropriately incorporated and the final revisions presented to the nine county superintendents.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	17		
Total Responses Received	302		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
County Offices of Education	9	9	100%
Districts	128	55	43%

No major changes to the Region 2 Implementation Plan, other than those approved by the Policy Council in March 2003, will take place between January and June 2003. Plan revisions developed as a result of the above governance process will take effect during the 2003-2004 Implementation year. Overall feedback received from region constituents is positive.

CTAP Region 3 Summary Report

Overview of Governance Structure

Region 3 is comprised of 10 counties: Alpine, Colusa, El Dorado, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, and Yuba. The Regional Council acts as the advisory body for Region 3. Every County Office of Education is represented on this Council. Managers of other regional programs, organizations and members of the CSUS faculty serve as liaisons to Mitchell Hall, CTAP Director. The County Superintendents guide and promote the technology vision. The Regional Council functions as a sub-group of the Capital Service Region of the California County Superintendents Educational Services Association (CCSESA) and relies on the bylaws of this organization to guide its decision-making processes.

The full Regional Council provides advice and oversight for the CTAP LEA staff. There are site, district, county and regional roles represented on the Council. Representatives from each county are appointed by their respective county superintendents. The Regional Council meets quarterly in September, December, February and May. Each county acts as a sub-committee of the Regional Council, responding to the specific local needs in each county. All information and decisions are channeled through the Regional Council.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	20	2	14

Overview of Services

Region 3 strategies for meeting the needs of their client school districts are based on client feedback through online surveys, communication between CTAP and districts and input at regularly scheduled meetings. Region 3 has made significant progress toward successful implementation of virtually every one of their regional objectives. An overview of region accomplishments is noted below:

Professional Development (PD) and Learning Resources
Services provided:
Online staff development resources
Free site licenses to an online library of courses for every school in region
Established regional network of site administrators/mentors and trainers of mentors
Training for administrators through California School Leadership Academy and AB 75
Teacher technology workshops
Library management, information literacy, database evaluation and professional library development workshops
Provided staff development/workshops to over 400 participants

Hardware and Telecommunications
Accomplishments:
Located partners for funding, determined a vendor and provided specifications to upgrade the regional videoconference system to allow videoconference over the Internet
School Management/School Improvement
Accomplishments:
Provided monthly workshops in using CTAP ² and data as a tool for data-driven decision making
Funding and Coordination with Other Programs/Activities
Accomplishments:
Assisted districts in obtaining approximately \$4.5 million in funding through technical assistance in writing plans and applications
Collaborated with the SETS projects to provide links and information to clients on administrator training (TICAL), standards-aligned electronic Learning Resources (C-LRN) and technical support (TechSETS).

Regional Services	Number in Plan	Number Implemented July – Dec.	Number to be Implemented Jan. – June	Number of Participants	Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	62	28	27	552	99	101
Total Unduplicated Professional Development and Learning Resources Services				201		101
Total Professional Development and Support Related to Hardware/Telecommunications	7	0	7	0	4	0
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				0		0
Total Professional Development and Support Related to School Improvement	5	10	10	180	32	1
Total Unduplicated Professional Development and Support Related to School Improvement				18		1
Total Funding and Coordination	36	21	26	336	66	87
Total Unduplicated Funding and Coordination				336		63

Program Monitoring

The monitoring of budgets and activities of the sub-regions was done in December of 2002. Budget reports were compared to the approved budgets on file. Assistance was provided to sub-regions on the tracking of expenditures and acceptable use of funds.

Expenditures

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$1,432,263	\$434,224	30%	\$998,039	100%
Carryover Funding from Prior Year	\$121,130	\$121,130	100%		

The report was posted on the CTAP Region 3 web site, with a link from the home page. Email notices were sent to various listservs, targeting previous users of regional services (e.g. workshop and institute participants.) CTAP staff reviewed feedback after it was received. Results will be presented to the Regional Advisory Council at the next meeting.

Region 3 is on track in meeting the majority of its performance objectives and benchmarks. No changes were made or are anticipated to be made as a result of the feedback received.

Regional Report Response Demographics			
Number of Days Posted	35		
Total Responses Received	47		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions	9	9	100%
County Offices of Education	10	N/A	N/A
Districts	86	N/A	N/A

CTAP Region 4 Summary Report

Overview of Governance Structure

A 26 member regional council, consisting of stakeholder representatives from all seven Bay Area counties, governs CTAP Region 4. Council representatives include technology directors, school administrators, teachers, library media teachers, businesses and nonprofit agencies. The Council meets quarterly to review evaluation data, make program decisions, prioritize activities and develop the direction of the regional CTAP plan. CTAP Region 4 uses an evaluator consultant to collect and process needs assessment, priority and satisfaction data.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	26	2	20

Overview of Services

CTAP Region 4 contains seven Bay Area counties; Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Solano. While one of the smallest geographic regions, there are over 650,000 students being taught by over 30,000 teachers. Through surveys and Regional Council meetings, CTAP Region 4 identified that professional development and learning resources to improve teaching and learning are the greatest regional need. To meet this need, the region utilizes a strategy of training teachers to become local sources of expertise along with delivering a variety of workshops and seminars.

Professional Development and Learning Resources: During the first six months of the grant period, CTAP has focused professional development activities in the curriculum and instruction area on workshops intended to assist schools with integrating technology use into the classroom. As the data table that follows indicates, we have offered 84 events and presentations, ranging from five-day summer institutes with monthly follow-up sessions to one-hour after-school presentations. This greatly exceeds the number of professional development opportunities originally planned for the semester and is an indication of the increasing need for professional development in the region as more classrooms are equipped with technology - including desktop units, laptops, and hand-helds.

Professional Development and Support Related to Hardware/Telecommunications: During the first six months of the grant period, CTAP has focused professional development activities in the Hardware/Telecommunications area on workshops intended to assist schools and districts with maintaining networks and keeping the technology working well. As the data table that follows indicates, we have offered 10 events and presentations, ranging from three-day Windows 2000 server training to one-hour TechSETS presentations. The program is on target for the number of professional development opportunities originally planned for the entire year, although attendance in the repair and troubleshooting workshops has been lower than anticipated.

Professional Development and Support Related to School Improvement: While CTAP has provided some support in this area in past years, this is the first year that it increased as a priority in our regional needs assessment. During the first six months of the grant period, a CTAP committee consisting of staff, district assessment leads, and professional experts developed a survey to better identify district needs and collect information about the various data management systems being used in the 90 districts in the region. After gathering and reviewing responses from 62 percent of the districts, the committee planned and held a day-long workshop.

Funding and Coordination: During the first six months of the grant period, CTAP has provided leadership in assisting districts with two major federal technology-funding opportunities available through the California Department of Education – School Renovation Technology Grants (SRTG) and Enhancing Education Through Technology (EETT). In addition, CTAP has continued to support project leaders from projects with ongoing funding through Digital High School, AB1339, and Technology Literacy Challenge Grant programs. CTAP Region 4 also produces a monthly “Technology Funding Alert” publication.

Region 4 is on target for meeting regional objectives for the first half of the year and preliminary data suggest that regional clients are very satisfied with the Region 4 services. An overview activities program participation is noted below:

Regional Services	Number in Plan (if not in plan use a 0)	Number Implemented July – Dec.	Number to be Implemented Jan. -June	Number of Participants	Average Training Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	95	84	47	1176	103.5	408
Total Unduplicated Professional Development and Learning Resources Services				923		78
Total Professional Development and Support Related to Hardware/Telecommunications	19	10	9	262	61.5	114
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				206		69

Total Professional Development and Support Related to Data Management for School Improvement.	21	15	9	436	18.5	166
Total Unduplicated Professional Development and Support Related to Data Management for School Improvement				342		73
Total Grants, Funding and Coordination with Other Programs Activities.	135	46	107	443	30.5	223
Total Unduplicated Grants, Funding and Coordination with Other Programs Activities.				332		80

Program Monitoring

	Budgeted	Spent by 12/31/02	Percentage Spent by 12/31/02	Projected to be spent by 6/30/03	Percentage Spent by 6/30/03
2002-2003 Funding	\$2,014,112	\$652,125	33%	\$1,361,987	100%
Carryover from Prior Year Funding	\$245,862	\$245,862	100%		

On February 28, 2003, CTAP Region IV sent copies of the Implementation Report to every district and county office of education superintendent in the region, along with a cover letter requesting that they review and respond to the report by March 27th. The cover letter provided the URL address for the website designed to allow recipients to respond to the report online and have those responses go directly to the external evaluator, Rockman *ET AL*, who hosted the website. This website was launched on February 28th and included a pdf version of the entire report, as well as areas for offering comment on each section of the report.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	33		
Total Responses Received	105		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
County Offices of Education	7	7	100%
Districts	90	70	78%
Other	N/A	2	N/A

The CTAP Region IV Council met on March 20, 2003, to review the implementation report as well as the preliminary responses from districts and county offices of education in the

region. There was general agreement that the data affirm the relevancy of the 2001 needs assessment and the overall direction of the CTAP regional plan. As a result of the feedback, the Council recommended that the following areas be addressed during the implementation of this year's and next year's plan:

- To respond to the unique needs of smaller and more remote districts, use videoconferencing, videostreaming of workshop content, and digital versions of presentations and handouts on the CTAP website.
- To better coordinate activities with districts and county offices and improve dissemination of information, a listserv will be established that will keep educators aware of activities in the region and new postings to the website.
- Due to projected budget reductions, investigate ways CTAP can increase the opportunities to develop collaborations between districts and with county offices of education.
- To continue and increase the collaboration with the TechSETS project to increase awareness of its technical support resources for Bay Area schools.
- To provide additional support to districts and schools in the data management area.

CTAP Region 5 Summary Report

Overview of Governance Structure

CTAP Region 5 is a state-funded regional program providing services and assistance to schools in planning for and using educational technology to improve student achievement. Region 5 serves the 87 school districts, 612 schools, and approximately 20,000 teachers in the four-county area that includes Monterey, San Benito, Santa Clara, and Santa Cruz. The Santa Clara County Office of Education serves as the LEA.

The Project Director reports on the implementation of the Project Plan on a quarterly basis to a regional Advisory Council, a 27-person body with representation from a wide variety of stakeholders in the regional program. The Executive Committee is comprised of the following members: Assistant Superintendent from the LEA, CTAP Region 5 Director, Directors of Instructional Technology from each COE, and the Advisory Council Chair. The Executive Committee provides feedback to the Director and oversees and monitors budget.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	27	2	16
Executive Committee	6	2	6

Overview of Services

Professional Development and Learning Resources: Professional development in technology integration with a curriculum focus continues to be a significant need in the region. Over 1,000 teachers have received training in this area through summer institutes and half-day workshops.

There continues to be a demand for basic skills workshops with a curriculum focus. To meet that need, over 100 workshops in basic technology skills have been provided to over 460 individuals at county office, district, and school computer labs.

Professional Development and Support Related to Hardware/Telecommunications:

Information/updates and presentations about TechSETS and total cost of ownership have been provided to IT and network administrators and district technology coordinators at monthly meetings with the intent of increasing the awareness of the TechSETS website. In addition, workshops focusing on technical support and E-rate applications have been provided.

Professional Development and Support Related to School Improvement: Region 5 meets with technology coordinators from all four counties on a monthly basis and facilitates discussions and shares information about current educational technology issues, funding opportunities, and resources and promotes the use of CLRN, TechSets, and TICAL.

CTAP coordinators have been meeting with BTSA, Professional Development, 4-12 Reading Grant, Curriculum, S4, and other school support providers such as the California Subject Matter

Projects, to work collaboratively to provide professional development opportunities to districts, share resources, and leverage expertise. Three workshops on using technology for data-driven decision making have been conducted for 26 administrators in local AB75 Principal Training programs.

Funding and Coordination: Region 5 has put a high priority on supporting districts with the development of technology plans in preparation for the School Renovation Technology (SRTG) and Enhancing Education Through Technology (EETT) grant programs. Over twenty workshops have been conducted across all four counties with over sixty districts participating. For the SRTG program, over 15 workshops and technology plan review sessions were held specifically focusing on SRTG application requirements and technology planning resulting in grants at 20 schools in 10 districts totaling \$1,356,000 dollars. In addition to specific workshops on grant writing and technology planning, the region communicates regularly through presentations at workshops, through email and phone calls to encourage schools and districts to complete the 2003 Online School Technology Survey in order to be eligible for future funding.

Another focus of our efforts in this regard is monitoring district/school use of the CTAP2 Proficiency Assessment. Through frequent workshops presentations and announcements, email, and phone calls, districts receiving grant funding have been reminded and encouraged to have their teachers complete the CTAP2 Assessment and Technology Use Survey.

The table on the next page summarizes the activities carried out by our region during the period July through December 2002.

<i>Regional Services</i>	Number in Plan	Number Implemented July – Dec.	Number to be Implemented Jan. - June	Number of Participants	Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	118	163	103	1250	8	119
Total Unduplicated Professional Development Services and Learning Resources				1233		81

Total Professional Development and Support Related to Hardware/Telecommunications	39	42	39	525	3	256
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				207		64
Total Professional Development and Support Related to School Improvement	9	20	10	321	3	127
Total Unduplicated Professional Development and Support Related to School Improvement				259		55
Total Funding and Coordination	0	34	44	250	3	194
Total Unduplicated Funding and Coordination				112		74

Program Monitoring

Funding for Region 5 is distributed to each county office in the region based upon a funding formula determined by a base amount plus a percentage based on student population. The LEA monitors these sub-regional budgets on a quarterly basis

Expenditures

	Budgeted	Spent by 12/31/02	Percentage Spent by 12/31/02	Projected to be spent by 6/30/03	Percentage Spent by 6/30/03
2002-2003 Funding	\$1,336,520	\$468,981	35%	\$971,024	73%

The Region 5 Implementation Report with feedback forms was posted on the CTAP 5 web site as a PDF file on February 28, 2003 and was available online through April 4, 2003 (35 days). An e-mail message announcing the report was sent to technology coordinators and CTAP contacts at all 87 districts throughout the region. Included in that message was information about our need to collect comments from client districts, a link to the CTAP 5 web site and survey and an attached PDF version of the implementation report. In addition, a hard copy of the implementation report was mailed along with a cover letter and a self-addressed stamped return envelope to each district superintendent with instructions to route to the appropriate individual at each district to complete the comments form and return to the LEA. Finally, district personnel were provided hard copies of the report at technology coordinator and grant coordination meetings during the month of March.

The CTAP Action Team, Advisory Council and Executive Committee review feedback from target clients. Based upon an analysis of the feedback from districts, the Action team will adjust as necessary the implementation of the CTAP plan. The changes suggested by the Action Team

will be brought to the Advisory Council for review and comment. If necessary, adjustments will be made to the regional plan and Form F changes will be submitted to CDE if necessary.

Regional Report Response Demographics			
Number of Days Posted	35		
Total Responses Received	35		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions	3	3	100%
County Offices of Education	4	4	100%
Districts	87	29	33%

CTAP Region 6 Summary Report

Overview of Governance Structure

Region 6 is comprised of five counties: Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne. The Delta Sierra Regional Coordinating Council (RCC) is the governing authority of CTAP 6. The 20-member RCC is directed by Marianne Pack and approves each annual plan and budget. Representatives include teachers, county, district and school-site administrators, technology directors, librarians, as well as representatives from higher education and business. The county superintendents and assistant superintendents have made diverse representation a high priority, so they continue to work to ensure that all stakeholders have a voice in CTAP governance. Decisions made by this group are based on evaluations and recommendations from a wide range of participants.

The RCC uses a listserv for updates on Region 6 news, and it meets face-to-face four times a year to review evaluation findings, decide on program changes, and develop a vision for the CTAP 6 project. Each county also has a main contact that meets between meetings to discuss and make modifications to the plan regarding professional development, data collection and evaluation. This group also holds phone conferences when necessary to make sure all counties are up to date on activities. Stanislaus County Office of Education serves as the lead agency for CTAP 6; however, all five County Offices of Education maintain representation on the council and may invite representatives from districts, businesses, and colleges to serve on the RCC. Each year, county superintendents select representatives to serve on the council for the following academic year.

This year, CTAP 6 entered into an agreement with an external evaluator to assist overseeing the plan and to provide accurate data collection in order to make plan modifications based on evaluations. The evaluator will provide a summary of all activities and make recommendations for modifications to improve the project for the following year.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	20	2	15
Phone Conferences		2	
Meetings with County Contacts and ESS		2	8

Overview of Services

The region's strategies for meeting the needs of their client school districts are based on client feedback through online surveys, communication between CTAP and districts and input at regularly scheduled meetings. CTAP 6 makes a great effort to offer all activities throughout the region and at regional school sites. Region 6 has made significant progress toward successful implementation of every one of their regional objectives. As shown in the tables below, multiple trainings and meetings have been held in each of the CTAP program areas.

Professional Development (PD) and Learning Resources
3-Day Technology/Curriculum Integration Institutes
Technology Integration Projects
Skills Proficiency Classes
Training for administrators through TICAL
Higher ed partnership to support administrators
Aligning standards with curriculum workshops
BTSA Induction Course curriculum
Provided staff development/workshops to over 1,200 participants
Hardware and Telecommunications
Trainer certification for Macintosh OSX Operating System
Provided E-rate and CTF assistance to districts
Computer repair and computer donation program coordination
Technical assistance listserv
School Management/School Improvement
Approved provider for AB 75 training
District technology plan assistance
Grant writing assistance
Funding and Coordination with Other Programs/Activities
Leveraged resources
Collaborated with the SETS projects to provide links and information to clients on administrator training (TICAL), standards-aligned electronic Learning Resources (C-LRN) and technical support (TechSETS).

Regional Services	Number in Plan	Number Implemented July – Dec.	Number to be Implemented Jan. – June	Number of Participants	Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	65	62	61	2,356	6	69
Total Unduplicated Professional Development and Learning Resources Services				1,256		69

Total Professional Development and Support Related to Hardware/Telecommunications	45	25	20	358	10	69
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				175		69
Total Professional Development and Support Related to School Improvement	32	19	16	498	8	50
Total Unduplicated Professional Development and Support Related to School Improvement				100		50
Total Funding and Coordination	22	42	34	525	8	56
Total Unduplicated Funding and Coordination				100		56

Program Monitoring

All CTAP 6 County Offices maintain records and review their budgets. Budget reports required from CDE are sent to the CTAP 6 Regional Office in December and again in June. These reports are reviewed by the Director and by ESS and compared to the regional progress of projects as identified in the original MOU that was signed by the designated regional contacts.

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$947,208	\$255,018	27%	\$692,190	100%
Carryover from Prior Year Funding	\$168,052	\$168,052	100%		

The CTAP 6 Implementation Report was posted on the CTAP 6 web page at <http://ctap6.k12.ca.us> on February 28, 2003. A web page was developed to explain the format for the report and to post all related information regarding the report. The web page also had a PDF file of the response form that could be downloaded, completed and faxed to the CTAP 6 office to be entered online so all responses would be in one electronic document. The web page had the link to the online response form. In addition, all regional listservs were sent messages asking individuals to read the report and to fill out the Online Response Form in order to provide CTAP 6 with feedback regarding the project's implementation.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	29		
Total Responses Received	86		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions (if appropriate)	5	5	100%
County Offices of Education	5	5	100%
Districts	66	51	77%

Based on the feedback received it is evident that CTAP 6 is providing the regional districts with high-quality services even in outlying areas. CTAP Region 6 appears to be very much on target to meet their first year benchmarks and even exceeding some the original numbers that the project had expected to serve. The external evaluator, Education Support Systems, will evaluate the feedback and a full report will be given at the next Regional Coordinating Council at its May meeting.

After ESS has completed the final evaluation and reported to the Regional Coordinating Council at its May meeting there may be some revisions made to the project and possibly the Form F - Objectives and Benchmarks based on their report and any feedback received from the Council. At this time there are no Form F changes necessary. ESS will also compare the year-long collection of data to the original Memorandum of Understanding from each county office to make sure they have met their obligations for deliverables and regarding fees to be released for assistance. Any necessary program revisions will then be submitted to the CDE's Education Technology Office.

CTAP Region 7 Summary Report

Overview of Governance Structure

Region 7 is composed of the six Central California counties of Fresno, Kings, Mariposa, Madera, Merced and Tulare. It operates in a collaborative/consultative manner, providing services to their clients based on input from their County Advisory Board (CAB7) and feedback from their constituents. The Region serves 153 school districts and 799 schools. The CTAP lead agency is the Fresno County Office of Education.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	40	2	27
Sub-Regional Council (<i>County Advisory Board</i>)	6	5	5

Overview of Services

Region 7 surveyed and met with the districts and county offices served, collected data from the CTAP², and reviewed district and Digital High School technology plans to determine their local needs. While priority projects were identified in each of the four service areas, professional development in using technology as a tool to improve teaching and learning was identified as the highest need in all four of the four components. Survey and respondent data indicated that trainings and professional development would best be presented in site-based workshops presented during non-instructional times.

Professional Development and Learning Resources: The trainings that are provided by the counties are directly related to the needs of their districts based on the feedback from the county advisory meetings. These trainings are standards based, aligned to the training guidelines for Technology Proficiencies for California Teachers, and are designed to have a direct impact on improving student learning. County-based trainings include a wide variety of topics from basic software utilization in the classroom (i.e. Introduction to Excel) to more curriculum-oriented subjects like Digital Math.

Due to the diverse geographic nature of Region 7, several methods of delivering professional development are used including on-site trainings, conference in-services, televised trainings and online resources. Two counties, Fresno and Madera, have invested a portion of their CTAP allocation with large districts to provide professional development through ongoing Tech mentor/coaches programs within the districts. These district programs place mentor/coaches at schools to work directly with teachers in their classrooms. Tulare and Kings County have used a portion of their CTAP funds to support a TSA (Teacher-on-Special Assignment). The TSA spends time in both counties helping teachers in the classroom and also conducting more traditional workshops. Mariposa has centralized workshops and an online training resource. Merced is using a combination of site workshops, online resources and a televised training resource.

Professional Development and Support Related to Hardware/Telecommunications: Professional development and support for hardware and telecommunications are focused on the areas of network configuration and day-to-day support. The region has supported Microsoft certified training centered on the configuration of network servers for the network administrators. An on-line technical support resource was provided to the participants by the vendor for an additional six months after the training. Additional server management training is planned for the spring. Counties have supported the needs of teachers in their districts with one-on-one help.

The CTAP Coordinating Council and the central staff have been working on projects for distance learning. These projects will develop an online resource that would provide teachers not only with lessons, but strategies for using those lessons with the hardware configurations of their classrooms. The goal of Region 7 CTAP is to build capacity within the counties that provide professional development and other resources via distance learning technologies.

Professional Development and Support Related to School Improvement: Region 7 and the County Advisory Board (CAB7) are working together to determine need and provide support for school administrative data systems. The goal is to provide support for school administration software selection and implementation and maintenance, such as coordinating vendor support and purchases. District contacts have reported the need to provide trainings that tie school management programs to assessment. Region 7 CTAP is helping to facilitate the creation of an online tool for desegregation of student test data. This tool would be available for download to the teacher's computer so that the teachers will be able to interpret student scores and adjust lessons to the needs of their students.

Regional CTAP is also a service provider for Administrator Training (AB 75) Module 3. Training will be rolled out in June of 2003.

Funding and Coordination: There have been four areas of focus for professional development as it relates to funding and coordination. The CTAP 7 Funding Alert monthly newsletter is an ongoing vehicle that informs county offices of education, districts and individual schools of current funding opportunities. The Funding Alert is posted on the web site www.ctap7.org and is also sent to the county leads the first of every month. CTAP has held numerous region-wide grant writing workshops that have addressed requirements for Federal SRTG and EETT formula grants. Several workshops designed specifically to assist districts in writing Technology Use Plans have also been provided.

In October of 2002, Region 7, in conjunction with Fresno County Office of Education, Library Literacy Summit, held the region wide Student Showcase. Other collaborations include: supporting the BTSA (training), SELPA (summer institute) and CUE (statewide: Student Showcase, Local Fall 03 and Spring 04 conferences).

Regional Services	Number in Plan (if not in plan use a 0)	Number Implemented July – Dec.	Number to be Implemented Jan. -June	Number of Participants	Average Training Hours Per Participant	Number of Districts Served
Total Professional Development Services and Technical Assistance Services	871	435	436	1480	10	114
Total Unduplicated Professional Development and Learning Resources Services				936		86
Total Professional Development and Support Related to Hardware/Telecommunications	7	6	6	17	24	5
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				9		5
Total Professional Development and Support Related to School Improvement	158	13	7	41	5	16
Total Unduplicated Professional Development and Support Related to School Improvement				16		16
Total Coordination and Funding	14	175	132	270	6	225
Total Unduplicated Coordination and Funding				150		80

Program Monitoring

Sub-regional budgets are monitored on a quarterly basis. The sub-regions send in budget and activity reports, which the central staff reviews.

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$1,499,800	\$306,743	20%	\$1,193,057	100%
Carryover from Prior Year Funding	\$80,231	\$80,231	100%		

A copy of the Implementation Report was sent to each county superintendent, district superintendent, and school site administrator with a memo stating that the full report and response form was available on the CTAP 7 Web-site. Respondents were requested to respond by email or fax and a page was available on the website to receive input from the field. In addition, the Report was sent out as an attachment by the technology lead in each county to those districts/schools unable to access the web site. Every effort was made to ensure that responses to the contents of the Report were received from educators throughout the region, especially those at district and site levels.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	30		
Total Responses Received	15		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
County Offices of Education	6	3	50%
Districts	135	10	35%

As a result of the feedback received, the following modifications are being considered for Year 2:

- Re-evaluation of governing structure.
- More effort in identifying and promoting useful tools for standards based instruction.
- Integration of NCLB and EETT requirements within professional development opportunities.
- Continued professional development for hardware and telecommunications
- More training on student data management programs (Aeries, SASI).

It has also been recommended that the region begin collecting data regarding the most effective technology methods to use in determining if students are meeting the standards. Region VII will also investigate how to help teachers better utilize AP online courses and provide professional development in that area.

CTAP Region 8 Summary Report

Overview of Governance Structure

CTAP Region 8 is comprised of Kern, San Luis Obispo, Santa Barbara and Ventura counties. It operates as a consortium, providing services to their region based on input from a regional coordinating council and four county councils. Region 8 serves 111 school districts with 628 schools. The Kern County Superintendent of Schools is CTAP Region 8's Local Education Agency (LEA).

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	12	3	8
Kern Council	22	2	15
Ventura Council	19	1	7
Santa Barbara Council	13	2	10
San Luis Obispo Council	16	2	9

Overview of Services

Region 8 determined their local needs through an online survey and regional, county and district level meetings. While priority projects were identified in each of the four service areas, staff development was identified as the highest need. School district clients identified staff development that enhances their ability to integrate technology into the standards-based curriculum as the area of greatest staff development need. Those same respondents indicated a need for multiple training options for staff at times when the staff is available (after school, after work, summer, Saturdays, online and in-service days).

Professional Development and Learning Resources: To respond to this area of need Region 8 developed a regional technology certification program. This program is aligned to the Commission on Teacher Credentialing guidelines as well as CTAP state guidelines. Along with technology certification, Region 8 CTAP has provided many customized workshops at schools sites throughout the region. These trainings have been led by the Region's TechMentors who are teachers who work above and beyond their contracts to provide high-quality staff development for their peers.

Professional Development and Support Related to Hardware/Telecommunications: Region 8 staff continues to offer workshops aimed at the successful approval of SBE Guideline technology plans for districts within the region. Topics covered during these workshops include information regarding the Child Internet Protection Act (CIPA), hardware and infrastructure installation, system maintenance, and technical support. In addition to these workshops, we provide ongoing support of those schools and districts working toward the goal of having a state approved technology plan via face-to-face, electronic and telephonic support of such schools and districts, as appropriate.

Professional Development and Support Related to School Improvement: In Region 8, CTAP staff has begun to focus on the needs of administrators. We have been very supportive of AB 75 (Principal Training) programs in our region. Our first objective has been to prepare administrators for AB75 training. Before administrators can use the tools of technology to analyze and evaluate, they need basic skills. These skills are similar to the Level I skills taught to teachers. CTAP Region 8 staff has developed training for administrators that includes appropriate parts of Level I and prepares them for AB75 training. Basic skill training has been offered throughout the region to interested administrators.

CTAP staff have been highly involved in AB 75 – Module 3 training in the region. We have been approved as a Module 3 provider. We have partnered with our county offices in creating integrated, well developed training opportunities for AB 75 participants.

Funding and Coordination: CTAP staff has visited many of the Year 4 digital high schools. The visits have assessed the progress that the schools have made in meeting program goals, and have checked for compliance with the DHS Assurances. Region 8 CTAP trainers have included the use of CTAP² Assessment in workshops, institutes, and activities throughout the region. Also, Region 8 staff have provided CTAP² training opportunities for schools and districts through video conferencing as well as face to face meetings. Programs such as Enhancing Education Through Technology and the School Renovation Technology Grant did not exist when our 3-year plan was written in 2002. As a result, they cannot be found in our goals and objectives. Even so, we have actively worked with our districts in applying for these grant opportunities.

Regional Services	Number in Plan (if not in plan use a 0)	Number Implemented July – Dec.	Number to be Implemented Jan. -June	Number of Participants	Average Training Hours Per Participant	Number of Districts Served
Total Professional Development and Learning Resources Services	3	152	0	2031	20.4	116
Total Unduplicated Professional Development and Learning Resource Services				1401		83
Total Hardware, Telecommunications and Technical Assistance Services	1	22	1	120	7.4	107
Total Unduplicated Hardware, Telecommunications and Technical Assistance Services				79		60

Total Program Coordination and Funding Services	10	19	27	43	8	16
Total Unduplicated Program Coordination and Funding Services				28		12
Total Program Support Related to School Improvement Services	23	44	7	695	9.7	96
Total Unduplicated Support Related to Schools Improvement Services				639		90

Program Monitoring

The regional coordinating council, under the supervision of the Director, has developed the regional budget. The KCSOS financial department oversees the distribution of funds and the reporting of expenditures. The KCSOS financial department communicates with county financial departments to keep financial records current. The Director works with the KCSOS financial department and county coordinators to insure compliance with the regional plan, state budget guidelines, and expenditure timelines. Quarterly reports are required from sub-regions regarding program and financial information. KCSOS has developed expenditure timelines to facilitate spending funds in the year received.

2002-2003 Funding	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002 - 2003 Funding	\$ 1,467,449	\$ 530,191	36%	\$ 937,258	100%
Carryover from Prior Year Funding	\$149,301	\$ 149,301	100%		

The Implementation Report was posted on the Region 8 Web site along with the feedback survey. Various e-mail lists and county meetings were utilized to inform over 1500 people that the report was available for review and comment. Hard copies of the survey (including URL of where the entire report could be found) were given to school districts in the region, as well as the Region 8 advisory committees, each county superintendent of schools in the region and the Region 8 Curriculum and Instruction Steering Committee.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	30		
Total Responses Received	117		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions (if appropriate)	4	4	100%
County Offices of Education	4	4	100%
Districts	110	40	37%

Each member of the Region 8 CTAP council was given a copy of the results. During a regional videoconference, the council discussed the results and how it applies to the current plan. The council recommended that the plan continue with the same activities as in the prior year. Based upon the feedback the regional council felt that the region was on course in meeting the plan objectives and benchmarks.

CTAP Region 9 Summary Report

Overview of Governance Structure

Region 9 is composed of the three southern-most California counties of Imperial, Orange and San Diego. It has operated in a de-centralized manner, providing service to clients based on input from sub-regional councils and feedback from their constituents. The region serves 88 school districts and more than 1,300 schools. The CTAP lead agency is the San Diego County Office of Education. Technology assistance has focused on integrating technology in the classroom, providing quality professional development, offering technical support, and enhancing student achievement.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Council	35	2	25
Sub-Regional Council (<i>averages for all 3 councils</i>)	26	7	25

Overview of Services

Region 9 utilized a variety of data sources to determine local needs and to set objectives and benchmarks in the four service areas required in the RFP. See the table on page 2 for a summary of the regional services provided in each of the four areas.

Professional Development and Learning Resources: CTAP staff provided 545 activities ranging from one-hour trainings and workshops to courses spanning 120 hours, to more than 7,000 educators. Highlights included five-day institutes in the areas of Digital Video Classroom Production, Web Design, and Using Technology in the core subject areas of History/Social Studies and Visual and Performing Arts. Technology proficiency Trainer-of-Trainers multi-day trainings, two each at the preliminary and professional levels, were also very successful, increasing the number of qualified proficiency certifiers to 54 and preliminary proficiency level educators to more than 700.

Professional Development and Support Related to Hardware/Telecommunications: Region 9 conducted 281 activities ranging from one and one-half hour information workshops to three-day customized technical training. Topics included networking fundamentals, Windows NT administration, operating systems, network management, server administration, and PC and Mac Troubleshooting, as well as workshops tailored to meet the needs of increasing numbers of teachers being asked to fulfill technical duties. A full time network planning assistance manager provided technical assistance and support in the areas of networking, connectivity, and technology planning to schools and districts. CTAP Region 9 also provided the leadership for the CISCO Networking Academy Regional Consortium Program. Fifteen TechSETS information workshops were conducted for more than 300 participants and the Internet Help Desk provided toll-free 800 number assistance to the more than 6,000 account holders who paid \$40 per year for toll-free dial-in Internet access from work and home. During the July to

December 2002 timeframe, Help Desk staff responded to more than 4,200 calls and emails from account holders for assistance and support.

Professional Development and Support Related to School Improvement: Region 9 conducted 176 activities to more than 800 participants, ranging from one-half hour phone calls assisting school site and district office personnel on how to complete the California School Technology Survey, to full-day meetings of CSIS and district curriculum and assessment leaders.

Funding and Coordination: CTAP Region 9 continues to be recognized for outstanding support for educational technology. Since 1997, they have helped districts and schools acquire more than \$165 million from programs such as Digital High School, AB 1339 (Grades 4-8 Staff Development), AB 2882 (Governor's Ed Tech Grant Program), and Technology Literacy Challenge Grants. Region 9 is on track in each of its Year One objectives as measured by benchmark progress status. Region 9 offered 267 activities for more than 650 participants in the areas including grant writing, and assistance in completing various technology grant reporting requirements. These workshops were conducted face-to-face and via videoconferencing. Region 9 continued to expand and enhance its Regional Grants Website designed to provide one-stop shopping for the latest information and resources related to local, state, federal, and private foundation sources of funding and grant information updates. The CDE selected Region 9 to host a variety of distance conferences via video/Web cast/multi-cast technologies. In addition, the Region was proud to host the Digital California Project rollout event on October 8, 2002 for the entire state, as well as State Superintendent of Public Schools, Jack O'Connell's inaugural event on January 17, 2003.

Regional Services	Number in Plan (if not in plan use a 0)	Number Implemented July – Dec.	Number to be Implemented Jan. - June	Number of Participants	Average Hours Per Participant	Number of Districts Served
Total Prof. Dev. and Learning Resources Services	521	545	357	11,359	20	88
Total Unduplicated Prof. Dev. and Learning Resources Services				7,043		88
Total Prof. Dev. and Hardware, Telecommunications and Technical Assistance Services	417	281	114	12,281	8	88
Total Unduplicated Prof. Dev. and Hardware, Telecommunications and Technical Assistance Services				7,000		88

Total Prof. Dev. and Support Related to School Improvement Activities	70	176	44	2,184	3	88
Total Unduplicated Prof. Dev. and Support Related to School Improvement Activities				808		88
Total Program Coordination and Funding Services	122	267	115	1,633	12	88
Total Unduplicated Program Coordination and Funding Services				653		88

Program Monitoring

Region 9 continually monitors and redesigns its programs to meet client needs. For example, during the period of January – July 2003, CTAP Region 9 staff will also focus considerable effort on providing significant support to schools and districts as they seek much needed staff development opportunities tailored to changes imposed by austerity measures.

Sub-regional and regional budgets are routinely monitored and discussed as part of the regularly scheduled CTAP 9 staff meetings. These meetings are conducted on the third Friday of each month to discuss sub-regional, regional, and state issues. In addition, staff conference calls were scheduled within a few days following State CTAP Director, Coordinating Council, and Grants Management Committee meetings. These provided timely debriefs and allowed staff to monitor and discuss sub-regional, regional, and statewide issues including budgets.

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$3,178,335	\$1,007,125	31.6%	\$1,685,632	85%
Carryover from Prior Year Funding	\$177,955	\$52,597	70.4%	\$52,597	100%

The Implementation Report was posted on the Region 9 Web site on February 28, 2002. Requests were made to regional contacts via email and telephone to review the report and to provide feedback. Members of various sub-regional agencies were also contacted, asked to review the plan and to provide feedback. The following agencies were asked to respond and to share the opportunity to respond with interested school and district staff members:

- San Diego’s Superintendent’s Technology Advisory Committee (STAC)
- San Diego’s Educational Technology Support Network (ETSN)
- Imperial County Educational Technology Advisory Committee (ICETAC)
- Imperial County Project Directors
- Orange County’s District Technology Leaders

In addition, OCDE staff met individually with district technology and curriculum leaders for 1–2 hour individualized feedback sessions regarding needs relative to instructional technology. SDCOE’s Executive Director of the Technology Research and Network Services Division met with school district superintendents to identify their educational technology service and support needs. Also, National Teacher Training Institute (NTTI) participants were given flyers inviting them to provide feedback.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	29		
Total Responses Received	41		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions	2	2	100%
County Offices of Education	3	2	67%
Districts	85	38	45%

Data and feedback will be used to assess the current level of CTAP support and services to our county schools and districts. Areas of weakness and needed services or support will be identified, analyzed and a plan crafted to provide for and meet the needs of our clients.

Areas indicated as strengths will be examined for improvement and/or expansion to a greater number of clients. Identified areas of need will be explored, additional data, if needed will be collected to guide changes in the regional support plan, and alternative solutions will be explored. Potential solutions will be taken back to the groups who were originally solicited for input prior to implementation.

CTAP Region 10 Summary Report

Overview of Governance Structure

CTAP Region 10 serves Riverside, Inyo, Mono, and San Bernardino Counties. The four counties of Region 10 are a large and diverse geographic area constituting 28 percent of the land mass for California. There are 66 school districts and 849 schools.

There are a total of seven RIMS CTAP Advisory Board Meetings scheduled for this school year. Three meetings were held in October, November and December. An additional four meetings are scheduled for February, April, May and June. Agendas for these meetings included State Reports, Regional Reports, Grants Management and Emerging Trends. Attendance at meetings was good and ongoing efforts are being made to add Advisory Board members.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02-12/31/02	Average Attendance
Regional Coordinating Council	45	3	18

Overview of Services

Region 10 is on track for 9 out of 11 objectives and has worked to build capacity in our 66 districts in multiple ways. Direct grant-writing and technology plan writing assistance has been provided to 79 percent of our districts through December 2002. Region 10 established a Technology Leaders Network (TLN) that met in October and November 2002. CTAP staff also met with 36 percent of our districts to develop professional development plans relating to custom workshops offered by our organization.

Professional Development and Learning Resources: CTAP sponsored or participated in 10 regional events that involved our collaborative partners including Intel® Teach to the Future, TICAL, Palm hand-held computers, SELPA Special Education, and history social science, science, and math county coordinators. CTAP collaboration with BTSA has grown beyond all expectations. Regular monthly workshops for BTSA Project Teachers and Support Providers supported the implementation of BTSA Program Standard 16 relating to technology integration in teaching and learning. CTAP was instrumental in assisting Region 10 educators in the use of CLRN. Regional and custom trainings as well as institutes addressed the benefits and uses of CLRN in creating personal profiles, finding standards-aligned electronic media, and the use of the lesson plan builder.

Professional Development and Support Related to Hardware/Telecommunications: Assisting school districts with the writing of their own technology plans has been the number one priority for RIMS CTAP during the first half of this school year. Many of the objectives in Program Area 2 revolve around technical assistance for schools and districts. We have held regional meetings on these topics and each of the staff members in RIMS CTAP have been assigned to be special liaisons to specific districts to assist in this technical assistance.

A new program in our region is the Technology Leader Network (TLN). TLN members are typically district office IT staff and technology/curriculum staff. Topics in the first two meetings this year included video conferencing, TechSETS, inventory control and remote networking.

Professional Development and Support Related to School Improvement: Our first objective in this program area outlines a plan for our region to disseminate information about the CSIS program and how districts may prepare themselves to participate. In preparation for this collaboration with CSIS, our region has compiled a database that includes the current student database system, if any, currently used by the districts in our region.

Two other objectives in this program area also include the use of CTAP². We believe that we are on track with our benchmark to have 25 percent of our site administrators completing CTAP². All of our schools participating in TLC have met their 60 percent requirement and we continue to improve our overall percentage for teachers throughout our region. In addition, regularly scheduled CTAP² Administrator workshops have been and will continue to be scheduled so that more district and site technology coordinators will learn about how to use their data from CTAP².

Funding and Coordination: RIMS CTAP sponsored two School Renovation Technology Grant and Enhancing Education Through Technology “roll-out” meetings to provide application information to the districts in our region. In addition, face-to-face meetings were held with the majority of the districts who were unable to attend the rollout meetings. Direct grant-writing and technology plan writing assistance has been provided to 52 of our 66 districts by December 2002. Fifty sites in three counties were funded under the SRTG program for a total of \$4.8 million.

To further provide funding information, approximately every 5-6 weeks, information about local, state, federal, and private funding opportunities are posted to the electronic newsletter and website. With each “funding bulletin,” three to five individuals or districts contact us for more information, or for assistance in applying for these funds.

Regional Services	Number in Plan	Number Implemented July – Dec.	Number to be Implemented Jan. – June	Number of Participants	Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	269	97	148	1,309	8	117
Total Unduplicated Professional Development and Learning Resources Services				1,106		56

Total Professional Development and Support Related to Hardware/Telecommunications	0	2	4	50	2	18
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				31		18
Total Professional Development and Support Related to School Improvement	64	34	35	275	3	8
Total Unduplicated Professional Development and Support Related to School Improvement				230		24
Total Funding and Coordination	36	80	67	75	3	97
Total Unduplicated Funding and Coordination				62		42

Program Monitoring

The most important aspect of the budget process when working with the sub-regions is to collaborate on the creation of the budgets and their corresponding contracts. Meetings were held with each sub-region during the Spring and Summer of 2002 to collaboratively determine the budget allocations. Contracts were written and approved for each sub-region that describes the work to be done in each sub-region based upon the fiscal allocations. Periodic meetings are held during the year to determine that resources and expenditures match the implementation of the contracts. Monthly reports from all sub-regions are provided to regional staff and the CTAP Advisory Board.

	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$2,294,054	\$552,114	24%	\$1,741,940	100%
Carryover from Prior Year Funding	\$91,700	\$91,700	100%		

CTAP used several methods to inform our clients about the posting of our Implementation Report and our desire to receive feedback. The primary method was to utilize our CTAP listserv that we use for our newsletter dissemination. This listserv includes over 1,500 subscribers. Other circulation methods included presentations of the report at live meetings and during professional development workshops.

Our target audience included the four counties of Region 10 and the 66 school districts in our region. Feedback was solicited from classroom teachers, county, district and site administrators,

tech support staff and classified staff. People who read the report were asked to identify themselves by county, district and job classification prior to entering the report area. This allowed us to track the feedback by a variety of geographical variables as well as the job classifications we received feedback from.

REGIONAL REPORT RESPONSE DEMOGRAPHICS			
Number of Days Posted	29		
Total Responses Received	172		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions (if appropriate)	N/A	N/A	N/A
County Offices of Education	4	4	100%
Districts	66	30	45%

The analysis of the feedback that we received demonstrates that we are on target in the areas of tech planning assistance, professional development and funding. There are two areas that we are going to examine as we look to enhance our services. The first area is mentioned in our feedback from the rural and remote staff. It continues to be a challenge for these districts to provide quality professional development. After significant brainstorming, CTAP has agreed to purchase CTAP Online subscriptions for teachers who are in remote districts and who work in districts that do not qualify for EETT competitive and receive \$10,000 or less in EETT formula. We will look at additional online subscriptions for curriculum to consider as a purchase to enhance CTAP Online.

Another area identified by some people in the feedback was the DTL program. CTAP supported this program up until this year and several comments were made about the negative impact left by having this program eliminated. The program was expensive but our staff and advisory board will look at ways that we might offer a similar experience for fewer dollars.

CTAP Region 11 Summary Report

Overview of Governance Structure

The 81 public school districts (including 11 local districts in LAUSD) in CTAP-Region 11 are organized into 15 sub-regions that work in conjunction with the Los Angeles County Office of Education (LACOE) division of the Instructional Technology Outreach (ITO). Region 11 has utilized this structure to provide services to its clients. Each sub-region has a local implementation plan and operates through a consortium of districts or through Los Angeles Unified School District's (LAUSD) local districts that service the local needs.

Regional Meetings	Number of Members	Number of Meetings for Report Period 7/1/02 – 12/31/02	Average Attendance
Regional Council	35	2	25
Sub-Regional Council (<i>averages for all 15 councils</i>)	20	4	15

Overview of Services

Region 11 utilized a variety of data sources to determine local needs. While local needs were identified in all program areas, Staff Development was identified as the highest need. See the table on page 2 for a summary of the regional services provided in each of the four areas.

Professional Development and Learning Resources: To begin this funding period, Region 11 conducted an Instructional Technology Institute (ITI) for 200 K-12 teachers who were experienced in providing professional development, coaching and mentoring to other teachers. The ITI served as a leadership resource for sub-regions to utilize trained staff in the local redelivery of technology staff development throughout the remainder of the school year. The ITI has served as a catalyst for sub-regions to be able to plan and support their local staff development. As a result, most sub-regions completed face-to-face staff development workshops to assist teachers in reaching intermediate and proficient assessment levels as measured by CTAP². A partnership with the Butte County Office of Education and CTAP Region 11 was initiated and completed in Spring 2003 to create CTAP Region 11 Online Professional Development. All regions are on target to complete their planned trainings by June 2003.

Professional Development and Support Related to Hardware/Telecommunications: School districts within Region 11 need assistance with the standardization and strategic integration of infrastructure networks. CTAP - Region 11 provided technical assistance training to technology coordinators and teachers in all sub-regions. Region 11 offers workshops on technical support as one-day sessions across the county. Technical support staff continue to express a need for these courses as the demand for assisting teachers and administrators at school sites is increasing.

Professional Development and Support Related to School Improvement: Current state and federal assessment and accountability measures have resulted in the need for administrators to have a new level of understanding regarding data and its relationship to instructional leadership

and practice. CTAP Region 11, in partnership with the California School Leadership Academy (CSLA), has developed the AB75 Principal Training Program to give site administrators the strategies and tools to implement standards based, data-driven systems designed to improve student achievement. The program consists of 80 hours of core training over one year and 80 hours of follow-up practicum over two years.

Funding and Coordination: Region 11 provides a monthly electronic newsletter, “Technology Funding Alert” which contains information on public and private technology grant opportunities.

Overall, the region has been successful in the development and implementation of the AB75 Principal Training Act and in securing a partnership with CSLA to co-deliver this training.

In September 2002, the region held two countywide informational meetings on EETT and SRTG grant programs. For districts needing TUP assistance, a three-day Technology Planning workshop was also conducted in September. In October, an additional informational meeting addressed the EETT Formula Funding to provide further assistance in writing the addendum section of TLC approved technology plans. A one-day concentrated Technology Use Planning workshop was offered in December 2002 to encourage districts to apply in Cycle B so they could qualify for the competitive portion of the grant. As a result of these workshops 34 applications were submitted in Cycle B on January 23rd.

Regional Services	Number in Plan	Number Implemented July – Dec	Number to be Implemented Jan. – June	Number of Participants	Hours Per Participant	Number of Districts Served
Total Professional Development Services and Learning Resources	260	98	162	3,261	6	256
Total Unduplicated Professional Development and Learning Resources Services				3,261		256
Total Professional Development and Support Related to Hardware/Telecommunications	30	6	24	69	8	17
Total Unduplicated Professional Development and Support Related to Hardware/Telecommunications				69		17
Total Professional Development and Support Related to School Improvement	50	24	26	525	4	32
Total Unduplicated Professional Development and Support Related to School Improvement				525		32
Total Funding and Coordination	12	6	6	141	4	81

Total Unduplicated Funding and Coordination		141		81
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Program Monitoring

The monitoring of budgets and activities of the sub-regions was done quarterly in October and December of 2002. Budget reports were compared to the approved budgets on file. Assistance was provided to consortia on the tracking of expenditures within their districts and acceptable use of funds. As a result of this monitoring, we have submitted nine sub-regional budget revisions to the CDE, which were approved by Region 11. A limited amount of funds were expended for this mid-year report due to the delay in the state budget adoption and distribution of funds to Region 11. However, with MOU's in place, most sub-regions were still able to implement activities for this period.

Carryover from July 1, 2002, to December 31, 2002, was set aside to support the implementation of the Instructional Technology Institute (ITI) for teachers from across the county. The remaining funds were utilized for personnel and contracted services associated with the delivery of staff development during the summer as well as coordination of resources for our districts. All funds were expended by December 31, 2002.

Expenditures

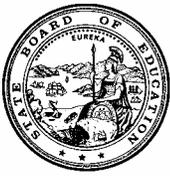
	Budgeted	Spent By 12/31/02	% Spent By 12/31/02	Projected To Be Spent By 6/30/03	% Projected To Be Spent By 6/30/03
2002-2003 Funding	\$5,027,403	\$870,544	17%	\$2,783,139	73%
Total Funding from Prior Year	\$692,963	\$609,546	88%	\$83,417	100%

CTAP Region 11's implementation report was circulated online at <http://ctap.lacoe.edu> and electronic copies were distributed by e-mail to ETAC members. The "URL" for the posting of the report was distributed in print and via e-mail requesting feedback from district personnel, administrators and teachers. The target audience for this feedback was those clients who have participated in staff development opportunities and taken advantage of the resources and services provided from this grant. Follow-up calls and e-mails to districts were utilized to encourage review of the report and responses. Hard copies of the report were distributed at scheduled training sessions and at EETT information meetings.

CTAP staff conducted a review of the feedback and charted suggestions and comments. Analysis was conducted by sorting responses by consortia and identifying the feedback regional, then by classification (administrators, teachers etc.).

Regional Report Response Demographics			
Number of Days Posted	37		
Total Responses Received	53		
Regional Report Response Demographics	Number in Region	Number Responding	% Received
CTAP Sub-Regions	15	15	100%
County Offices of Education	1	1	100%
Districts	81	40	49%

The analysis of this feedback was presented at the ETAC meeting on April 3, 2003. Our partners agreed no additional goals or benchmarks should be written into the plan. Feedback will be used to more efficiently implement program goals such CTAP Region 11 Online and proposed coaching and mentoring training.



CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 21

MAY 2003 AGENDA

SUBJECT Title 5 Regulations on Administration of Medication to Pupils at Public Schools	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The State Board of Education approve new proposed regulations for 45-day public comment and review.

Summary of Previous State Board of Education Discussion and Action

The rule-making process for regulations relating to the administration of medication to pupils in the public schools was initiated at the November 2002 meeting of the State Board of Education. The Board approved the proposed regulations, and the subsequent 45-day public review period culminated in a public hearing at the February 2003 meeting. At that meeting, a set of amendments to the original proposal, based on public comments received, was approved and sent out for 15-day public review. At the April 2003 SBE meeting, members were advised that due to public comments received as well as recently voiced concerns about the proposed regulations from the Board of Registered Nursing and the Department of Finance, another draft of the proposed regulations had been developed. Because the current revisions are too extensive to qualify as amendments to the original proposal, CDE was advised to withdraw the existing rule-making effort and begin anew. Board members received a copy of the Notice of Decision Not to Proceed.

Summary of Key Issue(s)

Education Code section 49423.6 requires CDE to develop and the SBE to adopt regulations regarding the administration of medication in the public schools pursuant to Section 49423. The regulations provide guidance on who may administer medications to pupils during the regular school day, under what conditions such administration may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

Among the key issues relating to the regulations are 1) the extent of legal authority for individuals who do not possess professional health care licenses to administer medication, and 2) at what point the regulations would create an unfunded state mandated local program.

A Notice of Decision Not to Proceed was made available to the public on April 4, 2003. After Board approval, a new Notice of Proposed Rulemaking will be filed with the Office of Administrative Law to announce a public hearing regarding the new version of the regulations.

Fiscal Analysis (as appropriate)

N/A

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

Attachments: (A) [Proposed regulations](#); (B) [Notice of Proposed Rulemaking](#), (C) [Initial Statement of Reasons](#)

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Title 5. EDUCATION

Division 1. State Department of Education

Chapter 2. Pupils

Subchapter 3. Health and Safety of Pupils

Add Article 4.1. to read:

Article 4.1. Administering Medication to Pupils or Otherwise Assisting Pupils in the Administration of Medication During the Regular School Day.

§ 600. Authorization.

Pursuant to Section 49423 and subdivision (b) of Section 49423.6 of the Education Code, any pupil who is required to take, during the regular school day, prescribed medication may be assisted by a school nurse or other designated school personnel if both of the following conditions are met:

(a) The pupil’s authorized health care provider executes a written statement specifying, at a minimum, the medication the pupil is to take, the dosage, and the period of time during which the medication is to be taken, as well as otherwise detailing (as may be necessary) the method, amount, and time schedule by which the medication is to be taken.

(b) The pupil’s parent or legal guardian provides a written statement initiating a request to have the medication administered to the pupil or to have the pupil otherwise assisted in the administration of the medication, in accordance with the authorized health care provider’s written statement.

NOTE: Authority cited: Section 49423.6, Education Code Reference: Section 49423, Education Code.

§ 601. Definitions.

As used in Section 49423 and subdivision (b) of Section 49423.6 of the Education Code and in this article:

(a) “Regular school day” may include not only the time the pupil receives instruction, but also the time during which the pupil otherwise participates in activities under the auspices of the local education agency, such as field trips, extracurricular and cocurricular activities, before- or after-school programs, and camps or other activities that typically involve at least one overnight stay away from home.

1 (b) “Medication” may include not only a substance dispensed in the United States by
2 prescription, but also a substance that does not require a prescription, such as over-the-counter
3 remedies, nutritional supplements, and herbal remedies.

4 (c) “School nurse” means an individual employed by the local education agency who is a
5 currently licensed registered nurse and is credentialed pursuant to Education Code section 44877.

6 (d) “Other designated school personnel” may include any individual employed by the local
7 education agency who:

8 (1) Has consented to administer the medication to the pupil or otherwise assist the pupil in
9 the administration of medication; and

10 (2) May legally administer the medication to the pupil or otherwise assist the pupil in the
11 administration of the medication.

12 (e) “Authorized health care provider” means an individual who is licensed by the State of
13 California to prescribe medication.

14 (f) “Parent or legal guardian” means the individual recognized by the local education agency
15 as having authority to make medical decisions for the pupil.

16 (g) “Medication record” may include:

17 (1) The authorized health care provider’s written statement;

18 (2) The written statement of the parent or legal guardian;

19 (3) The medication log; and

20 (4) Any other written documentation related to the administration of the medication to the
21 pupil or otherwise assisting the pupil in the administration of the medication.

22 (h) “Medication log” may consist of a form developed by the local education agency for the
23 documentation of the administration of the medication to the pupil or otherwise assisting the
24 pupil in the administration of the medication. The medication log may include the following:

25 (1) Pupil’s name;

26 (2) Name of medication the pupil is required to take;

27 (3) Dose of medication;

28 (4) Method by which the pupil is required to take the medication;

29 (5) Time the medication is to be taken during the regular school day;

30 (6) Date(s) on which the pupil is required to take the medication;

31 (7) Authorized health care provider’s name and contact information; and

1 (8) A space for daily recording of medication administration to the pupil or otherwise
2 assisting the pupil in administration of the medication, such as date, time, amount, and signature
3 of the individual administering the medication or otherwise assisting in administration of the
4 medication.

5 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 44877 and
6 49423, Education Code.

7 **§ 602. Written Statement of Authorized Health Care Provider.**

8 (a) A local education agency may establish specifications for the authorized health care
9 provider's written statement in order to ensure that:

10 (1) The pupil is clearly identified.

11 (2) The medication is clearly identified.

12 (3) The dosage is clearly specified.

13 (4) The period of time during which the medication is to be taken is clearly specified.

14 (5) Other information is obtained that is relevant to administering the medication to the pupil
15 or otherwise assisting the pupil in administration of the medication.

16 (b) A pupil's parent or legal guardian may deliver the authorized health care provider's
17 written statement to an authorized representative of the local education agency, such as the
18 schoolsite administrator or his or her designee.

19 (c) A local education agency may required that an amended or new written statement be
20 provided annually and whenever there is a change in the pupil's authorized health care provider,
21 or a change in the medication, dosage, method by which the medication is required to be taken,
22 or date(s) or time(s) the medication is required to be taken.

23 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
24 Education Code.

25 **§ 603. Written Statement of the Parent or Legal Guardian.**

26 (a) A local education agency may establish specifications for the written statement of the
27 pupil's parent or legal guardian in order to ensure that:

28 (1) The pupil is clearly identified.

29 (2) Permission is granted for an authorized representative of the local education agency to
30 communicate directly with the pupil's authorized health care provider, as may be necessary,
31 regarding the authorized health care provider's written statement.

32 (3) The parent or legal guardian understands what employees of the local agency will do to

1 administer the medication to the pupil or otherwise assist the pupil in the administration of the
2 medication.

3 (4) The parent or legal guardian understands his or her responsibilities to enable employees
4 of the local education agency to administer the medication to the pupil or otherwise assist the
5 pupil in administration of the medication, e.g., to ensure that a current authorized health care
6 provider's written statement has been delivered to an authorized representative of the local
7 education agency, or to ensure that the medication is delivered to the schoolsite in a proper
8 container by an individual legally authorized to be in possession of the medication.

9 (5) The parent or legal guardian understands how he or she may terminate consent for
10 administration of the medication to the pupil or otherwise assisting the pupil in the
11 administration of the medication.

12 (b) A local education agency may provide reasonable accommodations to a parent or legal
13 guardian who has insufficient English language proficiency to produce a written statement
14 without assistance or who has a disability that makes it difficult to produce a written statement.

15 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
16 Education Code.

17 **§ 604. Administration of Medication to Pupils or Otherwise Assisting Pupils in the**
18 **Administration of Medication.**

19 (a) A school nurse may administer medication to a pupil or otherwise assist a pupil in the
20 administration of medication as allowed by law and in keeping with applicable standards of
21 professional practice.

22 (b) Other designated school personnel may administer medication to pupils or otherwise
23 assist pupils in the administration of medication as allowed by law and, if they are licensed
24 health care professionals, in keeping with applicable standards of professional practice for their
25 license.

26 (c) The pupil's parent or legal guardian may administer medication to the pupil or otherwise
27 assist the pupil in the administration of medication as allowed by law.

28 (d) An individual designated to do so by the parent or legal guardian may administer
29 medication to the pupil or otherwise assist the pupil in the administration of medication as
30 allowed by law. A local education agency may establish rules governing the designation of an
31 individual by a parent or legal guardian in order to ensure that:

32 (1) The individual is clearly identified;

1 (2) The individual is willing to accept the designation;

2 (3) The individual being designated is permitted to be present on the school site;

3 (4) Any limitations on the individual's authority in his or her capacity as designee are clearly
4 established; and

5 (5) The individual's service as a designee would not be inconsistent or in conflict with his or
6 her employment responsibilities, if the individual being designated is employed by the local
7 education agency.

8 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
9 Education Code.

10 **§605. Self-Administration of Medication.**

11 With the approval of the pupil's authorized health care provider and the approval of the
12 pupil's parent or legal guardian, a local education agency may allow a pupil to carry medication
13 and to self-administer the medication. A local agency may establish rules governing self-
14 administration in order to protect the health and safety both of the pupil and of the whole student
15 body and staff at the schoolsite. Through such rules, a local education agency may describe
16 circumstances under which self-administration may be prohibited.

17 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
18 Education Code.

19 **§ 606. Delivery and Storage of Medication.**

20 A local education agency may establish policies governing the delivery of medication to the
21 schoolsites (other than medication a pupil is allowed to carry for purposes of self-administration),
22 as well as the storage of medication in a manner that is secure and maintains the medication's
23 effectiveness.

24 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
25 Education Code.

26 **§ 607. Documentation.**

27 A local education agency may establish policies regarding documentation of the
28 administration of medication to pupils or otherwise assisting pupils in the administration of
29 medication in order to ensure that:

30 (a) Pupil confidentiality is appropriately maintained;

31 (b) A medication record is maintained for each pupil to whom medication is administered or
32 other assistance is provided in the administration of medication; and

1 (c) An appropriate record is kept of pupils who are allowed to carry and self-administer
2 medication.

3 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
4 Education Code.

5 **§608. Deviation from Authorized Health Care Provider’s Written Statement.**

6 A local education agency may establish policies regarding any material or significant
7 deviation from the authorized health care provider’s written statement in order to ensure that, as
8 quickly as possible upon discovery, appropriate notification of the deviation is made:

9 (a) In accordance with applicable standards of professional practice, if the discovery is made
10 by a licensed health care professional; or

11 (b) To the schoolsite administrator, the pupil’s parent or legal guardian, an employee of the
12 local education agency who is a licensed health care professional (if any), and the pupil’s
13 authorized health care provider, if the discovery is made by an individual who is not a licensed
14 health care professional.

15 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
16 Education Code.

17 **§609. Unused, Discontinued and Outdated Medication.**

18 A local education agency may establish policies regarding unused, discontinued, and
19 outdated medication in order to ensure that:

20 (a) Such medication is returned to the pupil’s parent or legal guardian where possible;

21 (b) Such medication that cannot be returned to the pupil’s parent or legal guardian is
22 disposed of by the end of the school year in accordance with applicable law.

23 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
24 Education Code.

25 **§610. Applicability of this Article.**

26 Nothing in this article may be interpreted as creating a state-mandated local program or as
27 affecting the following in any way:

28 (a) The statutes, regulations, or standards of practice governing any health care professional
29 licensed by the State of California in the carrying out of activities authorized by the license.

30 (b) The statutes or regulations governing the administration of medication to pupils or
31 otherwise assisting pupils in the administration of medication by individuals who are not

1 licensed health care professionals, other than Section 49423 and subdivision (b) of Section
2 49423.6 of the Education Code.

3 (c) The use of emergency epinephrine auto-injectors pursuant to Section 49414 of the
4 Education Code.

5 (d) The content or implementation of a pupil's individualized education program prepared in
6 accordance with applicable provisions of federal and state law, or a pupil's Section 504
7 Accommodation Plan prepared in accordance with applicable provisions of the federal
8 Rehabilitation Act of 1973.

9 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414, 49423,
10 and Part 30 (commencing with 56000), Education Code.

11 **§ 611. Issuance and Periodic Updating of Advisory.**

12 The California Department of Education, with the approval of the State Board of Education,
13 may issue and periodically update an advisory providing non-binding guidance on the
14 administration of medication to pupils and otherwise assisting pupils in the administration of
15 medication.

16 NOTE: Authority cited: Section 33031, Education Code Reference: Section 33308.5,
17 Education Code.

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CALIFORNIA STATE BOARD OF EDUCATION

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



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Administration of Medication to Pupils at School

[Notice published May 23, 2003]

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

PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Thursday, July 10, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, July 7, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone : (916) 319-0641 FAX: (916) 319-0155
E-mail: medregs@cde.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 49423.6, Education Code.

Reference: Section 49423, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Education (CDE) has received and responded to concerns and issues from school administrators, parents, physicians, school nurses, and community agencies regarding medication administration in schools. Education Code section 49423 provides statutory authority for provision of

medication administration in California schools. The language of Education Code section 49423 has been interpreted as permissive and subsequently has resulted in the denial of these services to some pupils. Further, the Education Code currently does not provide statutes for implementation.

In April 1995, a representative group of parents and community agencies presented their concerns regarding the health and safety of students to the Commission on Special Education (Commission) due to the denial of medication administration and health care services in the schools as prescribed by physicians, lack of training for school staff designated to provide these services, and lack of supervision of school staff providing these services. In response to these concerns, the Commission requested that CDE issue an advisory to local education agencies regarding medication administration in school. CDE issued an advisory in September 1997.

From March 1998 to August 2000, CDE continued to receive many calls from school districts, parents, physicians, and school nurses regarding concerns and questions regarding medication administration in school. CDE developed a Q&A page on its web site to address these questions (<http://www.cde.ca.gov/spbranch/sed/healthup/meds1.htm>).

Senate Bill 1549 was signed by the Governor on August 31, 2000. This bill added Section 49423.6 to the Education Code and required regulations be developed by June 15, 2001, regarding the administration of medication in the public schools. The bill required that the regulations be developed in consultation with parents, representatives of the medical and nursing professions, and others jointly designated by the Superintendent of Public Instruction, the Advisory Commission on Special Education, and the Department of Health Services.

The Medications Committee (Committee) was convened to begin developing regulations. The Committee used current standards of health care practice, and input from parents, physicians, school nurses, school administration staff, and community agencies to develop these regulations.

The Committee also considered information received from phone calls received by CDE from school districts seeking guidance on various problems and constraints related to medication administration services. Rural school districts, state border school districts, districts with few school nurses, and districts without school nurses face unique challenges in administering medications. In addition some districts raised issues related to the challenge of administering medications using different methods and with new technologies never before encountered in the school environment. The need for direction in the provision of over-the-counter medication administration in schools was also brought to the attention of the Committee, and has surfaced through proposed legislation. There is no specific statutory authority, however, upon which to base regulations for the administration of non-prescribed over-the-counter medications, and therefore these proposed regulations do not cover non-prescribed over-the-counter medications.

These various issues that needed addressing required the Committee to conduct extensive research, review more standards of healthcare practice for accommodating these needs in schools, and resulted in a request for an extension of time for completion of regulations for consideration by the State Board of Education. The regulations were further delayed in order to address fiscal issues, and specific issues raised to the State Board.

These proposed regulations for the *Administration of Medication to Pupils at School* provides clarification for implementing Education Code section 49423. Specifically, these regulations clarify who may administer medications to pupils requiring medication during the regular school day, under what conditions such administration of medications may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to the state: None

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

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None.

Affect on small businesses: There will have no affect on small businesses because they only provide clarity for schools on a permissive statute related to medication administration during the regular school day.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

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

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Debra Strain, Regulations Adoption Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0642.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

INITIAL STATEMENT OF REASONS

SECTIONS 600 – 611.

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulations will provide clarification for implementing Education Code section 49423. Specifically, the regulations clarify who may administer medications to pupils requiring medication during the regular school day, under what conditions such administration of medications may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

NECESSITY/RATIONALE

Education Code section 49423.6 specifically requires the State Board of Education to adopt regulations regarding the administration of medication in the public schools pursuant to Education Code section 49423. Currently confusion exists regarding the of application of Education Code section 49423, and local education agencies, parents/guardians, and pupils are seeking and would benefit from clarification of the requirements related to the administration of medications to pupils during the regular school day.

Section 600. Authorization.

Education Code section 49423.6, Subdivisions (a), (b), and (c) states that medication must be prescribed by a physician. Current law allows medication to be prescribed by authorized health care providers (Business and Professions Code, sections 2746.51, 2836.1, 4040, 4174).

Note: Authority cited: Section 49423.6 Education Code. Reference: Section 49423, Education Code.

Section 601. Definitions.

Subsection (e) – Education Code section 49423.6, subdivision (b) states that medication must be prescribed by a physician or other authorized medical personnel. California law authorizes medication to be prescribed by authorized health care providers including: physicians, osteopaths, dentists, podiatrists, and optometrists who have an active, current, California license; nurse practitioners and nurse midwives who have been assigned furnishing numbers, possess an active, current, California license, and function under standardized procedures as defined by Business and Professions Code section 2725; and physician assistants who have been assigned furnishing numbers, possess an active, current, California license, and function under a physician’s supervision and written protocols.

Note: Authority cited: Section 49423.6 Education Code. Reference: Section 49423, Education Code.

Section 602. Written Statement of Authorized Health Care Provider.

Subsection (a)(1) - The clear identification of the pupil identifies for whom the medication is authorized.

Subsection (a)(2) - The clear identification of the medication identifies what needs to be administered. The name of the medication is needed for identification and the reason for administration provides information for expected outcomes.

Subsection (a)(3) - The amount or dose of medication prescribed is required for correct administration of the authorized medication.

Subsection (a)(4) – The period of time during which the medication is to be taken is required for the correct administration of the authorized medication and is required by Section 49423.

Subsection (a)(5) – Other information may be necessary to provide information for expected outcomes, possible adverse reactions to the medication, the need for medical intervention, and to ensure the health and safety of the pupil.

Subsection (b) - Authorized health care providers are prohibited from releasing medical information without written consent. A school district cannot communicate with a pupil's authorized health care provider without written consent from the parent/guardian. Therefore, it is necessary for the parent to be responsible for obtaining and providing the school with the authorized health care provider's written statement regarding administration of medication at school. Medication administration must be provided in compliance with Section 49423; therefore, an authorized health care provider's written statement must be provided before medication can be administered in school.

Subsection (c) - The standard of practice is to renew medication authorizations on a periodic basis and whenever a change in the medication is required. The established time frame of annually and if there are changes in the order, are consistent with this standard. This also ensures safety for correct medications, dosages, time of administration, and method of administration.

Note: Authority cited: Section 40423.6, Education Code. Reference: Section 49423, Education Code, and Sections 2746.51, 2836.1, 4040, and 4174, Business and Professions Code.

Section 603. Written Statement of the Parent or Legal Guardian.

Subsection (a)(1) - A written statement of consent from the parent/guardian for medication administration in school is in compliance with Section 49423. All services provided to pupils in school must have parent/guardian consent.

Subsection (a)(2) - In order to ensure that the medication is administered in a safe and effective manner, it may be necessary to communicate with the authorized health care provider/pharmacist regarding the written statement.

Subsection (a)(3) – Parents have the right to know what employees of the local education agency will do to assist their children with medication administration.

Subsection (a)(4) – Parents need to know what they must do to enable employees of the local education agency to administer medication or otherwise assist their children in the administration of medication.

Subsection (a)(5) - Just as the parents and guardians have the right to consent to administration of medication to their children in school, they also have the right to rescind the request at any time.

Subsection (b) – Some parents may need assistance in the development of the written statement consenting to the administration of medication or assistance in the administration of medication to their children.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 604. Administration of Medication to Pupils or Otherwise Assisting Pupils in the Administration of Medication.

Subsection (a) - The school nurse, in keeping with applicable standards of professional practice, may administer medication or assist pupils in the administration of medication in school pursuant to Education Code section 49423.

Subsection (b) – Other designated school personnel, including other licensed health care professionals, in keeping with applicable standards of professional practice, may administer medication or assist pupils in the administration of medication to the extent they are allowed by law.

Subsection (c) – Parents and legal guardians have legal authority for their children and may administer medications to their children during the regular school day.

Subsection (d) – Parents and legal guardians are responsible for the care provided to their children; therefore, they or one of their designees may administer medications to their children during the regular school day as allowed by law. The local education agency has the right to establish rules governing who may be designated by the parent or legal guardian to ensure the health and safety of all pupils.

Subsection (d)(3) – The parents or legal guardians or anyone they designate cannot be a person who for legal reasons cannot come on a school campus or accompany pupils on a field trip: for example, an individual found guilty of being a sex offender.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 605. Self-Administration of Medication.

Many students with chronic illnesses have the need to carry life-sustaining medications on their person at all times. A collaborative and shared responsibility for authorization for this accommodation in school provides parameters for safety in schools. The local education agency may establish rules governing self-administration. Such rules may include ways to address situations arising from the abuse of this privilege.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 606. Delivery and Storage of Medication.

This section allows local education agencies to consider the relevant issues and ensure that medications are delivered to school and stored in a manner that maintains the medication's effectiveness and is safe for all school staff and pupils. Such policies would not necessarily include medication that is to be self-administered.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 607. Documentation.

Documentation of medication administration validates provision.

Subsections (a)(b) - An individual pupil log for medication administration documentation ensures privacy and provides accountability in the appropriate administration of medications.

Subsection (c) – This provides for the health and safety of pupils who self-administer medication.

Note: Authority cited: Section 49423.6, Education Code, Reference: Section 49423, Education Code.

Section 608. Deviation from Authorized Health Care Provider's Written Statement.

Failure to administer medication according to the written statement from the authorized licensed health care provider can be detrimental to a pupil's health. Administration of the wrong medication to a pupil can be life threatening. Notifying the site administrator, applicable local education agency employed licensed health care professional (if any) and the authorized health care provider as indicated insures prompt response. Notification of the parent of this information is providing the parent their right.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 609. Unused, Discontinued and Outdated Medication.

This section allows local education agencies to consider the issues and ensure that medications are disposed of in a manner that is safe for all school personnel and pupils.

Subsections (a) - Medications are paid for and belong to the parent/guardian of the student. The medication, at the end of the school year, or medication that has been discontinued, should be returned to the parent or legal guardian.

Subsection (b) - Provides a system for safe and appropriate disposal of medications if such medication cannot be returned to the pupil's parent or legal guardian at the end of the school year.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 610. Applicability of this Article.

This section clarifies that it does not create a state-mandated local program nor does it affect in any way the statutes, regulations or standards of practice governing any California licensed health care professional and the statutes and regulations governing unlicensed individuals in regard to medication administration or the provision of assistance to pupils with medication administration. This section further clarifies that it does not affect statute in regard to the use of epinephrine auto-injectors nor does it affect the content or implementation of properly prepared individualized education program plans or Section 504 Accommodation Plans.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414, 49423, and Part 30 (commencing with 56000), Education Code.

Section 611. Issuance and Periodic Updating of Advisory.

This section allows the California Department of Education, with the approval of the State Board of Education, to develop, issue and update non-binding advisory information on the medication administration.

NOTE: Authority cited: Section 33031, Education Code Reference: Section 33308.5, Education Code.

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

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

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

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.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

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

The proposed regulations would not have a significant adverse economic impact on any business.



MAY 2003 AGENDA

SUBJECT: Appointment(s) to Child Nutrition Advisory Council and, if necessary, Curriculum Development and Supplemental Materials Commission.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Take action as the State Board deems necessary and appropriate regarding appointment(s) to the Child Nutrition Advisory Council and, if necessary, the Curriculum Development and Supplemental Materials Commission.

Summary of Previous State Board of Education Discussion and Action.

The State Board appoints members to the Curriculum Development and Supplemental Materials Commission and the Child Nutrition Advisory Council in keeping with various provisions of law. There are several vacancies on the Child Nutrition Advisory Council, and there is a possibility of a vacancy occurring on the Curriculum Development and Supplemental Materials Commission prior to the May meeting.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Recommendations of individuals to fill any vacancies will be addressed in a supplemental memorandum.

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272
Sacramento, CA 94244-2720
(916) 319-0827
(916) 319-0175 FAX



April 30, 2003

To: Members, State Board of Education

A handwritten signature in black ink that reads "Greg Geeting".

From: Greg Geeting, Assistant Executive Director

Subject: Item 22, May 2003 Agenda
Appointments to Child Nutrition Advisory Council

This agenda item is for the purpose of recommending two individual to the State Board for appointment to the Child Nutrition Advisory Council:

- Phyllis Bramson-Paul, Director, Nutrition Services Division, California Department of Education.

By tradition, the State Board has appointed the Director of the Nutrition Services Division to membership on the Child Nutrition Advisory Council as the representative of the California Department of Education. Ms. Bramson-Paul recently assumed that position following the retirement of long-time division director Marilyn Briggs. A graduate of the Masters in Public Policy and Administration Program at CSU Sacramento, she headed the Women, Infants, and Children (WIC) Program in the Department of Health Services for 11 years, and she served as a policy and fiscal analyst for four years in the Legislative Analyst's Office and an additional year in the Office of the Speaker of the Assembly. Ms. Bramson-Paul will fill out the balance of an existing term on the CNAC that ends December 31, 2004.

- Stephen Trembley, Student, California High School, San Ramon Valley Unified School District

The Child Nutrition Advisory Council includes a student representative position. By tradition, the State Board has asked its Student Member to nominate a high school student (from among the candidates who applied to be next year's Student Member). Ms. Lee has nominated Mr. Trembley. The term of the CNAC's student representative is one year (May 1 to April 30). Mr. Trembley would be a non-voting student representative until his 18th birthday (November 2003), at which time he would become eligible to take the Oath of Office.

In addition to being an outstanding student (3.929 GPA), Mr. Trembley has an exceptional record of participation in extracurricular activities (drama and music) and athletics (swimming, baseball, basketball, and golf). He has also been very active in student government. Mark Corti, Principal of California High School, wrote, "Stephen has demonstrated the willingness to accept any assignment or

Item 22, May 2003 Agenda

Appointments to Child Nutrition Advisory Council

April 30, 2003

Page 2

task. His flexibility, positive attitude, and attention to detail have enabled him to meet many challenges and reinforce his commitment to excellence.”

Curriculum Development and Supplemental Materials Commission. At the time of the agenda printing deadline, it was anticipated that a vacancy might occur on the Curriculum Commission by the time May 2003 State Board meeting. As it turns out, there are no vacancies on the Curriculum Commission as of today, although staff still anticipate that an opening may occur in the near future. Accordingly, no recommendations are made for appointment to the Curriculum Commission at this time.

Cc: CDE Executive Staff



MAY 2003 AGENDA

SUBJECT: 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Take action on 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Education Code Sections 47612.5 and 47634.2, based upon the review of the requests and the recommendations prepared by the Advisory Commission on Charter Schools and the California Department of Education.

Summary of Previous State Board of Education Discussion and Action.

Senate Bill 740 (Chapter 892, Statutes of 2001) enacted provisions of law calling upon charter schools to prepare and the State Board to act upon determination of funding requests relating to pupils who receive nonclassroom-based instruction (in excess of an amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). The State Board adopted regulations (in keeping with SB 740) to define certain terms and establish criteria for the evaluation of determination of funding requests. The State Board also established the Advisory Commission on Charter Schools to provide (among other things) recommendations on the implementation of the provisions of SB 740.

Summary of Key Issue(s).

Under SB 740, an approved determination of funding is required (beginning in 2001-02) in order for a charter school to receive funding for pupils receiving nonclassroom-based instruction (in excess of the amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). Beginning in 2002-03, determination of funding requests are allowed for multiple years. All requests in 2001-02 were for that year only.

The Advisory Commission on Charter Schools considered a number of 2002-03 (and beyond) determination of funding requests at its meeting on April 11, 2003.

Fiscal Analysis (as appropriate).

A determination of funding request approved at less than the 100 percent level may result in slightly reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. However, if total claims for Proposition 98 funding are greater than available funds in a given year, then the reduction in apportionments attributable to nonclassroom-based instruction may be regarded as a reduction in the deficit for that year.

Background Information attached to this Agenda Item.

The listing of specific recommendations is attached. Information submitted by each school and the analysis of that information prepared by CDE staff are available for public inspection at the State Board Office.

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
 May 2003

The tables below reflect the recommendations of the Advisory Commission on Charter Schools and California Department of Education staff regarding 2002-03 (and beyond) determination of funding requests submitted by charter schools. All Advisory Commission recommendations were by unanimous vote of the members present.

RECOMMENDED FOR 100 PERCENT FOR ONE YEAR ONLY

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#61	Choice 2000 On-Line Charter*	100%	One year only 2002-03
#69	Nevada City Charter School	100%	One year only 2002-03

[* Second determination of funding request intended to replace an existing determination of funding at the 80 percent level.]

The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

RECOMMENDED FOR 100 PERCENT FOR TWO YEARS

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#19	Natomas Charter School*	100%	Two years 2002-03 and 2003-04

[* Second determination of funding request intended to replace an existing determination of funding at the 100 percent level for one year only (2002-03).]

The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 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 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.

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
 May 2003

RECOMMENDED FOR 60 PERCENT FOR ONE YEAR ONLY

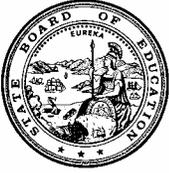
Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#188	Opportunities for Learning-Hacienda La Puente	60%	One year only 2002-03
#214	Opportunities for Learning-William S. Hart	60%	One year only 2002-03
#402	Opportunities for Learning-Baldwin Park	60%	One year only 2002-03
#463	Opportunities for Learning-Capistrano	60%	One year only 2002-03

The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria. The reason justifying a level lower than 70 percent is that taking into account the totality of the information received, the purposes for which the schools spent public revenues in 2001-02 do not warrant funding at the 70 percent level in 2002-03.

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#13	Options for Youth-Victor Valley	60%	One year only 2002-03
#105	Options for Youth-Upland	60%	One year only 2002-03
#117	Options for Youth-San Gabriel	60%	One year only 2002-03
#130	Options for Youth-Burbank	60%	One year only 2002-03
#139	Options for Youth-Mt. Shasta	60%	One year only 2002-03
#217	Options for Youth-San Juan	60%	One year only 2002-03

The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria. The reason justifying a level lower than 70 percent is that taking into account the totality of the information received, the purposes for which the schools spent public revenues in 2001-02 do not warrant funding at the 70 percent level in 2002-03.

Information regarding each of the above-mentioned determination of funding requests is available for public inspection at the State Board Office.



MAY 2003 AGENDA

SUBJECT	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

Summary of Previous State Board of Education Discussion and Action

The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff is presenting this routine request for a charter number as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 541 charter schools, including seven approved by the SBE after denial by the local agencies. Of these 541 schools, approximately 430 are estimated to be operating in the 2002-03 school year. In addition, the SBE has approved eight all-charter school districts containing a total of 15 charter schools.

Summary of Key Issue(s)

The law allows for the establishment of charter schools. A charter school typically is approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the contents of its charter, but is otherwise exempt from most other laws governing school districts.

Education Code Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state is within the cap on the total number of charter schools authorized to operate. As of July 1, 2002, the number of charter schools that may be authorized to operate in the state is 650. This cap may not be waived. This item will assign numbers to 12 more charter schools. Copies of the charter petitions are on file at the Charter Schools Office.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

[Attachment 1](#): Assignment of Numbers for Charter School Petitions (Page 1-2)

May 2003 State Board of Education Meeting

Assignment of Numbers for Charter School Petitions

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
542	Port of Los Angeles High School (POLAH)	Los Angeles	Los Angeles USD	Camilla Kocol 250-260 West 5 th St. San Pedro, CA 90731 (310) 519-7011
543	View Park Preparatory Accelerated High School	Los Angeles	Los Angeles USD	Michael Piscal 3717 W 54 th St Los Angeles, CA 90043 (323) 931-5492
544	Gold Oak Arts Charter School	El Dorado	Gold Oak Union SD	Mary Zuan 4120 Pleasant Valley Rd. Placerville, CA 95667 (530) 644-9620
545	School of Business and Technology	San Diego	Oceanside USD	Rocky Chavez 1831 Mission Ave. Oceanside, CA 92054 (760) 795-8731
546	High Tech Middle	San Diego	San Diego USD	Larry Rosenstock 2291 Truxtun Rd. San Diego, CA 92106 (619) 243-5000
547	The Visual and Performing Arts Charter School	Sacramento	Sacramento City USD	Joanna de la Cuesta 2315 34 th St. Sacramento, CA 95817 (916) 277-6238
548	Sacramento High School	Sacramento	Sacramento City USD	Margaret Fortune PO Box 5447 Sacramento, CA 95817 (916) 732-4673
549	KIPP Bayview Academy	San Francisco	San Francisco USD	Molly Wood 345 Spear St., Suite 510 San Francisco, CA 94105 (415) 308-0881

550	KIPP Adelante College Preparatory	San Diego	San Diego USD	Kelly Wright 4810 Jumano Ave. San Diego, CA 92117 (619) 980-5549
551	KIPP San Francisco Bay Academy	San Francisco	San Francisco USD	Lydia Glassic 345 Spear St., Suite 510 San Francisco, CA 94105 (415) 828-6477
552	KIPP Sol Aureus College Preparatory	Sacramento	Sacramento USD	Elizabeth Sutkus 345 Spear St., Suite 510 San Francisco, CA 94105 (415) 874-7381
553	Integrity Charter School	San Diego	National SD	Sandy Dominguez 1629 Elmhurst St. Chula Vista, CA 91913 (619) 425-9600 x 1365

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: May 7, 2003

From: Janet Sterling

Re: ITEM # 24

Subject ASSIGNMENT OF NUMBERS FOR CHARTER SCHOOL PETITIONS

California Department of Education staff recommends that the State Board of Education assign charter numbers to the charter schools identified on the attached list. These two charter schools were recently approved by local boards of education and must be numbered at the May meeting in order to meet a grant deadline.

Item #24 assigns numbers to charter schools number 542 through 553. This last minute item will assign numbers to two additional charter schools.

May 2003 State Board of Education Meeting

Assignment of Numbers for Charter School Petitions

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
554	Aspire Public Schools- Stockton Elementary School	San Joaquin	Stockton USD	Jason Thompson Aspire Public School 3 Dolphin Drive, Suite 200 Redwood City, CA 94065-1514 (650) 637-2060
555	Aspire Public Schools- East Palo Alto Elementary School	San Mateo	Ravenswood City SD	Jason Thompson Aspire Public School 3 Dolphin Drive, Suite 200 Redwood City, CA 94065-1514 (650) 637-2060



MAY 2003 AGENDA

SUBJECT	X	ACTION
Request by the New West Charter Middle School Petitioners To Establish New Deadlines for Meeting State Board of Education Conditions of Approval to Open.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

The CDE analysis and recommendations will be provided in the supplemental mailing.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education, at its December 2001 meeting, approved the New West Charter Middle School petition subject to numerous conditions with various deadlines. Two of those conditions, SELPA participation and identification of facilities to be used for the first year, were not met in spite of an extension of the deadlines by the State Board at its May 2001 meeting. As a result, New West did not open in 2002-03. The State Board, at its October 2002 meeting, established a new deadline of May 1, 2003, for New West to meet the conditions so that the school could open in 2003-04.

Summary of Key Issue(s)

New West, with assistance from State Board and CDE staff, has negotiated a memorandum of understanding (MOU) with the Los Angeles Unified School District (LAUSD) that will treat students at New West the same as students in district approved charter schools for purposes of the provision of special education services and programs. This agreement is the equivalent of participation in a SELPA, and therefore, fulfills the State Board condition of approval related to this issue. The LAUSD governing board is going to consider the MOU at its meeting on April 22, 2003. There are indications that the governing board has concerns about the MOU and might not approve it at the April 22 meeting. New West is requesting that new deadlines for meeting conditions of approval be established in order to give the petitioners time to work out the issues.

Fiscal Analysis (as appropriate)

To be provided as necessary with the supplemental mailing.

Attachment(s)

To be provided as necessary with the supplemental mailing.



MAY 2003 AGENDA

SUBJECT	X	ACTION
Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities		INFORMATION
		PUBLIC HEARING

Recommendation:

Take action to adopt the proposed regulations.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) commenced the permanent rulemaking process for these regulations at its January 2003 meeting. At the April 2003 meeting, the SBE amended the regulations, which allowed for an additional 15-day public comment period.

Education Code Section 47612(b) as established by Assembly Bill (AB) 1115 (Chapter 78, Statutes of 1999) places specified limitations on pupils over the age of 19 who may be claimed for apportionment purposes by charter schools. [AB 1115 reorganized statutory provisions originally enacted by AB 544 (Chapter 34, Statutes of 1998).] The State Board of Education previously adopted regulations defining “satisfactory progress” in relation to these limitations, but did not adopt regulations further defining qualifications for the claiming of such pupils.

Summary of Key Issue(s)

An administrative determination by the California Department of Education has permitted a greater number of pupils over the age of 19 to be claimed for apportionment purposes than would be permitted under these regulations. The regulations are proposed to become operative beginning in 2004-05 to allow for an orderly transition or to allow for legislation to be obtained that would legally remove the limitations on pupils over the age of 19 who may be claimed. The Department of Finance and the Secretary for Education have requested approval of the proposed regulations.

Fiscal Analysis (as appropriate)

These regulations may result in a reduced level of expenditures for apportionments to charter schools. The expenditure reductions would occur in the funds dedicated to public schools under Proposition 98, all of which, by law must be expended each fiscal year. Thus, any reduced expenditures are more accurately characterized as expenditure shifts than as absolute savings.

Attachment(s)

[Attachment 1](#): Title 5. Education, California State Board of Education, 15-Day Notice of Modifications to Text of Proposed Regulations (Page 1-1)

[Attachment 2](#): Proposed Regulations – Charter School Regular Average Daily Attendance (Pages 1-2)

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

STATE OF CALIFORNIA
Governor

GRAY DAVIS,

CALIFORNIA STATE BOARD OF EDUCATION

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



April 18, 2003

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8(c), and Section 44 of Title 1 of the California Code of Regulations, the State Board of Education (State Board) is providing notice of changes made to proposed regulation Section 11960 which was the subject of a regulatory hearing on April 9, 2003. These changes are in response to comments received regarding the proposed regulation.

If you have any comments regarding the proposed changes that are the topic of this 15-Day Notice, the State Board will accept written comments between April 22, 2003 and May 6, 2003, inclusive. All written comments must be submitted to the Regulations Adoption Coordinator via facsimile at (916) 319-0155; email at dstrain@cde.ca.gov or mailed to the following address no later than **5:00 p.m. on May 6, 2003**, and addressed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Suite 5319
Sacramento, California 95814-5901
Telephone: (916) 319-0641

All written comments received by **5:00 p.m. on May 6, 2003**, which pertain to the indicated changes will be reviewed and responded to by California Department of Education staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

The State Board has illustrated changes to the original text in the following manner: regulation language originally proposed is underlined. The 15-Day Notice illustrates deletions from the language originally proposed using a "~~strikeout~~"; and additions to the language originally proposed using double underline.

PROPOSED REGULATIONS

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 1. Charter School Regular Average Daily Attendance

Amend Section 11960 to read:

§11960. Regular Average Daily Attendance for Charter Schools.

(a) As used in Education Code section 47612, “attendance” means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. “Regular average daily attendance” shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

(b) The State Superintendent of Public Instruction shall proportionately reduce the amount of funding that would otherwise have been apportioned to a charter school on the basis of average daily attendance for a fiscal year, if school was actually taught in the charter school on fewer than 175 calendar days during that fiscal year.

(c) (1) Beginning in 2003-04 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school only if the both of the following conditions are met:

(A) The pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program) while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an individualized education program) consistent with the definition of satisfactory progress set forth in subdivision (b) of Section 11965.

(B) The pupil is not over the age of 22 years.

(2) This subdivision shall not apply to a charter school program specified in Education Code section 47612.1. A charter school program as specified in Education Code section 47612.1 may be either:

(1)(A) the whole of a charter school, if the school has an exclusive partnership agreement with one or more of the programs specified in Education Code section 47612.1 and serves no other pupils; or

(2)(B) an instructional program operated by a charter school that is exclusively dedicated to pupils who are also participating in one of the programs specified in Education Code section 47612.1, provided that arrangement is set forth in an exclusive partnership agreement between the charter school and one or more of the programs specified in Education Code section 47612.1.

(d) No individual who is ineligible to generate attendance for apportionment purposes in a charter school pursuant to subdivision (c) may be claimed as regular attendance for apportionment purposes by a local education agency that is authorized by law to grant charters. This subdivision shall not apply to claims other than claims for regular attendance for apportionment purposes.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 41420, 46301 and 47612, Education Code.

INITIAL STATEMENT OF REASONS**SECTION 11960. Regular Average Daily Attendance for Charter Schools.****SPECIFIC PURPOSE OF THE REGULATIONS**

The proposed regulations clarify the requirements for individuals to be eligible for claiming as K-12 average daily attendance when the individuals are over the age of 19.

NECESSITY/RATIONALE

The provisions of Education Code section 47612(b) have been implemented under an administrative interpretation not codified in regulations, thus demonstrating that the statute per se is in need of clarification. Regulations are the appropriate manner in which to clarify statutory requirements that control potentially substantial amounts of state funding.

SECTION 11960(c)

Clarifies that, beginning in 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school only if all of the following conditions are met:

- (1) the pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program) while 19 years of age;
- (2) without a break in public school enrollment since that time, the pupil is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an individualized education program) consistent with the definition of satisfactory progress elsewhere set forth in regulation; and
- (3) the pupil is not over the age of 22 years.

This subdivision makes clear that it does not apply to a charter school program specified in Education Code Section 47612.1.

This subdivision defines a charter school program as specified in Education Code Section 47612.1 as being either:

- (1) the whole of a charter school, if the school has an exclusive partnership agreement with one or more of the programs specified in Education Code Section 47612.1 and serves no other pupils; or
- (2) an instructional program operated by a charter school that is exclusively dedicated to pupils who are also participating in one of the programs specified in Education Code Section 47612.1, provided that arrangement is set forth in an exclusive partnership agreement between the charter school and the program or programs specified in Education Code Section 47612.1.

SECTION 11960(d)

This subdivision specifies that no individual who is ineligible to generate attendance for apportionment purposes in a charter school pursuant to subdivision (c) may be claimed as regular attendance for apportionment purposes by a local education agency that is authorized by law to grant charters. This provision, which is not inconsistent with statute, is needed to ensure that charter granting entities do not claim individuals for ADA purposes who are ineligible under the provisions of subdivision (c) then assign

them to charter schools for instructional purposes. Such an outcome would defeat the clear intent of the statute.

The subdivision clarifies that its restrictions apply only to claims for regular average daily attendance. Thus, statutorily separate programs, such as adult education, would not be affected in any way by these regulations. This provision avoids any confusion with respect to the authority of local education agencies that grant charters to claim individuals for such separate programs in accordance with applicable law.

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

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

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

The State Board was not presented with other viable alternatives to the adoption of these regulations.

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

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

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

The proposed regulations would not have a significant adverse economic impact on any business because they only provide clarity for charter schools for the purposes of claiming K-12 attendance for apportionment purposes. The proposed regulations do not impose additional workloads on small businesses or contractors funded by the Department.



MAY 2003 AGENDA

SUBJECT	X	ACTION
Permanent Regulations Pertaining to Annual Financial Reporting for all K-12 Local Educational Agencies, including Charter Schools, as Required by Assembly Bill 1994 (Chapter 1058, Statutes of 2002)	X	INFORMATION
		PUBLIC HEARING

Recommendation:

California Department of Education staff recommend that the State Board take action to commence the permanent rulemaking process for regulations related to financial reporting.

Summary of Previous State Board of Education Discussion and Action

This matter was discussed at the April State Board meeting and was held over until the May meeting for further discussion. The Board identified three questions about these regulations for which they wanted further information. The issues in question are related to charter school reporting and include: 1) use of the word “guidance” in reference to the information in the California School Accounting Manual; 2) consistency of the account code numbering in the alternative form for charter schools with the account code numbering of the Standardized Account Code Structure forms used by all other local educational agencies; and 3) how long the alternative reporting mechanism should be available for charter school reporting.

Summary of Key Issue(s)

Current law requires all school districts, county offices of education, and joint powers agencies (JPAs) to submit annual financial data to the state. Assembly Bill 1994 (Chapter 1058, Statutes of 2002), effective January 1, 2003, amends current law to also require charter schools to report financial data to the State. All of these data must be submitted in a format prescribed by the State Superintendent of Public Instruction and with regulations adopted by the State Board of Education.

The purpose of this item is to commence the rulemaking process to adopt regulations related to financial reporting. The proposed regulations will formalize the existing reporting requirement for school districts, county offices of education and joint powers agencies; there are no changes proposed in this area. The regulations will, however, propose new reporting requirements for charter schools, as they were not previously required to submit financial data to the state. The proposed regulations will be effective beginning in fiscal year 2003-04.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

The proposed regulations and information regarding the questions raised at the April SBE meeting will be forthcoming in the Board's supplemental mailing.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 29, 2003

From: Susan Lange

Re: ITEM # 27

Subject PERMANENT REGULATIONS PERTAINING TO ANNUAL FINANCIAL REPORTING FOR ALL K-12 LOCAL EDUCATIONAL AGENCIES, INCLUDING CHARTER SCHOOLS, AS REQUIRED BY ASSEMBLY BILL 1994 (CHAPTER 1058, STATUTES OF 2002)

The materials provided in this Supplemental Item are in support of Item 27 submitted earlier requesting the Board to take action to commence the rulemaking process to adopt regulations for the forms used by school districts, county offices of education, joint powers agencies, and charter schools for annual financial reporting.

Regulations on financial reporting were presented at last month's State Board meeting. However, questions were raised regarding financial reporting for charter schools, and adoption of the regulations was postponed. The questions raised by the Board were:

1. Does requiring charter schools to follow the guidance in the *California School Accounting Manual* (CSAM) impose an extraordinary burden on them?
2. Is the proposed alternative form compatible with the standardized account code structure?
3. Is it appropriate to make the alternative form for charter schools available for a specified period of time, and if so, what time frame?

The regulations have been revised to clarify that charter schools must follow the guidance in the CSAM only to the extent necessary for accurate financial reporting. For illustration, we have attached examples of guidance that we believe would apply to charter schools and would be necessary to ensure accurate financial reporting.

The alternative form for charter schools is compatible with one of the seven fields in the standardized account code structure, the object field. The object field describes the service or commodity obtained as a result of a specific expenditure (e.g., salaries, books, and capital outlay).

The regulations have also been revised to make the alternative form available to charter schools without the time constraints previously proposed. Charter schools may use either SACS or the alternative form for reporting their annual financial statements.

Please see the following attachments:

- [Attachment 1](#): Proposed Regulations to Implement Financial Reporting Provisions of AB 1994
(Pages 1-3)
- Attachment 2: Charter School Unaudited Actuals Financial Report – Alternative Format
(Pages 1-5) (This is not available on the web)
- [Attachment 3](#): Initial Statement of Reasons (Pages 1-3)
- [Attachment 4](#): Notice of Proposed Rulemaking (Pages 1-3)
- [Attachment 5](#): Examples of Guidance from the *California School Accounting Manual*
(Pages 1-4)

1 **PROPOSED REGULATIONS TO IMPLEMENT**
2 **FINANCIAL REPORTING PROVISIONS OF AB 1994**

3
4 **Title 5. EDUCATION**

5 **Division 1. State Department of Education**

6 **Chapter 14. School Finance**

7 **Subchapter 2. Budgeting, Accounting and Reporting**
8

9 *Add Article 2 (commencing with Section 15060) to read:*

10 **Article 2. Standardized Account Code Structure**

11 **§15060. Standardized Account Code Structure.**

12 (a) The California School Accounting Manual adopted by the State Board of Education pursuant to
13 Education Code Section 41010 shall incorporate a standardized account code structure which is a
14 statewide, uniform financial reporting format (based on the definitions and comprehensive chart of
15 accounts set forth in the California School Accounting Manual). The structure shall be designed to
16 provide a flexible statewide accounting system for local educational agencies to use in budgeting and
17 reporting their revenues and expenditures. The structure shall accommodate local, state, and federal
18 reporting needs as determined by the State Board.

19 (b) The standardized account code structure shall include, but not be limited to, the following fields:

20 (1) Fund/Account Group. Each fund is a fiscal and accounting entity, with a self-balancing set of
21 accounts recording cash and other resources, all related liabilities and residual equities and balances or
22 changes therein. Fund types include, but are not limited to, Governmental Funds, Proprietary Funds,
23 Fiduciary Funds, and Account Groups.

24 (2) Project Year. The project year field is used to distinguish the activities of the same grant with
25 different project years within the fiscal year.

26 (3) Resource (Project/Reporting). The resource field identifies the source of funding and is used for
27 accumulating revenues and expenditures to meet various specialized reporting requirements and tracking
28 categorical activities, such as No Child Left Behind (NCLB) Act, Economic Impact Aid, and School
29 Improvement Program.

1 (1) Revenues. An accounting of all funds received during the preceding fiscal year, including
2 identification of specific details within the major revenue categories of revenue limit sources, federal
3 sources, other state sources, and other local sources.

4 (2) Expenditures. An accounting of all funds expended during the preceding fiscal year, including
5 identification of specific details within the major expenditure categories of certificated salaries, classified
6 salaries, employee benefits, books and supplies, services and other operating expenses, capital outlay, and
7 other outgo.

8 (3) Other Information. An accounting of additional information including beginning and ending fund
9 balances, other sources and uses, assets, liabilities, and reserves.

10 (b) (1) The reporting of financial data by charter schools that are established as governmental
11 accounting entities shall reflect the definitions, and to the extent necessary for accurate financial
12 reporting, the guidance provided in the California School Accounting Manual.

13 (b) (2) The reporting of financial data by charter schools that are established as nongovernmental
14 accounting entities shall reflect the definitions, and to the extent necessary for accurate financial
15 reporting, the guidance provided in the California School Accounting Manual, except for accounting
16 differences required due to their nonprofit status.

17 NOTE: Authority cited: Section 33031, Education Code. Reference: Education Code Sections 1628,
18 41023, and 42100.

INITIAL STATEMENT OF REASONS

SPECIFIC PURPOSE OF THE REGULATIONS

Section 15060. Standardized Account Code Structure

The purpose of the regulation is to define the current accounting and reporting format prescribed in the California School Accounting Manual (CSAM), as approved by the State Board of Education, for local educational agencies to use in recording their financial affairs. Education Code Section 41010 requires the accounting format to be in accordance with the definitions, instructions, and procedures published in the CSAM. Although not currently defined in regulations, the accounting format described in the CSAM is the standardized account code structure (SACS).

Necessity/Rationale

SACS was developed in response to legislation enacted in 1993 (Senate Bill 94, Chapter 237). According to SB 94, the legislature intended to develop a new statewide budgeting and accounting model that would accomplish the following: 1) enable the public to be more informed about public school revenues and expenditures, 2) eliminate duplicate reporting, 3) ensure accurate and timely reporting of statewide data to ensure accurate allocations of federal funds, 4) ensure that adequate accounting flexibility exists to support school site budgetary decision-making, 5) support financial integrity and stability, and 6) expand the fiscal information capability of the California Department of Education (CDE) without adding costly or time-consuming reporting requirements.

SACS is basically a detailed chart of accounts whereby most financial transactions are coded with six key elements: fund, resource, project year, goal, function and object. What this detailed chart of accounts means is that each expenditure transaction tells a complete story (such as, what categorical program paid for the expenditure, what the expenditure was made for (e.g., textbooks or supplies), who is going to benefit from the expenditure (e.g., regular education students or Regional Occupational Programs (ROP) students), and the activity being performed (e.g., instruction or transportation).

Since 1993, nearly all local educational agencies (LEAs) have been converting their accounting systems to the SACS format, with the help of fiscal incentives provided by the Legislature. By the end of 2003-04, it is expected that all LEAs will have converted to SACS, and the "old" format (commonly known as the J-200 Annual Budget and Financial Report) will no longer be available. The process of converting typically takes one to two years per LEA, but given the magnitude of implementing the process statewide, the conversion has taken nearly ten years. There have been a few instances in the past of LEAs being unable to implement the SACS system of accounting in their established timeframes, and they have needed to obtain an

extension to their implementation date. Pursuant to current law, an extension may be allowed on a case-by-case basis upon application to the Superintendent of Public Instruction (Chapter 299, Statutes of 1997).

Section 15070. Submission of Annual Financial Statements

The proposed regulation will fulfill the requirement in Education Code sections 1628 and 42100 that the forms for all local educational agencies to report their annual statement of all receipts and expenditures for the preceding fiscal year be prescribed by the Superintendent of Public Instruction and adopted in regulations by the State Board of Education. This section also applies to charter schools unless they choose to report in the alternative format pursuant to Section 15071.

Necessity/Rationale

Prior to the amendments to Education Code sections 1628 and 42100, all school districts, county offices of education, and joint powers agencies (JPAs) were required by sections 1628 and 42100 to submit annual financial data to the State on forms prescribed by the State Superintendent of Public Instruction. Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002) amended sections 1628 and 42100 to require that the forms for reporting the annual financial data be adopted in regulations by the State Board of Education. The proposed regulations will formalize the existing reporting requirement.

Section 15071. Alternative Form for Submission of Annual Financial Statements by Charter Schools

The purpose of this regulation is to provide an alternative financial report form to the standardized account code structure format described in Section 15060 for charter schools.

Necessity/Rationale

CDE developed an alternative form for those charters that prefer not to report in the standardized account code structure described in Section 15060. The alternative form will allow charter schools to comply with the requirement to report financial data, but in a format quite similar to the old J-200 format that is so familiar to local educational agencies. The alternative form is designed to provide very basic summary level detail. The data can be imported from charter systems or be manually input so that the data can be provided electronically to CDE, as are the data provided by all other school districts, county offices of education, and joint powers agencies.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

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

The State Board was not presented with other alternatives to the adoption of these regulations.

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

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The proposed regulations would not have a significant adverse economic impact on any business because they apply to reports from school districts, county offices of education, educational joint powers agencies, and charter schools. The proposed regulations do not impose additional workloads on small businesses or contractors funded by the Department.

Notice of Proposed Rulemaking

Proposed Regulations to Implement Financial Reporting Provisions of AB 1994

AUTHORITY AND REFERENCE

Authority for these regulations is found in the following Education Code sections: (a) 33031; (b) 33050; (c) 1628; (d) 41010; (e) 42100; and Chapter 299 of the Statutes of 1997.

- (a) Education Code Section 33031 is the State Board's general authority to adopt rules and regulations for the government of the day and evening schools of the state.
- (b) Education Code Section 33050 is the State Board's general authority to waive, with some listed exceptions, all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements a provision of the Education Code.
- (c) Education Code Section 1628, as amended by Assembly Bill 1994, Chapter 1058, Statutes of 2002, requires that the State Board of Education adopt as regulations the format prescribed by the State Superintendent of Public Instruction for the annual financial statements of the county offices of education. Section 1628 also allows the State Superintendent of Public Instruction to amend the forms periodically to accommodate changes in statute or government reporting standards.
- (d) Education Code Section 41010 requires that the accounting system used to record the financial affairs of any school district shall be in accordance with the definitions, instructions, and procedures published in the California School Accounting Manual as approved by the State Board of Education and furnished by the Superintendent of Public Instruction.
- (e) Education Code Section 42100, as amended by Assembly Bill 1994, Chapter 1058, Statutes of 2002, requires that the State Board of Education adopt as regulations the format prescribed by the State Superintendent of Public Instruction for the annual financial statements of the school districts and charter schools. Section 42100 also allows the State Superintendent of Public Instruction to amend the forms periodically to accommodate changes in statute or government reporting standards.

- (f) Section 39 of Chapter 299 of the Statutes of 1997 (Assembly Bill 1578) provides funding for the implementation of the standardized account code structure under specified timelines. Chapter 299 also provides for a waiver of those timelines and repayment of the implementation funds in the event that the standardized account code structure is not implemented.

References are made to Education Code sections 1628, 41010, 41023, and 42100. These statutes govern the accounting system and the annual financial statements required of all school districts, county offices of education, charter schools, and educational joint powers agencies (JPAs), and prescribe the process of how and when these reports are transmitted to the Superintendent of Public Instruction.

Prior to the AB 1994 amendments to Education Code sections 1628 and 42100, local educational agencies were required to prepare and submit their financial reports on forms prescribed by the Superintendent of Public Instruction, but there was no requirement that the forms be adopted as regulations by the State Board of Education.

INCORPORATION BY REFERENCE

These regulations incorporate by reference the California School Accounting Manual (Sections 15060 and 15071 of the regulations) and the standardized account code structure (SACS) Unaudited Actuals Financial Report forms (Sections 15070 and 15071 of the regulations). These items can be found on our Web site pages at www.cde.ca.gov/fiscal/software and www.cde.ca.gov/fiscal/sacs.

Note: The California School Accounting Manual is updated every year, usually in December (the most recent edition is December 2002). The SACS report forms are updated every year, usually in April and July (April 2003 is the latest edition).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt Section 15060 in Article 2 and sections 15070 and 15071 in Article 3 of Division 1, Chapter 14, Subchapter 2 of Title 5 of the California Code of Regulations. These sections concern the accounting system

and the format for the annual financial statements for school districts, county offices of education, educational joint powers agencies, and charter schools.

The purpose of the regulations is 1) to define the current accounting and reporting format used to record the financial affairs of local educational agencies, 2) to adopt the forms that are prescribed by the Superintendent of Public Instruction for local educational agencies to report their annual statement of all receipts and expenditures for the preceding fiscal year, and 3) to provide an alternative annual financial statement form for charter schools.

CONTACT PERSONS

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

Caryn Becker, Administrator
California Department of Education
School Fiscal Services Division
1430 N Street, Suite 3800
Sacramento, CA 95814
E-mail: cbecker@cde.ca.gov
Telephone: (916) 324-7141

Examples of Guidance in the California School Accounting Manual

Example 1 - Revenue Recognition, excerpted from Procedure 302

In governmental funds, in which the modified accrual basis of accounting is used, revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures of the fiscal period. The term *available* means collectible within the current period or soon enough thereafter to be used to pay the liabilities of the current period.

Generally, *available* is defined as collectible within 45, 60, or 90 days. However, to achieve comparability of reporting among California LEAs and so as not to distort normal revenue patterns, with specific respect to reimbursement grants and corrections to state aid apportionments, the California Department of Education has defined *available* as collectible within one year. See below for a discussion of revenue recognition for specific revenue sources.

In proprietary funds, in which the accrual basis of accounting is used, revenues are recognized as soon as they are earned.

LEAs receive revenue in one of two ways: 1) through *exchange transactions*, in which both parties exchange equal value, such as a contract for services; or 2) through *nonexchange transactions*, in which the LEA receives value without directly giving equal value in return, such as receipt of state apportionments, state or federal categorical grants, and local property taxes. Most revenues received by LEAs are the result of nonexchange transactions.

In governmental funds, recognition of revenues from exchange and exchange-like transactions occurs as soon as the exchange has occurred and the revenues become available.

Recognition of revenues from nonexchange transactions varies depending on the characteristics of the nonexchange transaction. GASB 33, *Accounting and Financial Reporting for Nonexchange Transactions*, which took effect in June 2000, defines four classes of nonexchange transactions:

- *Derived tax revenue* is from assessments imposed by governments on exchange transactions. Examples include sales tax or income tax. Derived tax revenues are recognized in the period when the underlying exchange transaction occurs and the resources are available. Typically, LEAs do not assess taxes or directly receive derived tax revenues.
- *Imposed nonexchange revenue* is from assessments by governments on nongovernmental entities, including individuals, other than assessments on exchange transactions. Examples include ad valorem property taxes and fines. Generally, using modified accrual accounting, property tax revenues are recognized in the period for which they are assessed and become

available. However, see below for discussion of revenue recognition for property taxes for California LEAs.

- *Government-mandated nonexchange revenue* is from a government at one level providing resources to a government at another level, requiring the recipient to use the resources for a specific purpose. An example is the state apportionment for providing required educational services. Under modified accrual, government-mandated nonexchange revenue is recognized when all applicable eligibility requirements have been met and the resources are available.
- *Voluntary nonexchange revenue* is from legislative or contractual agreements, other than exchange transactions, entered into willingly by two or more parties. Examples are donations, grants, or entitlements entered into by an LEA through an application process. Under modified accrual accounting, voluntary nonexchange revenue is recognized when all applicable eligibility requirements have been met and the resources are available.

Generally accepted accounting principles (GAAP) requires that when both parties to a nonexchange transaction are governments, recognition generally should be symmetrical. That is, when the provider government is required to recognize a liability, the recipient government should recognize an asset. GAAP further requires that when the provider is a government, an appropriation is essential to make enabling legislation effective for a particular period of time. A government does not have a liability to transmit resources under a particular program, and a recipient does not have a receivable, unless an appropriation for that program exists.

Example 2 – Accounting for Expenditures and Other Financing Uses, excerpted from Procedure 401

Expenditures

Expenditures are decreases in net spendable resources. They include expenses (the term used in the proprietary funds), payments toward the retirement of long-term debt, and capital outlay for acquisition of long-term assets, such as land, buildings, and equipment.

Account numbers 1000–7499 and 7651–7699 are used to record a local educational agency's (LEA's) expenditures.

Interfund Transfers

Interfund transfers are flows of assets without equivalent flows of assets in return and without a requirement for repayment. The two major categories of interfund transfers are:

1. *Residual equity transfers.* Residual equity transfers are nonrecurring or nonroutine transfers of equity between funds. Examples of transfers of this type are (1) transfers of residual balances of discontinued funds to the General Fund; and (2) nonroutine contributions of Internal Service Fund capital by the General Fund.
2. *Operating transfers.* Operating transfers, which comprise all interfund transfers other than residual equity transfers, are routine, legally authorized transfers between funds. Examples of operating transfers are (1) transfers from the General Fund to a Special Revenue or Capital Projects Fund; and (2) operating subsidy transfers from the General Fund to an Enterprise Fund.

Both residual equity transfers and operating transfers are nonreciprocal interfund activities. Reciprocal interfund activities, such as interfund loans and interfund services provided and used, are not recorded as interfund transfers.

Interfund transfer accounts are closed at the end of the fiscal year in the same manner as that used for closing expenditure accounts.

Account numbers 7610–7629 are used to record an LEA's interfund transfers.

Recognition of Expenditures and Operating Transfers

Expenditures of governmental funds are accounted for on the *modified accrual basis*. Expenditures, if measurable, are therefore recorded (recognized) during the accounting period in which liabilities are incurred. The only exception is unmatured interest on general long-term debt.

Policies governing expenditure recognition will continue as currently established:

1. Expenditures and transfers out are recorded when the related liabilities, if measurable, are incurred except for unmatured interest on general long-term debt, which is recognized when due.
2. Accruals for accounts payable at the end of the fiscal year are recorded for services rendered or for goods received by June 30.

Expenses of proprietary and trust funds are accounted for on the *accrual basis*. Expenses, if measurable, are recognized during the period in which they are incurred.

Transfers out are recognized during the accounting period in which the interfund transfer obligation arises.

Recognition of Legal Obligations in Reporting for Federal Grants

Legal obligations are commitments made by an LEA to purchase goods or services immediately or in a future period. Commitments are generally made in the form of a purchase order or a written contract. For purposes of accounting at year-end, obligations for future periods are not reflected in the current year's books. Rather, the obligated goods or services are recognized in the following year's books, when the goods or services are actually received.

But for purposes of grant reporting, federal funding may be claimed under a current-year grant for certain qualifying legal obligations incurred by the end of the grant period, even though the goods or services will not be received until after the grant period ends. *The question of whether or not an obligation is claimable for funding under a current-year grant is determined by what the obligation is for.* The following illustration from the Education Department General Administrative Regulations (EDGAR) *Code of Federal Regulations (CFR), Title 34, Part 76.707*, shows when various commitments are considered to be legal obligations.

<i>If the obligation is for . . .</i>	<i>The legal obligation is made . . .</i>
Acquisition of real or personal property	On the date on which the LEA makes a binding written commitment to acquire the property
Personal services by an employee of the LEA	When the services are performed
Personal services by a contractor who is not an employee of the LEA	On the date on which the LEA makes a binding written commitment to obtain the services
Performance of work other than personal services	On the date on which the LEA makes a binding written commitment to obtain the work
Public utility services	When the LEA receives the services
Travel, conferences	When the travel is taken or conference attended
Rental of real or personal property	When the LEA uses the property



MAY 2003 AGENDA

SUBJECT	X	ACTION
Legislative Update: Including, but not limited to, information on legislation	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Information only-no recommendation pending

Summary of Previous State Board of Education Discussion and Action

The State Board regularly considers and takes action on matters related to the implementation of legislation and the initiation and support of changes in statute.

Summary of Key Issue(s)

N/A

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

In order to provide the most up-to-date information, an updated packet will be provided just prior to the State Board of Education meeting

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: April 25, 2003

From: B. Teri Burns

Re: ITEM # 28

Subject LEGISLATIVE UPDATE: INCLUDING, BUT NOT LIMITED TO,
INFORMATION ON LEGISLATION

[Updated State Board of Education Legislative Status Report.](#)

Accountability	
<p>AB 8 Daucher A-03/28/2003</p>	<p>Summary: Existing law establishes various school improvement programs to improve pupil performance in elementary, middle, and high schools. This bill would require the Superintendent of Public Instruction to establish a 3-year pilot program entitled the " Local Education and Accountability Pilot Program" to be administered by the State Department of Education . The bill would require the Superintendent of Public Instruction to select 3 county offices of education to voluntarily participate in the pilot program. The bill would require each of those county offices of education to invite low-performing schools, as specified, to participate in an intervention program provided by the county office of education . This bill contains other related provisions.</p> <p>Status: 04/09/2003-In committee: Set, second hearing. Referred to APPR. suspense file.</p>
<p>AB 96 Bermudez I-01/08/2003</p>	<p>Summary: Existing law provides for the development of the Academic Performance Index (API), a statewide ranking system to measure school performance. Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to rank all public schools in decile categories by grade level of instruction provided, based on their pupils' API results. Various provisions of existing law designate a school as a "low-performing" school, based on its decile rank. This bill would, instead, designate those schools as "high-priority" schools.</p> <p>Status: 03/20/2003-Referred to Com. on ED.</p>
<p>AB 165 Chan I-01/22/2003</p>	<p>Summary: Existing law, the Classroom Instructional Improvement and Accountability Act, requires each school district that maintains an elementary or secondary school to develop and implement a School Accountability Report Card, as prescribed. The act prohibits any change to its provision, except to further its purpose by a bill passed by a vote of 2/3 of the Legislature and signed by the Governor. This bill would require each school district to include within the School Accountability Report Card information regarding the availability of credentialed school nurses, and would declare that its provisions further the purposes of the act. By requiring each school district to include this additional information within the School Accountability Report Card, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/02/2003-In committee: Placed on Appropriations suspense file.</p>
<p>AB 1485 Firebaugh A-04/22/2003</p>	<p>Summary: Existing This bill would declare the intent of the Legislature to require the State Board of Education to comply fully with federal law and ensure that the educational needs and rights of English learners are addressed fully in the accountability plan submitted by the state to the federal government for purposes of the federal No Child Left Behind Act of 2001. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/22/2003-From committee chair, with author's amendments: Amend, and re-refer to Com. on ED. Read second time and amended.</p>
<p>SB 575 Poochigian A-04/23/2003</p>	<p>Summary: Existing law, the Classroom Instructional Improvement and Accountability Act, requires the school accountability report card to provide data by which parents may make meaningful comparisons between public schools enabling them to make informed decisions on which school to enroll their children and requires certain information regarding school conditions to be included in this report card. Existing law provides that the Classroom Instructional Improvement and Accountability Act may be amended only to further the purposes of the act and by a bill passed by a 2/3 vote of the Legislature. This bill would impose a state-mandated local program by requiring a school district to ensure that all parents and guardians receive a copy of the school accountability report card or a summary of the report card that includes the information required by the federal No Child Left Behind Act of 2001. The bill would state that the Legislature finds and declares that the bill furthers the purposes of the Classroom Instructional Improvement and Accountability Act. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/23/2003-From committee with author's amendments. Read second time. Amended. Re-referred to committee.</p>
Assessment & Standards	
<p>AB 36 Wyland A-02/24/2003</p>	<p>Summary: Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, designated achievement tests. This bill would encourage the governing board of a school district to discuss STAR test scores and to analyze the results of those assessments. The bill would authorize the governing board of a school district with a school not meeting a certain specified standard to adopt an improved performance plan. This bill contains other existing laws.</p> <p>Status: 03/20/2003-Referred to Com. on ED.</p>
<p>AB 356 Hancock A-03/17/2003</p>	<p>Summary: Existing law establishes the Public Schools Accountability Act of 1999, which consists of the Academic Performance Index, the Immediate Intervention/Underperforming Schools Program, and the Governor's High Achieving/Improving Schools Program. Under the act, schools receive awards for high achievement and improvement and sanctions for continued low performance. This bill would delete the rewards and sanctions provisions from the act and would make conforming changes. This bill contains other related provisions and other existing laws.</p> <p>Status: 03/20/2003-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 1.) (March 19).</p>

Assessment & Standards (continued)	
AB 497 Wyland I-02/14/2003	<p>Summary: Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics that is aligned with the statewide academically rigorous content standards. Existing law establishes the High School Exit Examination Standards Panel to assist in the design and composition of the exit examination to ensure that it is aligned with the statewide academically rigorous content standards. Existing law requires the examination to be field tested prior to implementation to ensure that it is free from bias and that its content is valid and reliable. Existing law sets forth additional requirements for the administration of the examination, including the administration of the examination to pupils with exceptional needs. This bill would require the superintendent with the approval of the State Board of Education, by October 1, 2005, to involve a component in American government and history in the existing high school exit examination. The bill would require this new examination component to be submitted to the High School Exit Examination Standards Panel for review of the design and composition to ensure that it is aligned with the statewide academically rigorous content standards. The bill would require this new examination component to be field tested to ensure that it is free from bias and that its content is valid and reliable. The bill would subject the modified exit examination, with the component in American government and history, to the existing examination administration requirements.</p> <p>Status: 02/24/2003-<i>Referred to Com. on ED.</i></p>
AB 511 Diaz A-04/23/2003	<p>Summary: Existing law requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program that includes, among other things, statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. This bill would require the superintendent, by January 1, 2006, to make recommendations to the Governor, the Legislature, and the State Board of Education that include a recommended inventory of the components to be contained in an assessment tool for evaluating information and communications technology (ICT) literacy in grades 9 to 12, inclusive, and a proposed implementation strategy and time line for the incorporation of ICT literacy assessment into existing pupil testing frameworks.</p> <p>Status: 04/23/2003-<i>From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.</i></p>
AB 1670 Kehoe A-04/21/2003	<p>Summary: Existing law requires, commencing with the 2003-04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law prohibits the administration of a high school exit examination to a pupil who did not receive adequate notice regarding the examination and defines adequate notice for this purpose. This bill would deem an adult education student to have received "adequate notice" at the time of enrollment in an adult education program leading to a high school diploma. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/22/2003-<i>Re-referred to Com. on ED.</i></p>
SB 192 Scott I-02/12/2003	<p>Summary: Existing law establishes the Golden State Examination Program to administer the Golden State Examination to pupils enrolled in public high schools to measure advanced pupil achievement on the academically rigorous content standards adopted by the State Board of Education and requires the examination to be administered in augmentation of standards-based achievement tests. This bill would repeal this program and make related conforming changes.</p> <p>Status: 02/25/2003-<i>To Com. on ED.</i></p>
SB 241 Knight I-02/14/2003	<p>Summary: Existing law establishes the Golden State Examination Program to administer the Golden State Examination to pupils enrolled in public high schools to measure advanced pupil achievement on the academically rigorous content standards adopted by the State Board of Education and requires the examination to be administered in augmentation of standards-based achievement tests. This bill would repeal this program and make related conforming changes.</p> <p>Status: 02/25/2003-<i>To Com. on ED.</i></p>
SB 373 Margett A-04/21/2003	<p>Summary: Existing law requires the Superintendent of Public Instruction, by July 1, 1999, with approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and to demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools. Under existing law, only schools with 100 or more test scores contributing to the API may be included in the rankings. This bill would require the board to establish a policy for approving the use of instructional materials not approved by the board and would provide that a school district in which at least 70% of the schools receive scores of 800 or more on the API for 3 of the immediately preceding 5 years, is authorized to purchase instructional materials that have not been approved by the board. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/21/2003-<i>From committee with author's amendments. Read second time. Amended. Re-referred to committee.</i></p>

Assessment & Standards (continued)	
SB 471 Vasconcellos I-02/20/2003	<p>Summary: Existing law repeals the Leroy Greene California Assessment of Academic Achievement Act on January 1, 2005, states the intent of the Legislature regarding this testing program and makes findings and declarations regarding the program. The existing act requires a school district to conduct a testing program in accordance with rules and regulations of the State Board of Education. This bill would extend the date of that repeal to January 1, 2007. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/16/2003-Set, first hearing. Hearing canceled at the request of author. Set for hearing April 30.</p>
SB 495 Vasconcellos I-02/20/2003	<p>Summary: Existing law establishes the Public Schools Accountability Act of 1999 which consists of the Academic Performance Index (API), the Immediate Intervention/Underperforming Schools Program, the High Priority Schools Grant Program for Low Performing Schools, and the High Achieving/Improving Schools Program. The API measures the performance of schools and the academic performance of pupils and consists of a variety of indicators. This bill would state the intent of the Legislature to establish an Opportunity to Learn Index (OTL) as part of the Public School Performance Accountability Program to measure the opportunity for pupil learning as evidenced by pupil access to high-quality learning resources, conditions, and opportunities, based on standards that specify what all schools should have available for instruction and support. This bill contains other related provisions.</p> <p>Status: 04/09/2003-Placed on ED. suspense file.</p>
SB 687 Cedillo I-02/21/2003	<p>Summary: Existing law establishes the Governor's Scholars Programs under the administration of the Scholarshare Investment Board, which was established pursuant to the Golden State Scholarshare Trust Act. One of the Governor's Scholars Programs is known as the Governor's Distinguished Mathematics and Science Scholars Program, under which a pupil may receive a scholarship for demonstrating specified high academic achievement in mathematics and the sciences. Among other things, the Governor's Distinguished Mathematics and Science Scholars Program requires that a pupil earn an award under the Governor's Scholars Program to be eligible. This bill would revise the provision establishing the Governor's Distinguished Mathematics and Science Scholars Program by making various technical and conforming changes.</p> <p>Status: 03/06/2003-To Com. on ED.</p>
SCR 5 Scott I-01/23/2003	<p>Summary: This measure would declare the Legislature's acknowledgment and support of standards-based instruction in the visual and performing arts in all California public schools, prekindergarten through grade 12, inclusive.</p> <p>Status: 04/03/2003-To Com. on ED.</p>
Charter Schools	
AB 604 Dymally I-02/19/2003	<p>Summary: Existing law, the Charter Schools Act of 1992, allows for the establishment of charter schools that operate independently from the existing school district structure as a method of accomplishing specified goals. The act deems a charter school to be a school district for purposes of determining the manner in which warrants are drawn on the State School Fund. The act authorizes a charter school to receive the state aid portion of the charter school's total general-purpose entitlement and categorical block grant directly or through the local educational agency that either grants its charter or was designated by the State Board of Education. This bill would, notwithstanding those provisions, require in the case of a charter school that operates schools at multiple sites, that the charter school receive its funding directly from the county superintendent of schools of the county in which the local educational agency that approved the charter, or was designated by the state board, is located. The bill would authorize the county superintendent of schools to establish appropriate accounts in the county treasury for the charter school and each of its schoolsites, and would prescribe the manner of deposit. The bill would impose a state-mandated local program to the extent that it imposes new duties on the county superintendent of schools. This bill contains other related provisions and other existing laws.</p> <p>Status: 02/27/2003-Referred to Com. on ED.</p>
AB 1129 Goldberg I-02/21/2003	<p>Summary: Existing law establishes the High Priority Schools Grant Program for Low Performing Schools within the Public Schools Accountability Act of 1999, which requires the Superintendent of Public Instruction to invite schools ranked in the 5 lowest deciles of the Academic Performance Index (API) to participate in the Immediate Intervention/Underperforming Schools Program (IIUSP) and the High Priority Schools Grant Program for Low Performing Schools. Under existing law, participating schools receive a specified amount of funds per pupil, and are required to develop and submit an action plan and report certain information regarding the progress of the school toward achieving specified goals annually to the Superintendent of Public Instruction. This bill would establish the low performing schools charter program. The bill would authorize schools ranked in the 2 lowest deciles of the API to operate and be funded as a charter school, as specified, as an alternative to receiving funding under the IIUSP and High Priority Schools Grant Program for Low Performing Schools. This bill contains other existing laws.</p> <p>Status: 03/06/2003-Referred to Com. on ED.</p>

Charter Schools (continued)	
AB 1137 Reyes A-04/10/2003	<p>Summary: The Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. This bill would authorize the governing board of a school district to elect not to be a chartering authority. If the governing board of a school district makes this election, the bill would require the State Board of Education and the Superintendent of Public Instruction to enter into an agreement with a specified educational entity to act as the chartering authority in that school district. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/21/2003-Re-referred to Com. on APPR.</p>
AB 1307 Haynes A-03/25/2003	<p>Summary: The existing Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. This bill would, notwithstanding any other provision of law, authorize nonprofit charitable organizations, a county board of education, a county chief executive officer, the chancellor of a campus of the University of California, the president of a campus of the California State University, the governing board of a community college district, or the governing body of a public or private college or university to approve a petition submitted to establish a charter school within the county in which that entity is located or person administers a campus. The bill would, in addition, authorize the State Board of Education to approve a petition submitted directly to the board to establish a charter school. The bill would, in addition, authorize the mayor of a city having a population of 250,000, or more, to approve a petition submitted to establish a charter school within that city. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/22/2003-In committee: Hearing postponed by committee. (Refers to 4/3/2003 hearing)</p>
AB 1366 Simitian I-02/21/2003	<p>Summary: Existing law defines "sponsoring local educational agency" for purposes of provisions governing charter schools. This bill would include within that definition, only for the purpose of transferring amounts in lieu of property taxes and for pupils who reside in and are otherwise eligible to attend school in a basic aid school district, but who attend a charter school authorized by a nonbasic aid district or county office of education, the basic aid district, as defined. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/16/2003-In committee: Hearing postponed by committee. (Refers to 4/3/2003 hearing)</p>
SB 979 Ducheny I-02/21/2003	<p>Summary: The Charter Schools Act of 1992 provides that average daily attendance may not be generated by a pupil over 19 years of age who is not continuously enrolled in public school and make satisfactory progress toward a high school diploma, with certain specified exceptions. This bill would authorize the State Board of Education to grant a renewable exemption from that provision to a charter school, upon petition, for a term of up to five years.</p> <p>Status: 04/09/2003-Set for hearing April 30.</p>
Curriculum & Instructional Materials	
AB 12 Goldberg A-03/24/2003	<p>Summary: Existing law authorizes the governing boards of school districts to adopt instructional materials for use in school districts. This bill would require each governing board, when adopting materials in specified subject matters, including English language development and primary language instruction, to adopt those materials in a manner that will provide each pupil with materials appropriate for his or her reading level. By requiring the governing board of a school district to adopt materials in this manner, this bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/03/2003-In committee: Set, second hearing. Hearing canceled at the request of author.</p>
AB 195 Chan A-04/07/2003	<p>Summary: Existing law requires the Department of Education to prepare and distribute to school districts guidelines for the preparation of comprehensive health education plans and programs. Existing law defines a comprehensive health education program as an educational program offered in kindergarten and grades 1 to 12, inclusive, that ensures that pupils receive instruction on making decisions in matters of personal, family, and community health, including, among other subjects, nutrition. This bill would specify that pupils may receive instruction on, among other topics, preventative health care. The bill would further specify that the instruction on nutrition may include instruction on related topics such as obesity and diabetes. The bill would prohibit participating entities from marketing their services when undertaking activities related to the program and would define marketing as the making of a communication about a product or service with the purpose to encourage the purchase or use of the product or service. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/10/2003-In Senate. Read first time. To Com. on RLS. for assignment.</p>

Curriculum & Instructional Materials (continued)	
AB 581 Chu I-02/18/2003	<p>Summary: Existing law specifies the course of study for grades 7 to 12, inclusive, and requires the State Department of Education to incorporate specified materials in department publications used as curriculum resources. This bill would require a labor relations curriculum to be considered in the next cycle in which the history-social science curriculum framework and its accompanying instructional materials are adopted, and would prescribe related matters.</p> <p>Status: 04/03/2003-In committee: Set, first hearing. Hearing canceled at the request of author.</p>
AB 642 Mullin I-02/19/2003	<p>Summary: Existing law requires the State Board of Education to adopt statewide academically rigorous content standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science and to adopt content standards in other areas, including visual and performing arts and English language development. Existing law also requires the State Board of Education to adopt statewide performance standards, as provided. This bill would require the State Board of Education, commencing in 2010, to conduct a periodic review of the content standards for those areas, and as part of that review, to hold regional public hearings. The bill would require the State Board of Education to adopt any changes in the content standards deemed necessary or desirable and any conforming changes to the statewide performance standards.</p> <p>Status: 04/03/2003-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 8. Noes 3.) (April 2).</p>
AB 707 Correa A-04/21/2003	<p>Summary: Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to plan and develop a one-semester instructional program entitled consumer economics for use in schools maintaining any of grades 7 to 12, inclusive, and to make that program available to all school districts and schools with grades 7 to 12, inclusive. This bill would require the State Board of Education and the Superintendent of Public Instruction to establish, by April 1, 2004, a Personal Financial Management Curriculum Task Force that would be required to develop curriculum and educational programs for grades 7 to 12, inclusive, in comprehensive personal financial management.</p> <p>Status: 04/22/2003-Re-referred to Com. on ED.</p>
AB 907 Pavley A-04/21/2003	<p>Summary: Existing law requires the State Board of Education to adopt statewide academically rigorous content standards and performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science. This bill would require the State Board of Education and Superintendent of Public Instruction to revise the academic content standards for history/social science and science to incorporate specific environmental education content, as provided. The bill would provide that the environmental education content is not required to be included within the assessments conducted pursuant to the Standardized Testing and Reporting Program (STAR) until the next revision of the assessment materials are required pursuant to other law.</p> <p>Status: 04/22/2003-Re-referred to Com. on ED.</p>
AB 921 Firebaugh A-03/27/2003	<p>Summary: Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable. This bill would require the State Board of Education to consider the cost of the instructional materials, per pupil, in selecting the instructional materials for adoption, as specified. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/03/2003-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 8. Noes 0.) (April 2).</p>
AB 1016 Canciamilla I-02/20/2003	<p>Summary: Existing law designates and sets aside John Muir Day as a day of special significance and encourages public schools and educational institutions to observe that day and to conduct suitable exercises commemorating that day, as specified. This bill would authorize the State Board of Education to adopt a model curriculum guide for the exercises and instruction related to John Muir Day.</p> <p>Status: 04/03/2003-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 10. Noes 1.) (April 2).</p>
AB 1021 Yee A-04/10/2003	<p>Summary: Existing law requires the State Department of Education to incorporate into prescribed materials, frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, and the Holocaust, and encourages all state and local professional development activities to provide teachers with content background and resources to assist in teaching about civil rights, human rights violations, genocide, slavery, and the Holocaust. Existing law encourages teachers to use films and videotapes as a resource in teaching pupils about certain important historical events, including, but not limited to, the Armenian Genocide of 1915-23. This bill would require that materials related to the Armenian Genocide be incorporated by the department into prescribed materials and be included in the next cycle in which the history/social science curriculum framework and the accompanying instructional materials are adopted.</p> <p>Status: 04/21/2003-Re-referred to Com. on ED. (Corrected April 16.)</p>

Curriculum & Instructional Materials (continued)	
<p>SB 5 Karnette A-03/20/2003</p>	<p>Summary: Existing law requires the Superintendent of Public Instruction to design and implement a program that includes statewide academically rigorous content and performance standards, as specified. Existing law establishes deadlines by which the State Board of Education must adopt statewide academically rigorous content standards in the areas of reading, writing, mathematics, history/social science, science, physical education, and visual and performing arts . This bill would require the State Department of Education, on or before January 1, 2006, to adopt content standards for teaching foreign languages in kindergarten and grades 1 to 12, inclusive, pursuant to recommendations developed by the Superintendent of Public Instruction. The bill would authorize school districts to use the content standards to develop language programs and would require the department, upon the adoption of the standards , to provide publishers of instructional materials with an outline of foreign language content expectations.</p> <p>Status: 03/20/2003-From committee with author's amendments. Read second time. Amended. Re-referred to committee.</p>
<p>SB 383 Alarcon A-04/21/2003</p>	<p>Summary: Existing law requires the Superintendent of Public Instruction to assist all school districts to ensure that all public high school pupils have access to a core curriculum that meets the admission requirements of the University of California and the California State University. Existing law requires the California State University, and requests the University of California , to establish a model uniform set of academic standards for high school courses, including career technical courses, for the purposes of recognition for admission to the California State University and the University of California. This bill would establish a Postsecondary Readiness Commission , whose 13 members would be appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/21/2003-From committee with author's amendments. Read second time. Amended. Re-referred to committee.</p>
<p>SB 550 Vasconcellos I-02/20/2003</p>	<p>Summary: Existing law requires the Superintendent of Public Instruction to development standards for the implementation of quality child care and develop programs. Existing law requires the State Department of Education to develop prekindergarten learning development guidelines that identify appropriate developmental milestones, basic beginning skills needed to prepare children for kindergarten or first grade, and methods of teaching these basic skills. Existing law requires the guidelines to be articulated with the academic content and performance standards adopted by the State Board of Education for kindergarten and grades 1 to 12, inclusive. This bill would require the State Board of Education to develop developmentally appropriate guidelines, standards, and curricula for preschool and early childhood education and to align them to the state-adopted academic content and performance standards for kindergarten and grades 1 to 3, inclusive. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/09/2003-Placed on ED. suspense file.</p>
Ed. Technology	
<p>AB 294 Daucher A-03/25/2003</p>	<p>Summary: Existing law requires schools that provide an online asynchronous interactive curriculum, as defined, to meet certain requirements including, applying to the State Department of Education for participation in the program and limits total participation in the program to 40 schoolsites. Existing law prohibits a pupil participating in an online classroom program from being credited with more than one day of attendance per calendar day or more than 5 days per calendar week. This bill would limit the participation of a pupil in an online course from qualifying for more average daily attendance than for an equivalent course taught in a traditional setting. The bill would require a school district to maintain records of pupil academic performance in online classroom programs and to submit that information to the State Department of Education. The bill would require the State Department of Education to clearly describe in the application form the academic performance information required to be submitted. The bill would require the Superintendent of Public Instruction to convene a working group to assess the online classroom pilot project and the fiscal costs of offering instruction through online classroom programs.</p> <p>Status: 04/21/2003-Read second time. To Consent Calendar.</p>
Governance	
<p>AB 858 Goldberg A-04/10/2003</p>	<p>Summary: Existing provisions of the Education Code relate to the prohibition of discrimination in the provision of educational services by elementary and secondary schools. This bill would establish the California Racial Mascots Act, which would prohibit public schools from using certain specified terms as a school or athletic team name, mascot, or nickname. The bill would provide that the act does not apply to a school or campus if certain conditions regarding prior expenditures on uniforms and other materials are met, as specified. The bill would, in addition, provide that the act does not apply to certain schools located within , or with enrollment boundaries that include a portion of, "Indian country," as defined, provided certain conditions are met. The bill would also provide that this prohibition may not be waived by the State Board of Education. To the extent that this prohibition would impose additional duties on schools, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/21/2003-Re-referred to Com. on ED.</p>

Governance (continued)	
AB 1197 Wiggins I-02/21/2003	<p>Summary: Existing law, the Political Reform Act of 1974, prohibits an elected state officer, elected officer of a local government agency, and other specified public officers from accepting gifts from any single source in any calendar year with a total value of more than \$250. This bill would prohibit a public school employee or an appointed or elected school official, as defined, or a member of his or her immediate family from accepting or receiving any gift, money, gratuity, in-kind service, or other personal or professional benefit, indirect or direct, from an individual, vendor, company, corporation, or other entity seeking the sale, adoption, or recommendation of goods or services for use by a public school or a government entity that administers a public school. The bill would also prohibit an individual, vendor, company, corporation, or other entity from making or giving that gift, money, gratuity, in-kind service, or other personal or professional benefit. The bill would make the violation of the bill's prohibitions a misdemeanor and would prescribe penalties, including a fine of not less than \$5,000, revocation of a teaching or services credential, if any, and removal from office, as provided. By creating new crimes, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Status: 03/17/2003-<i>Referred to Com. on ED.</i></p>
AB 1209 Nakano A-04/21/2003	<p>Summary: The existing California Public Records Act provides that, except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs. Among those records that are exempt from disclosure under the act is a document prepared by a local agency that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that is for distribution or consideration in a closed session. This bill would delete this provision and instead provide that specified vulnerability assessments and records relating to public facilities and infrastructure, as they relate to potential terrorist or other criminal acts, are exempt under the act. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/22/2003-<i>Re-referred to Com. on G.O.</i></p>
AB 1259 Yee I-02/21/2003	<p>Summary: Existing law provides for the State Board of Education, comprised of 10 members who are appointed by the Governor with the advice and consent of 2/3 of the Senate. This bill would state the intent of the Legislature that the Governor appoint members to the board who are drawn from and represent distinct geographical regions of the state. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/03/2003-<i>In committee: Set, first hearing. Hearing canceled at the request of author.</i></p>
ABX1 1 Daucher A-02/19/2003	<p>Summary: Existing law provides for the establishment of charter schools and for the conversion of all the schools in a district to charter schools. Existing law exempts charter schools from many of the laws governing school districts. This bill would authorize a school district or county office of education, until June 30, 2005, to become a home rule school district or county office of education, as appropriate, if specified conditions are met. This bill contains other related provisions and other existing laws.</p> <p>Status: 03/10/2003-<i>In committee: Set, first hearing. Failed passage.</i></p>
SB 6 Alpert A-04/21/2003	<p>Summary: Existing law provides for a county superintendent of schools in each county to, among other things, superintend the schools in his or her county, maintain responsibility for fiscal oversight of school districts, and enforce the course of study. This bill would impose a state-mandated local program by requiring each county superintendent of schools to perform additional duties relating to education services, professional development, parental grievances, fiscal oversight, technology access, and facility compliance. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/21/2003-<i>From committee with author's amendments. Read second time. Amended. Re-referred to committee.</i></p>
Special Education	
AB 615 Bates I-02/19/2003	<p>Summary: Existing law requires the State Board of Education, upon recommendation of the Superintendent of Public Instruction or the members of the State Board of Education, to appoint 5 public members to the Advisory Commission on Special Education. This bill would require the board to select one of those members from the charter school community.</p> <p>Status: 04/07/2003-<i>From committee: Do pass, and re-refer to Com. on APPR. with recommendation: To Consent Calendar. Re-referred. (Ayes 11. Noes 0.) (April 2).</i></p>
AB 1337 Daucher A-04/03/2003	<p>Summary: Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified as meeting specified standards. Existing law sets forth the certification process and procedures for the nonpublic, nonsectarian schools or agencies that seek certification. This bill would provide that, notwithstanding any other provision of law, a school district, county office of education, or special education local plan area is deemed to have standards for the provision of special education and related services that are greater than or equal to the standards applicable to a certified nonpublic, nonsectarian school or agency. This bill contains other related provisions and other existing laws.</p> <p>Status: 04/10/2003-<i>(Corrected April 9.)</i></p>

Special Education (continued)	
ACR 66 Pavley I-03/19/2003	<p>Summary: This measure would urge the State Board of Education to delay the high school exit examination until issues are resolved regarding appropriate testing methods for pupils with disabilities. The measure would also encourage the State Department of Education to develop, and the State Board of Education to adopt, guidelines regarding the method and content of alternate assessments to the high school exit examination for pupils with disabilities who cannot participate in the examination and for whom accommodations or modifications are not appropriate.</p> <p>Status: 03/28/2003-Referred to Com. on ED.</p>
Supplemental Instruction	
AB 905 Hancock A-04/10/2003	<p>Summary: Existing law establishes the After School Education and Safety Program to create incentives for establishing local after school enrichment programs and establishes maximum grant amounts for participating schools. Existing law provides that the grants be awarded as an annual reimbursement, as specified. This bill would require the State Department of Education to select between 6 and 10 grant recipients based on specified criteria to participate in a two-year pilot program for the purpose of comparing program funding approaches. The bill would require the department to review the alternative funding program and to report to the Legislature regarding its findings and recommendations.</p> <p>Status: 04/21/2003-Re-referred to Com. on ED. (Corrected April 16.)</p>
Teachers & Credentialing	
AB 1650 Simitian I-02/21/2003	<p>Summary: Existing law establishes various grant programs aimed at promoting the development of teachers in specific areas. This bill would consolidate the funding for many of those programs and would establish the Teacher Support and Development Act of 2003 to provide flexible professional development block grants to school districts. The bill would require the Superintendent of Public Instruction to annually award the block grants from funding provided in the annual Budget Act. The bill would provide for the block grant amounts to be calculated according to a specified formula and would require a school district to demonstrate that its staff development programs meet specified criteria prior to receiving a block grant. This bill contains other related provisions.</p> <p>Status: 03/24/2003-Referred to Com. on ED.</p>

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-1

TITLE: Request by North Cow Creek Elementary School District (NCCESD) to waive Title 5 Section 3945, to withdraw from Shasta County Cooperative (SCC) for the purposes of the Consolidated Application and Funding.	ACTION _____ INFORMATION _____ PUBLIC HEARING _____ X CONSENT
CDSIS: 24-1-2003	

RECOMMENDATION:

The Department recommends:

Approval (If approved, *Education Code* Section 33051(c) will apply, and the district will not have to reapply annually if the information contained on the request remains the same.)

Summary of Previous SBE Discussion and Action:

The State Board of Education (SBE) has approved similar waivers in the past, however no waiver requests have been received recently. The SBE Waiver Policy District Participation in Cooperatives (adopted 4/13/90) evaluating guidelines along with any additional documentation are used in reviewing these waivers.

Summary of Key Issue(s):

This is a waiver of Title V Regulation, Section 3945, which states: “(a) School districts with less than \$75,000 total funding available from all Consolidated Application (ConApp) sources must enter into a cooperative program.....”

NCCESD indicates that they are working in a collaborative fashion with several other districts in Shasta County’s East Side, collectively known as the Eastside Consortium. NCCESD also indicates that working within the collaborative framework with other districts in the Eastside Consortium will facilitate the preparation of the ConApp. NCCESD plans to contract a retired principal from one of the Eastside Consortium districts to prepare the ConApp for all the districts in the consortium. This contracted staff-member will provide direct input and guidance to the members of the consortium, thus involving the consortium districts more directly with the ConApp process. Also, NCCESD asserts that by pooling funds (that would have been paid to the cooperative) with other districts in the Consortium, NCCESD, in collaboration with other schools of Shasta County’s Eastside Consortium, can develop essential learning programs and standards for the pupils in the Eastside Consortium, while developing assessments to monitor these programs. Members of the consortium have developed writing and mathematics programs for K-9 grade spans, and NCCESD plans to develop similar programs. The money which NCCESD saves by not paying the SCC will be allocated towards putting these programs, standards and assessments in place, thereby better serving the needs of their students.

NCCESD has several positive factors in their favor:

- NCCESD is currently in compliance within Coordinated Compliance Review standards.
- NCCESD's API scores have been consistently above statewide target-level scores for the last three years. NCCESD API scores have averaged 836.5 for the years 1999-2002, which exceeds the Statewide Performance Target of 800, for 1999-2002.
- NCCESD has submitted their 2002-2003 ConApp, Part I and Part II, in a timely manner and were not considered delinquent in their submission of said application.
- NCCESD has notified both the SCC and the Shasta County Office of Education (SCOE) of their intentions to submit a waiver request to CDE in order to withdraw from the SCC.
- NCCESD currently has plans in place to implement programs and curriculum to better serve the needs of their students, and the money they save in cooperative fees will help them to achieve implementation of these improvement plans.

The CDE contacted the SCOE about this waiver request to withdraw from the Shasta County Co-op and has received a letter of support from the Shasta County Office of Education.

It is the position of CDE to support such a request. This support is on the basis that NCCESD would gain more flexibility in completing the ConApp, and they would be saving approximately \$6,000 annually, which could be utilized by the district in any way the district sees fit.

Bargaining unit(s) consulted on:

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Charlotte Fischer, President CTA Local

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: January 15, 2003

Local board approval date: January 15, 2003

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: January 15, 2003

Effective dates of request: July 1, 2003 – June 30, 2005

Fiscal Analysis (as appropriate): The total funds to NCCESD for 2002-2003 were \$69,645. This falls shy of the \$75,000 mark, which requires a district to belong to a cooperative. Monies paid to the SCC in 2001-2002 were \$5,921. It is not foreseeable that there would be any overall statewide fiscal impact, with regards to NCCESD withdrawing from the SCC.

Background Information: Documentation is attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-2

<p>TITLE: Request by eight school districts for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.</p> <p>CDSIS: 01-04-2003 – Antelope Elementary School District 13-12-2003 – Blochman Union School District 172-3-2003 – Lennox School District 13-04-2003 – Loomis Union School District 02-04-2003 – Roseland School District 08-04-2003 – Soledad Unified School District 52-03-2003 – San Lorenzo Unified School District 56-03-2003 – San Lucas Union School District</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. None of these districts have had a prior year finding and waiver of this type, so this goes to consent.

Summary of Key Issue(s):

During audits for fiscal year 2001-2002, it was discovered that the above local educational agencies did not hold the public hearing notice of sufficiency of instructional materials as required by *EC* Section 60119 or post the required ten days notice of the public hearing.

Since then, the local educational agencies have held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district. California Department of Education (CDE) staff verified all other requirements of the Specific Waiver request and none of the local educational agencies have had a waiver of this education code before for the public hearing and ten day notice requirements in the 1997-98, 1998-99, 1999-00 or 2000-01 years. Without the waiver, the local educational agencies will have to return \$ to CDE.

Therefore, since the local educational agencies have met the requirements for fiscal year 2002-2003, and agree to comply with EC 60119 and ensure that the public hearing is held within the fiscal year and that the notice of public hearing is posted for ten days, CDE recommends approval of this waiver request.

Authority for the waiver: EC Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Fiscal Analysis (as appropriate): This waiver if approved will relieve districts of **\$381,121** in total penalties.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

Failure to Hold the Public Hearing, and Complete a Local Board Resolution on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS – 01-04-2003 – Antelope Elementary School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$42,735 in Schiff-Bustamante and Instructional Materials funds.
- The auditor found that the district posted the notice for the 60119 public hearing for seven days instead of the required ten days. On February 11, 2003, the district held a fully compliant hearing with a resolution. The district will monitor the dates to ensure that this does not happen again.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS-13-12-2003 – Blochman Union School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$7,204 in Schiff-Bustamante and Instructional Materials funds.
- The auditor found that the district did the required EC 60119 public hearing for fiscal year 2001-2002 but did not complete the resolution for the Sufficiency of Instructional Materials. On December 12, 2002, the district held a fully compliant hearing with a resolution.

- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS – 127-03-2003 – Lennox School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$519,952 in Schiff-Bustamante and Instructional Materials funds.
- The auditor found that the district did not complete a resolution after the public hearing on the sufficiency of textbooks and instructional materials. The district thought it was understood that they had sufficient materials and did not need to do a resolution. However, since the audit finding, the district has held a fully compliant public hearing in accordance with EC 60119, on January 28, 2003.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS – 02-04-2003 – Roseland School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$85, 865 in Schiff-Bustamante and Instructional Materials funds.
- The district did not hold a public hearing for the sufficiency of instructional materials for fiscal year 2001-2002 as required by EC 60119. The district has since revised their policies in order not to omit the hearing again. Since then the district held a fully compliant hearing on November 26, 2002 for fiscal year 2002-2003.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS – 08-04-2003 – Soledad Unified School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$232,149 in Schiff-Bustamante and Instructional Materials funds.
- The district did not hold a public hearing as required by EC Section 60119 before the end of the 2001-2002 fiscal year, instead they held it a month after the end of the fiscal year in August of 2002. Therefore, the auditor found them out of compliance.

Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS – 13-04-2003 – Loomis Union School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$143,312 in Schiff-Bustamante and Instructional Materials funds.
- The district could not prove that they had posted their public notice for the required 60119 public hearing. The district has now changed their procedures to keep a copy of the newspaper where the notice gets posted every year in order to prevent this finding from occurring again.
- The district held a fully compliant hearing on September 5, 2002.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS – 56-03-2003 – San Lucas Union School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$5,319 in Schiff-Bustamante and Instructional Materials funds.
- The district was cited in their audit for not posting the notice of public hearing for ten days prior to the meeting as required by EC 60119. The district had suffered a change of administration and therefore omitted the ten days posting. They have since held a fully compliant public hearing on March 12, 2003.
- CDE staff verified all other requirements of the Specific Waiver request.

Failure to Post the Notice of the Public Hearing in Three Public Places on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS – 52-3-2003 – San Lorenzo Unified School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$248,842 in Schiff-Bustamante and Instructional Materials funds.
- The auditor found that the district did not post notices announcing the public hearing for the sufficiency of textbooks and instructional materials as required by EC 60119.
- The district has changed their procedures to assure that the notices are properly posted in the future. The district has since held a correctly noticed public hearing on March 4, 2003 for fiscal year 2002-2003.
- CDE staff verified all other requirements of the Specific Waiver request.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-3

<p>TITLE: Request by the Los Angeles Unified School District <i>Education Code</i> (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for Aviva High School.</p> <p>CDSIS: 20-2-2003</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING _____ X CONSENT</p>
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RECOMMENDATION: **Approval**

Summary of Previous State Board of Education (SBE) Discussion and Action:

Requests to waive the annual renewal application timeline (August 1 through October 31) by a nonpublic school or agency have been presented to SBE in the past. The SBE Waiver Policy #00-03 evaluation guidelines, along with any additional documentation, are used in reviewing these waivers.

Summary of Key Issue(s):

Education Code section 56366.1(g) requires nonpublic schools and agencies to submit their renewal application between August 1 and October 31 each year.

- **Aviva High School** did not submit their 2003 renewal application by October 31, 2002 because they were waiting for clarification from the state, as to whether or not they needed to submit an application for their school site located at 1701 Camino Palmero, because they had recently submitted an application for a new (second) site.
- This is the first time **Aviva High School** has not submitted a renewal application.
- **Aviva High School** has now submitted the application, along with the waiver.

Authority for the waiver: *Education Code* Section 56101

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one): N/A

- Neutral Support Oppose

Name of bargaining unit representative: N/A

Local board approval date: N/A

Effective dates of request: November 1, 2002 to May 9, 2003

Fiscal Analysis (as appropriate): None.

Background Information: Waiver request forms and supporting documents are available in the Waiver Office upon request.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-4

TITLE: Request by South East Consortium to waive <i>Education Code</i> (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for nonpublic, nonsectarian schools/agencies. Pacific Autism Center for Education (PACE) - NPS CDSIS: 129-3-2003	<input type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> CONSENT
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RECOMMENDATION: The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

Requests to waive the annual renewal application timeline (August 1 through October 31) by a nonpublic school or agency have been presented to SBE in the past. The SBE Waiver Policy #00-03 evaluation guidelines, along with any additional documentation are used in reviewing these waivers.

Summary of Key Issue(s):

- The renewal application was submitted late due to **administrative changes in the nonpublic school and an oversight of the timeline requirement.**
- This is a **first time occurrence.**
- This waiver is **necessary for the nonpublic school to continue providing special education services, which are implementing the individualized education programs for up to 75 students.**

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one): N/A

Neutral

Support

Oppose

Name of bargaining unit representative:

Local board approval date: N/A

Effective dates of request: October 31, 2002 to May 8, 2003

Fiscal Analysis (as appropriate): No known fiscal impacts.

Background Information: Waiver request forms and supporting documentation are available for inspection in the Waiver Office.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-5

<p>TITLE: Request by Los Angeles Unified School District for a renewal waiver of <i>Education Code</i> (EC) Section 53314.6(a) regarding the 3% limit on enrollment of students under the age of 16, in the Regional Occupational Program (ROP).</p> <p>CDSIS: 38-3-2003</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

- Approval, with the following conditions: (1) All SBE waiver guidelines must be adhered to, (2) age 16 enrollment be limited to 10 percent of ADA funded in the prior year Annual Apportionment, and (3) if approved, EC 33051(c) will apply.

Summary of Previous State Board of Education Discussion and Action:

Waiver requests of this type have been approved by the State Board under the SBE Waiver Policy No. 00-06; Regional Occupational Centers and Programs: Percentage of Students Under the Age of 16.

Summary of Key Issue(s):

The Los Angeles Unified School District (LAUSD) requests this waiver to meet the specific educational needs of students in their schools. Approval of the waiver request would expand opportunities for ninth and tenth grade students to participate in career technical education programs; and provide additional opportunities for district students to multi-track senior high schools to participate in regional occupational centers and programs. Also, waiver approval would allow the regional occupational centers and programs to serve a larger number of students under age 16 who need to meet high school graduation requirements and are seeking employment training opportunities. Waiver approval would also serve to encourage a larger number of students under age 16 to remain in school, thereby reinforcing academic achievement.

LAUSD has provided written assurances that it is county policy to refer only students under the age of sixteen who can significantly benefit from ROP and whom cannot have their educational needs met without such enrollment. A counselor or the administration will make such referrals and both the school principal and the ROP director will approve the referrals.

LAUSD has also provided assurances that students with special needs will have an individualized education plan and all referred students will be enrolled in a career technical education pathway. These assurances meet all the requirements of the State Board of

Education's waiver policy for a waiver of *Education Code* Section 52314.6. Because this is the second consecutive year for this waiver, E.C. 33051(c) will apply and the district will not have to reapply unless the conditions change.

Bargaining unit(s) consulted on: 2/27/2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: John Perez and Ernest Kettenring

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (specify)

Public hearing held on: 2/25/03

Local board approval date: 2/25/03

Advisory committee(s) consulted: Los Angeles Unified School District, Division of Adult and Career Education, Regional Occupational Centers and Programs Advisory Council

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: August 27, 2003

Effective dates of request: 7/1/2003 through 6/30/2004

Fiscal Analysis (as appropriate):

There is no fiscal impact to the Department or the ROP.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-6

TITLE: Original request by Golden Valley Unified School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.	<input type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> CONSENT
CDSIS: 23-2-2003	

RECOMMENDATION:

The Department recommends: Approval Denied

Summary of Previous State Board of Education Discussion and Action:

The California *Education Code* (EC) Section 49548 provides guidelines to assist the Department of Education and the State Board in reviewing requests for summer school waivers. The State Board of Education has consistently approved waivers if guidelines for granting approval are met.

Summary of Key Issue(s):

The EC Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following district has requested a waiver of EC Section 49550 for Summer 2003 and has certified their compliance with all required conditions necessary to obtain a waiver. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least two of the following four criteria:

The summer school session is less than four hours duration and is completed by noon;

Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;

A Summer Food Service Program site is available within the school attendance area;

Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

Agreement Number:	District(s):	Effective Period:	Local Board Approval:	Waiver Number:
20-75580-0000000-01	Golden Valley USD	06/10/03-07/18/03	02/11/03	23-2-2003

Authority for the waiver: *Education Code* Section 49558

Bargaining unit(s) consulted on: **02/06/03**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: **Not required**

Local board approval date: **02/11/03**

Effective dates of request: **06/10/03-07/18/03**

Fiscal Analysis (as appropriate): Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-7

TITLE: Renewal requests by 24 school districts to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.	<input type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> CONSENT
CDSIS: <i>various</i>	

RECOMMENDATION:

The Department recommends: Approval Denied

Summary of Previous State Board of Education Discussion and Action:

The State Board approved a school meal waiver request for Summer 2002. State Board guidelines allow for a waiver to be renewed if the waiver was approved for the prior year and circumstances in the district have not changed.

Summary of Key Issue(s):

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following districts have requested that the waiver of EC Section 49550 be renewed for the Summer 2003 and have certified that conditions in the district that precipitated the original waiver request have not changed. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least two of the following four criteria:

The summer school session is less than four hours duration and is completed by noon;

Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;

A Summer Food Service Program site is available within the school attendance area;

Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

Agreement Number:	District(s):	Effective Period:	Local Board Approval:	Waiver Number:
02-61333-0000000-01	Alpine County USD	06/30/03-07/31/03	02/13/03	29-2-2003
36-67637-0000000-01	Bear Valley USD	06/24/03-07/18/03	03/05/03	60-3-2003
49-70623-0000000-01	Bennett Valley Un SD	06/14/03-07/31/03	02/12/03	32-3-2003
40-75465-0000000-01	Coast USD	06/11/03-07/23/03	03/13/03	31-3-2003
12-62745-0000000-01	Cutten ESD	07/07/03-08/01/03	03/10/03	45-3-2003
48-70532-0000000-01	Dixon USD	06/16/03-07/25/03	03/20/03	69-3-2003
48-70540-0000000-01	Fairfield-Suisun USD	06/19/03-07/25/03	02/27/03	26-3-2003
55-72363-0000000-01	Jamestown SD	06/10/03-07/03/03	03/05/03	22-3-2003
45-70045-0000000-01	Junction SD	06/16/03-07/11/03	02/27/03	59-3-2003
17-64048-0000000-01	Lucerne ESD	06/09/03-07/03/03	03/12/03	61-3-2003
26-73692-0000000-01	Mammoth USD	06/30/03-08/08/03	03/24/03	21-3-2003
22-65532-0000000-01	Mariposa County USD	06/16/03-08/08/03	03/05/03	17-3-2003
12-62950-0000000-01	McKinleyville Un SD	06/23/03-07/18/03	02/11/03	17-2-2003
15-63669-0000000-01	Midway SD	06/09/03-07/03/03	03/11/03	68-3-2003
09-61945-0000000-01	Pioneer Un SD	06/05/03-07/02/03	03/13/03	63-3-2003
29-66373-0000000-01	Pleasant Ridge Un SD	06/16/03-08/15/03	03/04/03	14-3-2003
21-65417-0000000-01	Pleasant Valley ESD	06/23/03-07/18/03	02/18/03	4-3-2003
41-69021-0000000-01	San Carlos SD	06/17/03-07/21/03	03/11/03	34-3-2003
42-69336-0000000-01	Solvang ESD	06/23/03-07/21/03	03/03/03	14-2-2003
12-63057-0000000-01	Trinidad Un SD	06/23/03-07/18/03	02/13/03	6-3-2003
17-64071-0000000-01	Upper Lake Un HSD	06/16/03-07/25/03	03/26/03	19-3-2003
12-62679-0000000-01	Arcata SD	06/23/03-07/18/03	02/10/03	27-2-2003
23-65573-0000000-01	Manchester Union ESD	06/30/03-07/25/03	02/07/03	30-2-2003
29-66407-0000000-01	Union Hill SD	06/09/03-08/15/03	02/12/03	37-2-2003

Authority for the waiver: *Education Code* Section 49548

Bargaining unit(s) consulted on: **Not required**

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: **None**

Local board approval date: **See table above**

Effective dates of request: **See table above**

Fiscal Analysis (as appropriate): The approval of the renewal waiver will have no impact on local or state finances.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-8

TITLE: Request by Inyo County Office of Education to waive <i>Education Code</i> Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program).	<input type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> CONSENT
CDSIS: 4-2-2003	

RECOMMENDATION:

The Department recommends:

Approval

Denial

Summary of Previous State Board of Education Discussion and Action:

In June 2001 the Board approved a request by Los Angeles Unified School District to waive *Education Code* Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program.

In anticipation of more requests to increase the entitlement, Department staff developed, and in March 2002 the Board approved, a waiver guideline policy for this program that includes four requirements and a special consideration for waiver renewal requests.

In March 2002, the Board approved a request by Torrance Unified School District to waive *Education Code* Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of innovative programs. The District submitted all items requested in the (then) proposed State Board of Education waiver guidelines.

In June 2002 the Board approved a one more non-consecutive year waiver for Los Angeles Unified School District since some areas of a newly-adopted Board waiver guideline policy were not fully acceptable.

In March 2003, the Board approved: (1) a one additional year less one day waiver for Torrance Unified School District, and (2) a request by Simi Valley Unified School District to increase their entitlement percentage.

Summary of Key Issue(s):

In 1993 the California Legislature passed *Education Code* Section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to **5 percent** of their block entitlement on innovation and alternative instructional delivery. Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education per *Education Code* Section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language (ESL), Citizenship, and Parent Education.

Lower level adult learners are the primary beneficiaries of the Adult Education Innovation and Alternative Instructional Delivery Program. Checking out video and print materials, a decidedly low cost, low-tech approach, has been the most prevalent intervention, however, approved alternative instructional delivery modes also include live cable broadcast, audio check-out, text, workbook and study packet assignments, and computer-based delivery.

The State Board of Education adopted waiver guidelines in March 2002 for local educational agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from 5 percent to an amount not greater than 7 percent.

Inyo County Office of Education has submitted all items requested in the State Board of Education waiver guideline and the review of documentation supports waiver approval.

Therefore, the Department recommends approval on the basis of this information, for the 2002-2003 fiscal year.

WAIVER GUIDELINES SUMMARY OF KEY ISSUE(S):

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

Approval Denial

Inyo County Office of Education verification submitted and on file.

-
2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

Approval Denial

Inyo County Office of Education verification submitted and on file.

-
3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

Approval Denial

Inyo County Office of Education verification submitted and on file.

Verification indicates stability within the prior three year history for annual apportionment as well as yearly growth within ESL student enrollment.

-
4. A request for an increase of the adult block entitlement from **5 percent to an amount not greater than 7 percent**. Information and documentation in all of the following three areas will be required for consideration of the waiver:

- Increased Number of Students with Limited Access to Traditional Education Options

Inyo County Office of Education verification of increase of ESL population submitted and on file. A successful partnership with the largest private employer in Inyo County has already doubled ESL enrollment as well as generating interest with other employers.

Approval Denial

- Increased Program Capacity

Inyo County Office of Education verification submitted and on file.

Documentation includes the addition of no cost work site facilities.

Approval Denial

- Improved Student Assessment Documentation

Inyo County Office of Education verification submitted and on file.

The program has initiated semi-annual student surveys and requires course content completion at 80 percent competency.

Approval Denial

CONDITION OF RENEWAL

In order to be granted a renewal of this waiver, a district must also provide documentation demonstrating achievement of students in the adult education innovation and new technologies delivery program that is equal to or better than that of students in the regular adult education state apportionment program.

Bargaining unit(s) consulted on: December 9, 2002

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Susan Snyder Perez

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other
(specify) _____

Public hearing held on: January 21, 2003

Local board approval date: January 21, 2003

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted:

Effective dates of request: FY 2002-2003.

Fiscal Analysis (as appropriate):

Approval adjusts the percentage within the District's fixed 2002-2003 adult education block entitlement. No additional funding requested.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. WC-9

TITLE: Request by Orange Center Elementary School District to waive <i>Education Code</i> (EC) 56362 (c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist Susan Carlock assigned at Orange Center.	<hr/> ACTION <hr/> INFORMATION <hr/> PUBLIC HEARING <hr/> X CONSENT
CDSIS: 54-3-2003	

RECOMMENDATION:

The Department recommends:

Approval

Denial

Summary of Previous State Board of Education Discussion and Action:

Both EC 56362 (c) and Title 5CCR 3100 allows the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

Summary of Key Issue(s):

The **Orange Center Elementary School District (OCESD)** requests a waiver of EC Section 56362 (c). This law states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board.

The **OCESD** states that they are a small one school, school district which has had three families recently moved into their district with five special education students. The district usually transfers overflow students to a neighboring district, however the neighboring district's special education classes are currently full. The district will provide the RSP teacher with a six hour aide, and the district and the Resource Specialist state that all services required of all IEPs will be provided.

The RSP teacher and the union both support the approval of the waiver.

Authority for the waiver: *Education Code* Section 56101 and Title 5CCR 3100.

Bargaining unit(s) consulted on: March 11, 2003

Position of bargaining unit (choose only one):

SW-3
08/01

Neutral

Support

Oppose

Name of bargaining unit representative: Charla Kelley-Chapter President

Local board approval date: March 12, 2003

Effective dates of request: March 11, 2003-June 10, 2003

Fiscal Analysis (as appropriate): No known fiscal impacts.

Background Information: Waiver request forms and supporting documents attached.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-1

<p>TITLE: McFarland Unified School District requests a waiver of Title 5 CCR Section 1032(d)(5) which would in effect allow McFarland High School to receive a valid API for the 2002 base and growth targets with “less than 85%” of students taking the mathematics portion of the California Standards Test.</p> <p>CDSIS: 82-3-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval

Denial

Per *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.

Summary of Previous State Board of Education Discussion and Action:

Senate Bill 1X, the Public Schools Accountability Act (PSAA), established a system of accountability for public schools in California. During their January 2001 meeting, the State Board of Education approved Section 1032(d), which states:

A school’s API shall be considered invalid under the following circumstances:

- (5) In any content area tested pursuant to Education Code sections 60642 and 60642.5 and included in the API, the school’s proportion of the number of test-takers in that content area compared with the total number of test-takers is less than 85%. There shall be no rounding in determining the proportion of test-takers in each content area (i.e., 84.99 percent is not 85 percent).

In Attachment B of the August 29, 2002 letter from William L. Padia to Superintendents and Charter School Principals he stated, “if the participation rate in a content area for either the Stanford 9 or the California Standards Test is less than 85 percent, the school will not receive an API.”

Summary of Key Issue(s):

The State Board of Education established that a school must test at least 85% of students in each content area to ensure that the scores included in the API were representative of all the students at the school. McFarland High School only tested 38 percent of the students who should have taken the mathematics portion of the California Standards Test in grade 9. (This

MAY 2003
 PROPOSED CONSENT and NON-CONSENT WAIVERS
 Staff Recommendations

ITEM #	WAIVER SUBJECT	PROPOSED CONSENT* (SBE/CDE Recommendation)	NON-CONSENT** (CDE Only Recommendation)
ITEM W-1	Academic Performance Index	<i>WITHDRAWN</i>	
ITEM W-2	Adult Innovation and Alternative Instructional Delivery Program	Approve with Conditions	
ITEM W-3	Concurrent Enrollment Community College/High School		Deny
ITEM W-4	Equity Length of Time	Approve with Conditions	
ITEM W-5	Instructional Materials Sufficiency (Audit Findings)	Approve	
ITEM W-6	Instructional Materials Sufficiency (Audit Findings)	Approve	
ITEM W-7	Instructional Materials Funding Realignment Program	Approve with Conditions	
ITEM W-8	Instructional Materials Funding Realignment Program	Approve with Conditions	
ITEM W-9	Instructional Time Penalty	Approve with Conditions	
ITEM W-10	Instructional Time Penalty	<i>WITHDRAWN</i>	
ITEM W-11	Non-Public School/Agency (Child Specific)	Approve	
ITEM W-12	Resource Specialist Caseload	Approve	
ITEM W-13	Summer School Meal Mandate (Renewal)	<i>WITHDRAWN</i>	
ITEM W-14	Summer School Meal Mandate (Renewal)	<i>WITHDRAWN</i>	
ITEM W-15	Summer School Meal Mandate (Original)		Deny for one school, approve for two schools
ITEM W-16	Golden State Diploma		Approve with conditions

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.

** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion. These waivers are printed in **boldface** type.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-2

<p>TITLE: Request by Los Angeles Unified School District to waive <i>Education Code</i> section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program).</p> <p>CDSIS: 39-3-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

The California Department of Education (CDE) recommendation will be provided in the supplemental mailing.

Approval

Denial

Summary of Previous State Board of Education Discussion and Action:

In June 2001 the Board approved a request by Los Angeles Unified School District (LAUSD) to waive *Education Code* section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program.

In anticipation of additional requests to waive *Education Code* section 52522(b), Department staff developed, and in March 2002, the State Board of Education approved a waiver guideline policy for this program that includes four requirements and a special condition for waiver renewal requests.

In March 2002, the Board approved a waiver request by Torrance Unified School District to increase their adult education state block entitlement of 5 percent to 7 percent. The District submitted all items requested in the (then) proposed State Board waiver guidelines.

In June 2002 the Board approved a one more non-consecutive year waiver for the Los Angeles Unified School District since some areas of the newly-adopted Board waiver guideline policy were not fully acceptable. This current waiver is a one additional year less one day waiver.

In March 2003, the Board approved: (1) a one additional year less one day waiver for the Torrance Unified School District; and (2) a one year waiver for the Simi Valley Unified School

District to increase their adult education state block entitlement of 5 percent to 7 percent, as the District had submitted all items requested in the State Board waiver guidelines.

Summary of Key Issue(s):

In 1993 the California Legislature passed *Education Code* section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to **5 percent** of their block entitlement on innovation and alternative instructional delivery. Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education per *Education Code* section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language (ESL), Citizenship, and Parent Education.

Lower level adult learners are the primary beneficiaries of the Adult Education Innovation and Alternative Instructional Delivery Program. Checking out video and print materials, a decidedly low cost, low-tech approach, has been the most prevalent intervention, however, approved alternative instructional delivery modes also include live cable broadcast, audio check-out, text, workbook and study packet assignments, and computer-based delivery.

The State Board of Education adopted waiver guidelines in March 2002 for local educational agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from 5 percent to an amount not greater than 7 percent.

LAUSD has submitted all but one item requested in the State Board of Education waiver guidelines. Pending are the results of the third party documentation of student achievement required for renewal.

Therefore, the Department recommendation will be provided in the supplemental mailing.

WAIVER GUIDELINES SUMMARY OF KEY ISSUE(S):

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

Approval Denial

On February 7, 2003, CDE's 2002-03 Coordinated Compliance Review of the District's adult education program did not identify any noncompliance items.

At this time, the District is awaiting written confirmation from CDE of its decision to remove the Coordinated Compliance Review (CCR) finding of noncompliance in the district's adult education program for 2000-01 and 2001-02. Last year, when the District filed a request for waiver renewal for 2002-03, this CCR noncompliance finding was pending resolution.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

Approval Denial

LAUSD verification submitted and on file. The established teacher to student ratio for Distance Learning is 1:25, the same target ratio as in other adult education programs.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

Approval Denial

LAUSD verification submitted and on file.

4. A request for an increase of the adult block entitlement from **5 percent to an amount not greater than 7 percent**. Information and documentation in all of the following three areas will be required for consideration of the waiver:

- Increased Number of Students with Limited Access to Traditional Education Options

LAUSD's verification of an increase of ESL population has been submitted and is on file. ADA generated through the Innovation Program offerings has increased.

Approval Denial

- Increased Program Capacity

LAUSD's verification has been submitted and is on file. The Innovation Program provides relief from the classroom space shortage adult education is experiencing because of increased K-12 enrollment and the state-mandated class size reduction program in K-3.

Approval Denial

- Improved Student Assessment Documentation

As a condition for approving LAUSD's Innovation Program waiver last May, the State Board of Education requested that LAUSD compare the academic gains of adult students only enrolled in Innovation Program English as a Second Language (ESL) with those of students only enrolled in traditional ESL classroom instruction.

Currently, LAUSD is conducting a study to compare the academic achievement of Innovation Program only students with traditional ESL classroom instruction only students. The study involves 500 students at five division sites. This study was completed at the end of March 2003. LAUSD will submit the results of this study to CDE by April 18, 2003.

Approval Denial

CONDITION OF RENEWAL

In order to be granted a renewal of this waiver, a district must also provide documentation demonstrating achievement of students in the adult education innovation and new technologies delivery program that is equal to or better than that of students in the regular adult education state apportionment program.

Pending

Bargaining unit(s) consulted on: February 27, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: John Perez, Ernest Kettenring

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: February 25, 2003

Local board approval date: February 25, 2003

Advisory committee(s) consulted: Los Angeles Unified School District Distance Learning
Advisory Council

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: October 10, 2002

Effective dates of request: July 2, 2003 to June 30, 2004

Fiscal Analysis (as appropriate):

Approval adjusts the percentage within the District's fixed 2002-2003 adult education block entitlement. No additional funding requested.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-2

Subject ADULT EDUCATION INNOVATION AND ALTERNATIVE
INSTRUCTIONAL DELIVERY

[Attached](#) is the supplemental recommendation of Approval with Conditions for the Los Angeles Unified School District waiver request to increase their adult education state block entitlement of 5 percent to 7 percent.

Please NOTE: CDE staff recommendation is for one more non-consecutive year, therefore, *Education Code* (EC) Section 33051(c) will not apply.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-2

<p>TITLE: Request by Los Angeles Unified School District to waive <i>Education Code</i> section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program).</p> <p>CDSIS: 39-3-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval, on the condition that for further renewal of this waiver, the district must provide an evaluation with CDE staff pre-approval, containing other criteria as described in the waiver analysis (attached Conditions of Renewal) and the waiver is only for one more non-consecutive year, therefore *Education Code* **33051(c)** will not apply.

Summary of Previous State Board of Education Discussion and Action:

Note: In March 2002, the Board took formal action and approved a waiver guideline policy for this program that includes four requirements and a special consideration for waiver renewal requests.

In June 2001, the Board approved a request by Los Angeles Unified School District (LAUSD) to waive *Education Code* section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program. In June 2002, the Board approved an additional, non-consecutive-year waiver for LAUSD, because some areas of a newly-adopted Board waiver guideline policy were not fully met.

In March 2002, the Board approved a request by Torrance Unified School District to waive *Education Code* section 52522(b) to increase its adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program. The District submitted all items requested in the (then) proposed State Board of Education waiver guidelines. In March 2003, the Board approved an additional year-less-one-day waiver for Torrance Unified School District after the California Department of Education (CDE) discussion of seeking a statutory change rather than utilizing the waiver process for this type of request. The Board agreed to continue on a year-to-year basis while the CDE investigates a legislative remedy.

In March 2003, the Board approved a request by Simi Valley Unified School District to waive *Education Code* section 52522(b) to increase their adult education state block

entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program. The District submitted all items requested in the State Board of Education waiver guidelines.

Summary of Key Issue(s):

In 1993 the California Legislature passed *Education Code* section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to **5 percent** of the district's block entitlement on innovation and alternative instructional delivery without the same attendance accounting procedures as required for the other 95 percent of the average daily attendance reported to the state. Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education per *Education Code* section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language (ESL), Citizenship, and Parent Education.

Lower level adult learners are the primary beneficiaries of the Adult Education Innovation and Alternative Instructional Delivery Program. Checking out video and print materials—a decidedly low cost, low-tech approach—has been the most prevalent intervention; however approved alternative instructional delivery modes also include live cable broadcast, audio check-out, text, workbook and study packet assignments, and computer-based delivery.

The Board adopted waiver guidelines in March 2002 for local educational agencies that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from 5 percent to an amount not greater than 7 percent. Those guidelines included as assessment of student achievement in the alternative delivery system as compared to that of students in the traditional classroom delivery system.

As a condition for approving LAUSD's Innovation Program waiver last May, the State Board of Education requested that LAUSD compare the academic gains of adult students only enrolled in Innovation Program English as a Second Language (ESL) with those of students only enrolled in traditional ESL classroom instruction. Although LAUSD reports preliminary findings in student performance, it does so through a non-standardized and non-validated test instrument developed by curriculum specialists and not test developers, and not the standardized tests required for adult education state and federal accountability.

LAUSD has submitted all items requested in the State Board of Education waiver guideline and the review of documentation generally supports waiver approval, although elements of the required student achievement documentation are less than satisfactory (item 4, third bullet).

Therefore, the Department recommends approval for one-year-less one-day on the basis of this information, for the 2002-2003 fiscal year.

CONDITIONS OF RENEWAL

The CDE recommends approval of the district's waiver for **one additional non-consecutive year**. In order for the Board to grant a renewal of this waiver, the district must provide documentation demonstrating achievement of students in the adult education innovation and new

technologies delivery program that is equal to or better than that of students in the regular adult education state apportionment program. This evaluation must meet the following conditions: (1) assessments must include results from CASAS assessment instruments, and the administration of these instruments must meet procedures contained in the CASAS 2002-03 Administration Manual for California; (2) students must take a pretest commensurate with their educational functioning level and an appropriate posttest to the pretest to measure student learning gains; (3) the students in the distance learning modality must complete modules that are representative of the time of instruction provided to those students in a classroom delivery system; and (4) prior to the implementation of evaluation study, the district must obtain approval of the research design b CDE.

Bargaining unit(s) consulted on: February 27, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: John Perez, Ernest Kettenring

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: February 25, 2003

Local board approval date: February 25, 2003

Advisory committee(s) consulted: Los Angeles Unified School District Distance Learning
Advisory Council

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: October 10, 2002

Effective dates of request: July 2, 2003 to June 30, 2004

Fiscal Analysis (as appropriate):

Approval adjusts the percentage within the District's fixed 2002-2003 adult education block entitlement. No additional funding requested.

Background Information:

Waiver request forms and supporting documents are attached.

Waiver Guidelines SUMMARY OF KEY ISSUE(S):

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

Meets Does not meet

On February 7, 2003, the California Department of Education's 2002-03 Coordinated Compliance Review (CCR) of the district's adult education program did not identify any noncompliance items.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

Meets Does not meet

LAUSD verification submitted and on file. The established teacher to student ratio for Distance Learning is

1:25, the same target ratio as in other adult education programs.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

Meets Does not meet

LAUSD verification submitted and on file.

4. A request for an increase of the adult block entitlement from **5 percent to an amount not greater than 7 percent**. Information and documentation in all of the following three areas will be required for consideration of the waiver:

- Increased Number of Students with Limited Access to Traditional Education Options

LAUSD's verification of an increase of ESL population has been submitted and is on file. ADA generated through the Innovation Program offerings has increased.

Meets Does not meet

- Increased Program Capacity

LAUSD's verification has been submitted and is on file. The Innovation Program provides relief from the classroom space shortage adult education is experiencing because of increased K-12 enrollment and their voluntary participation in the class size reduction program in K-3.

Meets Does not meet

- Improved Student Assessment Documentation

LAUSD’s verification has been submitted and is on file. Comprehensive Adult Student Assessment System (CASAS) testing and evaluation documentation continues to be increasingly utilized by the Innovation Program. However, the district reports student performance only on a test developed by its own curriculum specialists and there is no evidence that the test is valid and reliable for learning in the adult population. In addition, there is no evidence that the sample of students included in the testing meets statistical evidence standards, given the districts large number of students enrolled and participating in the adult education program, or that there is the comparability between the number of student contact hours in the two delivery systems. The documents are considered acceptable for purposes of this approval for one-year-less one-day.

As a condition for approving LAUSD’s Innovation Program waiver last May, the State Board of Education requested that LAUSD compare the academic gains of adult students only enrolled in Innovation Program English as a Second Language (ESL) with those of students only enrolled in traditional ESL classroom instruction.

Student performance was evaluated by the *ESL Competency Achievement Test*. This test was recently developed by LAUSD curriculum specialists. The items were drawn from curricular content for three ESL Course levels—Beginning Low, Intermediate Low and Beginning High. Test items were designed to measure grammar and/or life skill competencies that are typically covered both in the first 8 weeks of an ESL classroom **and** in the first 8 episodes/units of Innovation Program courses. For each level, three versions of the test were developed. Each test has 40 items.

The study was conducted over a three-month period, December 2002 through February 2003. A total of five Adult School sites participated in the study. The total sample size was **378** students. The **208** students in the “Classroom Only” group had completed at least 8 weeks but no more that 20 weeks of instruction. The **170** students in the “Distance Learning Only” group had completed at least 8 but no more than 20 units/episodes of coursework.

Preliminary findings provided by Woolley Consulting, the third party evaluator hired by LAUSD, indicate that: (1) the newly developed *ESL Competency Achievement Test* is an appropriate instrument for performance evaluation and score comparisons for these two groups, and (2) for this student sample, the “Innovation Program” group, with an average score of **33** or 83 percent, **performed better** than “ESL Classroom Only” Group, with an average score **28** or 70 percent.

Meets **Does not meet**

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-3

<p>TITLE: Request by Windsor School District to waive <i>Education Code</i> (EC) section 76001(h)(i), the five percent (5%) limit on the number of high school students a principal may recommend for summer school enrollment in a community college. The request is to go up to 12%.</p> <p>CDSIS: CDSIS-37-3-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: **CDE Recommendation will follow in the**
 Approval **SBE Supplemental Mailing (green sheets)**
 Denial

Summary of Previous State Board of Education Discussion and Action:

This is the third waiver received by the California Department of Education (CDE) of this type. This topic relates to a statewide issue of concurrent enrollment of High School Students in Community Colleges.

Summary of Key Issue(s):

Windsor Unified School District (WUSD) is requesting a waiver of a limit on **summer school enrollment in a community college for a concurrently enrolled high school student**. EC 76001(i) specifies that *“The principal of a school shall not recommend a number of pupils who have completed a particular grade in excess of 5 percent of the total number of pupils in the school who have completed that grade immediately prior to the time of recommendation.”* CSRHSD wants to waive the 5% limit, and be allowed to go up to an enrollment of **12% of students completing a grade level by a condition of the waiver (revised downward from 25% by district request)**.

This waiver is for this summer school only, in the “hopes that legislative changes can be enacted to more fully address the enrollment cap issue.” In WUSD’s letter regarding the waiver request the Superintendent states, “As a new school, it has very few vocational education courses available to students. Many District students take vocational education courses at the local junior college. Taking these courses increases their chances of being awarded the Doyle Occupational Educational Scholarship available for the junior college” This might appear to be a good thing to consider, since the summer school programs in high schools are being more limited due to focusing on remediation, rather than enrichment classes. However, there is substantial statute guiding the intent and implementation of such concurrent enrollment.

In addition, the Governor has proposed an \$80 million dollar reduction in apportionments to California's community colleges to account for what he considers inappropriate student full time equivalents (FTEs) in concurrent enrollments with the K-12 system. It is the Governor's concern that these enrollment programs are being double reported or claimed. The Department of Finance, in cooperation with Thomas Nussbaum, Chancellor of the California Community Colleges, is currently investigating these concerns. If student FTEs have been double claimed, the community colleges would need to reduce the apportionments accordingly.

If the Governor and the legislature move forward with the \$80 million reduction statewide, the community colleges will be serving 50,000-60,000 student FTEs with no funding support. The Interim Vice-Chancellor of Educational Services for the California Community Colleges has informed Chief Financial Officers in colleges, that the Governor has started an audit of high school concurrent enrollment at community colleges. The Chancellor's office has asked all campuses for a "self-study" of their concurrent enrollment practices and to document all activity in this area.

Bargaining unit(s) consulted on: Windsor District Educators Association -2/21/03

CSEA#673 – 2/25/03

Position of bargaining unit (choose only one):

Neutral **Support** Oppose

Name of bargaining unit representative: **(names not provided)**

Public hearing identified by (choose one or more):

posting in a newspaper **posting at each school** **(other) Superintendents Office**

Public hearing held on: 3/4/2003 Local board approval date: 3/4/2003

Advisory committee(s) consulted:

Objections raised (choose one): None

Date consulted: February 19, 2003

Windsor High School Site Council

Effective dates of request: 6/1/2003 to 9/1/2003 (three months)

Fiscal Analysis: To be in the supplemental mailing on this waiver.

Background Information: Waiver request forms and supporting documents are attached.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-3

Subject CONCURRENT ENROLLMENT COMMUNITY COLLEGE/HIGH SCHOOL

[Attached](#) is the supplemental recommendation regarding Windsor School District.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-3

<p>TITLE: Request by Windsor Unified School District to waive <i>Education Code</i> (E.C.) Section 76001(i), the five percent (5%) limit on the number of high school students a principal may recommend for summer school enrollment in a community college. The request is to go up to 12%.</p> <p>CDSIS: CDSIS-22-2-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION: The Department recommends: DENIAL, E.C. 33051(a)(1), educational needs of pupils, and 33051(a)(6) the request would substantially increase state costs.

Summary of Previous State Board of Education Discussion and Action:

A waiver of this type has never before been heard by the State Board of Education (SBE), although three waivers of this type have been received, the other two were withdrawn by the district.

Summary of Key Issue(s):

Windsor Unified School District (WUSD) is requesting a waiver related to **summer school enrollment in a community college for a concurrently enrolled high school student**. E.C. 76001(i) specifies that *“The principal of a school shall not recommend a number of pupils who have completed a particular grade in excess of 5 percent of the total number of pupils in the school who have completed that grade immediately prior to the time of recommendation.”* Windsor Unified School District (WUSD) wants to waive the 5% limit, and be allowed to go up to an enrollment of 12% of students completing a grade level by a condition of the waiver (revised downward from 25%).

The intent of WUSD’s wavier request is to enable students to enrich their educational experience and encourage them to give serious consideration to a post-secondary education. In WUSD’s letter regarding the waiver request the Superintendent states, “As a new school, it has very few vocational education courses available to students. Many District students take vocational education courses at the local junior college. Windsor Unified School District is requesting that the wavier extend from June 1, 2003 to September 1, 2003 – this summer school session only in the “hopes that legislative changes can be enacted to more fully address the enrollment cap issue.”

The district further assures that they will comply with Education Code Section 48800(a). This section provides an opportunity for a limited number of high school students to take *“advanced scholastic or vocational work”* at the community college level. WUSD’s wavier request includes a chart showing enrollment of district high school students who took classes

at the college during the summer 2002 term to be 99 or 8.2% of all students enrolled in grades 9-12.

At first glance this might appear to be a good thing to consider, since the summer school programs in high schools are being more limited to focusing on remediation, rather than enrichment classes. However, there is substantial statute restricting the intent and implementation of such concurrent enrollment.

The Governor has proposed an \$80 million dollar reduction in apportionments to California's community colleges to account for what he considers inappropriate student FTEs in concurrent enrollments with the K-12 system. It is the Governor's concern that these enrollment programs are being double reported or claimed. The Department of Finance, in cooperation with Thomas Nussbaum, Chancellor of the California Community Colleges, is currently investigating the Governor's concerns. If student FTEs have been double claimed, the community colleges would need to reduce the apportionments accordingly.

If the Governor and the legislature move forward with the \$80 million reduction, the community colleges will be serving 50,000-60,000 student FTEs with no funding support. The Interim Vice-Chancellor of Educational Service for the California Community Colleges has informed Chief Financial Officers that the Governor has started an audit of high school concurrent enrollment at community colleges. The chancellor's office has asked all campuses for a "self-study" of their concurrent enrollment practices and to document all activity in this area.

California Education Code 76001(h)(3) specifies a community college district may admit to the summer session a student, "*Who has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance.*" This provision allows students the opportunity to enroll in courses not offered at his or her school of attendance. The EC does not intend for students to take a course during a summer term at a community college that the student has the opportunity to take during the year in his or her school of attendance. A problem would also be created in ensuring that community college courses align with state frameworks and state-adopted content and performance standards. This could also put a high school district governing board in the position of adopting instructional materials used in the college class as is required under California Education Code 60400.

This request is not consistent with the intent of California Education Code 48800 (a). "*The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools.*" This section of the EC provides an opportunity for a **limited number** of high school students to take "*advanced scholastic or vocational work*" at the community college level. The EC does not imply that students be given an opportunity to take college classes in lieu of required high school classes. In today's atmosphere of academic accountability and fiscal limitations, it would be imprudent to shift this academic responsibility (not to mention the additional state fiscal support) from the secondary school districts to the community colleges.

Justification for Denial

The department recommends denial of this waiver on the basis of the EC violations mentioned above (which are not waived) as well as two of the seven reasons for denial of a General Waiver in statute:

1) E.C. 33051(a)(1) **the educational needs of the pupils are not adequately addressed.** The high school is shifting this obligation over to the community college by shifting 12% of their student body to the community college. The 5% cap on concurrent enrollment reflects a limitation designed to meet the conditions of the law. Students under 18 are not part of the community college’s mission in California.

3) E.C. 33051(a)(6) **the request would substantially increase state costs.** Governor Gray Davis has proposed an \$80 million dollar reduction in apportionments to California’s community colleges to account for what he considers inappropriate student FTEs in concurrent enrollments with the K-12 system. The Governor has a current proposal to reduce apportionment in support of concurrent enrollment at community colleges by \$80 million. The Department of Finance, in cooperation with the Chancellor of the California Community Colleges, is currently investigating the Governor’s concerns. The Interim Vice-Chancellor of Educational Service for the California Community Colleges has informed Chief Financial Officers that the Governor has started an audit of high school concurrent enrollment at community colleges. If the Governor’s estimate of \$80 million is correct and if high schools have complied with current state law in limiting community college enrollment to 5% the fiscal impact would be significant.

Bargaining unit(s) consulted on:

Position of bargaining unit (choose only one): Windsor Area Teachers’ Assoc. (HATA)
 Neutral Support Oppose

Name of bargaining unit representative: Windsor District Educator’s Association, CSEA 673

Public hearing identified by (choose one or more):
 posting in a newspaper posting at each school other (District Office)

Public hearing held on: 3/4/03 Local board approval date: 3/4/03

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 2/19/03

Effective dates of request: June 1, 2003 to September 1, 2003

Fiscal Analysis (as appropriate): Exact fiscal consequences for this waiver only cannot be calculated at this time

Background Information: Waiver request forms and supporting documents are attached.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-4

<p>TITLE: Request by Jefferson Elementary School District to waive <i>Education Code (EC)</i> Section 37202, the equity length of time requirement for the kindergarten pupils at Roosevelt School, Garden Village, Westlake, Colma, M.H. Tobias and Edison Elementary Schools.</p> <p>CDSIS: 128-03-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends approval of this waiver for one year with the condition that before a renewal waiver is granted, the district submit an evaluation of the extended day program.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):

Jefferson Elementary School District is requesting a waiver of *EC* Section 37202, which states that a district shall maintain an equal length of time in the school year for all its schools. Roosevelt Elementary School received a waiver last year for the 2002-2003 school year for one year only. The evaluation of that pilot program was successful with the families of 30 students surveyed along with three teachers. Most parents stated in their comments that the extended day kindergarten allowed their children to acquire more skills and prepare them better for the next grade. Parents also commented that they liked the fact that their children spent less time in after school programs.

Due to the success at Jefferson Elementary, the district wants to implement the program at five more elementary schools, Garden Village, Westlake, Colma, Tobias and Edison Elementary Schools. The school will increase the instructional minutes for the kindergarten class from 202 minutes to 240 minutes, an increase of 38 minutes per day. The district originally submitted this waiver as part of a renewal of the waiver for Roosevelt School but since the original conditions of the waiver have now changed, this cannot be considered at a renewal of the original request, waiver number 41-7-2002-W-4.

The school has been experiencing declining enrollment in the past several years and has the space to provide a longer day for the kindergarten pupils. The district maintains an open enrollment policy so all students will have an opportunity to participate in the extended day program. The district has discussed the extended day kindergarten program at Jefferson school with their governing board at a meeting during which *EC Sections 8970-8974* were reviewed and approved.

The district has followed all the guidelines for piloting an extended day kindergarten. Therefore, the department recommends approval of this waiver for one year with the condition that before a renewal will be considered, the district must submit an evaluation of their extended day kindergarten program at the following schools: Roosevelt, Garden Village, Westlake, Colma, Tobias and Edison.

Bargaining unit(s) consulted on: 02/28/03, 03/04/03

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Paul Hagen, Melinda Dart

Comments: provisions were agreed to as to work schedule to be followed

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: 03/26/03

Local board approval date: 03/26/03

Advisory committee(s) consulted: Affected School Site Councils

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: Garden Village on 02/06/03, Westlake on 02/13/03, Colma on 03/13/03, Tobias on 03/24/03, and Edison on 03/26/03

Effective dates of request: 08/01/03 to 06/30/04

Fiscal Analysis (as appropriate): N/A

Background Information:

Documentation attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-5

TITLE: Request by Orcutt Union School District for a retroactive waiver of <i>Education Code (EC) Section 60119</i> regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to hold the public hearing, and also had insufficient texts, and have developed a plan to remedy this situation.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 13-3-2003	

RECOMMENDATION: The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. However, **when a district reveals that it does not have sufficient instructional materials** for each pupil in each school in the district, then the district must develop a plan to get enough materials within 24 months. These findings **must go to the action calendar** for the SBE's agenda.

Summary of Key Issue(s):

During an audit for fiscal year 2001-2002, it was discovered that Orcutt Union School District did not hold the public hearing notice of sufficiency of instructional materials as required by *EC* Section 60119. The district then held a public hearing within the guidelines of *EC* Section 60119 on February 19, 2003, and determined that it had insufficient instructional materials for seventh and eighth grade science classes. **The district developed a plan to rectify this insufficiency** (see attached) by June 30, 2003. Purchase of the necessary junior high science textbooks will ensure that the district will have sufficient instructional materials for each pupil in each school in the district by the end of the current school year.

Therefore, since the district has met the requirements for fiscal year 2002-2003, and agrees to comply with *EC* Section 60119 and ensure that the public hearing is held within the fiscal year and that the notice of public hearing is posted for ten days, and has developed a plan to CDE recommends approval of this waiver request.

Authority for the waiver: *Education Code* Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Fiscal Analysis (as appropriate): If approved this waiver will relieve district of **\$367,230** in total penalties.

Background Information: Forms are attached.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-6

TITLE: Request by Wilsona School District for a retroactive waiver of <i>Education Code (EC) Section 60119</i> regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to hold the public hearing.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 11-2-2003	

RECOMMENDATION: The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. **This is the second year of this same finding for this district, so it must go to action.**

Summary of Key Issue(s):

During an audit for fiscal year **2001-2002**, it was discovered that Wilsona School District did **not hold the public hearing** and resolution of sufficiency of instructional materials as required by *EC* Section 60119 or post the required ten days notice of the public hearing. This is a small district with only three administrative positions, the Superintendent, the school secretary and the Chief Business Officer (CBO). The required *EC* Section 60119 public hearing was missed this year because the school secretary was out on six weeks medical leave and the substitute did not check the tickler file for required meetings. (The district **also missed holding the hearing in 1999-2000 and set up a tickler file** for all the required meetings for the school year.)

The district has **now instituted an annual calendar and made it the responsibility of the school secretary and the CBO** in order to ensure compliance with the requirements of *EC* Section 60119. The district has since held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district on January 16, 2003.

Therefore, since the district has met the requirements for fiscal year 2002-2003, and agrees to comply with *E.C.* 60119 and ensure that the public hearing is held within the fiscal year and that the notice of public hearing is posted for ten days, CDE recommends approval of this waiver request.

Authority for the waiver: Education Code Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Fiscal Analysis (as appropriate): If approved this waiver will relieve district of **\$142,425** in total penalties.

Background Information: Waiver forms and supporting documents are attached.

**Instructional Materials Fund (IMFRP) Petition
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-7**

<p>SUBJECT: Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by East Whittier City Elementary School District to purchase Instructional Resources (<i>Everyday Mathematics</i>, Grades K-3, c. 2001, and Grades 4 – 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p>CDSIS: 21-2-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION:

The Department recommendation: Approval May 1, 2003 to June 30, 2005, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards. Approval is contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Summary of Previous State Board of Education Discussion and Action:

The Petition process was continued in statute for use by districts with the new Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with E.C. **60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision **(g) of Section 60200**, the State Board of Education may authorize a school district to **use any state basic instructional materials allowance** to purchase standards-aligned materials as specified within this part.”

This is the fourth petition and/or waiver request for *Everyday Mathematics* by this district. In September 2002 the Board approved an IMF petition for grades K-5, in June 2001 the Board approved a Schiff-Bustamante waiver request for grades K-6, and in June 1998 the Board approved an IMF petition for kindergarten and grade 3.

Summary of Key Issue(s).

The East Whittier City Elementary School District requests approval of its petition pursuant to: E.C 60421 (d) “Notwithstanding any other provision of law, pursuant to subdivision **(g) of Section 60200**, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.” **E.C. 60200(g):** “If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

The East Whittier City Elementary School District is petitioning to purchase: *Everyday Mathematics*, Grades K-3 2001, c. and Grades 4 – 6, c. 2002. The District first implemented the *Everyday Mathematics* program in 1998, and asserts that student

achievement in mathematics has improved significantly as a result of using this program.

Of the ten schools in the district, three are in the fourth decile of the API or lower. Five of the ten schools are in the seventh decile or higher, and all five are significantly above the ranking for "similar schools." Eight of the ten schools met their API growth target for 2002, including all three of the schools in the fourth decile or lower. The district average Mathematics Standards Test and SAT-9 scores for 2002 ranged from just below the state average to as high as eleven percent above the state average, with most results falling a few percentage points above the state results. School results generally corresponded to API ranking, with the lower decile schools scoring below the state average, and higher decile schools scoring above the state average.

The District requires a waiver to continue the use of *Everyday Mathematics* as the core instructional materials that best address the needs of both teachers and students and has demonstrated positive results.

East Whittier City Elementary School District has acknowledged the contents of Commissioner Stickel's report. Regarding the deficiencies found by Commissioner Stickel in the fourth grade component of the program, the district states that following the September 2002 approval by the State Board of their IMF petition for *Everyday Mathematics*, "a task force of fourth grade teachers was convened and the gaps were addressed through additional lessons and worksheets as well as assessments." The district also has noted that the publisher of *Everyday Mathematics* has assured them that a fourth grade supplement will be provided by Fall 2003.

Department Recommendation

The Department recommendation is for approval of the petition request from 5/1/03 through 6/30/05, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards.

Approval is contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Authority for the petition: *Education Code* Section 60421 (d) and 60200(g)

Local Board approval: February 24, 2003

Public hearing held on: February 24, 2003

Fiscal Analysis (as appropriate)

LEA's estimated K-5 IMFRP in the 2002-2003 year:	\$ 218,575 ¹
Estimated cost of requested materials 2003-2004:	\$ 85,000
Percentage of K-5 IMFRP:	38.9%

Background Information is attached to this Agenda Item.

¹ This amount is an estimate based on 2001-2002 enrollment figures, and CDE figures for an ongoing total of \$36.29 per pupil in the initial disbursement of IMFRP funds to districts. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

**Instructional Materials Funding Realignment Program (IMFRP) Petition
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-8**

<p>SUBJECT: Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by Pleasant Valley School District to purchase Instructional Resources (<i>Everyday Mathematics</i>, Grades K-5) using Instructional Materials Funding Realignment Program (IMFRP) monies for one of their eleven schools, Los Senderos Open School.</p> <p>CDSIS: 125-3-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION: The Department recommendation: Approval: May 1, 2003 to June 30, 2005, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards.

Approval is contingent on IMFRP funds being appropriated and allocated in subsequent fiscal years.

Summary of Previous State Board of Education Discussion and Action: The petition process was continued in statute for use by districts with the new Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with E.C. **60421 (d)**. This is the first petition and/or waiver request for *Everyday Mathematics* by this district. Susan Stickel, former chair of the Curriculum Commission, has reviewed several editions of the program at the request of the State Board.

Summary of Key Issue(s): The Pleasant Valley School District requests approval of its petition pursuant to: **E.C 60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.” **E.C. 60200(g):** “If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

The Pleasant Valley School District is petitioning to purchase: *Everyday Mathematics*, Grades K-5. The petition request is for **only one school in the district, Los Senderos Open School** (formerly Bedford Open School). This school has a population of 442 students.

The District first implemented the *Everyday Mathematics* program in 1994, and asserts that student achievement in mathematics has improved significantly as a result of using this program.

Of the eleven elementary schools in the district, ten are in seventh decile of the API or higher, including Los Senderos Open School. Los Senderos Open School has scored in the top decile of the API in each of the last four years, and its 2002 score of 895 was the top

score of any school in Ventura County. The district's average Mathematics Standards Test and SAT-9 scores for 2002 were significantly above the state average, with Los Senderos Open School scoring particularly well on both assessments. The school's 2002 Mathematics Standards Test results showed that 93-97% of students in grades 2-5 at Los Senderos scored at Basic, Proficient, or Advanced, compared to 74-77% for the entire district, and 59-68% statewide.

Assessment data is attached to this petition. The District requires a waiver to continue the use of *Everyday Mathematics* as the core instructional materials that best address the needs of both teachers and students and has demonstrated positive results.

Following earlier petition requests to purchase the *Everyday Mathematics* program using Instructional Materials Fund funds, the State Board of Education asked former Commissioner Stickel to review the new 2002 edition of the *Everyday Mathematics* program for grades 4-6. Ms. Stickel found in her report to the Board that there were numerous areas where the Mathematics Standards were not met, particularly at the Grade 4 level. Pursuant to this recommendation the Board acted to approve these petition requests with the condition that the districts demonstrate supplemental coverage of these standards.

Pleasant Valley School District has acknowledged the contents of Ms. Stickel's report, and has expressed an intent to have **Los Senderos Open School** develop a plan to meet any and all identified deficiencies in the program. In prior petition requests for the *Everyday Mathematics* program by other districts, the publisher has indicated that a fourth grade supplement will be provided by Fall 2003.

Department Recommendation

The Department recommendation is for approval of the petition request from 5/1/03 through 6/30/05, for **Los Senderos Open School** with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards.

Approval is contingent on IMFRP funds being appropriated and allocated in subsequent fiscal years.

Authority for the petition: **E.C. 60421 (d) and 60200(g)**

Local Board approval: March 20, 2003

Public hearing held on: March 20, 2003

Fiscal Analysis (as appropriate)

LEA's estimated K-5 IMFRP in the 2002-2003 year: \$ 16,141.84 ¹

Estimated cost of requested materials: \$ 5,925.94

Percentage of K-5 IMFRP: 36.7%

Background Information is attached to this Agenda Item.

¹ This amount is an estimate based on estimated enrollment figures provided by the district, and CDE figures for an ongoing total of \$36.52 per pupil in the initial disbursement of 2002-2003 IMFRP funds to districts. This does not include one-time funds that the Legislature has prioritized for the purchase of Reading/Language Arts Intervention Materials. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-9

TITLE: Request by Planada Elementary School District to waive <i>Education Code</i> Section 46201, the longer day instructional time penalty for the 2000-2001 school year for Planada Elementary School.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 3-3-2003	

RECOMMENDATION:

The Department recommends approval on the condition that the district maintain increased instructional time at **Planada Elementary School** for a period of two years from the required 36,000 minutes per year to at least 37,800 minutes per year (36,000 plus the 1,800 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Summary of Previous State Board of Education Discussion and Action:

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time **in the 2000-01 fiscal year** or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

Summary of Key Issue(s):

Planada Elementary School District requests a waiver of *Education Code* Section 46201(c), the longer day instructional time penalty, which states that thirty six thousand minutes of instructional time must be offered in kindergarten. In fiscal year 2001-02, Planada Elementary School failed to meet the requirement of 36,000 instructional minutes by 1,800 minutes. This mistake was due to counting lunchtime as instructional time for the am kindergarten. During an audit, it was discovered that the time could not be counted as instructional time. **The penalty in this case is \$18,714, which is a large amount of money for a small rural one-school district to pay back.**

Beginning in fiscal year 2002-03, and continuing into fiscal year 2003-04, the school is making up the shortage of 1,800 minutes by increasing the instructional time to 37,800 instructional minutes.

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at **Planada Elementary School** for a period of two years from the required 36,000 minutes per year to at least 37,800 minutes per year (36,000 plus the

1,800 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Authority for the waiver: *Education Code* Section 46206

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: N/A

Local board approval date: 02/27/03

Effective dates of request: 07/01/01 to 06/30/02

Fiscal Analysis (as appropriate):

- The repayment amount for offering less than the 1986-87 minutes per *Education Code* Section 46201(c)(1)(2)(3), as required by law is: 85 (Affected ADA) times \$220.16 (Penalty Amount) equals **\$18,714**.

Background Information:

Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-10

<p>TITLE: Request by Victor Valley Union High School District for fiscal year 2001-2002 to waive <i>Education Code (EC)</i> Section 46202, the penalty for offering less time than what the district offered in 1982-1983, at the seventh through eighth grades at Hook Junior High School and at Victor Valley Junior High School.</p> <p>CDSIS: 10-2-2003</p>	<p><input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT</p>
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RECOMMENDATION:

The Department recommends approval on the condition that the district increase instructional time at **Hook Junior High School and Victor Valley Junior High School** to 62,736 minutes per year (62,480 minutes plus the 256 minutes short in fiscal year 2001-2002) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Summary of Previous State Board of Education Discussion and Action:

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time in the 2000-01 fiscal year or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

Summary of Key Issue(s):

Victor Valley Union High School District requests a waiver of *EC* Section 46202, the penalty for offering less instructional time than offered in 1982-1983, which was sixty two thousand four hundred and eighty minutes of instructional time that must be offered in grades fourth through eighth. In fiscal year 2001-02, Hook Junior High School and Victor Valley Junior High School failed to meet their requirement of 62,480 minutes by 256 minutes. **These findings equal a fiscal penalty for fiscal year 2001-2002 of \$44, 515.**

The department is recommending that both fiscal year time penalties be combined into one condition: beginning in fiscal year 2003-04, and continuing through fiscal year 2004-05, the school will begin making up the shortage by offering 62,736 total instructional minutes (256 minutes short from fiscal year 2001-2002) 54,000 minutes required by law at Hook Junior High School and Victor Valley Junior High School and report the increase in its yearly audits.

Authority for the waiver: 46206

Bargaining unit(s) consulted on: Not required

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: N/A

Local board approval date: 01/16/03

Effective dates of request: 09/04/01 to 06/17/02

Fiscal Analysis (as appropriate):

- In fiscal year 2001-2002, the repayment amount for offering less than the 1982-83 minutes per *Education Code* Section 46202, as required by law is: 2,028 (Affected ADA) times \$5,357.25 (Base Revenue Limit) times 1 (Deficit Factor) equals \$10,864,503 (Apportionment); 256 (Minutes short) divided by 62,480 (number of required minutes) equals 0.004097311 (Percentage); \$10,864,503 (Apportionment) divided by 0.41% (Percentage) equals **\$44,515.25** (Penalty)

Background Information:

Waiver request forms and supporting documents are attached.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-11

<p>TITLE: Request by Konocti Unified School District (KUSD) to waive <i>Education Code</i> (EC) Section 56366.1(a), certification requirements for an uncertified nonpublic agency to provide Occupational Therapy Services to 16 special needs students.</p> <p style="text-align: right;">Jeanette T. Gallegos, The Mountain O.T.R.</p> <p>CDSIS: 2-7-2002</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">X</td> <td>ACTION</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">_____</td> <td>INFORMATION</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">_____</td> <td>PUBLIC HEARING</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">_____</td> <td>CONSENT</td> </tr> </table>	X	ACTION	_____	INFORMATION	_____	PUBLIC HEARING	_____	CONSENT
X	ACTION								
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_____	CONSENT								

RECOMMENDATION: Approval for the attached list of students.

Summary of Previous State Board of Education (SBE) Discussion and Action:

The State board of Education has taken action on many waivers regarding Nonpublic School Certification. The Special Education Division has adopted guidelines to assist staff in the review of these requests.

Summary of Key Issue(s):

- **The Occupational Therapist employed by KUSD took a maternity leave of absence and was unable to continue serving 16 special needs students whose IEPs called for OT services.**
- **KUSD contacted 9 agencies/occupational therapists to take over the caseload without success.**
- **Jeanette T. Gallegos/The Mountain O.T.R. a nonpublic agency certified to provide OT Services until 12/31/2001 had decided not to renew for 2002 in order to stay home with her young child.**
- **Ms. Gallegos agreed to provide OT services two days a week for the KUSD, one time only, while the district OT was on leave; so that OT services would continue for the 16 special needs students.**

Authority for the waiver: *Education Code* Section 56101

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one): N/A

Neutral Support Oppose

Name of bargaining unit representative:

Local board approval date: June 19, 2002

Effective dates of request: February 2, 2002 – August 17, 2002

Fiscal Analysis (as appropriate): No known fiscal impacts.

Background Information: Waiver Request forms and supporting documentation are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-12

<p>TITLE: Request by Hart-Ransom Union School District to waive <i>Education Code</i> (EC) 56362 (c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist Susan Mead assigned at Hart-Ransom School.</p> <p>CDSIS: 35-2-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action: Both EC 56362 (c) and Title 5CCR 3100 allows the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

This particular waiver is recommended for action, since it has some special circumstances regarding one of the requirements, however the teacher still agrees with the waiver.

Summary of Key Issue(s):

The **Hart-Ransom Union School District (HRUSD)** requests a waiver of EC 56362 (c). This law states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board.

The District states that it is unable to contract with adequate qualified RSP for a partial year contract. Additional transfer students who have recently enrolled in the district are the main reason for this waiver request. The district indicates that with the additional aide time of 6 hours will help maintain full IEP implementation and not hinder the services for all RSP students.

The RSP teacher did state that she had a caseload of 28 or more students during the 2001/02 school year but only for a short period of time (two weeks). Her average caseload during the 2001/02 was under 28. This would be a reason for denial, 5CCR 3100(c)(3) “The waiver does not result in the same resource specialist having a caseload in excess of the statutory minimums for more than two years”

However, the RSP teacher and the union both support the approval of the waiver, and the caseload appears to only be short term both in 2000/01 and in 2001/02. The district is not anticipating this to happen in the 2003/04 school year “due to declining enrollment the

number of students in special education will significantly decrease”. The waiver request indicates the caseload for the **Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students.**

Authority for the waiver: *Education Code* Section 56101, and Title 5CCR 3100

Bargaining unit(s) consulted on: 2/4/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Sue Pirrone

Local board approval date: 2/13/03

Effective dates of request: February 2003 to June 2003.

Fiscal Analysis (as appropriate): No known fiscal impacts.

Background Information: Waiver request forms and supporting documents attached.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-13

TITLE: Request by Dunsmuir Joint Union High School District for a General Waiver of <i>Education Code</i> (E.C.) Section 49550, the State Meal Mandate and E.C. 49548 (the waiver process for the summer school meal program) during the summer school this year.	<u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
CDSIS: 26-4-2003	

RECOMMENDATION:

The Department recommends: **Recommendation will be provided in the supplemental mailing.**

- Approval
 Denial

Summary of Previous State Board of Education Discussion and Action:

A Specific Waiver under the authority of E.C. 49545, regarding this same issue **was recommended for denial** at the April State Board of Education (SBE). The district withdrew the waiver before the meeting, when they found the “approval criteria” were in statute. This returning waiver is a General Waiver request, of both the requirements to serve meals to students in summer schools (E.C. 49550), and of the Specific Waiver authority itself (E.C.49545).

Summary of Key Issue(s):

The California Education Code (EC) Section 49550 states districts must:

“provide for each needy pupil enrolled therein, one nutritionally adequate free or reduced-price meal during each schoolday that each needy child that attends a public school”

EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has **met at least two of the following four criteria**. Review of the waiver documents submitted indicate that only criteria d) has been met:

Criteria met

- NO** a) The summer school session is less than four hours duration and is completed by noon;
- NO** b) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- NO** c) A Summer Food Service Program site is available within the school attendance area;
- YES** d) Serving meals during the summer school session would result in a financial loss to

the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

The district requests the both of these statutes be waived so that they will not be required to serve meals to students during this year's summer session, if this waiver is approved.

Waiver Authority: *Education Code* Section 33050

Bargaining unit(s) consulted on: March 6, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: James Rinne and Danelle Cascarina

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) posted at local newspapers, County Office of Education, Two Elementary Schools & Library.

Public hearing held on: 4-9-03

Local board approval date: 4-9-03

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 3-6-03

Effective dates of request: 6-16-03 to 7-28-03

Fiscal Analysis (as appropriate):

Background Information: Attached

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-13

Subject STATE MEAL MANDATE DURING THE SUMMER SCHOOL SESSION

[Attached](#) is the supplemental recommendation for Dunsmuir Joint Union High School District.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-13

<p>TITLE: Request by Dunsmuir Joint Union High School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate and <i>Education Code</i> Section 49548, restricted criteria for the issuance of summer school meal waivers, during the summer school this year.</p> <p>CDSIS: 26-4-2003</p>	<p style="text-align: center;"> <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT </p>
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RECOMMENDATION:

The Department recommends:

Approval

Denial

The General Waiver authority in Education Code (EC) Sections 33050 and 33051 cannot be used to waive a section of the EC that constitutes a Specific Waiver authority.

Summary of Previous State Board of Education Discussion and Action:

On or about February 18, 2003, Dunsmuir Joint Unified School District (JUSD) filed a request under EC Section 49548, to obtain a waiver from serving meals during the summer school session. A school district must meet two of four waiver criteria. Dunsmuir JUSD met only one of the four criteria. The Nutrition Services Division recommended denial of the waiver based on not meeting the minimum restricted requirements. Dunsmuir JUSD planned to discuss this issue at the State Board Meeting in April 2003. However, prior to the meeting they withdrew their Specific Waiver request, and indicated they would instead do a General Waiver request.

Summary of Key Issue(s):

Dunsmuir JUSD subsequently filed a request that the State Board waive EC Sections 49550 and 49548 pursuant to the Board's General Waiver authority in EC Sections 33050 and 33051. Although at least six needy children will be attending the summer school session, the school district is requesting a waiver from serving meals.

Dunsmuir JUSD has requested to the State Board of Education a General Waiver approval of Education Code Sections:

- 49550. Free or Reduced Price Meals**, which requires school districts to provide one nutritionally adequate free or reduced-price meal during each school day, and
- 49548 Summer school sessions; restricted criteria for waiver**, which restricts the criteria for the issuances of waivers from the requirements of waiver Section 49550 to feed children during a summer school session.

EC Section 49548 provides specific criteria that must be met to waive EC Section 49550. It has been a long-standing administrative interpretation of the Department that within the Education Code, Specific Waiver authority takes precedent over General Waiver authority. This position is consistent with the principle of statutory construction, that a specific statutory provision takes priority over a general statutory provision covering the same subject.

The grounds for denial appearing in EC Section 33051(a) are not applicable.

Bargaining unit(s) consulted on:

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: **James Rinne and Danelle Cascarina**

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) posted at the Siskiyou County Office of Education, the Library, and two elementary schools.

Public hearing held on: **April 9, 2003**

Local board approval date: **February 12, 2003**

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: **March 6, 2003**

Effective dates of request: **June 6, 2003 through July 28, 2003**

Fiscal Analysis (as appropriate): The fiscal impact at the state level is non-existent. Denial of the waiver will not have a significant impact on Proposition 98 funds. Based upon information submitted by Dunsmuir, the school district will incur a financial loss of \$ 4,451 by providing meals during their summer school session.

Background Information:

Documentation is attached to the original waiver, **Item W-13.**

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-14

<p>TITLE: Renewal request by Bishop Jt. Union High School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.</p> <p>CDSIS: 30-3-2003</p>	<p align="center"> <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT </p>
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RECOMMENDATION:

The Department recommends:

Approval

Denied

Summary of Previous State Board of Education Discussion and Action:

The State Board approved a school meal waiver request for Summer 2002.

Summary of Key Issue(s):

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following district has requested that the waiver of EC Section 49550 be renewed for the Summer 2003 and has certified that conditions in the district that precipitated the original waiver request have not changed. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least two of the following four criteria. Review of the waiver documents submitted indicate that none of the required criteria have been met.

Criteria met:

- NO** a) The summer school session is less than four hours duration and is completed by noon;
- NO** b) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- NO** c) A Summer Food Service Program site is available within the school attendance area;
- NO** d) Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

Agreement Number:	District(s):	Effective Period:	Local Board Approval:	Waiver Number:
14-63263-0000000-01	Bishop Jt. Union HSD	06/09/03-07/22/03	02/13/03	30-3-2003

Rationale for Disapproval:

For Summer 2003, the waiver request does not meet any of the criteria required for approval. While the district states that the conditions that warranted a waiver for Summer 2002 have not changed, the California Department of Education's (CDE) analysis indicates that they have. The CDE recommends denial of the Bishop Jt. Union High School District waiver request for Bishop Union High School.

A review of the waiver request reveals:

- a) The summer school session is not less than four hours in duration, although it is completed by noon. Last year, the school's summer session was less than four hours in duration. The session ended at 11:59 AM.
- b) More than 10 percent (50 percent) of the needy pupils will remain on site for more than three hours.
- c) There is no Summer Food Service Program site within the attendance area of the site.
- d) Although the district will suffer a financial loss, it does not equal one month's costs. Based upon the information provided by the district, the loss will equal \$214.00 while one month operating costs will equal \$545.00.

On March 28, 2003, CDE contacted Ms. Ferol Butera, Administrative Assistant for the Bishop Joint Union High School District, and notified her of plans to recommend denial of her waiver request. She was given the opportunity to withdraw her waiver at this time. Ms. Butera stated that she does not wish to serve meals to any students attending summer school. She states that during the traditional school year she vends meals but this service is unavailable during the summer school session. Ms. Butera wishes to appear before the State Board of Education and explain the financial impact to the district if the waiver is not approved.

Authority for the waiver: Education Code 49558

Bargaining unit(s) consulted on: **Not required**

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: **None**

Local board approval date: **02/13/03**

Effective dates of request: **06/09/03-07/22/03**

Fiscal Analysis (as appropriate): Denial of the waiver may increase the draw on Proposition 98 funds. Local finances may be affected.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-15

TITLE: Original request by Brea Olinda Unified School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.	<table style="margin: auto;"> <tr><td style="border-bottom: 1px solid black; width: 20px;">X</td><td>ACTION</td></tr> <tr><td style="border-bottom: 1px solid black; width: 20px;"></td><td>INFORMATION</td></tr> <tr><td style="border-bottom: 1px solid black; width: 20px;"></td><td>PUBLIC HEARING</td></tr> <tr><td style="border-bottom: 1px solid black; width: 20px;"></td><td>CONSENT</td></tr> </table>	X	ACTION		INFORMATION		PUBLIC HEARING		CONSENT
X	ACTION								
	INFORMATION								
	PUBLIC HEARING								
	CONSENT								
CDSIS: 12-3-2003									

RECOMMENDATION:

The Department recommends:

Partial Approval

Denied

Summary of Previous State Board of Education Discussion and Action:

The California Education Code (EC) Section 49548 provides guidelines to assist the Department of Education and the State Board in reviewing requests for summer school waivers. The State Board of Education has consistently approved waivers if guidelines for granting approval are met.

Summary of Key Issue(s):

The EC Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following district has requested a waiver of EC Section 49550 for Summer 2003 and has certified its compliance with all required conditions necessary to obtain a waiver.

EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met *at least two* of the following four criteria:

- The summer school session is less than four hours duration and is completed by noon;
- Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- A Summer Food Service Program site is available within the school attendance area;
- Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

Agreement Number:	District(s):	Effective Period:	Local Board Approval:	Waiver Number:
30-66449-0000000-01	Brea Olinda Unified SD	06/23/03-07/20/03	02/11/03	12-3-2003

The California Department of Education (CDE) recommends **approval** of the following two sites for this district:

- Brea Olinda High School; and
- Brea Olinda Jr. High School, located on the Brea Olinda High School campus.

The CDE recommends **denial** of the third site proposed by the district:

- Brea Country Hills Elementary School

because it does not meet two of the four criteria required for approval.

Rationale for Approval:

All three sites meet the district financial criteria, which states:

Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

The first two sites also meet a second, site-specific criteria which states:

A Summer Food Service Program site is available within the school attendance area.

CDE therefore recommends approval of the waiver for these first two sites.

Rationale for Disapproval:

The third site (Brea Country Hills Elementary School) meets the district financial criteria (as do the first two sites).

However, this site does not meet any of the three remaining site-specific criteria required for approval.

- The summer school session is more than four hours in duration and is not completed by noon. The program hours are 8:00 AM to 1:15 PM., a total of 5.25 hours.
- All of the needy children attending the summer session will remain on site for more than 3 hours.
- *The district has failed to show that a Summer Food Service Program (SFSP) is available within the school attendance area.* Although the district provided a map of the school attendance area and the name of the Brea Boys and Girls Club as the closest Summer Food Service Program site, CDE's review indicates that the site is not located within the school attendance area.
- CDE has not yet received an application from the Brea Boys and Girls Club for Summer 2003 -- so we have no way to determine that this site will be available to low income children in the area.
- The Brea Boys and Girls Club is 2.4 miles away and is not within the attendance area of Brea Country Hills Elementary School.
- *Even if the Brea Boys and Girls Club operates a SFSP site this summer, its highly unlikely that children attending summer school at Brea Country Hills Elementary would be able to make it to the Club in time for lunch.* CDE assumes that if the Brea Boys and Girls Club operates a SFSP this summer it will serve lunch at the same time it did last year (12:30 PM to 1:15 PM). Brea Country Hills Elementary School's summer program runs from 8:00 AM to 1:15 PM. This leaves little or no time for the children attending summer school to make it to the Brea Boys and Girls Club before the food is either gone or the meal service has ended.

On March 24, 2003, CDE contacted Ms. Stephanie Zoellner, Director of Food Services, and notified her of CDE's plans to recommend denial of the waiver request for Brea County Hills Elementary School. Ms. Zoellner requested a definition of the attendance area for a summer school site. Ms. Zoellner felt that since all three elementary schools in the district were meeting at one site, the attendance area should encompass the area served by all three sites.

CDE disagrees with this interpretation. The attendance area only applies to the site where the summer school program is being operated. This is especially true in the case of elementary schools, where the attendance areas do not overlap. Allowing multiple attendance areas to be included in a single waiver request diminishes the access to nutritious foods among the low-income children in the community. For example, in Rural USD, Elementary schools 1, 2, and 3 are located on the same highway, each school being 60 miles away from the next. They are combining their efforts this year and operating one summer school session at Elementary school 3 this year. If there were a SFSP within the attendance area of Elementary school 1, approximately 180 miles away, then the district would fit the attendance area criteria Ms. Zoellner is attempting to meet.

Therefore, it is the CDE's position that the Brea Boys and Girls Club SFSP program does not exist within the attendance area of Brea Country Hills Elementary School.

Since only one of the four criteria is met (versus the required two), a denial of the waiver request is appropriate.

On March 25, 2003, CDE informed Ms. Zoellner of its findings and its intent to recommend denial of this site. The district was given the opportunity to withdraw the Brea Country Hills Elementary School site from consideration and to provide meal service. Ms. Zoellner chose instead to leave the site within the waiver request and indicated that the district may wish to speak at the SBE meeting.

Authority for the waiver: Education Code 49558

Bargaining unit(s) consulted on: **02/29/03**

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: **Not required**

Local board approval date: **02/11/03**

Effective dates of request: **06/23/03-07/20/03**

Fiscal Analysis (as appropriate): Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary.

Attachment A

Yahoo! Maps - Directions to 502 South Seivers Street, Brea, CA 92821-5357 - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Print Print Preview Print and Go Links

Address [.8zTyg3FTESLY5ZZmefZGR0hGm&newcsz=Brea,+CA++92821&newcountry=us&newcsz=Brea,+CA++&newcountry=us](#) Go Links

Maps | Driving Directions

Starting from: 1 150 North Associated Road, Brea, CA 92821-4669 [Save Address](#)

Arriving at: 2 502 South Seivers Street, Brea, CA 92821-5357 [Save Address](#) [Get Reverse Directions](#)

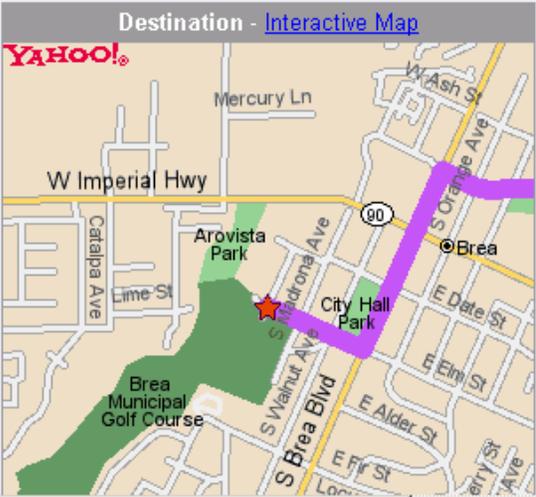
Distance: 2.4 miles **Approximate Travel Time:** 5 mins

[Email Directions](#) [Printable Version](#) [Text Only Driving Directions](#)

Full Route



Destination - Interactive Map



Start

Novell Grou... Microsoft E... 3 1/2 Floppy ... Specific Wai... Yahoo! Ma... 11:52 AM

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-15

Subject STATE MEAL MANDATE DURING THE SUMMER SCHOOL SESSION

[Attached](#) is the supplemental recommendation regarding Brea Olinda Unified School District.

Please NOTE: CDE staff recommendation is for partial approval.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2003 AGENDA

Item No. W-15

TITLE: Original request by Brea Olinda Unified School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session for three school sites.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 12-3-2003	

RECOMMENDATION:

The Department recommends: Partial Approval

Approval for the following two sites: **Brea Olinda High School**, and **Brea Olinda Jr. High School**, located on the Brea Olinda High School campus.

Denial for the third site: Brea Country Hills Elementary School - meets only one of the four statutory criteria. (See second page, Rationale for Disapproval).

Summary of Previous State Board of Education Discussion and Action:

The California *Education Code* (EC) Section 49548 provides statutory guidelines to assist the Department of Education and the State Board in reviewing requests for summer school waivers.

Summary of Key Issue(s):

The EC Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least **two** of the **four** criteria.

The California Department of Education (CDE) recommends **approval** of the following two sites for this district:

- Brea Olinda High School; and
- Brea Olinda Jr. High School, located on the Brea Olinda High School campus.

Rationale for Approval:

All three sites meet the district financial criteria, which states:

Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

The first two sites also meet a second, site-specific criteria which states:

A Summer Food Service Program site is available within the school attendance area.

Rationale for Disapproval:

The third site (**Brea Country Hills Elementary School**) meets the district financial criteria (as do the first two sites).

However, this site does not meet any of the three remaining site-specific criteria required for approval.

1. The summer school session is more than four hours in duration and is not completed by noon. The program hours are 8:00 AM to 1:15 PM., a total of 5.25 hours.
2. All of the needy children attending the summer session will remain on site for more than 3 hours.
3. *The district has failed to show that a Summer Food Service Program (SFSP) is available within the school attendance area.* Although the district provided a map of the school attendance area and the name of the Brea Boys and Girls Club as the closest Summer Food Service Program site, CDE's review indicates that the site is not located within the school attendance area.

Analysis

CDE has not yet received an application from the Brea Boys and Girls Club for Summer 2003 -- so we have no way to determine that this site will be available to low income children in the area.

The Brea Boys and Girls Club is 2.4 miles away and is not within the attendance area of Brea Country Hills Elementary School.

Even if the Brea Boys and Girls Club operates a SFSP site this summer, its highly unlikely that children attending summer school at Brea Country Hills Elementary would be able to make it to the Club in time for lunch. CDE assumes that if the Brea Boys and Girls Club operates a SFSP this summer it will serve lunch at the same time it did last year (12:30 PM to 1:15 PM). Brea Country Hills Elementary School's summer program runs from 8:00 AM to 1:15 PM. This leaves little or no time for the children attending summer school to make it to the Brea Boys and Girls Club before the food is either gone or the meal service has ended.

On March 24, 2003, CDE contacted Ms. Stephanie Zoellner, Director of Food Services, and notified her of CDE's plans to recommend denial of the waiver request for Brea County Hills Elementary School. Ms. Zoellner requested a definition of the attendance area for a summer school site. Ms. Zoellner felt that since all three elementary schools in the district were meeting at one site, the attendance area should encompass the area served by all three sites.

CDE disagrees with this interpretation. The attendance area only applies to the site where the summer school program is being operated. This is especially true in the case of elementary schools, where the attendance areas do not overlap. Allowing multiple attendance areas to be included in a single waiver request diminishes the access to nutritious foods among the low-income children in the community. For example, in Rural USD, Elementary schools 1, 2, and 3 are located on the same highway, each school being 60 miles away from the next. They are combining their efforts this year and operating one summer school session at Elementary school 3 this year. If there were a SFSP within the attendance area of

Elementary school 1, approximately 180 miles away, then the district would fit the attendance area criteria Ms. Zoellner is attempting to meet.

Therefore, it is the CDE's position that the Brea Boys and Girls Club SFSP program does not exist within the attendance area of Brea Country Hills Elementary School.

Since only one of the four criteria is met (versus the required two), a denial of the waiver request is appropriate.

On March 25, 2003, CDE informed Ms. Zoellner of its findings and its intent to recommend denial of this site. The district was given the opportunity to withdraw the Brea Country Hills Elementary School site from consideration and to provide meal service. Ms. Zoellner chose instead to leave the site within the waiver request and indicated that the district may wish to speak at the SBE meeting.

Authority for the waiver: *Education Code* Section 49558

Bargaining unit(s) consulted on: **02/29/03**

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: **Not required**

Local board approval date: **02/11/03**

Effective dates of request: **06/23/03-07/20/03**

Fiscal Analysis (as appropriate): Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

Background Information:

Waiver request forms and supporting documents are attached to this Executive Summary.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

May, 2003 AGENDA

Item No. W-16

TITLE: Request by numerous districts (see list in Last Minute Memorandum) to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying this years high school seniors (as listed) for a Golden State Seal Merit Diploma.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: See numbers in Last Minute Memorandum	

RECOMMENDATION:

The Department recommends:

- Approval **CDE Recommendation will come in the Last Minute Memorandum**
 Denial

Summary of Previous State Board of Education Discussion and Action:

At the April 9, 2003, State Board of Education (SBE) meeting members approved the method described by the California Department of Education for a Golden State Exam "Senior Waiver Process."

Summary of Key Issue(s):

E.C 51451. A student who meets the following requirements shall qualify for a Golden State Seal Merit Diploma:

- (a) *The completion of all requirements for a high school diploma.*
(b) *A demonstration of the mastery of the curriculum in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.*

The normal process of "demonstrating mastery" is for students to have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **six Golden State Examinations including U.S. history; reading/literature or written composition; a mathematics exam; a science exam; and two other exams of the student's choice.**

Due to cancellation of the spring administration of the Golden State Examinations (GSEs) as a part of the current year budget cuts, many seniors are only part way to completing this requirement.

To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) be receiving a high school diploma from their district.
- 2) have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **four or more** of the six required Golden State Examinations identified in Option One, number 2.
- 3) be granted a waiver by the State Board of Education (SBE) to **use up to two of the following 2002 California Standards Tests (CSTs) scores (to be determined) in lieu of GSE results to complete the six subject-area requirement:** Grade 11 English Language Arts, Grade 11 History/Social Science (United States History), High School Mathematics, Algebra I, Algebra II, Geometry, Integrated Mathematics 1, 2, or 3, Biology, Chemistry, Physics, Earth Science.

Districts have certified that all listed students meet the above requirements and have completed the legal requirements of a General Waiver Request.

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: 5/8/03

From: Judy Pinegar

Re: ITEM #W-16

Subject GOLDEN STATE SEAL MERIT DIPLOMA

[Attached](#) is a revised General Waiver Cover Sheet with Department recommendation for Approval with condition for 15 School Districts to waive *Education Code* (EC) Section 51451.

I have also attached a "SAMPLE" Certification form and a list of Districts that have signed and returned their certification.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-16

<p>TITLE: Request by 15 districts to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying this years high school seniors for a Golden State Seal Merit Diploma.</p> <p>CDSIS: See attached list of Districts</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval, on the condition that the districts have certified that all students submitted to Education Data Systems, Inc. (EDS, Inc.) have met either the existing requirements to be eligible for the Golden State Merit Seal Diploma, or the requirements of the 2003 Senior Waiver

Summary of Previous State Board of Education Discussion and Action:

In January 2003, the CDE posted a waiver process for a waiver of **English language arts Golden State Exam (GSE) requirement**, because at the time this was the only exam not available to this years seniors. **The 13 districts submitted a waiver on these earlier waiver forms.**

The current year budget act then eliminates all the other GSE administration for this year. At the April 9, 2003, State Board of Education (SBE) meeting members approved the method described by the California Department of Education for a Golden State Exam “Senior Waiver Process.”

Summary of Key Issue(s):

The Education Code involved in this waiver is:

E.C 51451. A student who meets the following requirements shall qualify for a Golden State Seal Merit Diploma:

- (a) The completion of all requirements for a high school diploma.*
- (b) A demonstration of the mastery of the curriculum in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.*

The 2003 Senior Waiver criteria are described on the attached “sample” certification, and all districts making a request this time have certified to submit only names of students who have met the requirements of EC 51451, or the 2003 Senior Waiver.

Certification for Purposes of the GSE Senior Waiver “SAMPLE”

Current requirements of E.C. 51451 are as follows. To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) Be receiving a high school diploma from their district.
- 2) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **six Golden State Examinations including U.S. history; reading/literature or written composition; a mathematics exam; a science exam; and two other exams of the student’s choice.**

GSE subjects included:

Reading/Literature, Written Composition, First-year Algebra, Geometry, High School Mathematics, Biology, Chemistry, Physics, Second-year Coordinated Science, U.S. History, Economics, Government/Civics, Second-year Spanish Language.

2003 Senior Waiver

This waiver is available to seniors who were prevented from meeting the above requirements due to GSE program reductions.

To be eligible for the 2003 Golden State Diploma, seniors must:

- 1) Be receiving a high school diploma from their district.
- 2) Have earned achievement levels of 4 (recognition), 5 (honors), or 6 (high honors) on **four or more** of the six required Golden State Examinations
- 3) Be granted a waiver by the State Board of Education (SBE) to **use ONLY up to two 2002 California Standards Tests (CSTs), with scale scores no lower than 350**, to meet the subject-area requirements identified in Option ONE, number 2. To obtain a waiver, a CST scale score may be used only if the student **has not previously taken the GSE** for which the CST will substitute. The following are the CST’s that may be used for this waiver: Grade 11 English Language Arts, Grade 11 History/Social Science (United States History), High School Mathematics, Algebra I, Algebra II, Geometry, Integrated Mathematics 1, 2, or 3, Biology, Chemistry, Physics, Earth Science.
- 4) Students must still have achieved GSE recognition or CST’s with scale scores no lower than 350 for a **total of six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history**, with the remaining **two subject matter areas selected** by the student.

CERTIFICATION:

• The governing board for _____ District had previously requested a waiver for the “English-language arts exam only” for SOME students in this district, however I now acknowledge that only students meeting the criteria of E.C. 51451, or the 2003 Senior Waiver requirements shall be granted the Golden Seal Merit Diploma.

• I request that ALL qualifying 2002-03 graduates in our district be granted a waiver under the criteria of the 2003 Senior Waiver.

• I certify that all students submitted to Education Data Systems, Inc. (EDS, Inc.) have met either the existing requirements to be eligible for the Golden State Merit Seal Diploma, or the requirements of the 2003 Senior Waiver

Superintendent/Designee: _____ Title _____ Date: _____

Golden State Examination Senior Waiver Certification

Waiver #	LEA	Local Board Approval	Certification Received
CDSIS-102-3-2003	Benicia USD	3/20/2003	5/6/2003
CDSIS-7-5-2003	Capistrano USD	4/21/2003	5/7/2003
CDSIS-1-3-2003	Carmel USD	4/24/2003	5/7/2003
CDSIS-19-4-2003	Las Virgenes USD	3/25/2003	5/7/2003
CDSIS-23-32003	Lindsay USD	2/24/2003	5/7/2003
CDSIS-79-3-2003	Los Alamitos USD	3/10/2003	5/6/2003
CDSIS-83-3-2003	Morgan Hill USD	3/10/2003	5/7/2003
CDSIS-20-4-2003	San Dieguito UHSD	2/27/2003	5/7/2003
CDSIS-4-5-2003	San Francisco USD	4/22/2003	5/6/2003
CDSIS-107-3-2003	San Luis Coastal USD	4/1/2003	5/7/2003
CDSIS-4-4-2003	San Ramon Valley USD	3/18/2003	5/6/2003
CDSIS-6-5-2003	Santa Cruz City Schools	4/30/2003	5/7/2003
CDSIS-143-3-2003	Sierra Sands USD	3/20/2003	5/7/2003
CDSIS-24-4-2003	Sutter Union HSD	4/8/2003	5/6/2003
CDSIS-32-4-2003	Wasco Union HSD	4/10/2003	5/7/2003

**MAY 2003 AGENDA**

SUBJECT	X	ACTION
Environmental Effect of Proposed Formation of Dixie-Terra Linda Unified School District from Dixie Elementary School District and a Portion of San Rafael City High School District in Marin County		INFORMATION
	X	PUBLIC HEARING

Recommendation:

Adopt a Negative Declaration (Attachment 1), which indicates no environmental effect.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education has not heard this issue previously.

Summary of Key Issue(s)

Six years ago, the California Resources Agency adopted guidelines that exempted school district organizations from the California Environmental Quality Act (CEQA) process. Those guidelines were invalidated in a recent appellate court ruling (*Communities for a Better Environment v. California Resources Agency*, Court of Appeal, Third Appellate District, Case No. C038844).

The State Board of Education is the lead agency for all aspects of school district unifications, including the reinstated CEQA review process. Pursuant to past practice, California Department of Education (CDE) staff conducted an initial study (Attachment 2) and determined that there would be no significant adverse effect on the environment as a result of forming the Dixie-Terra Linda Unified School District. A copy of the Negative Declaration and initial study has been filed with the State Clearinghouse for state agency review (Attachment 3). Also, a legal notice of the May 8, 2003, public hearing has been published in a local newspaper of general circulation. Any comments received by CDE will be forwarded to the Board or presented verbally at the public hearing.

Fiscal Analysis (as appropriate)

There is no fiscal effect to adopting the proposed Negative Declaration.

Attachments

[Attachment 1](#): Negative Declaration (Pages 1-1)

[Attachment 2](#): Environmental Checklist Form (Pages 1-7)

Attachment 3: State Clearinghouse Notification (Pages 1-2) (This attachment not available on the web)

NEGATIVE DECLARATION

1. Name, if any, and a brief description of project: **Formation of Dixie-Terra Linda Unified School District**, which is a unification of the existing Dixie Elementary School District with the corresponding geographic portion of the San Rafael City High School District. This unification also will directly result in the unification of the San Rafael City Elementary School District with the remainder of the San Rafael City High School District.
2. Location: **Marin County**
3. Entity or person undertaking project: **California State Board of Education**

The California State Board of Education, having reviewed the Initial Study of this proposed project, and having reviewed the written comments received prior to the public meeting of the State Board of Education, including the recommendation of the California Department of Education's staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the State Board of Education findings is as follows: **The unification itself will not involve or cause physical changes to the existing environment. Merely changing the political boundaries and the name of a school district (or portion of a school district) will not have an environmental impact.**

The California State Board of Education hereby finds that the Negative Declaration reflects its independent judgment.

A copy of the Initial Study may be obtained at the California Department of Education, 1430 N Street, Suite 3800, Sacramento, CA 95814. Telephone: (916) 322-1468.

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the California State Board of Education based its decision to adopt this Negative Declaration are as follows:

California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
Telephone: (916) 322-1468

ENVIRONMENTAL CHECKLIST FORM

1. Project title: Formation of Dixie-Terra Linda Unified School District

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, 916 322-1468

4. Project location: San Rafael, Marin County

5. Project sponsor's name and address:

Chief Petitioners

Gregory Stepanicich

Carole Hayashino

Jorge Duran

San Rafael, CA 94903

82 Creekside Drive

1170 Idylberry Road

152 Golden Hinde

6. General plan designation: N/A

7. Zoning: N/A

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. Attach additional sheets if necessary.)

Change of local governmental structure from elementary/high school districts to unified school district

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

City of San Rafael, three current school districts – San Rafael Elementary, Dixie Elementary, San Rafael High

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreements.)

N/A

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 checklists on the following pages.

Land Use and Planning

Transportation/Circulation

Public services

Population and Housing

Biological Resources

Utilities and Service Systems

Geological Problems

Energy and Mineral Resources

Aesthetics

Water

Hazards

Cultural Resources

Air Quality

Noise

Recreation

Mandatory Findings of Significance

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, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A 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 significant effect(s) 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, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." 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, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature

Date: 11/05/02

Printed name: Larry Shirey

For: California State Board of Education

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) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less 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 Section XVII, "Earlier Analyses," 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 1 5063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.

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. See the sample question below. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

7) This is only a suggested form, and lead agencies are free to use different ones.

Sample Question:

Issues (and Supporting Information Sources):

Would the proposal result in potential impacts involving:

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) Landslides or mudslides? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Attached source list explains 1 is the general plan and 6 is a USGS topo map. This answer would need no further explanation.)

ENVIRONMENTAL IMPACTS:

I. LAND USE AND PLANNING. *Would the proposal:*

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) Conflict with general plan designation or zoning? (<i>Source #:</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be incompatible with existing land use in the vicinity? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. POPULATION AND HOUSING. *Would the proposal:*

a) Cumulatively exceed official regional or local population projections? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace existing housing, especially affordable housing? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Seismic ground shaking? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Seismic ground failure, including liquefaction? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or mudflows? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of land? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IV. WATER. <i>Would the proposal result in:</i>				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. AIR QUALITY. <i>Would the proposal:</i>				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. TRANSPORTATION/CIRCULATION. <i>Would the proposal result in:</i>				
a) Increased vehicle trips or traffic congestion? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. BIOLOGICAL RESOURCES. <i>Would the proposal result in impacts to:</i>				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

a) Conflict with adopted energy conservation plans? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HAZARDS. *Would the proposal involve:*

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. NOISE. *Would the proposal result in:*

a) Increases in existing noise levels? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a) Fire protection? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:*

a) Power or natural gas? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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XIII. AESTHETICS. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create light or glare? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. CULTURAL RESOURCES. *Would the proposal:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Disturb paleontological resources? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Disturb archaeological resources? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have the potential to cause a physical change which would affect unique ethnic cultural values? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Restrict existing religious or sacred uses within the potential impact area? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. RECREATION. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Affect existing recreational opportunities? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) **Earlier analyses used.** Identify earlier analyses 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 Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrum v. County of Mendocino*, 202 Cal.App.3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal.App.3d 1337 (1990).



MAY 2003 AGENDA

SUBJECT Proposed Formation of Dixie-Terra Linda Unified School District from Dixie Elementary School District and a Portion of San Rafael City High School District in Marin County	X	ACTION
		INFORMATION
	X	PUBLIC HEARING

Recommendation:

Adopt the attached proposed resolution disapproving the petition to form a new unified (K-12) school district from Dixie Elementary School District and a portion of San Rafael City High School District in Marin County.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) has not heard this issue previously.

Summary of Key Issue(s)

The action to form a Dixie-Terra Linda Unified School District (SD) was initiated pursuant to *Education Code* Section 35700(a), which requires a petition signed by a least 25 percent of the registered voters residing in the territory proposed for reorganization.

The Marin County Office of Education (MCOE) employed an outside consultant to analyze the effects of the proposed unification on the nine required conditions for approval listed in *Education Code* Section 35753(a). This analysis, which is included as Attachment 3, determined that six of the nine criteria are met and that no determination can be made on the remaining three until other conditions are addressed. The Marin County Committee on School District Organization (MCC) determined that the proposed unification complies with all the criteria of *Education Code* Section 35753(a) and voted 7-4 to approve the petition. The MCC then voted to recommend expanding the election area to the entire San Rafael City High SD.

Both San Rafael City High SD and San Rafael City Elementary SD are in opposition to the proposal. Dixie SD has taken a position in support of the proposal.

California Department of Education (CDE) staff found that two conditions of *Education Code* Section 35753(a) were not substantially met. Accordingly, staff recommends that the SBE disapprove the proposal. Staff’s analysis is provided as Attachment 1. A proposed resolution denying the petition is provided for the SBE’s consideration as Attachment 2.

Fiscal Analysis (as appropriate)

San Rafael City High SD currently is a basic aid district and the two elementary districts are state aid districts. If the proposed Dixie-Terra Linda Unified SD is formed, the San Rafael City Elementary SD will, by operation of law, also unify with the remainder of the high school district. It is possible that these unifications will eliminate basic aid funding. If both new districts are state aid districts, CDE staff estimates that revenue limit funding will increase approximately 5 percent over the amount currently provided to these districts.

No other effects on state costs due to the proposed reorganization have been identified.

Attachments

- [Attachment 1:](#) Report of Required Conditions for Reorganization (Pages 1-27)
- [Attachment 2:](#) Proposed Resolution (Pages 1-1)
- Attachment 3: “Feasibility Study of the Proposed Reorganization and Creation of the Dixie-Terra Linda Unified School District” by MGT of America (Pages 1-54) (This attachment is not available on the web)
- Attachment 4: “Racial and Ethnic Report: Proposed Dixie-Terra Linda Unified School District” by CDE Office of Equal Opportunity (Pages 1-6) (This attachment is not available on the web)
- Attachment 5: “Racial/Ethnic Effects of Proposed Dixie-Terra Linda Unified School District” by CDE staff (Pages 1-5) (This attachment is not available on the web)
- Attachment 6: “Analysis of Educational Program Impact of the Proposed Formation of Dixie-Terra Linda Unified School District from the Existing Dixie Elementary School District and a Portion of the Existing San Rafael High School District” by CDE Policy and Evaluation Division, Research and Analysis Unit (Pages 1-3) (This attachment is not available on the web)
- Attachment 7: “Proposal to Form Dixie-Terra Linda Unified School District from Dixie School District and a Portion of San Rafael High School District in Marin County” by CDE School Facilities Planning Division (Pages 1-2) (This attachment is not available on the web)
- Attachment 8: “Fiscal Analysis of the Proposal to Form Dixie-Terra Linda Unified School District” by CDE Office of Management Assistance and Categorical Programs (Pages 1-10) (This attachment is not available on the web)
- [Attachment 9:](#) Alternative Resolution (Pages 1-1)

**PROPOSED FORMATION OF
DIXIE-TERRA LINDA UNIFIED SCHOOL DISTRICT
FROM DIXIE ELEMENTARY SCHOOL DISTRICT AND A PORTION OF
SAN RAFAEL CITY HIGH SCHOOL DISTRICT IN MARIN COUNTY**

REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

1.0 RECOMMENDATION

Staff recommends disapproval of the proposal to form a Dixie-Terra Linda Unified School District (SD) from territory of the Dixie Elementary SD and the corresponding portion of San Rafael City High SD. This recommendation is based on the analysis of required criteria (*Education Code*¹ Section 35753), which finds that two of these nine criteria are not substantially met by the proposal.

2.0 BACKGROUND

A petition proposing the formation of a new unified school district formed by the current Dixie Elementary SD and the corresponding portion of San Rafael City High SD was submitted to the Marin County Office of Education (MCOE) on February 13, 2001. Only two elementary school districts are within the San Rafael City High SD, so formation of the proposed Dixie-Terra Linda Unified SD also would result in the unification of the San Rafael City Elementary SD with the remainder of San Rafael City High SD since the boundaries of these two districts would be coterminous upon unification of Dixie-Terra Linda Unified SD (Section 35542).

San Rafael City High SD and San Rafael City Elementary SD are common governing board and common administration districts. Although both districts share the same governing board and district office administrative staff, the two districts are legally separate and distinct districts.

There are two high schools within San Rafael City High SD: San Rafael High with a 2000-01 enrollment of 955 ninth through twelfth grade students and Terra Linda High with a 2000-01 enrollment of 1,055 ninth through twelfth grade students. San Rafael High is within the boundaries of San Rafael City Elementary SD and would become the high school for the new San Rafael Unified SD. Terra Linda High is within the boundaries of Dixie Elementary SD and would become the high school for the proposed Dixie-Terra Linda Unified SD.

At an August 13, 2001, deliberation meeting, the Marin County Committee on School District Organization (MCC) heard the recommendations of their consultant (Attachment 3) and subsequently voted that all nine criteria in *Education Code* Section 35753(a) were substantially met. The MCC, on a 7-4 vote, recommended approval of the Dixie-Terra

¹All subsequent statutory references are to the *Education Code* unless otherwise indicated.

Linda unification proposal. The MCC further recommended that the election area be expanded to the entire San Rafael City High SD.

California Department of Education (CDE) staff disagrees with the MCC determination that all nine criteria in Section 35753(a) are substantially met, finding that the proposal fails to substantially meet the following two criteria:

Criterion 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Criterion 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.

3.0 REASONS FOR THE UNIFICATION

The chief petitioners cite the following reasons for the proposed Dixie-Terra Linda Unified SD:

- (a) Local control of the high school (Terra Linda).
- (b) Coordinated and integrated curriculum from kindergarten through twelfth grade resulting in higher educational achievement.
- (c) Better fiscal accountability.
- (d) More parental involvement at the high school level.
- (e) Enhancement and more effective use of state revenues through a unified school structure.
- (f) Greater support for the teaching and administrative staff at Terra Linda High School.

4.0 POSITIONS OF SCHOOL DISTRICTS

4.1 San Rafael City High School District and San Rafael City Elementary School District

San Rafael City High SD and San Rafael City Elementary SD (common administration districts) are in opposition to the proposal, primarily focusing on the failure of the proposal (in these districts' opinion) to meet the following three criteria of Section 35753(a).

Criterion 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Criterion 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.

Criterion 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.

4.2 Dixie Elementary School District

The Dixie Elementary SD supports the proposal, finding that the proposal meets all criteria of Section 35753(a) and that “creation of such a district will provide enhanced continuity and articulation and will enrich the educational lives of children from the Dixie-Terra Linda community.”

5.0 SECTION 35753 CRITERIA

The State Board of Education (SBE) may approve proposals for the reorganization of districts if the SBE has determined the proposal substantially meets the nine criteria in Section 35753. Those criteria are further clarified by Section 18573, Title 5, *California Code of Regulations*.

For its analysis of the current proposal, staff reviewed CDE studies of specific issues related to the proposal and the following written information:

- a. Petition for the proposed Dixie-Terra Linda Unified SD, including maps of the area.
- b. “Feasibility Study of the Proposed Reorganization and Creation of the Dixie-Terra Linda Unified School District” prepared by MGT of America, July 19, 2001.
- c. Minutes and audiotapes of the MCC public hearings and meetings.
- d. Various letters and reports in support of and opposition to the proposed unification.
- e. Miscellaneous related reports.

Staff findings and conclusions regarding the Section 35753 and Title 5 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 State Board of Education 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. (Section 18573(a)(1)(A), Title 5, California Code of Regulations)

County Committee Evaluation/Vote

The report prepared by MGT of America for the MCC (hereinafter referred to as

“feasibility study”) indicates that the petition meets this requirement (Attachment 3, page 10).

The MCC voted unanimously (11-0) that this criterion is substantially met.

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 proposal becomes effective or any new district becomes effective for all purposes. The schools within the proposed Dixie-Terra Linda Unified SD had a combined enrollment of 2,929 in 2000-01 (Source: California Basic Educational Data System [CBEDS]). During that same year, 4,416 students were enrolled in schools within the San Rafael City Elementary SD.

San Rafael City High SD maintains an open enrollment policy and there are a significant number of students (over 300) who attend Terra Linda High School but reside within the San Rafael City Elementary SD. However, the loss of these students from the proposed Dixie-Terra Linda Unified SD would not lower enrollment of the district below 1,501.

Staff concludes that this criterion is substantially met.

5.2 The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from Section 18573(a)(2), Title 5, California Code of Regulations, 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 feasibility study reports that a topographical feature (Puerto Suello Hill) serves as a *de facto* dividing line between Dixie Elementary SD and San Rafael City Elementary SD. The hill is relatively undeveloped and roads go around it rather than over it. The study indicates that regular traffic, along the highway or surface streets, does tie the two areas together. The study also acknowledges that the San Rafael City High SD area is relatively compact, with 4.1 miles separating the two high schools, a distance that can be traveled in less than 10 minutes under good traffic conditions. (Attachment 3, page 13)

The feasibility study concludes that the proposal substantially meets this criterion.

The MCC voted 7-4 that this criterion is substantially met.

Staff Findings/Conclusion

As is the case in most relatively compact urban/suburban settings, the Title 5 criteria of isolation, geography, and weather are not applicable to the analysis of substantial community identity. No further discussion of these criteria is warranted, as they cannot be used to define community identity in this particular reorganization proposal.

Topographically, the Puerto Suello Hill does generally divide the Dixie and San Rafael elementary school district communities. However, as noted previously, given the relatively compact size of the high school district and the regular traffic ties between the two communities, neither area can be considered isolated from the other.

The two new unified districts would correspond to the boundaries of the existing elementary school districts. Therefore, separate and distinct educational communities already exist. In the past, these elementary school districts have played an important role in establishing the community identity of the area. The new unified districts should continue that role.

Members of the San Rafael community have expressed differing opinions regarding whether or not separate community identities would exist for the two new districts. Some reference the existing separate education communities and the Puerto Suello Hill as support for the existence of two distinct communities. Others note that the greater San Rafael area already is relatively small and arguments supporting community identity of even smaller areas is sophistry since any neighborhood can claim to have a community identity of its own.

Staff finds that the districts would be organized on the basis of a substantial community identity since the proposed Dixie-Terra Linda Unified SD and the new San Rafael Unified SD would correspond to existing school district boundaries and generally would be separated by Puerto Suello Hill. Thus, staff concludes that this criterion 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 reviews the proposal for compliance with the provisions of Education Code sections 35560 and 35564 and determines which of the criteria authorized in Section 35736 shall be applied. The California Department of Education also ascertains that the affected districts and county office of education are prepared to appoint the committee described in Section 35565 to settle disputes arising from such division of property. (California Code of Regulations, Title 5, Section 18573(a)(3))

County Committee Evaluation/Vote

The feasibility study (Attachment 3, page 17) addressed the following issues in its analysis of division of property and facilities:

(a) Property, Funds, and Obligations

The proposed Dixie-Terra Linda Unified SD would own all San Rafael City High SD real property within the boundaries of the current Dixie Elementary SD. The new San Rafael Unified SD would own all San Rafael City High SD real property within the boundaries of the current San Rafael City Elementary SD. The San Rafael City High SD's only continuation high school (Madrone) is located on San Rafael High School site, while the San Rafael High and Elementary SD's administrative offices are located on the Terra Linda High School site.

In the feasibility study, all other property, funds, and obligations, except bonded indebtedness, are divided pro rata among the districts based on average daily attendance (ADA). Thus, according to this study, the proposed Dixie-Terra Linda Unified SD would receive 38 percent of San Rafael City High SD's other property and funds and be responsible for 38 percent of San Rafael City High SD's obligations.

(b) Bonded Indebtedness

All three districts successfully passed school bonds in 1999. The feasibility study notes that, generally, outstanding bonded indebtedness is divided based on assessed valuation. Thus, according to the study, Dixie-Terra Linda Unified SD would take responsibility for approximately 32 percent of San Rafael City High SD's outstanding bonded indebtedness.

(c) Disputes

The feasibility study notes that MCC should be prepared to convene a board of arbitrators pursuant to Section 35565 to settle any disputes related to division of property.

Although the feasibility study indicates "that there are no identified reasons to conclude that property will not be divided in an equitable manner," the study specifically omits a recommendation regarding whether or not the criterion is substantially met.

The MCC voted 8-3 that this criterion is substantially met.

Staff Findings/Conclusion

Department staff finds that existing provisions of the *Education Code* may be utilized

to achieve equitable distribution of property, funds, and obligations of San Rafael City High SD, and concludes that this criterion has been substantially met. Staff further recommends the following:

- a. Capital assets and liabilities of San Rafael City High SD, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the new unified districts.
- b. Bonded indebtedness of San Rafael City High SD should be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current San Rafael City High SD.
- c. All other assets and liabilities of the San Rafael City High SD shall be divided based on the proportionate ADA of the students residing in the areas of the new unified districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes.
- d. Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)
- e. As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

5.4 The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Standard of Review

In Section 18573(a)(4), Title 5, California Code of Regulations, the State Board of Education 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*

- (c) *population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.*
- (d) *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.*
- (e) *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.*
- (f) *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 following summary of 2000-01 enrollment data is presented in the feasibility study (Attachment 3, page 24):

<i>(in percent)</i>	Non-White Students	White Students
San Rafael HSD	44.0%	56.0%
San Rafael ESD	58.7%	41.3%
Dixie ESD	16.1%	83.9%

The feasibility study further notes the following:

- a. During 2000-01, the minority student population of San Rafael High School was 57 percent.
- b. During 2000-01, the minority student population of Terra Linda High School was 31 percent although the minority student population of Dixie Elementary SD (which shares the same enrollment area as Terra Linda High School) is only 16 percent. This difference could be due to one or more of the following three factors: (1) the enrollment area could have a higher proportion of non-white high school students than elementary students; (2) a significant number of minority students from the San Rafael High School enrollment area could be attending Terra Linda High School on intra-district transfer; (3) a high percentage of white high school students from the Terra Linda High School enrollment area could leave the public school system after middle school to attend private high school.
- c. The new unified districts would mirror the demographic makeup of the existing elementary districts.

The feasibility study concludes that, by quantitative measures, the enrollment of minority students in the new San Rafael Unified SD would be significantly different

than minority student enrollment in the proposed Dixie-Terra Linda Unified SD. However, the study recommends that the proposal substantially meets this criterion since the minority student population in San Rafael Unified SD would not exceed 75

percent (a standard for disproportionate minority student enrollment cited from the “Handbook for Conducting Racial and Ethnic Studies in School Districts”).

Chief petitioners agree with the feasibility study finding that minority student enrollment will not be disproportionate in any district, since minority student enrollment will not approach 75 percent in either of the new unified school districts and percentages of minority students in each high school will change little as a result of unification. However, the San Rafael school districts argue that the 75 percent standard is an “unduly narrow interpretation” that is not supportable, and that the analysis should focus on whether the reorganization promotes segregation, not on whether the reorganization creates a segregated district. The districts further argue that the feasibility study ignores the fact that Dixie-Terra Linda Unified SD would be a “segregated, white enclave.”

The MCC voted 7-4 that this criterion is substantially met.

Staff Findings/Conclusion

The CDE’s Office of Equal Opportunity (OEO) provides support to the CDE review of reorganization proposals. The OEO report on this proposal is Attachment 4 to the Board item.

OEO analyzed the five factors set forth in Section 18573 of Title 5, *California Code of Regulations* in light of information provided in the feasibility study, and compared their findings to California Basic Educational Data System (CBEDS) information on file with the CDE.

(a) Racial and Ethnic Enrollment: Analysis by District and School

OEO compared current school populations (from CBEDS) in the geographic area of the proposed Dixie-Terra Linda Unified SD with the student population in the new San Rafael Unified SD. OEO found that the minority student population currently attending schools within the geographic area of the proposed Dixie-Terra Linda Unified SD would be 18.1 percent of the total school population. OEO also found that the student population of the new San Rafael Unified SD would be 57.5 percent minority.

OEO notes that the schools directly affected by the proposal are the high schools. The reorganization would increase overall minority secondary student population by 13.8 percentage points in the San Rafael Unified SD, and specifically increase Hispanic secondary student enrollment from 28.2 percent to 41.6 percent.

(b) Racial and Ethnic Enrollment: Trends and Rates of Change

OEO charted K-12 racial/ethnic student enrollment growth for five years within the elementary school district areas. The percentage of minority students in both areas slightly increased over the five-year period. Minority students attending schools within the boundaries of the proposed Dixie-Terra Linda Unified SD area increased from 18.5 percent to 21.4 percent of the total K-12 student population. Minority students similarly increased from 53.4 percent to 58.4 percent of total K-12 student population attending schools within the new San Rafael Unified SD area.

(c) School Board Policies: Desegregation Plans and Programs

There are no current court-ordered desegregation plans or programs in any of the affected districts.

(d) Factors Affecting Feasibility or Integration

No information was provided to identify any specific effects of factors such as distance from schools, attendance areas, or geographic features on the feasibility of integration.

(e) Duty of School to Alleviate Segregation

OEO notes that the governing board of each affected school district has a duty to alleviate segregation, regardless of the cause. This duty would be reflected in the policies of any newly created school district.

OEO finds the net effect of this proposal to be that the new San Rafael Unified SD would be a minority-majority district and that Dixie-Terra Linda Unified SD would remain a 78.6 percent white majority district. OEO states that the proposal appears to deepen and create segregation and isolation of high school students in San Rafael, and therefore finds that it does not appear to be in substantial compliance with Section 35753(a)(4).

To provide further support for the OEO report, staff (from the Office of School District Organization, OEO, and the Legal Office) developed and analyzed a series of enrollment trends and projections for the San Rafael City High SD area. Attachment 5 contains a summary of these analyses that demonstrate the formation of Dixie-Terra Linda Unified SD and San Rafael Unified SD would promote segregation according to the guidelines contained in the “Handbook for Conducting Racial and Ethnic Studies in School Districts.”

Guidelines

The guidelines contained in the “Handbook for Conducting Racial and Ethnic Studies in School Districts” that are most relevant to the immediate discussion include the following:

The statutes do not provide a precise quantitative definition of segregation. In the analysis, the districts and/or affected school(s) are evaluated in terms of differences in racial/ethnic composition “before” and “after” the transfer or reorganization. There could be a finding of promotion of segregation when the following statistical conditions are present:

- 1. The minority group percentage in a district or affected schools is more than 50-60 percent as a result of the proposed transfer or reorganization, or becomes more than 50-60 percent as a result of the proposal, and is steadily increasing; and*
- 2. The trend and rate of minority group increase has been in evidence over a period of at last five years; and*
- 3. The trend will likely continue and become “disproportionate” in five years or less. This determination relies on the use of statistical data and analysis procedures.*

The “Handbook for Conducting Racial and Ethnic Studies in School Districts” addresses “disproportionate” as follows:

As a general rule, minority student enrollment of approximately 75 percent may be characterized as disproportionate. Lower limits such as 60-65 percent may also be considered disproportionate if records over a significant period of time (at least five years) and an assessment of present and future demographic factors indicate the minority percentage has been steadily increasing and will likely continue to do so.

Application of Guidelines

In the following paragraphs, enrollment trends developed and analyzed by staff are discussed in the context of the guidelines contained in the “Handbook for Conducting Racial and Ethnic Studies in School Districts.”

- 1. The minority group percentage of the district is more than 50-60 percent as a result of the proposed reorganization.*

The proposed reorganization would create two new unified school districts—Dixie-Terra Linda Unified and San Rafael Unified. Using the most current enrollment figures², San Rafael Unified SD would be **58.9 percent** minority. Staff is particularly concerned about promotion of segregation at the secondary level (grades 9-12). Currently, San Rafael City High School District is 42.7 percent minority. The proposed reorganization would create a secondary program in San Rafael Unified that would be **53.3 percent** minority.

²For this discussion, 2001-02 CBEDS enrollment data are used. Reported numbers and percentages may differ from those in the MCC feasibility study and the OEO report, which both used 2000-01 CBEDS data.

2. *The trend and rate of minority group increase has been in evidence over a period of at least five years.*

Enrollment data demonstrate that minority student enrollment in all affected districts has been increasing steadily over the past years and should continue to increase steadily for the foreseeable future. Findings in the Marin County feasibility study, as well as information submitted by the chief petitioners and San

Rafael City Schools, concur that minority student enrollment has been increasing steadily and will continue to do so in the future.

3. *The trend will likely continue and become "disproportionate" in five years or less. According to the "Handbook for Conducting Racial and Ethnic Studies in School Districts" "disproportionate" may be defined as **60-65 percent** minority when the percentage of minority students is steadily increasing.*

Five-year enrollment projections suggest that San Rafael Unified SD will be **64.6 percent** minority in 2006-07 if the proposed reorganization is successful. As stated previously, staff concerns regarding promotion of segregation are particularly targeted at the high school level. Enrollment projections for San Rafael City High School District indicate that that district will be 49.4 percent minority by 2006-07 with no reorganization. The proposed reorganization would create a secondary program in San Rafael Unified that would be **61.2 percent** minority by 2006-07.

Rationale for Using Districtwide Percentages

CDE staff has indicated that a primary concern with the proposed reorganization is the effect it would have on the minority student population at the high school level. Questions have been raised regarding this finding in light of the fact that the actual percentages of minority students at the two affected high schools (San Rafael and Terra Linda) would not change much. However, the guidelines in the "Handbook for Conducting Racial and Ethnic Studies in School Districts" state:

Districtwide percentages are given primary consideration if there are relatively few schools in the affected district(s). Districtwide percentages are of limited value when applied to very large districts or if affected schools are distant from each other or if geographic, safety, or other factors must be considered. In such cases, only "affected" schools are considered in the analysis.

San Rafael and Terra Linda high schools are both located within the City of San Rafael (2000 Census population = 56,000) and are slightly more than four miles apart. No significant factors of geography or safety are apparent. In fact, approximately 30 percent of the students enrolled at Terra Linda High School live within San Rafael City Elementary School boundaries and commute to Terra Linda on a daily basis. Thus, in accordance with existing guidelines, primary consideration has been given to districtwide percentages. The proposed reorganization would turn a high school

district that is 42.7 percent minority into two secondary programs within separate unified school districts, one that would be 53.3 percent minority (San Rafael) and one that is 22.7 percent minority (Dixie-Terra Linda). The following table depicts the effects of minority student population as a result of the proposed unification.

	% Minority Students
Current District Organization (2001-02)	
Dixie Elementary SD	18.0%
San Rafael City Elementary SD	61.0%
San Rafael City High SD	42.7%
<i>Terra Linda High School</i>	<i>30.1%</i>
<i>San Rafael High School</i>	<i>55.9%</i>
Proposed District Organization	
Dixie-Terra Linda Unified SD	19.3%
<i>Terra Linda High School</i>	<i>22.7%</i>
San Rafael Unified SD	58.9%
<i>San Rafael High School</i>	<i>53.3%</i>

Moreover, the focus on districtwide percentages is important for this particular proposal since the availability of two proximate high schools has allowed a districtwide balancing of student populations in the past. The effect of the proposal on the future ability to balance student populations is discussed in more detail in the next section.

Duty of School to Alleviate Segregation

OEO, in its report, notes that the governing board of each affected school district has a duty to alleviate segregation regardless of the cause. OEO further notes that this duty would be reflected in the policies of any newly created school district. Staff additionally finds that the proposed unification would have a negative effect on the governing boards' duty "to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of cause." With two high school sites, the San Rafael City High SD currently has the ability to balance student populations when needed. As noted in the MCC feasibility study (Attachment 3, page 41), the district encouraged English Language Learners (EL students), who lived within the San Rafael City Elementary SD, to attend Terra Linda High School in order to alleviate pressures on the impacted EL program at San Rafael High School. Splitting the high school district into two unified districts (each with one high school) will eliminate this ability to balance student population when necessary.

Qualitative Characteristics

The “Handbook for Conducting Racial and Ethnic Studies in School Districts” allows a discussion of the qualitative characteristics of “promotion of segregation” in addition to the quantitative characteristics. A qualitative characteristic is *one that deprives minority students of an “integrated educational experience.”* Staff has identified two such qualitative characteristics.

First, the proposed reorganization would eliminate the open enrollment process that currently is used by a significant portion of the Terra Linda High School students. Approximately 30 percent of the total Terra Linda student population attends that school through district open enrollment policy. Those students represent over 50 percent of the Terra Linda minority student population. Thus, the proposed reorganization would remove over half of the minority students currently attending Terra Linda and place them in a less integrated educational environment. Similarly, the remaining students at Terra Linda High School would be educated in a less integrated educational environment.

Second, the proposed reorganization significantly concentrates minority students within the new San Rafael Unified School District but specifically concentrates Hispanic students. At the secondary level, Hispanic students currently comprise 27 percent of the entire high school student population. The proposed reorganization would increase that percentage to almost 40 percent in the San Rafael Unified District; and five-year projections indicate that, by 2006-07, Hispanic students would comprise almost half of the entire high school student population. CDE staff believes that such a concentration of one minority group (almost half of the entire student population) deprives minority students of an “integrated educational experience.”

Summary

Staff disagrees with the MCC feasibility study recommendation that this criterion is substantially met. That recommendation appears to staff to be guided primarily by a standard that minority student enrollment is disproportionate only upon reaching 75 percent of a district’s population. Staff believes that the 60-65 percent standard applies to the current proposal since minority student population has been increasing steadily in the districts and is projected to continue increasing. Staff concurs with the findings of OEO, disagrees with the findings of the MCC, and concludes that this criterion is not substantially met because:

1. Segregation of students is promoted, according to analyses driven by guidelines contained in the “Handbook for Conducting Racial and Ethnic Studies in School Districts.”
2. Minority students would be deprived of “integrated educational experiences.
3. Efforts of the San Rafael Unified SD to fulfill its obligation to alleviate segregation could be hindered.

5.5 The proposed reorganization will not result in any substantial increase in costs to the state.

Standard of Review

Education Code sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this criterion. Although the estimated revenue limit is considered in this section, only potential costs to the state other than those mandated by sections 35735 through 35735.2 are used to analyze the proposal for compliance with this criterion.

County Committee Evaluation/Vote

The feasibility study includes calculations of projected revenue limits for the two new unified school districts. Based on these calculations, unification of the Dixie Elementary SD will increase the revenue limit for that area by 4.4 percent, while unification of the San Rafael City Elementary SD will increase the revenue limit for that area by 4.5 percent. (Attachment 3, page 30) It was also reported in the feasibility study that the proposed reorganization would have minimal effect on state costs for special categorical programs, transportation, and facilities.

The Educational Revenue Augmentation Fund (ERAF), which is a fund for education comprised of local property tax revenue, is applied to meet the state-established revenue limit for each district. The feasibility study recommends that this criterion is substantially met by the proposal, in part because ERAF more or less offsets any increase in state aid.

The MCC voted unanimously (11-0) that this criterion is substantially met.

Staff Findings/Conclusion

Should the proposed districts become effective for all purposes, the revenue limits for the two new unified school districts will be calculated by staff in the CDE Principal Apportionment Unit using information submitted by the MCOE based on second prior fiscal year data (2002-03 for a July 1, 2004 effective date), including any adjustments for which the proposed district may be eligible. Staff estimates that revenue limit funding will increase by approximately five percent as a result of formation of the two new unified districts. 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 capped.

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.

The proposal may result in some increased costs due to ERAF shifts. Increased revenue limit state aid, due to the new districts' higher revenue limits and the loss of a basic aid district (should that occur) could result in ERAF monies shifting from other educational programs (e.g., special education) to cover the increased revenue limit. This shift could result in increased state costs for special education to cover the

reduction in ERAF dollars. However, staff is unable to speculate about the possibility of basic aid status for either of the new unified districts (see the Criterion 9 analysis in this attachment) and is therefore unable to speculate about potential changes in funding due to ERAF shifts.

Staff agrees with the conclusion of the feasibility study that the proposal substantially meets this criterion.

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 significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the districtwide 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. (Section 18573(a)(5), Title 5, California Code of Regulations)

County Committee Evaluation/Vote

The MCC feasibility study (Attachment 3, page 35) focuses on the potential effects the reorganization may have on the high school educational program, noting that the reorganization does not affect existing elementary school district boundaries. The study concludes that the reorganization will have little to no effect on the core educational areas at the high school level, since both high schools perform above state and national averages (based on SAT scores, STAR test results, and other accountability measures), have access to good core programs, and benefit from many specialized programs and classes. However, the feasibility study also concludes that the reorganization may affect the alternative education program, facilities, and programs currently shared by the two high schools, existing and planned academies within each of the two high schools, teachers' professional opportunities, and programs for groups of students such as English Language Learners and gifted/advanced students. Because of uncertainty that all students' learning needs could be met after the proposed reorganization, no recommendation regarding this criterion was included in the feasibility study.

The San Rafael districts argue that the reorganization fails to meet the criterion since it would result in the concentration of low income, limited English speaking high school students in the new San Rafael Unified SD. The new district will have greater pressures placed upon it to offer special, remedial, enrichment, and language development programs at the expense of advanced and AP courses. The districts also argue that the reorganization would create two secondary programs with one high school each, resulting in the loss of the numerous advantages of a multiple high school system such as shared use of facilities, staff collaborations, and broader course

offerings.

Petitioners argue that the reorganization will not affect the existing educational programs at either high school and will enhance program articulation between middle school and high school. They also argue that any shared programs between the two high schools serve relatively small numbers of students and could easily be duplicated in the separate districts. Petitioners further note that there exists substantial evidence that small high schools in small districts provide high quality educational programs.

The MCC voted 9-2 that this criterion is substantially met.

Staff Findings/Conclusion

The Evaluation and Analysis Unit in CDE's Policy and Evaluation Division (PED)

provides support in reviewing the educational implications of school district reorganization proposals. To assess the educational impacts of the proposed reorganization, PED staff reviewed the feasibility study and materials submitted by the petitioners and districts. A report prepared by PED (Attachment 6) finds that the Terra Linda High School has the San Rafael City High SD's highest academic performance, and also has substantially lower rates of dropouts, English Learners, students scoring below the 50th percentile on the Stanford-9, students served by Title I programs, and students participating in the free or reduced price meals program. The report concludes that the secondary program in San Rafael Unified SD, after the departure of Terra Linda High School, would face substantial challenges educating its remaining students.

The following sections provide a review of data and issues that are either contained in the PED report or are included in this section to complement the PED report.

(a) Academic Performance Index

The California Academic Performance Index (API) provides a means to compare the performance of schools and districts in the state. The following table compares the 2001 and 2002 API Base scores of the two affected high schools.

2001/2002 Base API Scores

High School	2001 API Base	2002 API Base³
San Rafael	633 (statewide rank=5)	620 (statewide rank=5)
Terra Linda	711 (statewide rank=8)	729 (statewide rank=9)

³The 2002 API Similar Schools Ranks are "2" for San Rafael High and "4" for Terra Linda High.

(b) English Learner Students

The state Language Census collects the number of English Learner (EL) students (formerly known as Limited-English-Proficient or LEP), and other related data. The following table aggregates the 2001-02 Language Census data for affected schools in the proposed unified school districts, as well as for the schools in the current districts.

English Learner Students by Proposed Unified School District

District*	Student Population	EL Student Population	% EL Students
Dixie Elementary SD	1,830	134	7.3%
San Rafael City Elementary SD	3,541	1,354	38.2%
San Rafael City High SD	1,996	290	14.5%
Proposed DTLUSD	2,852	193	6.8%
New SRUSD	4,515	1,585	35.1%

* Data do not include alternative education programs and are not adjusted for intra-district transfers

The student population in the new San Rafael Unified SD would have a significantly greater percentage of EL students than would the proposed Dixie-Terra Linda Unified SD.⁴

(c) Annual CalWORKs⁵ Data Collection

The annual CalWORKs (formerly known as AFDC) data collection gathers information including the number of CalWORKs children residing in the school attendance area and the number of students enrolled in free or reduced-price meal programs. The following table presents this 2001-02 information for the schools in the proposed Dixie-Terra Linda Unified SD and the new San Rafael Unified SD, as well as for the schools in the current districts.

CalWORKs Students and Students in Free or Reduced Price Meals Program by District

District	% CalWORKs Students	% Students in Meals Program
Dixie Elementary SD	0.9%	3.9%
San Rafael City Elementary SD	6.0%	49.9%
San Rafael City High SD	3.9%	18.5%
Proposed DTLUSD	0.8%	5.4%
New SRUSD	5.5%	43.1%

⁴ Although the focus of this analysis is on the effects at the secondary program level, total enrollment (K-12) has been used to calculate EL percentages. Approximately 30% of the Terra Linda High School students would transfer to San Rafael High School and information regarding the numbers of EL students in this 30% is unavailable. The 2001-02 Language Census reports that 5.8% of students attending Terra Linda High School are EL, while 23.7% of students attending San Rafael High School are EL.

⁵ California Work Opportunity and Responsibility to Kids – a product of the Welfare to Work Act of 1997.

As can be seen in the previous table, the proposed Dixie-Terra Linda Unified SD would have significantly fewer students in CalWORKs and the Free/Reduced-Price Meals Program than would the new San Rafael Unified SD.

(d) High School Flexibility

Approximately two-thirds of the unified school districts in California have only one high school. Although staff agrees with proponents that unified districts with a single, small high school can offer an effective and balanced educational program, transition from a district with multiple high schools to a district with a single high school does offer some disadvantages. Staff reassignments are difficult, if not impossible, in a district that has only one school for a particular grade level. Similarly, students who would benefit from placement in a different environment will have nowhere to transfer within the district.

Staff agrees with the PED report and with many of the concerns raised in the feasibility study. Both high schools in the current San Rafael City High SD perform quite well academically, as measured through standardized assessments. However it is staff's opinion that, under the proposed reorganization, the Dixie-Terra Linda Unified SD educational program would continue to fare well (and perhaps be enhanced) at the expense of the secondary education program in the new San Rafael Unified SD. As stated in the PED report: "The reorganization is not, as the proponents of the petition would suggest, a win-win proposal. It is more nearly a zero-sum game."

Unification would force the two high schools to reflect the demographic makeup of the current elementary school districts and significantly reduce options to balance student populations. San Rafael Unified SD would be confronted with educating a significantly different secondary student population. The students, on average, would have lower test scores. Dropout rates would be higher. The percentages of EL students and lower income students would be significantly increased. The increased concentrations of lower income and EL students district-wide could shift the focus of the educational program and would increase per student educational program costs in the district (since such students typically require increased levels of services); thus threatening educational variables and programs such as "quality of teachers, class size, and the breadth of course offerings." (Attachment 6, page 3)

Staff agrees with the concern expressed in the feasibility study that "the needs of students requiring special opportunities and services have not been fully addressed." The feasibility study further indicates that this criterion is not substantially met if provisions are not made to ensure that all students' learning needs are met. Staff finds that, because San Rafael USD would be confronted with educating a significantly different secondary student population (compared to San Rafael City High SD), there would be significant threats to the new district's ability to ensure that all students' learning needs are met.

For all of the above reasons, staff finds that Criterion 6 is not substantially met.

5.7 The proposed reorganization will not result in a significant increase in school housing costs.

County Committee Evaluation/Vote

The feasibility study reports that the proposed reorganization would have limited effect on the facilities in either the proposed Dixie-Terra Linda Unified SD or the new San Rafael Unified SD. Both high school sites can house approximately 2,000 students, and currently house approximately half that figure. This excess capacity would allow the proposed Dixie-Terra Linda Unified SD to house a continuation/alternative education program at Terra Linda High School. The study recommends that this criterion is substantially met. (Attachment 3, page 44)

The MCC voted 8-3 that this criterion is substantially met.

Staff Findings/Conclusion

The CDE's School Facilities Planning Division (SFPD) provides support to the CDE review of reorganization proposals. The SFPD report is Attachment 7 to this Board item. Based on analysis of information available, SFPD concurs with the findings in the feasibility study that the proposed reorganization will not result in a significant increase in school housing costs.

Given the above considerations, staff agrees with the finding of the MCC that this criterion 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 feasibility study identified no evidence that the proposal is primarily designed to increase property values in the territory proposed for reorganization and recommends that this criterion is substantially met. (Attachment 3, page 46).

The MCC voted unanimously (11-0) that this criterion is substantially met.

Staff Findings/Conclusion

No evidence was presented to indicate that the proposed formation of the Dixie-Terra Linda Unified SD would increase property values in the petition area. 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 unification. Staff concludes this criterion has been 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

Based on 2000-01 data, the MCC feasibility study (Attachment 3, page 49) determined that the recalculation of the districts' revenue limits due to the reorganization would result in a Dixie-Terra Linda Unified SD revenue limit increase of \$552,149 over the blended revenue limit of Dixie Elementary SD and the Terra Linda portion of San Rafael City High SD. The revenue limit for the new San Rafael Unified SD would increase by \$969,684 over the blended revenue limit of San Rafael City Elementary SD and the corresponding portion of San Rafael City High SD. Since these increases represent the costs to raise classified and certificated salaries to the level of the highest paying district, the feasibility study identifies increased salary expenditures of up to \$552,149 for the proposed Dixie-Terra Linda Unified SD and \$969,684 for the new San Rafael Unified SD.

The study also assumes that neither Dixie-Terra Linda Unified SD nor San Rafael Unified SD will be eligible for basic aid funding. Since San Rafael City High SD currently is a basic aid district, the reorganization will result in loss of approximately \$1.2 million in basic aid funding if neither new unified district achieves basic aid status. This loss in funding offsets a majority of the revenue limit increase described previously.

The feasibility study concludes that the new unified districts will realize a combined net increase in revenue of approximately \$350,000. The new districts also could be faced with new expenditures, primarily increased classified and certificated salaries. In the view of the feasibility study, the financial viability of both the proposed Dixie-Terra Linda Unified SD and the new San Rafael Unified SD would be dependent upon management decisions identifying staffing and other organization efficiencies due to the reorganization, and adopting reasonable salary schedules. Because of these qualifications, the feasibility study makes no recommendation regarding whether the reorganization substantially meets this criterion.

The San Rafael school districts argue that reorganization would result in the loss of the basic aid funding currently received by the San Rafael City High SD. This funding loss, according to the districts, would have serious fiscal implications. However, the chief petitioners argue that the revenue limit increase attained through reorganization would exceed the basic aid funding that would be lost because of the reorganization.

The MCC voted 7-3 (with one abstention) that this criterion is substantially met.

Staff Findings/Conclusion

To assess the financial impact of the proposed unification, the CDE Office of Management Assistance and Categorical Programs (MACP) reviewed information

provided by the MCOE, the affected districts, and the chief petitioners. The MACP report (Attachment 8) includes the following findings:

- a) Based on 2001-02 data, the revenue limit of the proposed Dixie-Terra Linda Unified SD would increase by \$751,008 over the blended revenue limit of Dixie Elementary SD and the Terra Linda portion of San Rafael City High SD. Similarly, the revenue limit for the new San Rafael Unified SD would increase by \$1,072,954.
- b) It will not be necessary for the new unified districts to expend this entire revenue limit increase since the differentials among certificated salary schedules in the three existing salary schedules are minimal.
- c) The existing high school district is basic aid and the two existing elementary districts are very close to basic aid status. Therefore, it cannot be determined with certainty at this time whether or not the new unified districts will achieve basic aid status.

Projections in the MACP report show both new unified districts deficit spending. However, since all three existing districts were projecting deficits for the 2001-02 fiscal year, the new districts will be no worse off financially than prior to reorganization. In fact, the report indicates that the new districts have potential to be in a better financial situation based on the increased revenue limit. The MACP report concludes that this criterion is substantially met.

CDE staff agrees with the findings of the MACP report and concludes this criterion has been substantially met.

6.0 COUNTY COMMITTEE SECTION 35707 REQUIREMENTS

Section 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. These required findings and recommendations are:

6.1 County Committee Recommendation for the Petition

A county committee must recommend to the SBE approval or disapproval of a petition for unification. The MCC voted 7-4 to recommend approval of the proposal to form Dixie-Terra Linda Unified SD.

6.2 Effect on School District Organization of the County

Section 35707 requires a county committee to report whether the proposal would adversely affect countywide school district organization. The MCC voted 11-0 that the proposal would not adversely affect countywide school district organization.

6.3 County Committee Opinion Regarding Section 35753 Conditions

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of Section 35753. The MCC found that all nine criteria in Section 35753(a) were substantially met by the following votes:

- Adequate Enrollment (11-0);
- Community Identity (7-4);
- Equitable Division of Property (8-3);
- Promotion of Segregation (7-4);
- Increased Costs to State (11-0);
- Educational Program (9-2);
- Increased Housing Costs (8-3);
- Increased Property Values (11-0); and
- Financial Effects (7-3 with one abstention).

7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

The SBE has authority to amend or add certain provisions to any petition for unification. 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 *Education Code* (commencing with Section 35730). These provisions include:

Membership of Governing Board

A proposal for unification may include a provision for a governing board of seven members. The petition contains no provision addressing the size of the governing board, thus, the governing board of Dixie-Terra Linda Unified SD (if approved) would have five members.

Trustee Areas

The proposal for unification may include a provision for establishing trustee areas for the purpose of electing governing board members of the unified district. No provision regarding trustee areas for governing board elections is included in this petition.

Election of Governing Board

A proposal for unification may include a provision specifying that the election for the first governing board be held at the same time as the election on the unification of the school district. The petition includes such a provision. However, the *Education Code* further requires that, if this provision is included, the proposal also specify the method whereby the length of the initial terms may be determined so that the governing board will ultimately have staggered terms which expire in years with regular election dates. No such method was included in the petition or added by the MCC.

CDE staff recommends that the following method be employed to ensure the staggering of the terms of office for governing board members:

The three governing board candidates receiving the highest number of votes will have four-year terms and the two candidates receiving the next highest number of votes will have two-year terms. All terms will be for four years in subsequent governing board elections.

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. Staff has calculated a revenue limit per ADA of \$5,500 for the proposed Dixie-Terra Linda Unified SD based upon 2001-02 data (Attachment 8). Should the proposed district become effective for all purposes, the revenue limit will be adjusted using information based on second prior fiscal year data (2002-03 for a July 1, 2004 effective date), including any adjustments for which the proposed district may be eligible.

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. As indicated in 5.3 of this attachment, CDE staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of San Rafael City High SD, and concludes that this criterion has been substantially met. Staff further recommends the following:

- (a) Capital assets and liabilities of San Rafael City High SD, except real property, shall be divided on the basis of the relative assessed valuations of the new unified districts.
- (b) All other assets and liabilities of the San Rafael City High SD shall be divided based on the proportionate ADA of the students residing in the areas of the new unified districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes.
- (c) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)
- (d) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county

superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Method of Dividing Bonded Indebtedness

A proposal for unification may include a method of dividing the bonded indebtedness other than the method established in Section 35576 for the purpose of providing greater equity in the division. Staff recommends that bonded indebtedness of San Rafael City High SD should be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current San Rafael City High SD.

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 Article 3 (see 7.1 above) that the SBE may add or amend. However, the inclusion of this provision is highlighted since Section 35756 indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization is the Dixie Elementary SD. Thus, the “default” election area is this school district (Section 35732). The SBE may alter this “default” election area if it determines that such alteration complies with the following area of election legal principles.

Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)⁶ 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,

⁶*Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

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 constitutional Equal Protection Clause (e.g., involving a racial impact of some degree).

CDE Staff Recommendation for Area of Election

As indicated in the Section 35753 criteria analysis, CDE finds that the proposed reorganization would disrupt delivery of the educational programs and increase concentrations of EL and low-income secondary students in the new San Rafael Unified SD. It is the opinion of CDE that, under LAFCO, this negative effect on the San Rafael Unified SD educational program constitutes a significant adverse impact on the district.

Also, as indicated in the Section 35753 criteria analysis, CDE finds that the proposed reorganization would concentrate minority secondary students in the new San Rafael Unified SD. It is the opinion of CDE that, under LAFCO, this constitutes a significant racial/ethnic impact on that district.

Finally, the formation of Dixie-Terra Linda Unified SD would trigger the subsequent unification of the San Rafael City Elementary SD with the remainder of the San Rafael City High SD. Thus, the local education structure for the residents of the entire high school district would be affected.

Should the SBE approve the unification proposal, staff recommends that the SBE establish the entire San Rafael City High SD as the area of election.

8.0 STATE BOARD OF EDUCATION OPTIONS

Sections 35753 and 35754 outline the SBE's options:

- (a) The SBE shall approve or disapprove the proposal.
- (b) The SBE may approve the proposal if it determines all the criteria in Section 35753(a) have been substantially met.
- (c) The SBE may approve the proposal pursuant to Section 35753(b) if it determines the criteria in Section 35753(a) are not substantially met but it is not possible to apply the criteria literally and an exceptional situation exists.
- (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 Article 3, commencing with Section 35730. In this case, several items would be incorporated into the proposal and also approved if the SBE approves the overall petition:
 - 1) That the governing board will have five members elected at-large with the first governing board election held at the same time as the election on unification. To ensure staggered terms of office, the three governing board candidates receiving the highest number of votes will have four-year terms and the two candidates receiving the next highest number of votes will have two-year terms.
 - 2) Bonded indebtedness of San Rafael City High SD should be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current San Rafael City High SD.
 - 3) Capital assets and liabilities of San Rafael City High SD, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the new unified districts.
 - 4) All other assets and liabilities of the San Rafael City High SD shall be divided based on the proportionate ADA of the students residing in the areas of the new unified districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes.
 - 5) That any disputes involving the division of property, funds, and obligations will be resolved through binding arbitration pursuant to Section 35565.
- (e) The SBE must determine the area of election (Section 35756). As previously discussed, staff recommends the territory of the entire high school district as the area of election if the SBE should choose to approve the petition contrary to CDE staff recommendations.

9.0 RECOMMENDED ACTION

Staff recommends that the SBE adopt the proposed resolution (Attachment 2) disapproving the petition to form the Dixie-Terra Linda Unified SD. If the SBE should decide to approve the petition, an alternative resolution is provided as Attachment 9, which includes the proposed amendments to the petition.

CALIFORNIA STATE BOARD OF EDUCATION
May 2003

PROPOSED RESOLUTION

Petition to Form the Dixie-Terra Linda Unified School District
from the Dixie Elementary School District and the
Corresponding Portion of San Rafael City High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Dixie Elementary School District and the corresponding portion of San Rafael City High School District, which was filed on or about February 13, 2001, with the Marin County Superintendent of Schools pursuant to *Education Code* Section 35700(a), is hereby disapproved because the proposal does not substantially comply with the provisions of Section 35753(a) of the *Education Code*; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Marin County Superintendent of Schools, the chief petitioners, the Dixie Elementary School District, the San Rafael City Elementary School District, and the San Rafael City High School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
May 2003

ALTERNATIVE RESOLUTION

Petition to Form the Dixie-Terra Linda Unified School District
from the Dixie Elementary School District and the
Corresponding Portion of San Rafael City High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Dixie Elementary School District and the corresponding part of San Rafael City High School District, filed on or about February 13, 2001 with the Marin County Superintendent of Schools pursuant to Education Code Section 35700(a), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance is \$5,500 based on 2001-02 data 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 capital assets and liabilities, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the proposed new unified district and the remaining San Rafael City High School District; and be it

RESOLVED further, that all other assets and liabilities of the San Rafael City High School District shall be divided based on the proportionate average daily attendance of the students residing in each section of the reorganized district on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes; and be it

RESOLVED further, that bonded indebtedness of San Rafael City High SD shall be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current San Rafael City High SD; and be it

RESOLVED further, that the governing boards shall consist of five members elected at large, with the first governing board elections held at the same time as the election on the unifications and staggered terms of office ensured by the three governing board candidates with the highest number of votes receiving four-year terms and the two candidates with the next highest number of votes receiving two-year terms; 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 San Rafael City High School District; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Marin County Superintendent of Schools, the Dixie School District, the San Rafael City Elementary School District, the San Rafael City High School District, and the chief petitioners of the action taken by the State Board of Education.