

## Agenda--May 10-11, 2006

California State Board of Education (SBE) meeting agenda.

### State Board Members

Glee Johnson, President  
Kenneth Noonan, Vice President

Alan Bersin  
Ruth Bloom  
Yvonne Chan  
Don Fisher  
Ruth E. Green  
Joe Nuñez  
Johnathan Williams  
Paul Gardner, III, Student Member

### Secretary & Executive Officer

Hon. Jack O'Connell

### Executive Director

Roger Magyar

SCHEDULE OF MEETING	LOCATION
<p><b>Wednesday, May 10, 2006</b> 9:00 a.m. ±</p> <p>STATE BOARD OF EDUCATION Closed Session – <b>IF NECESSARY</b> (The public may not attend.)</p>	<p><b>California Department of Education</b> 1430 N Street, Room 1101 Sacramento, California 916-319-0827</p>

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:

- *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, and related appeal
- *California Parents for the Equalization of Educational Materials v. California State Board of Education, et al.* U.S. Eastern District of California, Case No. 2:06-CV-00532-FCD-KJM
- *Californians for Justice Education Fund v. State Board of Education, et. al.*, Alameda County Superior Court Case No. RG06265395
- *CAPSES, et al. v. Cal. Dept. of Education, et. al.*, Second Appellate District Court of Appeal Case No. B181843
- *Centinela Valley Union High School District v. State Board of Education, et al.*, Los Angeles Superior Court, Case No. BS093483
- *Chapman, et al. v. California Department of Education, et al.*, Alameda County Superior Court, Case No. 2002-049636

*Chapman, et al. v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ

- *Coachella Valley Unified School District, et al., v. State of California, et al.* Case No. CPF-05-505334
- *Daniel, et al. v. State of California, et al.*, Los Angeles Superior Court, Case No. BC214156
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, No. 97-6300 ABC
- *Emma C., et al. v. Delaine Eastin, et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc. et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079 and related appeal
- *Ephorm, et al. v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Hindu American Foundation, et al., v. California State Board of Education, et al.*, Sacramento Superior Court Case No. 06CS00386
- *K.C. et al. v. Jack O'Connell, et al.*, U.S. District Court, Northern District of California, Case No. C 05 4077 MMC
- *Kidd, et al., v. California Department of Education, et al.*, Alameda Superior Court Case No. 2002049636
- *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
- *Medina, et al., v. State of California Department of Education et al.*, San Francisco Superior Court Case No. CPF-06-506068
- *Meinsen, et al. v. Grossmont Unified School District, et al.*, U.S. District Court, Southern District of California, Case No. C 96 1804 S LSP (pending)
- *Options for Youth, et al., v. California Department of Education, et al.*, Los Angeles Superior Court Case No. BC 347454
- *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 County Superior Court, Case No. 98-CS01503 and related appeal
- *Sonoma County Superintendents of Schools, et. al. v. Special Education Hearing Office, et.al.* Sacramento County Superior Court, Case No. 04AS0393
- *Valenzuela, et al., v. Jack O'Connell, et al.*, San Francisco Superior Court, Case No. CPF 06506050
- *Tinsley v. State of California*, San Mateo County Superior Court, Case No. 206010
- *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)].

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.

SCHEDULE OF MEETING	LOCATION
<b>Wednesday, May 10, 2006</b> 9:00 a.m. ± (Upon Adjournment of Closed Session, if held)  STATE BOARD OF EDUCATION Public Session	<b>California Department of Education</b> 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.

SCHEDULE OF MEETING	LOCATION
<b>Thursday, May 11, 2006</b> 8:00 a.m. ±  STATE BOARD OF EDUCATION Closed Session – <b>IF NECESSARY</b> (The public may not attend.)	<b>California Department of Education</b> 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.

SCHEDULE OF MEETING	LOCATION
<b>Thursday, May 11, 2006</b> 8:00 a.m. ± (Upon Adjournment of Closed Session, if held)  STATE BOARD OF EDUCATION Public Session	<b>California Department of Education</b> 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.

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

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

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

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

**CALIFORNIA STATE BOARD OF EDUCATION  
FULL BOARD  
Public Session**

**AGENDA**

**May 10-11, 2006**

**Wednesday, May 10, 2006 – 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 (meetings from March and April 2006)

Communications

Announcements

## REPORT OF THE SUPERINTENDENT

### SPECIAL PRESENTATIONS

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

NOTE: Items not heard or completed on May 10, 2006, will be carried over to May 11, 2006.

<a href="#">ITEM 1</a> (DOC; 152KB; 7pp.)	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; Board Liaison Reports; and other matters of interest	ACTION INFORMATION
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<a href="#">ITEM 2</a> (DOC; 57KB; 1pp.)	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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<a href="#">ITEM 3</a> (DOC; 79KB; 2pp.)	Standardized Testing and Reporting Program: Including, but not limited to, program update	ACTION INFORMATION
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<a href="#">ITEM 4</a> (DOC; 250KB; 52pp.)	Standardized Testing and Reporting Program: Approve Commencement of Rulemaking Process to Amend Title 5 Regulations	ACTION INFORMATION
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<a href="#">ITEM 5</a> (DOC; 69KB; 3pp.)	Independent Evaluation of Standards and Assessment Program Request for Proposals	ACTION INFORMATION
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### \*\*\*PUBLIC HEARING\*\*\*

Public Hearing on the following agenda items will commence no earlier than **11:00 a.m.** The Public Hearing will be held at or after **11:00 a.m.** as the business of the State Board permits.

<a href="#">ITEM 6</a> (DOC;	Standardized Testing and Reporting Program: The adoption of	ACTION
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117KB; 6pp.)	performance standards for the Grade Eight California Standards Test in Science and the Grade Ten California Standards Test in Life Science <ul style="list-style-type: none"> <li>• <a href="#">Attachment 3</a> (DOC; 26KB; 1p.)</li> </ul>	INFORMATION PUBLIC HEARING
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\*\*\*END OF PUBLIC HEARING\*\*\*

<a href="#">ITEM 7</a> (DOC; 164KB; 6pp.)	California High School Exit Examination: Including, but not limited to, California High School Exit Examination program update	ACTION INFORMATION
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<a href="#">ITEM 8</a> (DOC; 132KB; 15pp.)	California High School Exit Examination: Adopt Amendments to Title 5 California Code of Regulations <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 61KB; 4pp.)</li> </ul>	ACTION INFORMATION
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<a href="#">ITEM 9</a> (DOC; 94KB; 5pp.)	California High School Exit Examination: Review Local Educational Agency denial of exemption for certain students under California <i>Education Code</i> 60852.3	ACTION INFORMATION
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<a href="#">ITEM 10</a> (DOC; 67KB; 2pp.)	California English Language Development Test: Including, but not limited to, update on California English Language Development Test	ACTION INFORMATION
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<a href="#">ITEM 11</a> (DOC; 89KB; 9pp.)	Physical Fitness Test (PFT): Approve Commencement of 15-Day Comment Period for Proposed Amendments to Title 5 Regulations	ACTION INFORMATION
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<a href="#">ITEM 12</a> (DOC; 60KB; 3pp.)	Alternative Schools Accountability Model: Approve Regulation Revision for the Alternative Schools Accountability Model Pre-Post Assessments <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 40KB; 3pp.)</li> </ul>	Action Information
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<a href="#">ITEM 13</a> (DOC; 62KB; 2pp.)	2006 Base Academic Performance Index: Subgroup Target Structure <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 38KB; 1pp.)</li> </ul>	Action Information
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<a href="#">ITEM 14</a> (DOC; 56KB; 2pp.)	School Accountability Report Card: Improving the Readability of the Template and Data Definitions for the 2006-07 School Year	Action Information
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<a href="#">ITEM 15</a> (DOC; 53KB; 1p.)	California Longitudinal Pupil Achievement Data System Overview <ul style="list-style-type: none"> <li>• <a href="#">Attachment 1</a> (PPT; 167KB; 40pp.) <a href="#">Accessible Alternative Version of item 15 attachment 1</a> (Posted 8-Jul-2008)</li> </ul>	Action Information
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<a href="#">ITEM 16</a> (DOC ; 1.4MB; 8pp.)	California Technology Assistance Project Grants: Including, but not limited to, approval of the Mid-Year California Technology Assistance Project Summary Evaluation Report for the period of July 1, 2005, to December 31, 2005.	Action Information
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<a href="#">ITEM 17</a> (DOC; 72KB; 4pp.)	Consolidated Applications: Update on local educational agencies that received conditional approval	Action Information
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<a href="#">ITEM 18</a> (DOC; 56KB; 2pp.)	Consolidated Applications 2005-06: Approval <ul style="list-style-type: none"> <li>• <a href="#">Attachment 1</a> ( PDF; 13KB; 3pp.)</li> </ul>	Action Information
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<a href="#">ITEM 19</a> (DOC; 62KB; 2pp.)	No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112	ACTION INFORMATION
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<a href="#">ITEM 20</a> (DOC; 169KB; 18pp.)	No Child Left Behind (NCLB) Act of 2001 Title III, Part A: Response to the U.S. Department of Education Monitoring Report, Submission	ACTION INFORMATION
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<a href="#">ITEM 21</a> (DOC; 148KB; 18pp.)	Reading First: Regulations – Approve Proposed Amendments to Regulations for Reading First Achievement Index/Definition of Significant Progress <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 70KB; 9pp.)</li> </ul>	ACTION INFORMATION
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<a href="#">ITEM 22</a> (DOC; 67KB; 3pp.)	Reading First: Proposed Round 4 Grant Awards	ACTION INFORMATION
<a href="#">ITEM 23</a> (DOC; 60KB; 3pp.)	Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approval of Training Providers and Training Curricula	ACTION INFORMATION
<a href="#">ITEM 24</a> (DOC; 194KB; 9pp.)	Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approve Reimbursement Requests from Local Educational Agencies	ACTION INFORMATION
<a href="#">ITEM 25</a> (DOC; 72KB; 5pp.)	The Principal Training Program, Assembly Bill 75 (Chapter 697, Statutes of 2001): Approval of Applications for Funding from Local Educational Agencies and Consortia	ACTION INFORMATION
<a href="#">ITEM 26</a> (DOC; 88KB; 6pp.)	Legislative update, including, but not limited to, information on legislation from the 2005-06 session. <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 87KB; 8pp.)</li> </ul>	ACTION INFORMATION
<a href="#">ITEM 27</a> (DOC; 99KB; 4pp.)	Immediate Intervention/Underperforming Schools Program: School Assistance and Intervention Team: Request to Approve Amended Expenditure Plans to Reduce Cost	ACTION INFORMATION
<a href="#">ITEM 28</a> (DOC; 72KB; 4pp.)	High Priority Schools Grant Program (HPSGP): Amend Definition of Significant Growth and Criteria to Determine Academic Growth for HPSGP Schools Without a Valid Academic Performance Index: Approve Regulations to Commence with Rulemaking Process <ul style="list-style-type: none"> <li>• <a href="#">Attachment 1</a> ( DOC; 98KB; 3pp.)</li> <li>• <a href="#">Attachment 2</a> ( DOC; 31KB; 2pp.)</li> <li>• <a href="#">Attachment 3</a> (DOC; 64KB; 4pp.)</li> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 30KB; 1pp.)</li> </ul>	ACTION INFORMATION
<a href="#">ITEM 29</a> (DOC;	Braille Reading Standards, Assembly Bill 2326 (Chapter 653,	ACTION

62KB; 2pp.)	Statutes of 2002) and Braille Mathematics Standards, Assembly Bill 897 (Chapter 530, Statutes of 2005): Adoption of Braille Reading and Mathematics Standards <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 88KB; 4pp.)</li> </ul>	INFORMATION
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**ADJOURNMENT OF DAY'S SESSION**

Thursday, May 11, 2006 – 8:00 a.m.± (Upon adjournment of Closed Session if held)  
California Department of Education, 1430 N Street, Room 1101, Sacramento, California

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

ITEMS DEFERRED FROM PRECEDING DAY

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

CLOSED SESSION

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

<a href="#">ITEM 30</a> (DOC; 93KB; 3pp.)	State Board of Education-Approved Charter Schools: Update	ACTION INFORMATION
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<a href="#">ITEM 31</a> (DOC; 91KB; 2pp.)	Assignment of Numbers for Charter School Petitions <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 72KB; 3pp.)</li> </ul>	ACTION INFORMATION
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<a href="#">ITEM 32</a> (DOC; 161KB; 7pp.)	Charter Schools: Determination of Funding Requests for 2005-06 (and beyond) for Nonclassroom-based Charter Schools	ACTION INFORMATION
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<a href="#">ITEM 33</a> (DOC; 145KB; 6pp.)	Academy of Culture and Technology: Approve a Notice to Cure Pursuant to <i>Education Code</i> Section 47607(d)	Action Information
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**\*\*\*PUBLIC HEARING\*\*\***

Public Hearing on the following agenda items will commence no earlier than **10:00 a.m.** The Public Hearing will be held at or after **10:00 a.m.** as the business of the State Board permits.

<a href="#">ITEM 34</a> (DOC; 14963KB; 146pp.)	School of Arts and Enterprise: Renewal of Charter Under State Board of Education Oversight for a Five-Year Period	ACTION INFORMATION  PUBLIC HEARING
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**\*\*\*END OF PUBLIC HEARING\*\*\***

<a href="#">ITEM 35</a> (DOC; 134KB; 5pp.)	Regional Occupational Program or Center: Action on Request by San Joaquin County Office of Education to Establish a Second	ACTION INFORMATION
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	Regional Occupational Program or Center with Conditions	
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<a href="#">ITEM 36</a> (DOC; 57KB; 2pp.)	Before and After School Programs: Confirm a California Department of Education Staff Member to Serve as Consultant to the Advisory Committee on Before and After School Programs.	ACTION INFORMATION
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<a href="#">ITEM 37</a> (DOC; 136KB; 16pp.)	California Fresh Start (CFS) Pilot Program, Senate Bill (SB) 281 (Maldonado) Regulations - 1) Adopt Proposed Amendments to Regulations, and 2) Approve Commencement of 15-Day Comment Period.  <ul style="list-style-type: none"> <li>• <a href="#">Last Minute Memorandum</a> (DOC; 87KB; 12pp.)</li> </ul>	ACTION INFORMATION
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<a href="#">ITEM 38</a> (DOC; 1351KB; 4pp.)	Request by the Los Angeles Unified School District (LAUSD) Regarding <i>Education Code</i> (EC) sections 17515-17526, Joint Public/Private Occupancy Proposal, Allowing the LAUSD and the Los Angeles Community Design Center (LACDC) to Enter Into Leases and Agreements Relating to Real Property and Buildings to be Used Jointly by the District and Los Angeles Community Design Center.	ACTION INFORMATION
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<a href="#">ITEM 39</a> (DOC; 117KB; 11pp.)	Chief Business Officer Training Program – Approve Training Providers	ACTION INFORMATION
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<a href="#">ITEM 40</a> (DOC; 73KB; 4pp.)	Request for repeal of seven State Board of Education Waiver Policies. These policies have become unnecessary through legislative or funding changes or other circumstances that have rendered the need for an obsolete policy.  <ul style="list-style-type: none"> <li>• <a href="#">Attachment 1</a> (DOC; 92KB; 3pp.)</li> <li>• <a href="#">Attachment 2</a> (DOC; 82KB; 2pp.)</li> <li>• <a href="#">Attachment 3</a> (DOC; 76KB; 2pp.)</li> <li>• <a href="#">Attachment 4</a> (DOC; 81KB; 1p.)</li> <li>• <a href="#">Attachment 5</a> (DOC; 82KB; 2pp.)</li> <li>• <a href="#">Attachment 6</a> (DOC; 84KB; 2pp.)</li> <li>• <a href="#">Attachment 7</a> (DOC; 68KB; 2pp.)</li> </ul>	ACTION INFORMATION
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**WAIVER REQUEST CONSENT MATTERS**

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

ADULT EDUCATION STATE BLOCK ENTITLEMENT

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<p><a href="#">ITEM WC-1</a> (DOC; 73KB; 4pp.)</p>	<p>Request by Downey Unified School District (USD) to waive <i>Education Code (EC)</i> Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs.</p> <p>Waiver Number: 12-1-2006</p> <p>(Recommended for APPROVAL WITH CONDITONS)</p> <p>EC 33051(c) will apply</p>	<p>ACTION</p>
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REGIONAL OCCUPATIONAL PROGRAM

<p><a href="#">ITEM WC-2</a> (DOC; 60KB; 2pp.)</p>	<p>Request by North Orange County Regional Occupational Program (ROP) for a renewal waiver of <i>Education Code (EC)</i> Section 52314.6(a) regarding the three percent limit on enrollment of students under the age of 16 in the ROP.</p> <p>Waiver Number: 44-2-2006</p> <p>(Recommended for APPROVAL WITH CONDITONS)</p> <p>EC 33051(c) will apply</p>	<p>ACTION</p>
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<p><a href="#">ITEM WC-3</a> (DOC; 61KB; 2pp.)</p>	<p>Request by Southeast Regional Occupational Program (ROP) for a waiver of <i>Education Code (EC)</i> Section 52314.6(a) regarding the 3 percent limit on enrollment of students under the age of 16 in the ROP.</p> <p>Waiver Number: 36-3-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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RESOURCE SPECIALIST

<p><a href="#">ITEM WC-4</a> (DOC; 62KB; 2pp.)</p>	<p>Request by Susanville School District to waive <i>Education Code (EC)</i> Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Susanne Cooper assigned at McKinley School.</p> <p>Waiver Number: 25-2-2006</p> <p>(Recommended for APPROVAL WITH CONDITONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM WC-5</a> (DOC; 61KB; 2pp.)</p>	<p>Request by Claremont Unified School District to waive <i>Education Code (EC)</i> Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Amy Stanger assigned at Sumner Elementary.</p> <p>Waiver Number: 46-2-2006</p> <p>(Recommended for APPROVAL WITH CONDITONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM WC-6</a> (DOC; 60KB; 2pp.)</p>	<p>Request by Jefferson Elementary School District to waive <i>Education Code (EC)</i> Section 56362(c) allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Polly Petz assigned at Monticello Elementary School.</p> <p>Waiver Number: 10-2-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM WC-7</a> (DOC; 61KB; 2pp.)</p>	<p>Request by Washington Union School District to waive <i>Education Code (EC)</i> Section 56362(c) allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Karen Kamm assigned at San Benancio Middle School.</p> <p>Waiver Number: 53-2-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM WC-8</a> (DOC; 60KB; 2pp.)</p>	<p>Request by Union School District to waive <i>Education Code (EC)</i> Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Janet Humphress assigned at Oster School.</p> <p>Waiver Number: 38-3-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM WC-9</a> (DOC; 60KB; 2pp.)</p>	<p>Request by Orange Center Elementary School District to waive <i>Education Code (EC)</i> Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more that 4 students (32 maximum). Leslie Aguilar assigned at Orange Center Elementary.</p> <p>Waiver Number: 22-3-2006</p> <p>(Recommended for APPROVAL WITH CONDITINOS)</p>	<p>ACTION</p>
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SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES

<p><a href="#">ITEM WC-10</a> (DOC; 65KB; 2pp.)</p>	<p>Request by Susanville School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of <i>Character Counts</i> – a Comprehensive Health, Substance Abuse, Violence Prevention Program.</p> <p>Waiver Number: 19-3-2006</p>	<p>ACTION</p>
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(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL SITE COUNCIL

<a href="#">ITEM WC-11</a> (DOC; 58KB; 2pp.)	Request by the Golden Feather Union School District for a waiver of <i>Education Code (EC)</i> Section 52852, allowing one joint school site council to function for three small rural schools.  Waiver Number: 35-3-2006  (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (Summer School Session)

<a href="#">ITEM WC-12</a> (DOC; 149KB; 6pp.)	Request by various local educational agencies (LEAs) under the waiver authority of <i>Education Code (EC)</i> Section 49548 to waive <i>EC</i> Section 49550, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during summer school sessions.  Waiver Number: Various (see Attachment 1)  (Recommended for APPROVAL)	ACTION
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STATE MEAL MANDATE (Saturday School Session)

<a href="#">ITEM WC-13</a> (DOC; 62KB; 2pp.)	Request by Chowchilla Union High School District to waive <i>Education Code (EC)</i> Section 49550, to waive <i>Education Code (EC)</i> Section 49550, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during the Saturday school session.  Waiver Number: 22-4-2006  (Recommended for APPROVAL)	ACTION
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<a href="#">ITEM WC-14</a> (DOC; 62KB; 2pp.)	Request by Lone Pine Unified School District under the waiver authority of <i>Education Code (EC)</i> Section 49548 to waive <i>Education Code (EC)</i> Section 49550, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during the Saturday school session.  Waiver Number: 52-3-2006  (Recommended for APPROVAL)	ACTION
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CHARTER SCHOOL ATTENDANCE

<a href="#">ITEM WC-15</a> (DOC; 65KB; 3pp.)	Request by Alameda County Office of Education to waive <i>California Code of Regulations (CCR)</i> , Title 5, Section 11960 to allow the charter school attendance to be calculated as if it were a "regular" multi-track school for FAME Charter School.  Waiver Number: 26-4-2006	ACTION
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(Recommended for APPROVAL WITH CONDITIONS)

**NON-CONSENT (ACTION)**

The following agenda items include waivers and other administrative matters that CDE staff has 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.

**ALGEBRA I – SPECIAL EDUCATION STUDENTS**

<p><a href="#">ITEM W-1</a> (DOC; 65KB; 3pp.)</p>	<p>Request by Riverside Unified School District to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for 33 special education student(s) based on <i>EC Section 56101</i>, the special education waiver authority.</p> <p>Waiver Number: 27-3-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM W-2</a> (DOC; 65KB; 3pp.)</p>	<p>Request by Roseville Joint Union High School District to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for ten special education student(s) based on <i>EC Section 56101</i>, the special education waiver authority.</p> <p>Waiver Number 12-3-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM W-3</a> (DOC; 66KB; 3pp.)</p>	<p>Request by Stockton Unified School District to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for three special education student(s) based on <i>EC Section 56101</i>, the special education waiver authority.</p> <p>Waiver Number: 26-3-2006</p> <p>(Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p><a href="#">ITEM W-4</a> (DOC; 64KB; 3pp.)</p>	<p>Request by Saddleback Valley USD to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for 11 special education student(s) based on <i>EC Section 56101</i>, the special education waiver authority.</p>	<p>ACTION</p>
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Waiver Number: 43-3-2006 (Recommended for APPROVAL WITH CONDITIONS)	
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<a href="#">ITEM W-5</a> (DOC; 66KB; 3pp.)	Request by various local educational agencies to waive <i>Education Code (EC)</i> Section 51224.5(b), the requirement that all students graduating in the 2005-06 year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for special education student(s) based on <i>EC</i> Section 56101, the special education waiver authority.  Waiver Number: Various <ul style="list-style-type: none"><li>• <a href="#">Attachment 1</a> (DOC; 53KB; 1p.)</li></ul> (Recommendation for APPROVAL WITH CONDITIONS)	ACTION
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#### ADMINISTRATIVE/TEACHER RATIO

<a href="#">ITEM W-6</a> (DOC; 69KB; 3pp.)	Request by Banta Elementary School District (ESD) to waive <i>Education Code (EC)</i> Section 41402(a), the requirement which sets the ratio of administrators to teachers for elementary schools at 9 for every 100 teachers. Banta ESD would like to continue to have two full-time administrators with 14 teachers.  Waiver Number: 18-3-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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#### BEFORE AND AFTER SCHOOL PROGRAMS

<a href="#">ITEM W-7</a> (DOC; 63KB; 2pp.)	Request by Ontario-Montclair School District to waive <i>Education Code (EC)</i> Section 8483(a)(1), relating to after school programs, to allow De Anza Middle School to continue their current after school program of three hours of operation per day ending at 4:30 p.m., and not the required ending time 6 p.m., every regular school day for the remainder of the 2005-06 school year.  Waiver Number: 10-1-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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#### COMMUNITY COLLEGE GOVERNING BOARD VACANCY - ELECTIONS

<a href="#">ITEM W-8</a> (DOC; 64KB; 3pp.)	Request by Los Angeles County Office of Education to waive <i>Education Code (EC)</i> Section 5091(a)(b), the provisional appointment and special election requirements, in order to postpone the election to fill a vacant school board position on the Compton Community College Board until the next regular election, November of 2007.  Waiver Number: 48-2-2006 (Recommended for APPROVAL)	ACTION
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COMMUNITY DAY SCHOOL

<p><a href="#">ITEM W-9</a> (DOC; 64KB; 2pp.)</p>	<p>Request by Woodland Joint Unified School District for a waiver of portions of <i>Education Code (EC)</i> sections 48660 and 48916.1(d) to permit a community day school (CDS) established to serve students in grades 7-8 only to also serve retained grade 6 students on a case-by-case basis.</p> <p>Waiver Number: 42-3-2006</p> <p>(Recommended for APPROVAL) <i>EC</i> 33051(c) will apply</p>	<p>ACTION</p>
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<p><a href="#">ITEM W-10</a> (DOC; 63KB; 2pp.)</p>	<p>Request by Round Valley Unified School District for a waiver of portions of <i>Education Code (EC)</i> sections 48660 and 48916.1(d) to permit a community day school (CDS) established to serve students in grades 7-12 only to also serve retained grade 6 students on a case-by-case basis.</p> <p>Waiver Number: 31-2-2006</p> <p>(Recommended for APPROVAL)</p>	<p>ACTION</p>
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EXTENDED SCHOOL YEAR (SUMMER SCHOOL) SPECIAL EDUCATON STUDENTS

<p><a href="#">ITEM W-11</a> (DOC; 63KB; 2pp.)</p>	<p>Request by Valley Center-Pauma Unified School District to waive <i>California Code of Regulations (CCR)</i>, Title 5, Section 3043(d) which requires a minimum of 20 school days of attendance (with varied minutes depending on grade level of students) for an extended school year (summer school) for special education students.</p> <p>Waiver Number: 44-3-2006</p> <p>(Recommended for APPROVAL)</p>	<p>ACTION</p>
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GRADE NINE CLASS SIZE REDUCATION

<p><a href="#">ITEM W-12</a> (DOC; 68KB; 3pp.)</p>	<p>Request by Petaluma Joint Union High School District (JUSD) to waive <i>Education Code (EC)</i> sections 52084(a)(c) and 52086(a), Grade Nine Class Size Reduction Program (Morgan-Hart) the requirement for a 20:1 student to teacher ratio so that the district may provide a 23:1 ratio across three core courses-English, math and science, no more than 24 in any one class.</p> <p>Waiver Number: 39-3-2006</p> <p>(Recommended for DENIAL)</p>	<p>ACTION</p>
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HIGH PRIORITY SCHOOLS – EXIT FROM SAIT

<p><a href="#">ITEM W-13</a> (DOC; 72KB; 3pp.)</p>	<p>Request by Sacramento City Unified School District for Burbank High School in Cohort I of the High Priority Schools Grant Program (HPSGP) to waive: 1) the assignment of a School Assistance and Intervention Team (SAIT) described in <i>Education Code (EC)</i> Section 52055.650 (e) (1) and <i>California Code of Regulations (CCR)</i> Title 5, Section 1030.8, or 2) the timelines for initiating the SAIT process as stipulated in <i>EC</i></p>	<p>ACTION</p>
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52055.650 (e)(1)(C). Waiver Number: 1-2-2006 <ul style="list-style-type: none"> <li>• <a href="#">Attachment 1</a> (DOC; 28KB; 1p.)</li> </ul> (Recommendation PENDING)	
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INSTRUCTIONAL TIME PENALTY

<a href="#">ITEM W-14</a> (DOC; 63KB; 3pp.)	Request by La Habra City School District to waive <i>Education Code (EC)</i> Section 46202(b), the longer day incentive program audit penalty for offering less instructional time in the 2004-2005 fiscal year than what the district offered in 1982-1983 at Walnut Elementary School by 140 minutes in grades 4 and 5.  Waiver Number: 6-2-2006  (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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<a href="#">ITEM W-15</a> (DOC; 69KB; 3pp.)	Request by Hemet Unified School District to waive <i>Education Code (EC)</i> Section 46201(d), the longer day incentive program audit penalty for offering less instructional time in the 2004-2005 fiscal year than the minimum requirements set in 1986-87 fiscal year at: Little Lake Elementary School kindergarten (shortfall of 100 minutes), Hamilton School kindergarten (shortfall of 1,800 minutes), Idyllwild School grades 4-5 (shortfall of 260 minutes) and Hamilton School grades 9-12 shortfall of 2,280).  Waiver Number: 24-3-2006  (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NONPUBLIC AGENCY/SCHOOL – SPECIAL EDUCATION STUDENTS

<a href="#">ITEM W-16</a> (DOC; 62KB; 2pp.)	Request by Claremont Unified School District to Waive <i>Education Code (EC)</i> Section 56366.1(a) the requirement for state certification to allow an uncertified nonpublic agency, Cornerstone Speech and Language, located in South Pasadena to provide services to one special education student.  Waiver Number: 2-4-2005  (Recommended for APPROVAL)	ACTION
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OUT-OF-STATE STUDENT TRAVEL

<a href="#">ITEM W-17</a> (DOC; 64KB; 2pp.)	Request by Lassen Union High School District (USD) and Rio Linda USD to waive a portion of <i>Education Code (EC)</i> Section 35330(d) to authorize expenditure of school district funds and transportation allowances for student expenses while out-of-state, participating in the Environmental and Spatial (EAST) Technology Conference in Hot Springs, Arkansas, which took place from February 27 to March 3, 2006.  Waiver Number: 3-3-2006 Lassen Union High SD  13-2-2006 Rio Linda Union School District	ACTION
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	<ul style="list-style-type: none"> <li>• <a href="#">Attachment 2</a> (DOC; 27KB; 1p.)</li> </ul>	
(Recommended for APPROVAL)		

<a href="#">ITEM W-18</a> (DOC; 64KB; 2pp.)	Request by Oakland Unified School District for Life Academy, Oakland High and Oakland Technician High Schools to waive a portion of <i>Education Code (EC)</i> Section 35330(d) to authorize expenditure of school district funds and transportation allowances for student expenses while out-of -state, participating in the Close-Up Foundation's Program and with Educational Tours.  Waiver Number: 26-2-2006  (Recommended for APPROVAL)	ACTION
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#### RESOURCE SPECIALIST CASELOAD

<a href="#">ITEM W-19</a> (DOC; 64KB; 2pp.)	Request by King City Joint Union High School (JUSD) to waive <i>Education Code (EC)</i> Section 56362 (c) allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by 8 students (a caseload 36 students is requested). Joann Masters assigned at Greenfield High School.  Waiver Number: 23-2-2006  (Recommended for DENIAL)	ACTION
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#### SCHOOL BUS DRIVER – PERMISSION TO HIRE

<a href="#">ITEM W-20</a> (DOC; 60KB; 2pp.)	Request by Shoreline Unified School District to waive <i>Education Code (EC)</i> Section 45134(c), to allow the employment of a State Teachers Retirement System retiree as a classified school bus driver.  Waiver Number: 50-2-2006  (Recommended for APPROVAL)  <i>EC 33051(c)</i> will apply for this employee only	ACTION
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#### STATE MEAL MANDATE (Summer School Session)

<a href="#">ITEM W-21</a> (DOC; 69KB; 3pp.)	Request by Brea Olinda Unified School District under the waiver authority of <i>Education Code (EC)</i> Section 49548 to waive <i>EC</i> Section 49550, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during summer school sessions.  Waiver Number: 6-3-2006  (Recommended for DENIAL)	ACTION
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#### STATE TESTING APPORTIONMENT

<a href="#">ITEM W-22</a> (DOC; 60KB;	Request by twenty-five school districts and charter schools to waive the State Testing Apportionment Information Report deadline of	ACTION
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2pp.) December 31st in the *California Code of Regulations (CCR)*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test (CELDT), or CCR Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination (CAHSEE), or CCR, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program (STAR).

Waiver Numbers: see attached list for specific school districts

- [Attachment 1](#) (DOC; 85KB; 2pp.)

(Recommended for APPROVAL)

**ADJOURNMENT OF DAY'S SESSION**

**\*\*\*ADJOURNMENT OF MEETING\*\*\***

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For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; 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: Thursday, July 07, 2011

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California Department of Education  
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# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b> STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; Board Liaison Reports; and other matters of interest.	<input checked="" type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> <b>Information</b> <input type="checkbox"/> <b>Public Hearing</b>
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### **RECOMMENDATION**

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

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

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

### **SUMMARY OF KEY ISSUES**

#### **Board Member Liaison Reports**

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

### **FISCAL ANALYSIS (AS APPROPRIATE)**

Not applicable for this "housekeeping" item.

### **ATTACHMENT(S)**

Attachment 1 State Board Bylaws (as amended July 9, 2003) (10 pages)  
Attachment 2: Agenda Planner 2005-2006 (3 Pages)  
Attachment 3: Acronyms Chart (3 Pages)

# AGENDA PLANNER 2005-2006

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

### **Board Meeting**

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

### **Dates of Interest to the State Board:**

- Curriculum Development and Supplemental Materials Commission, Sacramento, May 18-19
- Advisory Commission on Special Education, Sacramento, Sacramento, May 25-26

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

### **Dates of Interest to the State Board:**

To be determined

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

### **Board Meeting**

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

### **Other Dates of Interest to the State Board:**

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

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

### **Dates of Interest to the State Board:**

- 2006 Visual and Performing Arts Primary Adoption, IMAP/CRP deliberations, Sacramento, July 31 – August 3

## **SEPTEMBER 6-7, 2006 ..... SACRAMENTO**

### **Board Meeting**

- Consolidated Applications for 2006-07, for approval
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary

## AGENDA PLANNER 2005-2006

- Instructional Materials Fund budget, for approval

### **Other Dates of Interest to the State Board:**

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

### **OCTOBER 2006 .....NO MEETING SCHEDULED**

#### **Dates of Interest to the State Board:**

To be determined

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

#### **Board Meeting**

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

#### **Other Dates of Interest to the State Board:**

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 30 – December 1

## AGENDA PLANNER 2005-2006

**DECEMBER 2006 .....NO MEETING SCHEDULED**

**Dates of Interest to the State Board:**

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 30-December 1
- California High School Proficiency Exam contract expires, December 31

# ***ACRONYMS CHART***

<i><b>ACRONYMS</b></i>	
<b>AB</b>	<b>Assembly Bill</b>
<b>ACCS</b>	<b>Advisory Commission on Charter Schools</b>
<b>ACES</b>	<b>Autism Comprehensive Educational Services</b>
<b>ACSA</b>	<b>Association of California School Administrators</b>
<b>ADA</b>	<b>Americans with Disabilities Act</b>
<b>ADA</b>	<b>Average Daily Attendance</b>
<b>AFT</b>	<b>American Federation of Teachers</b>
<b>AP</b>	<b>Advanced Placement</b>
<b>API</b>	<b>Academic Performance Index</b>
<b>ASAM</b>	<b>Alternative Schools Accountability Model</b>
<b>AYP</b>	<b>Adequate Yearly Progress</b>
<b>BTSA</b>	<b>Beginning Teacher Support and Assessment</b>
<b>CAHSEE</b>	<b>California High School Exit Examination</b>
<b>CAPA</b>	<b>California Alternate Performance Assessment</b>
<b>CASBO</b>	<b>California Association of School Business Officials</b>
<b>CASH</b>	<b>Coalition for Adequate School Housing</b>
<b>CAT/6</b>	<b>California Achievement Test, 6<sup>th</sup> Edition</b>
<b>CCSESA</b>	<b>California County Superintendents Educational Services Association</b>
<b>CDE</b>	<b>California Department of Education</b>
<b>CELDT</b>	<b>California English Language Development Test</b>
<b>CFT</b>	<b>California Federation of Teachers</b>
<b>CHSPE</b>	<b>California High School Proficiency Exam</b>
<b>CNAC</b>	<b>Child Nutrition Advisory Council</b>
<b>COE</b>	<b>County Office of Education</b>
<b>ConAPP</b>	<b>Consolidated Applications</b>
<b>CRP</b>	<b>Content Review Panel</b>
<b>CSBA</b>	<b>California School Boards Association</b>
<b>CSIS</b>	<b>California School Information System</b>
<b>CST</b>	<b>California Standards Test</b>
<b>CTA</b>	<b>California Teachers Association</b>
<b>CTC</b>	<b>California Commission on Teacher Credentialing</b>

## ACRONYMS CHART

<i>ACRONYMS</i>	
EL	English Learner
ELAC	English Learner Advisory Committee
ESL	English as a Second Language
FAPE	Free and Appropriate Public Education
FEP	Fluent English Proficient
GATE	Gifted and Talented Education
GED	General Education Development
HPSGP	High-Priority School Grant Program
HumRRO	Human Resources Research Organization
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
II/USP	Immediate Intervention/Underperforming Schools Program
IMAP	Instructional Materials Advisory Panel
IMFRP	Instructional Materials Fund Realignment Program
LEA	Local Educational Agency
LEP	Limited English Proficient
NAEP	National Assessment of Educational Progress
NEA	National Education Association
NCLB	No Child Left Behind Act of 2001
NPS/NPA	Non Public Schools/Non Public Agencies
NRT	Norm-Referenced Test
OSE	Office of the Secretary for Education
PAR	Peer Assistance and Review Program for Teachers
PSAA	Public School Accountability Act
ROP	Regional Occupation Program
RLA/ELD	Reading/Language Arts/English Language Development
SABE/2	Spanish Assessment of Basic Education, 2 <sup>nd</sup> Edition
SAIT	School Assistance and Intervention Team
SARC	School Accountability Report Card
SAT 9	Stanford Achievement Test, 9 <sup>th</sup> Edition

	<b>ACRONYMS CHART</b>
<b><i>ACRONYMS</i></b>	
<b>SB</b>	<b>Senate Bill</b>
<b>SEA</b>	<b>State Educational Agency</b>
<b>SELPA</b>	<b>Special Education Local Plan Area</b>
<b>SBCP</b>	<b>School Based Coordination Program</b>
<b>SBE</b>	<b>State Board of Education</b>
<b>SSPI</b>	<b>State Superintendent of Public Instruction (Jack O'Connell)</b>
<b>STAR</b>	<b>Standardized Testing and Reporting Program</b>
<b>TDG</b>	<b>Technical Design Group (PSAA Advisory Committee)</b>
<b>USD</b>	<b>Unified School District</b>
<b>USDE</b>	<b>United States Department of Education</b>
<b>UTLA</b>	<b>United Teachers-Los Angeles</b>
<b>WIA</b>	<b>Workforce Investment Act</b>



## CALIFORNIA STATE BOARD OF EDUCATION MAY 2006 AGENDA

<b>SUBJECT</b> 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
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### **RECOMMENDATION**

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

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

N/A

### **SUMMARY OF KEY ISSUES**

N/A

### **FISCAL ANALYSIS (AS APPROPRIATE)**

N/A

### **ATTACHMENT(S)**

None



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Standardized Testing and Reporting Program: Including, but not limited to, program update	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

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

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None.

### SUMMARY OF KEY ISSUES

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#### Standardized Testing and Reporting (STAR) Testing

Most school districts in session on March 7, took the Standardized Testing and Reporting (STAR) California Standards Tests in Writing which is a part of the California Standards Test (CST) in English-language arts (ELA). The writing test will be offered again on May 2, to those schools not in session in March. School districts have been administering the STAR CSTs in ELA, mathematics, science, and history-social science, the California Achievement Tests, Sixth Edition (CAT/6 Survey), and the California Alternate Performance Assessment (CAPA) since late February and will continue until August.

School districts have also been administering the Aprenda, La prueba de logros en español, Tercera edición (Aprenda 3), the new designated primary language test, since late February and will conclude testing in May. There have been some challenges in transitioning between the former test, the Spanish Assessment of Basic Education, Second Edition (SABE/2) and the Aprenda 3. The CDE has been working closely with Harcourt Assessment, Inc. to resolve these challenges.

#### Development of the California Modified Assessment (CMA)

The CDE expects to present CMA blueprints for grades two through five in ELA and mathematics and for grades five and eight in science to the SBE for review and preliminary approval in July 2006. The CMA Assessment Review Panels (ARPs) have

## **SUMMARY OF KEY ISSUES (Cont.)**

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been meeting to develop the blueprints. The task has been more difficult than usual because the federal regulations are only proposed and have not been finalized. After the SBE approves the preliminary blueprints, the contractor will hold focus groups around the state as required in their scope of work. The blueprints will be brought back to the SBE with any proposed changes for final approval.

Once the blueprints are approved by the SBE, the contractor will begin item writing. Field testing is anticipated for 2007. Blueprints for grades six through eleven will be developed in 2006-07.

### **California Standards Tests**

The ELA and mathematics ARPs met in April, and the science ARP will meet in May, to review field-test items for 2007.

### **Standards Tests in Spanish (STS)**

The SBE has approved STS blueprints in reading/language arts and mathematics for grades two, three, and four. The STS ARPs have been meeting to review items to field test in fall 2006. They are also finalizing the blueprints for reading/language arts and mathematics in grades five, six, and seven to bring to the SBE in July. Grades two, three, and four are expected to be operational in spring 2007. At this time, the Apenda 3 will not be given in these grades.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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All costs associated with the activities in this update are included in the current contracts with Harcourt Assessment, Inc. for the Apenda 3 and Educational Testing Service for the CSTs, Standards-based Tests in Spanish, CAPA, and CMA.

## **ATTACHMENT(S)**

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None.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Standardized Testing and Reporting Program: Approve Commencement of Rulemaking Process to Amend Title 5 Regulations	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the proposed amendments to the Title 5 Regulations for the Standardized Testing and Reporting (STAR) Program, the Initial Statement of Reasons, the Economic and Fiscal Impact Statement, and the Notice of Proposed Rulemaking and direct staff to commence the rulemaking process.

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

The SBE adopted Title 5 Regulations for the STAR Program during 1998 and has adopted amendments to the regulations as needed due to changes in the California *Education Code*. The SBE adopted amendments to Articles 2 and 3 of the regulations at its September 2004 meeting.

### SUMMARY OF KEY ISSUES

#### Modifications to the Testing Timeframes

The CDE is proposing modifications to the regulations that would make the following changes to the testing window:

- Beginning July 1, 2008, the testing window for the California Standards Tests (CSTs) and the designated achievement test (the California Achievement Tests, Six Edition) be narrowed from the current window of 21 days to 11 days. This shortening of the window will enable the testing contractor to return the test results to local educational agencies for distribution to schools and parents earlier than they are currently receiving the results.
- The designated primary language test, Appendix 3, must be administered between March 15 and May 14 of each school year.

## **SUMMARY OF KEY ISSUES (Cont.)**

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- Beginning July 1, 2008, the Standards-based Test in Spanish (STS) must be administered during the 10 days following the administration of the CSTs and the designated achievement tests (the STS will be administered during the current 21-day CST window during 2007).

### **Additional Proposed Modifications to the Regulations**

The CDE is also proposing amendments to the current STAR Program regulations to clarify and ensure consistency. For example, names of specific tests will be removed and the designated primary language test regulations that are in Article 3 have been incorporated into Articles 1 and 2. This change significantly shortens the regulations and ensures that they are consistent across all components of the STAR Program. Other proposed changes include:

- Deleting definitions that are not needed and/or combining definitions.
- Expanding the definition of alternate assessment.
- Adding a definition of nonpublic school.
- Deleting a section related to below grade level testing that applied only to the 2004-05 testing program.
- Adding requirement for test proctors and scribes to sign security affidavits.
- Adding language about testing students in nonpublic schools.
- Combining and modifying language about writing in test booklets (note: the CDE is seeking clarification on the necessity of this amendment).
- Adding the alternate assessment and designated primary language test to all appropriate sections in Articles 1 and 2 (the designated primary language test had been in Article 3).
- Deleting sections that restated rather than clarified law.
- Modifying language related to collecting student demographic data to conform to the language used by the CDE's Data Management Division and the California School Information System.
- Updating language to match the test ordering process.
- Changing language and procedures related to the apportionment for the designated primary language test to conform this section to the language and procedures for the standards-based and designated achievement tests.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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The Economic and Fiscal Impact Statement will be provided to the SBE in a Last Minute Memorandum.

**ATTACHMENT(S)**

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The Economic and Fiscal Impact Statement will be provided as a Last Minute Memorandum.

Attachment 1: Notice of Proposed Rulemaking (4 Pages)

Attachment 2: Initial Statement of Reasons (2 Pages)

Attachment 3: Title 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 3.75. Standardized Testing and Reporting Program, Article 1. General (43 Pages)

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111  
Sacramento, CA 95814



## **NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING STANDARDIZED TESTING AND REPORTING PROGRAM**

[Notice published May 19, 2006]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

### **PUBLIC HEARING**

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **10:00 a.m. on July 7, 2006**, 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 Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to [regulations@cde.ca.gov](mailto:regulations@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 7, 2006**.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Authority: Section 12001, 33031 and 60605, Education Code.

Reference: Sections 49068, 52052, 56034, 60603, 60604, 60605, 60607, 60611, 60613, 60615, 60630, 60640, 60641, 60642, 60642.5 and 60643, Education Code; 20 USC Section 6311.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Currently, the Title 5 Regulations for the Standardized Testing and Reporting (STAR) Program include the regulations for the Designated Primary Language Test (DPLT) in Article 3. The proposed regulations will delete Article 3 and incorporate the regulations for the DPLT into Articles 1 and 2. Changes in law that require administering the DPLT to English learners who either receive instruction in their primary language or who have been enrolled in school in the United States less than 12 months are also included.

The California Department of Education has received feedback from school districts and schools that the standards-based tests should be administered later in the school year than is allowed in the current regulations. The proposed amendments move the testing window to later in the school year and shorten the window effective January 1, 2008.

Changes in law are adding new tests to the STAR Program. The proposed amendments remove specific test names from the regulations and replace them with generic terms to ensure that the regulations incorporate all components of the STAR Program.

### **DISCLOSURES REGARDING THE PROPOSED REGULATION**

*The State Board has made the following initial determinations:*

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

### **CONSIDERATION OF ALTERNATIVES**

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

### **CONTACT PERSONS**

Inquiries concerning the content of this regulation may be directed to:

Linda Lownes, Education Programs Consultant  
Standards and Assessment Division  
California Department of Education  
1430 N Street, Room 5408  
Sacramento, CA 95814  
Telephone: (916) 319-0364  
E-mail: [lownes@cde.ca.gov](mailto:lownes@cde.ca.gov)

### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

### **TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Linda Lownes, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0364; fax, (916) 319-0967. It is recommended that assistance be requested at least two weeks prior to the hearing.

**Initial Statement of Reasons**  
**Standardized Testing and Reporting (STAR) Program**

**SPECIFIC PURPOSE OF THE REGULATIONS**

The proposed amendments to the regulations add language to remove the specific names of tests in the Standardized Testing and Reporting (STAR) Program because test names may change and new tests are being added to the Program. Other amendments include: deleting a section related to below grade level testing that applied only to the 2004-05 testing program, adding that test proctors and scribes are required to sign security affidavits, adding language about testing students in nonpublic schools, combining and modifying language about writing in test booklets, adding the alternate assessment and designated primary language test to the section that prohibits advance preparation for the tests, moving the testing period later in the school year and shortening the testing window (effective January 1, 2008), adding an additional 10-day testing window to the proposed 11-day testing window for the standards-based test in Spanish, adding the designated primary language test to all applicable and appropriate sections in articles 1 and 2 to minimize duplicative language in the regulations and deleting duplicative language that was in article 3 related only to the designated primary language test, deleting sections that restated rather than clarified law, modifying language related to collecting student demographic data to conform to the language used by the Department's Data Management Division and the California School Information System, updating language to match the test ordering process, changing the testing requirements for the designated primary language test to conform to changes in law, and changing language and procedures related to the apportionment for the designated primary language test to conform this section to the language and procedures for the standards-based and designated achievement tests.

**NECESSITY/RATIONALE**

Legislation has added tests to the STAR Program that require amending the regulations so that all tests are included. Replacing references to specific tests with inclusive language will ensure that the regulations include all tests within the STAR Program and will minimize the need for future amendments. Sections of the regulations found to duplicate language in the California *Education Code* or unnecessary regulations. Division 1, Chapter 2, Subchapter 3.75, Articles 1 and 2 were previously amended to be consistent with all other state assessment programs. Article 3, Designated Primary Language Test, was not included in the amendments due to legislative changes that were in process for this component of the STAR Program. Amending Article 3 is required to ensure uniformity across all components of the STAR Program and to remove duplicative language from the regulations.

The tests within the STAR Program have consequences for individual students, schools, and school districts. The test results are used by schools and school districts

to screen pupils for special programs. The California Department of Education uses the test results for school and district Academic Performance index (API) and Adequate Yearly Progress (AYP) calculations. The results of these accountability calculations are used to identify schools and districts that are meeting or not meeting required growth targets and may result in schools and school districts being identified as program improvement schools or school districts. The program improvement designation may result in state intervention and take-over. The regulations are designed to assure that the tests within the Program are administered fairly and consistently throughout the state so that valid and reliable results are available for API and AYP calculations.

#### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The Board did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these amendments.

#### **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives were presented to or considered by the Board.

#### **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The 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 apply to schools and school districts and not to businesses.

1 **Title 5. EDUCATION**

2 **Division 1. State Department of Education**

3 **Chapter 2. Pupils**

4 **Subchapter 3.75. Standardized Testing and Reporting Program**

5 **Article 1. General**

6 **§ 850. Definitions.**

7 For the purposes of the Standardized Testing and Reporting (STAR) Program, the  
8 following terms shall have the following meanings unless the context indicates  
9 otherwise:

10 ~~(a)(n)~~ “Accommodations” means any variation in the assessment environment or  
11 process that does not fundamentally alter what the test measures or affect the  
12 comparability of scores. Accommodations may include variations in scheduling, setting,  
13 aids, equipment, and presentation format.

14 ~~(b)(g)~~ “Administration Period” means one of multiple test administration periods  
15 used by school districts with schools or programs on non-traditional calendars that  
16 begin and complete the school year at various times and have staggered vacation  
17 periods, in order to ensure that all pupils are tested at approximately the same point in  
18 the instructional year.

19 ~~(c)(h)~~ “CAPA is an individually administered performance assessment developed to  
20 assess pupils’ achievement on a subset of California’s Academic Content Standards.  
21 “Alternate Assessment” means an assessment as provided in Education Code section  
22 60604(e) developed to measure the degree to which pupils with exceptional needs who  
23 are unable to take the standards-based achievement tests even with accommodations  
24 or modifications are achieving the state content standards. The CAPA Alternate  
25 assessments includes administration manuals, administrative materials, and  
26 documents on which the test examiner records the pupils’ responses.

27 ~~(d)~~ “California Standards Tests” means an assessment as provided in Education  
28 Code section 60642.5 that measures the degree to which pupils are achieving the state  
29 content standards.

30 (e) “Department” means the California Department of Education.

31 ~~(f)(a)~~ “Designated achievement test” ~~is the achievement test required by~~ means an

1 assessment as provided in Education Code section 60640(b) and 60642 for grades 3  
2 and 7. The designated achievement test includes test booklets, test answer  
3 documents, administration manuals, and administrative materials.

4 ~~(g)(b)~~ “Designated pPrimary language test” includes any test administered pursuant  
5 ~~to~~ means an assessment as provided in Education Code section 60640(f)(1) and (2) in  
6 each primary language for which a test is available for students with limited English  
7 proficiency or a test administered pursuant to the requirement of Education Code  
8 ~~section 60640(g), as applicable,~~ and includes the test booklets, test answer documents,  
9 administration manuals, administrative materials, and practice tests.

10 ~~(h)(d)~~ “Eligible pupil” is any pupil in grades 2 to 11, inclusive, who is not otherwise  
11 exempted pursuant to Education Code section 60615.

12 (1) ~~For the designated achievement test and the standards-based achievement~~  
13 ~~tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, including those~~  
14 ~~pupils placed in a non-public school through the Individualized Education Program~~  
15 ~~(IEP) process pursuant to Education Code section 56365 who is not exempted by~~  
16 ~~parent/guardian request or eligible to take the California Alternate Performance~~  
17 ~~Assessment (CAPA).~~ For the designated achievement test, an eligible pupil is any pupil  
18 in grades 3 or 7.

19 ~~(2) For the CAPA, an eligible pupil is any pupil with a significant cognitive disability~~  
20 ~~in grades 2 through 11, and ages 7 through 16 in ungraded programs, whose IEP~~  
21 ~~states that the pupil is to take the CAPA.~~

22 ~~(2)(3)~~ For the designated primary language test and the standards-based test in  
23 Spanish, an eligible pupil is an English learner with a primary language for which a test  
24 is required or optional pursuant to Education Code section 60640.

25 ~~(4) For purposes of the writing assessment, an eligible pupil is an eligible pupil for~~  
26 ~~the purpose of taking the standards-based achievement tests for a grade at which the~~  
27 ~~writing test will be administered.~~

28 ~~(i)(e)~~ “Grade” means the grade assigned to the pupil by the school district at the  
29 time of testing.

30 ~~(i)(e)~~ “Modification” means any variation in the assessment environment or process  
31 that fundamentally alters what the test measures or affects the comparability of scores.

1 (k) "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in  
2 California Education Code section 56034.

3 ~~(l)(e)~~ "School districts" includes elementary, high school, and unified school districts;  
4 county offices of education; and any charter school that for assessment purposes does  
5 not elect to be part of the school district or county office of education that granted the  
6 charter; and any charter school chartered by the State Board of Education.

7 (m) "Scribe" is an employee of the school district, or a person assigned by a  
8 nonpublic school to implement a pupil's IEP who has signed a STAR Test Security  
9 Affidavit and is required to transcribe a pupil's responses to the format required by the  
10 test. A student's parent or guardian is not eligible to be a scribe.

11 ~~(n)(r)~~ A "significant medical emergency" is a significant accident, trauma, or illness  
12 (mental or physical) that precludes a pupil in grades ~~two through eleven~~ 2 to 11,  
13 inclusive, from taking the ~~California Standards Tests (CSTs), the California Alternate~~  
14 ~~Performance Assessment and/or The California Achievement Tests, Sixth Edition~~  
15 ~~Survey (CAT/6 Survey)~~ standards-based achievement tests or designated achievement  
16 test. An accident, trauma, or illness is significant if the pupil has been determined by a  
17 licensed physician to be unable to participate in the tests.

18 ~~(o)(f)(1)~~ "Standards-based achievement tests" ~~are these tests~~ means an  
19 assessment that measures the degree to which pupils are achieving the state content  
20 standards ~~and performance standards adopted by the State Board of Education as~~  
21 provided in Education Code sections ~~60642.5~~ 60640(e) alternate assessment,  
22 60640(f)(3) standards-based test in Spanish, and 60642.5 California Standards Tests.  
23 The standards-based achievement tests include test booklets, test answer documents,  
24 administration manuals, administrative materials, practice tests and other materials  
25 developed and provided by the contractor of the tests.

26 ~~(2)~~ The term ~~"standards-based achievement test"~~ may refer to one or more of the  
27 individual achievement tests in the subject or core curriculum areas required by  
28 Education Code section ~~60642.5~~ or all of the standards-based achievement tests  
29 collectively.

30 (p) "Standards-based test in Spanish" means an assessment as provided in  
31 Education Code section 60640(f)(3) in the dominant primary language of limited-

1 English proficient students enrolled in California public schools that measures the  
2 degree to which pupils are achieving the state content standards.

3 ~~(g)(k)~~ “Test examiner” is an employee of a school district or an employee of a non-  
4 public school who has been trained to administer the tests and has signed a STAR  
5 Test Security Affidavit. For the GAPA alternate assessment, the test examiner must be  
6 a certificated or licensed school staff member.

7 ~~(r)(t)~~ “Test proctor” is an employee of a school district, or a person assigned by a  
8 nonpublic school to implement a pupil’s IEP, who has signed a STAR Test Security  
9 Affidavit and ~~who~~ has received training designed to prepare him or her to assist the test  
10 examiner in the administration of tests within the STAR Program.

11 ~~(i)~~ “Untimed administration” means that pupils may receive as much time as needed  
12 within a single sitting to complete a test or test part.

13 ~~(j)~~ “Below-grade-level testing” means administering a test that is below the grade  
14 level of the pupil being tested.

15 ~~(s)(p)~~ “Variation” is a change in the manner in which a test is presented or  
16 administered, or in how a test taker is allowed to respond, and includes, but is not  
17 limited to, accommodations and modifications.

18 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
19 Sections 56034, 60615, 60640, 60642 and 60642.5, Education Code.

20  
21 **§ 850.5. School District Liability.**

22 ~~School districts are agents of the Department for the purpose of implementing the~~  
23 ~~statewide pupil assessment program. No action may be brought or maintained against~~  
24 ~~any school district or its offices or employees acting in accordance with the instructions~~  
25 ~~of the Superintendent of Public Instruction or the State Board of Education.~~

26 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
27 Reference: Sections 60603(j), 60604(a) and 60613, Education Code.

28  
29 **Article 2. Designated Achievement Test, Standards-Based**  
30 **Achievement Tests, and California Alternate Performance Assessment, and**  
31 **Designated Primary Language Test**

1     **§ 851. Pupil Testing.**

2           (a) School districts shall administer the designated achievement test, and  
3 standards-based achievement tests and the designated primary language test to each  
4 eligible pupil, ~~enrolled in any of grades 2 through 11, inclusive, enrolled~~ in a school  
5 district on the date testing begins in the pupil's school or school district.

6           ~~(b) School districts shall administer the CAPA, as set forth in the pupil's IEP, to each~~  
7 ~~eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period~~  
8 ~~specified by the test contractor. Pupils in ungraded special education classes shall be~~  
9 ~~tested, if they are 7 to 16 years of age.~~

10          ~~(b)(e)~~ School districts shall make whatever arrangements are necessary to test all  
11 eligible pupils in alternative education programs or programs conducted off campus,  
12 including, but not limited to, continuation schools, independent study, community day  
13 schools, ~~or county community schools,~~ or nonpublic schools.

14          ~~(d) School districts may administer the designated achievement test to pupils~~  
15 ~~enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for the~~  
16 ~~apportionment pursuant to Education Code section 60640(h).~~

17          ~~(c)(e)~~ No test may be administered in a home or hospital except by a test examiner.  
18 No test shall be administered to a pupil by the parent or guardian of that pupil. This  
19 subdivision does not prevent classroom aides from assisting in the administration of the  
20 test under the supervision of a ~~credentialed school district employee~~ test examiner  
21 provided that the classroom aide does not assist his or her own child and that the  
22 classroom aide signs a security affidavit.

23 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ ~~and (h)~~, Education Code.  
24 Reference: Section 60640 ~~and 60642.5~~, Education Code.

25

26     **§ 852. Pupil Exemptions.**

27           A parent or guardian may submit to the school a written request to excuse his or her  
28 child from any or all parts of any test provided pursuant to Education Code section  
29 60640. A school district and its employees may discuss the Standardized Testing and  
30 Reporting ~~p~~Program with parents and may inform parents of the availability of  
31 exemptions under Education Code section 60615. However, the school district and its

1 employees shall not solicit or encourage any written exemption request on behalf of  
2 any child or group of children.

3 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
4 Sections 60615 and 60640, Education Code.

5

6 **§ 853. Administration.**

7 (a) The designated achievement test, standards-based achievement tests and  
8 designated primary language test shall be administered and returned by school districts  
9 in accordance with the manuals or other instructions provided by the contractor for  
10 administering and returning the tests unless specifically provided otherwise in this  
11 subchapter including instructions for administering the test with variations,  
12 accommodations, and modifications specified in section 853.5. The procedures shall  
13 include, but are not limited to, those designed to insure the uniform and standard  
14 administration of the tests to pupils, the security and integrity of the test content and  
15 test items, and the timely provision of all required student and school level information.

16 ~~(b) The standards-based achievement tests and the CAPA shall be administered~~  
17 ~~and returned by school districts in accordance with the manuals and other instructions~~  
18 ~~provided by the contractor and in accordance with testing variations, accommodations,~~  
19 ~~and modifications specified in Section 853.5. The procedures shall include, but are not~~  
20 ~~limited to, those designed to insure the uniform and standard administration of the tests~~  
21 ~~to pupils, the security and integrity of the test content and test items, and the timely~~  
22 ~~provision of all required student and school level information. The procedures shall not~~  
23 ~~include criteria for who should be assessed by the CAPA.~~

24 ~~(c) For the 2004-05 school year, pupils with IEPs specifying below-grade-level~~  
25 ~~testing in grades 4 through 11 may be tested one or two grades below their enrollment~~  
26 ~~grade. Pupils with IEPs specifying below-grade-level testing in grade three may be~~  
27 ~~tested one grade level below their enrollment grade. The test level must be specified in~~  
28 ~~the pupil's IEP. Below-grade-level testing shall be used only if the pupil is not receiving~~  
29 ~~grade-level curriculum as specified by the California academic content standards, and~~  
30 ~~is so indicated on the IEP. Pupils tested below-grade-level must complete all tests~~  
31 ~~required for the grade at which they are tested and shall be administered the tests for~~

1 only one grade level.

2 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:  
3 Section 60640, Education Code; and 20 USC Section 6311.

4

5 **§ 853.5. Use of Variations, Accommodations, and Modifications.**

6 (a) School districts may provide all pupils the following variations:

7 (1) have test directions simplified or clarified.

8 (2) write in test booklets for grades 4-11 2 to 11, inclusive, e.g., underlining, working  
9 math problems. Any marks other than those in response circles for grades 2 and 3  
10 must be erased to ensure that the tests can be scored.

11 (3) have as much time as needed within a single sitting to complete a test or test  
12 part on the Standards-Based Achievement Tests.

13 (b) School districts may provide all pupils the following testing variations if regularly  
14 used in the classroom:

15 (1) special or adaptive furniture.

16 (2) special lighting, special acoustics, or visual magnifying or audio amplification  
17 equipment.

18 (3) an individual carrel or study enclosure.

19 (4) test individually in a separate room provided that an employee of the school,  
20 school district, or non-public school, who has signed the STAR Test Security Affidavit,  
21 directly supervises the pupil.

22 (5) colored overlay, mask, or other means to maintain visual attention to the test or  
23 test questions.

24 ~~(6) grade two or three standards-based achievement tests underlining or marking~~  
25 ~~information or working math problems in the test booklet and having a school, school~~  
26 ~~district, or non-public school employee who has signed the Test Security Affidavit~~  
27 ~~transfer the answers to a new test booklet.~~

28 ~~(6)(7)~~ Manually Coded English or American Sign Language to present directions for  
29 administration.

30 (c) Eligible pupils with disabilities who have IEPs and pupils with Section 504 plans  
31 shall be permitted the following presentation, response or setting accommodations if

1 specified in the IEP or Section 504 plan:

2 (1) large print versions.

3 (2) test items enlarged if font larger than that used on large print versions is  
4 required.

5 (3) Braille transcriptions provided by the test contractor.

6 ~~(4) for grade two or three designated achievement test underlining or marking~~  
7 ~~information or working math problems in addition to marking question answers in test~~  
8 ~~booklets and having a school, school district, or non-public school employee who has~~  
9 ~~signed the Test Security Affidavit transfer the answers to a new test booklet.~~

10 ~~(4)(5)~~ audio or oral presentation of the mathematics, science, or history-social  
11 science tests.

12 ~~(5)(6)~~ use of Manually Coded English or American Sign Language to present test  
13 questions on the mathematics, science, or history-social science tests.

14 ~~(6)(7)~~ for grades 4 to 11 responses marked in test booklet and transferred to the  
15 answer document by a school, school district, or nonpublic school employee who has  
16 signed the STAR Test Security Affidavit.

17 ~~(7)(8)~~ responses dictated orally, in Manually Coded English or American Sign  
18 Language to a scribe for selected-response items (e.g., multiple-choice test questions).

19 ~~(8)(9)~~ responses dictated to a scribe, audio recorder, or speech to text converter on  
20 the writing portion of the English-language arts tests, and the pupil indicates all spelling  
21 and language conventions.

22 ~~(9)(10)~~ use of word processing software with spell and grammar check tools turned  
23 off on the writing portion of the English-language arts tests.

24 ~~(10)(11)~~ use of an assistive device that does not interfere with the independent work  
25 of the student on the multiple-choice or writing portion of the test.

26 ~~(11)(12)~~ supervised breaks within a section of the test.

27 ~~(12)(13)~~ administration of the test at the most beneficial time of day to the pupil.

28 ~~(13)(14)~~ administration of any test or test part to be given in a single sitting over  
29 more than one day except for the writing portion of the English-language arts tests.

30 ~~(14)(15)~~ test administered by a test examiner to a pupil at home or in the hospital.

31 ~~(16)~~ write in test booklet for grades 4-11 on the designated achievement test.

1        ~~(15)~~(17) extra time within the testing day on the designated achievement test.

2        (d) Eligible pupils with disabilities shall be permitted the following modifications if  
3 specified in the eligible pupil's IEP or Section 504 Plan:

4        (1) calculators, arithmetic tables, or mathematics manipulatives on the mathematics  
5 or science tests.

6        (2) audio or oral presentation of the English-language arts tests.

7        (3) Manually Coded English or American Sign Language to present test questions  
8 on the English-language arts tests.

9        (4) spellcheckers, grammar checkers, or word processing software programs that  
10 check or correct spelling and/or grammar on the writing portion of the English-language  
11 arts tests.

12        (5) mechanical or electronic devices or other assistive devices that are not used  
13 solely to record the pupil's responses, including but not limited to transcribers, scribes,  
14 voice recognition or voice to text software, and that identify a potential error in the  
15 pupil's response or that correct spelling, grammar or conventions on the writing portion  
16 of the English-language arts tests.

17        (6) responses dictated orally, in Manually Coded English or American Sign  
18 Language to provide an essay response to a scribe and the scribe provides spelling,  
19 grammar, and language conventions.

20        (7) dictionary.

21        (e) If the school district, pupil's IEP team or Section 504 plan proposes a variation  
22 for use on the designated achievement test, the standards-based achievement tests, ~~or~~  
23 ~~the CAPA~~ or the designated primary language test, that has not been listed in this  
24 section, the school district may submit, to the ~~California~~ Department of Education, for  
25 review of the proposed variation in administering the designated achievement test,  
26 standards-based achievement tests, ~~or the CAPA~~ or designated primary language test.

27        (f) School districts shall provide identified English learner pupils the following testing  
28 variations if regularly used in the classroom or for assessment:

29        (1) Flexible setting. Tested in a separate room with other English learners provided  
30 that an employee of the school, school district, or non-public school, who has signed  
31 the Test Security Affidavit, directly supervises the pupil.

1 (2) Flexible schedule. Additional supervised breaks following each section within a  
2 test part provided that the test section is completed within a testing day. A test section  
3 is identified by a "STOP" at the end of it.

4 (3) Translated directions. Hear the test directions printed in the test administration  
5 manual translated into their primary language. English learners shall have the  
6 opportunity to ask clarifying questions about any test directions presented orally in their  
7 primary language.

8 (4) Glossaries. Access to translation glossaries/word lists for the standards-based  
9 achievement tests in mathematics, science, and history-social science (English to  
10 primary language). The translation glossaries/word lists are to include only the English  
11 word or phrase with the corresponding primary language word or phrase. The  
12 glossaries/word lists shall include no definitions or formulas.

13 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:  
14 Section 60640, Education Code; and 20 USC Section 6311.

15  
16 **§ 854. Advance Preparation for the Tests.**

17 (a) Except for materials specifically provided by the ~~California~~ Department of  
18 ~~Education~~ or its agents, no program or materials shall be used by any school district or  
19 employee of a school district that are specifically formulated or intended to prepare  
20 pupils for the designated achievement tests, ~~or~~ standards-based achievement tests, or  
21 the designated primary language test. No administration or use of an alternate or  
22 parallel form of the designated achievement test or the designated primary language  
23 test shall be used as practice for any pupils in grades 2 ~~through~~ to 11, inclusive.

24 (b) Practice tests provided by the contractor as part of the standards-based  
25 achievement tests and the designated primary language test for the limited purpose of  
26 familiarizing pupils with the use of scannable test booklets or answer sheets and the  
27 format of test items are not subject to the prohibition of ~~S~~subdivision (a).

28 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
29 Sections 60611 and 60640, Education Code.

30  
31 **§ 855. Testing Period.**

1 Text of section operative until January 1, 2008

2 (a)(1) The designated achievement test and the standards-based achievement  
3 tests, except for the STAR writing assessment as specified in subdivision (c), shall be  
4 administered to each pupil during a testing window of ~~twenty-one (21)~~ instructional  
5 days that includes ~~ten (10)~~ instructional days before and after completion of 85% of the  
6 school's, track's, or program's instructional days. Testing for all pupils, including  
7 makeup testing, is to be completed within this ~~twenty-one (21)~~ instructional day window  
8 ~~unless all or part of the twenty-one (21) instructional day period falls after any statutorily~~  
9 ~~specified deadline.~~

10 ~~(2)(b)~~ Each school district shall provide for at least two ~~(2)~~ makeup days of testing  
11 for pupils who were absent during the period in which any school administered the  
12 designated achievement test and the standards-based achievement tests. All makeup  
13 testing shall occur within five ~~(5)~~ instructional days of the last date that the school  
14 district administered the tests but not later than the end of the ~~twenty-one (21)~~ 11  
15 instructional day period established in subdivision (a)(1).

16 (b)(1) Any designated primary language test or tests, as applicable, shall be  
17 administered between March 15 and May 14, inclusive, of each school year.

18 (2) Each school district shall provide for at least two makeup days of testing for  
19 pupils who were absent during the period that any school administered any designated  
20 primary language test or tests. All makeup testing shall occur within ten instructional  
21 days of the last date that the school district administered any designated primary  
22 language test or tests, but not later than May 25<sup>th</sup> of each school year, whichever is  
23 earlier.

24 (3) A school district with schools operating on a multitrack year round schedule may  
25 submit a request to the contractor to begin testing no earlier than the fourth Monday in  
26 February.

27 (c) The STAR writing assessment shall be administered to each eligible pupil only  
28 on the day(s) specified annually by the State Superintendent of Public Instruction. An  
29 eligible pupil for purposes of the writing assessment is a pupil taking the standards-  
30 based achievement tests for a grade at which the writing test will be administered.

31 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:

1 Sections 60640 and 60642.5, Education Code.

2  
3 **§ 855. Testing Period.**

4 Text of section operative January 1, 2008

5 (a)~~(1)~~ The designated achievement test and the standards-based achievement  
6 tests, except for the STAR writing assessment as specified in subdivision (c), and the  
7 standards-based test in Spanish as specified in subdivision (d), shall be administered  
8 to each pupil during a testing window of ~~twenty-one (21)~~ 11 instructional days that  
9 includes ~~ten (10)~~ five instructional days before and after completion of ~~85~~ 90% of the  
10 school's, track's, or program's instructional days. Testing for all pupils, including  
11 makeup testing, is to be completed within this ~~twenty-one (21)~~ 11 instructional day  
12 window unless all or part of the ~~twenty-one (21)~~ 11 instructional day period falls after  
13 any statutorily specified deadline.

14 (2)~~(b)~~ Each school district shall provide for at least two ~~(2)~~ makeup days of testing  
15 for pupils who were absent during the period in which any school administered the  
16 designated achievement test and the standards-based achievement tests. All makeup  
17 testing shall occur within five ~~(5)~~ instructional days of the last date that the school  
18 district administered the tests but not later than the end of the ~~twenty-one (21)~~ 11  
19 instructional day period established in subdivision (a)~~(1)~~.

20 (b)(1) Any designated primary language test or tests, as applicable, shall be  
21 administered between March 15 and May 14, inclusive, of each school year.

22 (2) Each school district shall provide for at least two makeup days of testing for  
23 pupils who were absent during the period that any school administered any designated  
24 primary language test or tests. All makeup testing shall occur within ten instructional  
25 days of the last date that the school district administered any designated primary  
26 language test or tests, but not later than May 25<sup>th</sup> of each school year, whichever is  
27 earlier.

28 (3) A school district with schools operating on a multitrack year round schedule may  
29 submit a request to the contractor to begin testing no earlier than the fourth Monday in  
30 February.

31 (c) The STAR writing assessment shall be administered to each eligible pupil only

1 on the day(s) specified annually by the State Superintendent of Public Instruction. An  
2 eligible pupil for purposes of the writing assessment is a pupil taking the standards-  
3 based achievement tests for a grade at which the writing test will be administered.

4 (d)(1) The standards-based test in Spanish shall be administered to each pupil  
5 during a testing window of 10 instructional days following the completion of the school  
6 district's testing window as established in subdivision (a)(1).

7 (2) Each school district shall provide for at least two makeup days of testing for  
8 pupils who were absent during the period that any school administered the standards-  
9 based test in Spanish. All makeup testing shall occur within five instructional days of  
10 the last date that the school district administered any standards-based test in Spanish,  
11 but not later than the end of the ten instructional day period established in subdivision  
12 (d)(1).

13 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
14 Sections 60640 and 60642.5, Education Code.

15  
16 **§ 857. District STAR Coordinator.**

17 (a) On or before September 30 of each school year, the superintendent of each  
18 school district shall designate from among the employees of the school district a district  
19 STAR coordinator. The district STAR coordinator, or the school district superintendent  
20 or his or her designee, shall be available through August 15 of the following year to  
21 complete school district testing. The school district shall notify the contractor(s) of the  
22 identity and contact information, including electronic mail address, if available in the  
23 school district, for the district STAR coordinator and for the superintendent and his or  
24 her designee, if any. The district STAR coordinator shall serve as the school district  
25 representative and the liaison between the school district and the contractor(s) and the  
26 school district and the Department for all matters related to the STAR pProgram. A  
27 school district superintendent may designate a separate STAR program district  
28 coordinator for any designated primary language test.

29 (b) The district STAR coordinator's responsibilities shall include, but not be limited  
30 to, all of the following duties:

31 (1) Responding to correspondence and inquiries from the contractor and from the

1 Department in a timely manner and as provided in the contractor's instructions and  
2 these regulations.

3 (2) Determining school district and individual school test and test material needs in  
4 conjunction with schools within the district and the contractor, using current enrollment  
5 data and communicating school district test material needs to the contractor on or  
6 before December 1.

7 (3) Ensuring delivery of tests and test materials to the test sites no more than ten  
8 ~~(40)~~ or fewer than five ~~(5)~~ working days before the first day of testing designated by the  
9 district.

10 (4) Coordinating the testing and makeup testing days for the school district and for  
11 those pupils of the district who are enrolled in nonpublic schools within any required  
12 time periods with the school test site coordinators. Overseeing the collection of all pupil  
13 data as required to comply with ~~§~~section 861.

14 (5) Maintaining security over the designated achievement test, ~~the standards-based~~  
15 ~~achievement tests, the CAPA~~ the designated primary language test, and test data  
16 using the procedure set forth in ~~§~~section 859. The district STAR coordinator shall sign  
17 the security agreement set forth in ~~§~~section 859 and submit it to the contractor prior to  
18 receipt of the test materials from the contractor.

19 (6) Overseeing the administration of the designated achievement test, ~~and the~~  
20 ~~standards-based achievement tests, and the CAPA~~ and the designated primary  
21 language test to eligible pupils.

22 (7) Overseeing the collection and return of all test materials and test data to the  
23 contractor within any required time periods.

24 (8) Assisting the contractor and the Department in the resolution of any  
25 discrepancies in the test information and materials, including but not limited to, pre-  
26 identification files and all pupil level data required to comply with ~~§~~sections 861 and  
27 862.

28 (9) Immediately notifying the Department of any security breaches or testing  
29 irregularities in the district before, during, or after the test administration.

30 (10) Ensuring that an answer document is submitted for scoring for each eligible  
31 pupil enrolled in the district on the first day of testing.

1 (11) After receiving summary reports and files from the contractor, the district STAR  
2 coordinator shall review the files and reports for completeness and accuracy, and shall  
3 notify the contractor and the Department of any errors, discrepancies, or incomplete  
4 information.

5 (12) Training test site coordinators to oversee the test administration at each school.  
6 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
7 Sections 52052, 60630, and 60640, Education Code; and 20 USC Section 6311.

8  
9 **§ 858. STAR Test Site Coordinator.**

10 (a) At each test site, including but not limited to, each elementary, middle, and high  
11 school or other grade-span designated school, each charter school, each court-school,  
12 each school or program operated by a school district, and all other public programs  
13 serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school  
14 district or the district STAR coordinator shall designate a STAR test site coordinator  
15 from among the employees of the school district. The STAR test site coordinator, or the  
16 site principal or his or her designee, shall be available to the district STAR coordinator,  
17 and the district coordinator for the designated primary language test by telephone  
18 through August 15 for purposes of resolving discrepancies or inconsistencies in  
19 materials or errors in reports.

20 (b) The STAR test site coordinator's responsibilities shall include, but are not limited  
21 to, all of the following duties:

22 (1) Determining site test and test material needs and communicating the site needs  
23 to the district STAR coordinator.

24 (2) Overseeing the acquisition and distribution of tests and test materials at the test  
25 site, including but not limited to, distributing test materials to test examiners on each  
26 day of testing in accordance with the contractor's directions.

27 (3) Cooperating with the district STAR coordinator to provide the testing and  
28 makeup testing days for the site within any required time periods.

29 (4) Maintaining security over the designated achievement test, the standards-based  
30 achievement tests, ~~the CAPA~~ and the designated primary language test and test data.  
31 The STAR test site coordinator shall sign the security agreement set forth in ~~S~~section

1 859 and submit it to the district STAR coordinator prior to the receipt of the test  
2 materials.

3 (5) Arranging for and overseeing the administration of the designated achievement  
4 test, the standards-based achievement tests, ~~and the CAPA~~ and the designated  
5 primary language test to eligible pupils at the test site.

6 (6) Overseeing the collection and return of all testing materials to the district STAR  
7 coordinator.

8 (7) Assisting the district STAR coordinator, the contractor, and the Department in  
9 the resolution of any discrepancies in the test information and materials.

10 (8) Overseeing the collection of all pupil level and other data required to comply with  
11 ~~S~~sections 861 and 862.

12 (9) Ensuring that an answer document is submitted for scoring for each eligible pupil  
13 enrolled in the school on the first day of testing for the designated achievement test or  
14 the standards-based achievement tests.

15 (10) Ensuring that for each pupil tested only one scannable answer document is  
16 submitted for scoring, except that for each pupil tested at grades for which the  
17 contractor has designated the use of more than one answer document. An answer  
18 document for the STAR writing assessment administered pursuant to ~~S~~section 855(c)  
19 shall be submitted in addition to the answer document for the multiple choice items.

20 (11) Immediately notifying the district STAR coordinator of any security breaches or  
21 testing irregularities that occur in the administration of the designated achievement test,  
22 the standards-based achievement tests, ~~or the CAPA~~ or the designated primary  
23 language test that violate the terms of the STAR Security Affidavit in ~~S~~section 859.

24 (12) Training all test examiners, proctors, and scribes for administering the tests.

25 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
26 Sections 60630 and 60640, Education Code; and 20 USC Section 6311.

27

28 **§ 859. STAR Test Security Agreement and Test Security Affidavit.**

29 (a) All STAR district and test site coordinators (coordinators) shall sign the STAR  
30 Test Security Agreement set forth in ~~S~~subdivision (b) before receiving any STAR  
31 Program designated achievement test, standards-based achievement tests, or

1 designated primary language test or test materials.

2 (b) The STAR Test Security Agreement shall be as follows:

3 STAR TEST SECURITY AGREEMENT

4 I acknowledge by my signature on this form that the designated achievement test,  
5 the standards-based achievement tests, ~~and the CAPA~~ and the designated primary  
6 language test are secure tests and agrees to each of the following conditions to ensure  
7 test security:

8 (1) I will take all necessary precautions to safeguard all tests and test materials by  
9 limiting access to persons within the school district with a responsible, professional  
10 interest in the tests' security.

11 (2) I will keep on file the names of all persons having access to tests and test  
12 materials. All persons having access to the materials shall be required by the  
13 coordinator to sign the STAR Test Security Affidavit that will be kept on file in the  
14 school district office.

15 (3) I will keep the designated achievement test, ~~and the standards-based~~  
16 achievement tests, and the designated primary language test and test materials in a  
17 secure, locked location and will deliver tests and test materials only to those persons  
18 who have executed STAR Test Security Affidavits, on actual testing dates as provided  
19 in section 859(d) California Code of Regulations, Title 5, division 1, chapter 2,  
20 ~~subchapter 3.75.~~

21 (4) I will keep the ~~CAPA~~ alternate assessment materials in a secure locked location  
22 when not being used by examiners to prepare for and to administer the assessment. I  
23 will adhere to the contractor's directions for the distribution of the assessment materials  
24 to examiners.

25 (5) I will not copy any part of the tests or test materials without written permission  
26 from the Department to do so.

27 (6) I will not disclose, or allow to be disclosed, the contents of, or the test  
28 instrument. I will not review any test questions, passages, or other test items with any  
29 other person before, during, or after the test administration.

30 (7) I will not review test questions, develop any scoring keys or review or score any  
31 pupil responses except as required by the contractor's manuals.

1 By signing my name to this document, I am assuring that I will abide by the above  
2 conditions.

3 By: \_\_\_\_\_

4 Title: \_\_\_\_\_

5 School District: \_\_\_\_\_

6 Date: \_\_\_\_\_

7 (c) All test examiners, proctors, scribes, and any other persons having access to the  
8 designated achievement test and test materials, the standards-based achievement  
9 tests and test materials, and the ~~CAPA~~ designated primary language test and test  
10 materials shall acknowledge the limited purpose of their access to the tests by signing  
11 the STAR Test Security Affidavit set forth in ~~S~~subdivision (d).

12 (d) The STAR Test Security Affidavit shall be as follows:

13 STAR TEST SECURITY AFFIDAVIT

14 I acknowledge that I will have access to the designated achievement test, ~~and to the~~  
15 standards-based achievement tests, ~~and the CAPA~~ and/or the designated primary  
16 language test for the purpose of administering the test(s). I understand that these  
17 materials are highly secure, and it is my professional responsibility to protect their  
18 security as follows:

19 (1) I will not divulge the contents of the tests to any other person through verbal,  
20 written, or any other means of communication.

21 (2) I will not copy any part of the test(s) or test materials.

22 (3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

23 (4) I will limit access to the test(s) and test materials by test examinees to the actual  
24 testing periods when they are taking the test(s).

25 (5) I will collect and account for all materials following each period of testing and will  
26 not permit pupils to remove test materials from the room where testing takes place.

27 (6) I will not review any test questions, passages, or other test items with pupils or  
28 any other person before, during, or following testing.

29 (7) I will not develop scoring keys or review or score any pupil responses except as  
30 required by the contractor's administration manual(s) to prepare answer documents for  
31 machine or other scoring.

1 (8) I will return all test materials, except for CAPA alternate assessment materials,  
2 to the designated STAR test site coordinator daily upon completion of testing.

3 (9) I will keep all alternate assessment materials in secure locked storage except  
4 when I am administering or observing the administration of the assessment to pupils.

5 (10)(9) I will administer the test(s) in accordance with the directions for test  
6 administration set forth in the contractor's manual for test administration.

7 (11)(10) I have been trained to administer the tests.

8 Signed: \_\_\_\_\_

9 Print Name: \_\_\_\_\_

10 Position: \_\_\_\_\_

11 School: \_\_\_\_\_

12 School District: \_\_\_\_\_

13 Date: \_\_\_\_\_

14 (e) To maintain the security of the Program, all district STAR coordinators and test  
15 site coordinators are responsible for inventory control and shall use appropriate  
16 inventory control forms to monitor and track test inventory.

17 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
18 Section 60640, Education Code.

19  
20 **§ 861. School-By-School Analysis**

21 (a) Each school district shall provide the contractor for the designated achievement  
22 test and standards-based achievement tests ~~or CAPA~~, the following information for  
23 each pupil enrolled on the first day the tests are administered for purposes of the  
24 reporting required by the Academic Performance Index of the Public Schools  
25 Accountability Act (~~C~~chapter 6.1, commencing with ~~S~~section 52050), ~~S~~section 60630,  
26 and ~~C~~chapter 5 (commencing with ~~S~~section 60640) of the Education Code:

27 (1) Pupil's full name.

28 (2) Date of birth.

29 (3) Grade level.

30 (4) Gender.

31 (5)-English proficiency and primary language.

1 (6) Date of English proficiency reclassification.

2 (7) If R-FEP pupil scored proficient or above on the California English-Language  
3 aArts Standards ~~†~~Test three ~~(3)~~ times since reclassification.

4 (8) Program participation.

5 (9) Use of accommodations or modifications.

6 (10) Statewide Student Identifier ~~California School Information Services (CSIS)~~  
7 ~~Student Number once assigned.~~

8 (11) Parent education level.

9 (12) ~~Amount of time in the school and school district.~~ School and district California  
10 Basic Educational Data System (CBEDS) enrollment.

11 (13) Grade last enrolled in school where being tested.

12 (14)(13) For English learners, length of time in California public schools and date  
13 first enrolled in school in the United States and the length of time in U.S. schools.

14 (15)(14) Participation in the National School Lunch Program.

15 (16)(15) Ethnicity.

16 (17)(16) Primary disability code.

17 (18)(17) County and District of residence for pupils with IEPs.

18 (19)(18) Special testing conditions and/or reasons for not being tested.

19 (20) Student enrolled in NPS by district based on IEP.

20 (21) NPS school code.

21 (b) In addition to the demographic data required to be reported in Section 861(a),  
22 school districts may report if an eligible pupil in ~~grades 2 through 14~~ is not tested with  
23 the standards-based achievement tests due to a significant medical emergency.

24 (c) Each school district shall provide the contractor for the designated primary  
25 language test the information specified in subdivision (a) for each pupil assessed with  
26 the designated primary language test pursuant to Education Code section 60640.

27 (d)(e) The information is for the purposes of aggregate analyses only and shall be  
28 provided and collected as part of the testing materials for the designated achievement  
29 test, and the standards-based achievement tests, ~~and the CAPA.~~

30 (e)(d) School districts shall provide the same information for each eligible pupil  
31 enrolled in an alternative or off campus program or for pupils placed in nonpublic

1 schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.

2 ~~(f)(e)~~ If the information required by ~~§~~section 861(a) is incorrect, the school district  
3 may enter into a separate agreement with the contractor to have the district's student  
4 data file corrected. The district STAR coordinator shall provide the correct information  
5 to the contractor within the contractor's timeline. Any costs for correcting the student  
6 data shall be the district's responsibility.

7 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
8 Section 60630, Education Code.

9

10 **§ 862. Apportionment Information Report.**

11 (a) Annually, each school district shall receive an apportionment information report  
12 with the following information for the designated achievement test, and the standards-  
13 based achievement tests, ~~and the CAPA~~ by grade level for each of grades 2 to 11,  
14 inclusive:

15 (1) The number of pupils enrolled in each school and in the school district on the  
16 first day of testing as indicated by the number of answer documents submitted to the  
17 test contractor for scoring.

18 (2) The number of pupils ~~with significant cognitive disabilities~~ in each school and in  
19 the school district tested with the ~~California Alternate Performance Assessment (CAPA)~~  
20 alternate assessment.

21 (3) The number of pupils in each school and in the school district exempted from  
22 testing at the request of their parents or guardians pursuant to Education Code section  
23 60615.

24 (4) The number of pupils who were administered any portion of the designated  
25 achievement test and standards-based achievement tests.

26 (5) The number of pupils with demographic information only who were not tested for  
27 any reason other than a parent/guardian exemption.

28 ~~(b) The department shall distribute the reports to districts no later than November 15~~  
29 ~~following each testing cycle.~~ Annually, each school district shall receive an  
30 apportionment information report for the designated primary language test with the  
31 following information by grade level for each of grades 2 to 11, inclusive:

1       (1) The number of English language learners who were administered each  
2 designated primary language test pursuant to Education Code section 60640(f).

3       (2) The number of English language learners who were administered each  
4 designated primary language test pursuant to Education Code section 60640(g).

5       (c) To be eligible for apportionment payment for the designated achievement test,  
6 the standards-based achievement tests and/or the designated primary language test,  
7 school districts must meet the following conditions:

8       (1) The school district has returned all secure test materials, and

9       (2) The superintendent of each school district has certified the accuracy of the  
10 apportionment information report for examinations administered during the calendar  
11 year (January 1 through December 31), which is either;

12       (A) postmarked by December 31, or

13       (B) if postmarked after December 31, the apportionment information report must be  
14 accompanied by a waiver request as provided by Education Code ~~S~~section 33050. For  
15 those apportionment information reports postmarked after December 31,  
16 apportionment payment is contingent upon the availability of an appropriation for this  
17 purpose in the fiscal year in which the testing window began.

18 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
19 Sections 60615 and 60640, Education Code.

20  
21 **§ 863. STAR Student Reports and Cumulative Record Labels.**

22       (a) The school district shall forward the STAR Student Report for the designated  
23 achievement test and standards-based achievement tests and the designated primary  
24 language test provided by the contractor(s) to each pupil's parent or guardian, within  
25 not more than ~~twenty (20)~~ working days from receipt of the report from the contractor.

26       (b) If the school district receives the reports for the designated achievement test and  
27 standards-based tests, ~~or CAPA~~ or the designated primary language test from the  
28 contractor after the last day of instruction for the school year, the school district shall  
29 send the pupil results to the parent or guardian by U.S. mail at the parent's or  
30 guardian's last known address. If the report is non-deliverable, the school district shall  
31 make the report available to the parent or guardian during the next school year.

1 (c) Schools are responsible for affixing cumulative record labels reporting each  
2 pupil's scores to the pupil's permanent school records or for entering the scores into  
3 electronic pupil records, and for forwarding the results to schools to which pupils  
4 matriculate or transfer. Schools may annotate the scores when the scores may not  
5 accurately reflect pupils' achievement due to illness or testing irregularities.

6 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
7 Sections 49068, 60641, and 60607, Education Code.

8  
9 **§ 864. Reporting Test Scores.**

10 No aggregate or group scores or reports that are compiled pursuant to Education  
11 Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other  
12 media, to any audience other than the school or school district where the pupils were  
13 tested, if the aggregate or group scores or reports are composed of ten ~~(10)~~ or fewer  
14 individual pupil scores. In each instance in which no score is reported for this reason,  
15 the notation shall appear "The number of pupils in this category is too small for  
16 statistical accuracy or privacy protection." In no case shall any group score be reported  
17 that would deliberately or inadvertently make public the score or performance of any  
18 individual pupil.

19 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
20 Section 60640 and 60643, Education Code.

21  
22 **§ 864.5. Test Order Information.**

23 (a) The school district shall provide to the contractor(s), for the designated  
24 achievement test and the standards-based achievement tests no later than December  
25 1 of the year immediately prior to the year of test administration, the following data for  
26 each test site of the school district, by grade level:

27 ~~(1) Number of pupils to be tested~~

28 ~~(1)(2) Valid county district school (CDS) codes,~~

29 ~~(2)(3) Number of tests, without adaptation~~

30 ~~(3)(4) Numbers of special version tests with adaptations by type of adaptation~~  
31 including, but not limited to, Braille and large print.

1 ~~(4)(5)~~ Number of Directions for Admistration needed, by grade level.

2 (5) Number of pupils to be tested with the alternate assessment.

3 (6) Number of test examiners for the alternate assessment.

4 ~~(7)(6) First date of testing in the school district,~~ The first and last date of instruction  
5 and all non-instructional days during the school year for each school in the district and  
6 all non-working days for the school district ~~the dates for each test administration period,~~  
7 ~~if applicable.~~

8 (b) the school district shall provide to the contractor for the designated primary  
9 language test, the following data:

10 (1) Whether or not the district has eligible pupils for the tests.

11 (2) For all test sites in the district with eligible pupils, by grade level, the information  
12 in subdivision (a)(1), (2), (3), and (4).

13 ~~(c)(b)~~ Each school district that elects pre-identification of answer documents shall  
14 submit an electronic file that includes all of the information required in Section 861.  
15 The file must be submitted in accordance with the timeline, format, and instructions  
16 provided by the contractor(s).

17 ~~(d)(c)~~ If the testing materials are lost or destroyed while in the possession of the  
18 school district, and the contractor provides the school district with replacement  
19 materials, the school district is responsible for the cost of all replacement materials.

20 ~~(e)(d)~~ If the school district places an order for tests for any school that is excessive,  
21 the school district is responsible for the cost of materials for the difference between the  
22 sum of the number of pupil tests submitted for scoring including tests for non-tested  
23 pupils and 90 percent of the materials ordered. In no event shall the cost to the school  
24 district for replacement or excessive materials exceed the amount per test booklet and  
25 accompanying material that is paid to the contractor by the Department as part of the  
26 contract for the current year.

27 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
28 Sections 60640 and 60643, Education Code.

29

30 **§ 865. Transportation.**

31 (a) Upon arrival of the test materials at a single location designated by each school

1 district, the ~~school district's~~ district STAR coordinator shall provide the contractor with a  
2 signed receipt certifying that all cartons were received.

3 (b) The security of the test materials that have been duly delivered to the school  
4 district is the sole responsibility of the school district until all test materials have been  
5 inventoried, accounted for, and delivered to the common or private carrier designated  
6 by the contractor for return to the contractor.

7 (c) Secure transportation within a school district is the responsibility of the school  
8 district once materials have been duly delivered to the school district. The school  
9 district is responsible for secure delivery of test materials to nonpublic schools ~~to which~~  
10 ~~district pupils with disabilities are assigned.~~

11 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
12 Section 60640, Education Code.

13  
14 **§ 866. School District Delivery.**

15 (a) No school district shall receive its ~~multiple-choice~~ designated achievement test,  
16 standards-based achievement test, or designated primary language test materials more  
17 than twenty ~~(20)~~ or fewer than ten ~~(10)~~ working days prior to the first day of testing in  
18 the school district. A school district that has not received ~~multiple-choice~~ test materials  
19 from the contractor at least ten ~~(10)~~ working days before the first date of testing in the  
20 school district shall notify the contractor and the Department on the tenth working day  
21 before testing is scheduled to begin that the school district has not received its  
22 materials. Deliveries of ~~multiple-choice~~ test materials to single school districts shall use  
23 the schedule in ~~S~~section 867.

24 (b) A school district and the contractor shall establish a periodic delivery schedule to  
25 accommodate all test administration periods within the school district. Any schedule  
26 established must conform to ~~S~~sections 866(a) and (b) for each test administration  
27 period.

28 (c) No school district shall receive its writing test materials more than ten ~~(10)~~ or  
29 fewer than five ~~(5)~~ working days before the day on which the writing tests are to be  
30 administered.

31 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:

1 Sections 60640, 60642.5, and 60643, Education Code.

2

3 **§ 867. Test Site Delivery and Return.**

4 (a) No school or other test site shall receive any ~~multiple-choice~~ designated  
5 achievement test, standards-based tests, or designated primary language test or  
6 related test materials more than ten ~~(10)~~ or fewer than five ~~(5)~~ working days prior to the  
7 first day of testing scheduled at the school or test site.

8 (b) All ~~multiple-choice~~ testing materials shall be returned to the school district  
9 location designated by the district STAR coordinator no more than two ~~(2)~~ working days  
10 after testing is completed for each test administration period.

11 (c) No school or other test site shall receive any writing test materials more than six  
12 ~~(6)~~ or fewer than two ~~(2)~~ working days before the test administration date.

13 (d) Writing test materials shall be returned to the district STAR coordinator no more  
14 than one day after the day scheduled for makeup testing.

15 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
16 Section 60640 and 60642.5, Education Code.

17

18 **§ 867.5. Retrieval of Materials by Contractor.**

19 (a) The school district shall ensure that ~~multiple-choice~~ designated achievement  
20 test, standards-based tests, or designated primary language testing materials are  
21 inventoried, packaged, and labeled in accordance with instructions from the contractor,  
22 and returned to a single school district location for pickup by the contractor within five  
23 ~~(5)~~ working days following completion of testing in the school district and in no event  
24 later than five ~~(5)~~ working days after each test administration period. ~~All school districts~~  
25 ~~must have their multiple-choice testing materials returned to the contractor no later than~~  
26 ~~five (5) working days after any statutory deadline.~~

27 (b) School districts shall return all writing tests and test materials to the contractor  
28 no more than two ~~(2)~~ working days after the makeup day specified for the writing test.

29 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
30 Sections 60640, 60642.5, and 60643, Education Code.

31

1 **§ 868. Discrepancy Resolution for Designated Achievement Test, Standards-**  
2 **Based Achievement Tests, and ~~CAPA~~ and Designated Primary Language Test.**

3 (a) School districts shall process discrepancies determined by the contractor~~(s)~~  
4 upon receipt of returned tests and test materials pursuant to this subdivision:

5 (1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by  
6 the district STAR coordinator for one or more of the following shall require a response  
7 from the district STAR coordinator to the contractor within 24 hours.

8 (A) A discrepancy between the quantity of tests and test materials shipped to the  
9 school district and the number of tests and test materials returned to the contractor  
10 from the school district.

11 (B) Information on scannable documents or test support materials that is  
12 inconsistent, incomplete, or missing, according to criteria established with the  
13 Department.

14 (2) The district STAR coordinator shall acknowledge the discrepancy notice via  
15 electronic mail, if available in the school district, to the contractor and to the  
16 Department within ~~twenty-four (24)~~ hours of its receipt via electronic mail.

17 (b) The district STAR coordinator shall report any discrepancy in the total amount of  
18 the shipment from the contractor within two ~~(2)~~ working days of the receipt of the  
19 shipment. If the contractor does not remedy the discrepancy within two ~~(2)~~ working  
20 days of the school district report, the school district shall notify the Department within  
21 24 hours.

22 (c) Any discrepancy in a shipment of designated achievement tests or test  
23 materials, ~~or standards-based achievement tests or test materials, or CAPA materials~~  
24 or designated primary language test or test materials received by a test site from the  
25 district STAR coordinator shall be reported to the district STAR coordinator immediately  
26 but no later than two ~~(2)~~ working days of the receipt of the shipment at the testing site.  
27 The district STAR coordinator shall remedy the discrepancy within two ~~(2)~~ working  
28 days.

29 (d) The district STAR coordinator shall report to the contractor any discrepancy  
30 reported by a STAR test site coordinator within three ~~(3)~~ working days of receipt of  
31 materials at the test site. If the district STAR coordinator does not have a sufficient

1 supply of tests or test materials to remedy any shortage, the contractor shall remedy  
2 the shortage by providing sufficient materials directly to the test site within two (2)  
3 working days of the notification by the district STAR coordinator.

4 (e) The notices required by this section shall be made by telephone with  
5 simultaneous confirmation in writing and by electronic mail.

6 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
7 Sections 60640 and 60643, Education Code.

8  
9 **§ 870. Apportionment to School Districts.**

10 (a) The amount of funding to be apportioned to the school district for the costs of  
11 administering the designated achievement test, the standards-based achievement  
12 tests, and the CAPA and the designated primary language test shall be the amount  
13 established by the State Board of Education to enable school districts to meet the  
14 requirements of administering the designated achievement test, the standards-based  
15 achievement tests, and the CAPA and the designated primary language test per the  
16 number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the  
17 number of answer documents returned with only demographic information for the  
18 designated achievement test and the standards-based achievement tests for pupils  
19 enrolled on the first day of testing who were not tested in the school district. The  
20 number of tests administered and the number of demographic answer documents shall  
21 be determined by the certification of the school district superintendent pursuant to  
22 §section 862. For purposes of this portion of the apportionment, administration of the  
23 designated achievement test, the standards-based achievement tests, and the CAPA  
24 and the designated primary language test includes the following items:

- 25 (1) All staffing costs, including the district STAR coordinator and the STAR test site  
26 coordinators, staff training and other staff expenses related to testing.
- 27 (2) All expenses incurred at the school district and test site level related to testing.
- 28 (3) All transportation costs of delivering and retrieving tests and test materials within  
29 the school district and to nonpublic schools.
- 30 (4) All costs associated with mailing the STAR Student Reports to  
31 parents/guardians.

1 (5) All costs associated with pre-identification of answer sheets and consumable  
2 test booklets, and other activities intended to provide the complete and accurate data  
3 required in Section 861 of these regulations.

4 (b) This amount does not include any funding for the purposes of:

5 (1) reimbursing the costs incurred by any school district pursuant to Section  
6 864.5(d) or (e); placing an order that is excessive, or for replacement costs for test  
7 materials lost or destroyed while in possession of the school district as stated in  
8 Section 864.5(c). These costs are outside the scope of the mandates of the STAR  
9 program.

10 (2) reimbursing any school district for designated primary language tests for non-  
11 eligible pupils; and

12 (3) reimbursing any school district for designated achievement tests for non-eligible  
13 pupils.

14 (c) If at the time a school district's scannable documents are processed by the  
15 contractor a student data record is missing any of the data elements required in  
16 Section 861 of these regulations for the designated achievement test or the  
17 standards-based achievement tests, the school district shall provide the missing data  
18 elements within the time required by the contractor to process the documents and meet  
19 the contractor's schedule of deliverables under its contract with the Department. The  
20 additional costs incurred by the school district to have the contractor reprocess the  
21 student information to acquire the data required by Section 861 of these regulations  
22 shall be withheld from the school district's apportionment.

23 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
24 Sections 60640 and 60643, Education Code.

### 25 26 **Article 3. Designated Primary Language Test**

#### 27 **§ 880. Pupil Testing.**

28 ~~(a) In addition to the designated achievement test and the standards-based~~  
29 ~~achievement tests, school districts shall administer to English language learners who~~  
30 ~~are enrolled in any of grades 2 to 11, inclusive, a designated primary language test if~~  
31 ~~less than 12 months have elapsed after initial enrollment in any public school in this~~

1 ~~state and if a test has been designated in the pupil's primary language.~~

2 ~~(b) School districts shall make whatever arrangements are necessary to test all~~  
3 ~~eligible pupils in alternative education programs or programs conducted off campus,~~  
4 ~~including, but not limited to, continuation schools, independent study, community day~~  
5 ~~schools, or county community schools.~~

6 ~~(c) School districts may administer a designated primary language test to pupils~~  
7 ~~enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for an~~  
8 ~~apportionment pursuant to Education Code section 60640(h).~~

9 ~~(d) No test may be administered in a private home or location unless the test in~~  
10 ~~administered by either a certificated employee of the school district or an employee of a~~  
11 ~~nonpublic school pursuant to Education Code section 56365 who holds a credential~~  
12 ~~and the employee signs a security affidavit. No test shall be administered to a pupil by~~  
13 ~~the parent or guardian of that pupil. This subdivision does not prevent classroom aides~~  
14 ~~from assisting in the administration of the test under the supervision of a credentialed~~  
15 ~~school district employee provided that the classroom aide does not assist his or her~~  
16 ~~own child and that the classroom aide signs a security affidavit.~~

17 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

18 Reference: Section 60640, Education Code.

19  
20 **§ 881. Pupil Exemptions.**

21 ~~(a) A parent or guardian may submit to the school a written request to excuse his or~~  
22 ~~her child from any or all parts of any designated primary language test provided~~  
23 ~~pursuant to Education Code section 60640. The parent or guardian must initiate the~~  
24 ~~request and the school district and its employees shall not solicit or encourage any~~  
25 ~~written request on behalf of any child.~~

26 ~~(b) Pupils in special education programs may be tested with a designated primary~~  
27 ~~language test, if applicable, unless the individualized education program for the pupil~~  
28 ~~specifically exempts the pupil from testing.~~

29 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

30 Reference: Sections 60615 and 60640, Education Code.

31

1

**2 § 882. Administration.**

3 ~~(a) Any designated primary language test or tests, which includes all those~~  
4 ~~materials set forth in Section 850(b), shall be administered and returned in accordance~~  
5 ~~with the manuals or other instructions provided by the publisher(s) for administering~~  
6 ~~and returning the tests unless specifically provided otherwise in this subchapter. The~~  
7 ~~procedures shall include, but are not limited to, those designed to insure the uniform~~  
8 ~~and standard administration of the test(s) to pupils and the security and integrity of the~~  
9 ~~test content(s) and test items.~~

10 ~~(b) Except as provided in Subdivision (c), the reading section of any test or tests~~  
11 ~~shall not be read, interpreted, or translated to any pupil and no pupil may use a~~  
12 ~~calculator while taking any designated primary language test or tests administered~~  
13 ~~pursuant to Education Code section 60640(f) or (g).~~

14 ~~(c) Pupils in special education programs with individualized education programs~~  
15 ~~delineating accommodations such as, but not limited to, large print, extended time, or~~  
16 ~~the use of a reader or scribe; or pupils with current plans under Section 504 of the~~  
17 ~~Rehabilitation Act of 1973 specifying such accommodations shall be tested and the~~  
18 ~~prescribed adaptations or accommodations shall be made.~~

19 ~~(d) Except for pupils in special education programs with individualized education~~  
20 ~~programs and pupils with section 504 plans that require specific accommodations or~~  
21 ~~modifications, no pupil shall be tested with the accommodations or modifications of~~  
22 ~~large print, use of a reader or scribe, extended time, use of a calculator, or out-of-level~~  
23 ~~test.~~

24 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

25 Reference: Section 60640, Education Code.

26

**27 § 883. Advance Preparation for Test.**

28 ~~(a) Except for materials specifically included within any designated primary~~  
29 ~~language test or tests, no program or materials shall be used by any school district or~~  
30 ~~employee of a school district that are specifically formulated, or intended by a any~~  
31 ~~school district or employee of a school district, to prepare pupils for any designated~~

1 ~~primary language test or tests. No administration or use of an alternate or parallel form~~  
2 ~~of the designated test for any stated purpose shall be permitted for any pupils in grades~~  
3 ~~2 through 11, inclusive.~~

4 ~~(b) Practice tests provided by the publisher(s) as part of any designated primary~~  
5 ~~language test or tests for the limited purpose of familiarizing pupils with the use of~~  
6 ~~scannable test booklets or answer sheets and the format of test items are not subject to~~  
7 ~~the prohibition of Subdivision (a).~~

8 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

9 Reference: Sections 60611 and 60640, Education Code.

10

11 **§ 884. Testing Period.**

12 ~~(a) Any designated primary language test or tests, as applicable, shall be~~  
13 ~~administered during the testing period of all instructional days commencing on or after~~  
14 ~~March 15 to the 14<sup>th</sup> day of May, inclusive, of each school year.~~

15 ~~(b) Each school district shall provide for at least two (2) makeup days of testing for~~  
16 ~~pupils who were absent during the period that any school administered any designated~~  
17 ~~primary language test or tests. All makeup testing shall occur within ten (10)~~  
18 ~~instructional days of the last date that the school district administered any designated~~  
19 ~~primary language test or tests, but not later than May 25th of each school year,~~  
20 ~~whichever is earlier.~~

21 ~~(c) A school district with schools operating on a multitrack year-round schedule may~~  
22 ~~submit a request to the Department to begin testing no earlier than the fourth Monday~~  
23 ~~in February. The State Board of Education shall approve the request if it determines~~  
24 ~~that sufficient tests and test materials are available from the publisher(s) and that the~~  
25 ~~school district will not otherwise be able to complete the testing of all eligible pupils~~  
26 ~~prior to May 15th of the school year.~~

27 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

28 Reference: Section 60640, Education Code.

29

30 **§ 886. STAR Program District Coordinator.**

31 ~~The STAR program district coordinator designated by the Superintendent of the~~

1 ~~school district pursuant to Section 857 shall have the same responsibilities with regard~~  
2 ~~to the designated primary language test(s) including, but not limited to, all of the duties~~  
3 ~~listed in Section 857(b) and the certifications required in Section 857(c), (d), and (e) for~~  
4 ~~the designated achievement test.~~

5 NOTE: Sections 33031 and 60605(g) and (h), Education Code. Reference: Sections  
6 60630 and 60640, Education Code.

7  
8 **§ 887. STAR Test Site Coordinator.**

9 ~~The STAR test site coordinator designated by the Superintendent of the school~~  
10 ~~district pursuant to Section 858 shall have the same responsibilities with regard to the~~  
11 ~~designated primary language test(s) including, but not limited to, all of the duties listed~~  
12 ~~in Section 858(b) and the certification required in Section 858(c) for the designated~~  
13 ~~achievement test. If necessary, a school district superintendent may designate a~~  
14 ~~separate STAR program district coordinator for any designated primary language test.~~

15 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
16 Reference: Sections 60630 and 60640, Education Code.

17  
18 **§ 888. STAR Test Security Agreement and Test Security Affidavit.**

19 ~~(a) All STAR program district and test site coordinators (coordinators) shall sign the~~  
20 ~~STAR Test Security Agreement set forth in Subdivision (b).~~

21 ~~(b) The STAR Test Security Agreement shall be as follows:~~

22 **~~STAR TEST SECURITY AGREEMENT~~**

23 ~~The coordinator acknowledges by his or her signature on this form that the~~  
24 ~~designated primary language test or tests are secure tests and agrees to each of the~~  
25 ~~following conditions to ensure test security:~~

26 ~~(1) The coordinator will take all necessary precautions to safeguard all tests and~~  
27 ~~test materials by limiting access to persons within the school district with a responsible,~~  
28 ~~professional interest in the test's security.~~

29 ~~(2) The coordinator will keep on file the names of all persons having access to tests~~  
30 ~~and test materials. All persons having access to the materials shall be required by the~~  
31 ~~coordinator to sign the STAR Test Security Affidavit that will be kept on file in the~~

1 school district office.

2 ~~(3) The coordinator will keep the test and test materials in a secure, locked location,~~  
3 ~~limiting access to only those persons responsible for test security except on actual~~  
4 ~~testing dates as provided in California Code of Regulations, Title 5, Division 1, Chapter~~  
5 ~~2, Subchapter 3.75.~~

6 ~~By signing my name to this document, I am assuring that I and anyone having~~  
7 ~~access to the test materials will abide by the above conditions.~~

8 ~~By: \_\_\_\_\_~~

9 ~~Title: \_\_\_\_\_~~

10 ~~School District: \_\_\_\_\_~~

11 ~~Date: \_\_\_\_\_~~

12 ~~(c) Each STAR test site coordinator shall deliver the tests and test materials only to~~  
13 ~~those persons actually administering the designated primary language test or tests on~~  
14 ~~the date of testing and only upon execution of the STAR Test Security Affidavit set forth~~  
15 ~~in Subdivision (e).~~

16 ~~(d) All persons having access to the designated primary language test or tests and~~  
17 ~~test materials shall acknowledge the limited purpose of their access to the tests, by~~  
18 ~~signing the STAR Test Security Affidavit set forth in Subdivision (e).~~

19 ~~(e) The STAR Test Security Affidavit shall be as follows:~~

20 **~~STAR TEST SECURITY AFFIDAVIT~~**

21 ~~I acknowledge that I will have access to the designated primary language test or~~  
22 ~~tests for the purpose of administering the test. I understand that these materials are~~  
23 ~~highly secure, and it is my professional responsibility to protect their security as follows:~~

24 ~~(1) I will not divulge the contents of the test(s) to any other person.~~

25 ~~(2) I will not copy any part of the test(s) or test materials.~~

26 ~~(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.~~

27 ~~(4) I will limit access to the test(s) and test materials by test examinees to the actual~~  
28 ~~testing periods.~~

29 ~~(5) I will not permit pupils to remove test materials from the room where testing~~  
30 ~~takes place.~~

31 ~~(6) I will not disclose, or allow to be disclosed, the contents of, or the scoring keys~~

1 to, the test instruments.

2 ~~(7) I will return all test materials to the designated STAR site coordinator upon~~  
3 ~~completion of the test(s).~~

4 Signed \_\_\_\_\_

5 Print Name: \_\_\_\_\_

6 Position: \_\_\_\_\_

7 School: \_\_\_\_\_

8 School District: \_\_\_\_\_

9 Date: \_\_\_\_\_

10 ~~(f) To maintain the security of the program, all STAR program district coordinators~~  
11 ~~and test site coordinators are responsible for inventory control and shall use~~  
12 ~~appropriate inventory control forms to monitor and track test inventory.~~

13 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
14 Reference: Section 60640, Education Code.

15

16 **§ 890. School-By-School Analysis.**

17 ~~(a) Each school district shall provide each publisher of a designated primary~~  
18 ~~language test or tests the following information for each pupil tested for purposes of the~~  
19 ~~reporting required by Section 60630 and Article 4 (commencing with Section 60640) of~~  
20 ~~the Education Code:~~

21 ~~(1) Date of birth.~~

22 ~~(2) Grade level.~~

23 ~~(3) Gender.~~

24 ~~(4) Language fluency and home language.~~

25 ~~(5) Special program participation.~~

26 ~~(6) Testing adaptations or accommodations.~~

27 ~~(7) Parent education level.~~

28 ~~(8) Amount of time in the school, school district, and in California public schools.~~

29 ~~(9) Ethnicity.~~

30 ~~(10) Handicapping condition or disability.~~

31 ~~(b) The information is for the purposes of aggregate analyses only and shall be~~

1 provided and collected as part of the testing materials for the designated primary  
2 language test or tests.

3 (c) School districts shall provide the same information for each eligible pupil enrolled  
4 in an alternative or off campus program as is provided for all other eligible pupils in  
5 grades 2 to 11, inclusive.

6 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

7 Reference: Section 60630, Education Code.

8

9 **§ 891. Apportionment Information Report.**

10 (a) Each school district shall report to the State Department of Education all of the  
11 following information relevant to a designated primary language test by grade level for  
12 each of grades 2 to 11, inclusive:

13 (1) The number of pupils who are English language learners.

14 (2) The number of English language learners who were administered each  
15 designated primary language test pursuant to Education Code section 60640(f).

16 (3) The number of English language learners who were administered each  
17 designated primary language test pursuant to Education Code section 60640(g).

18 (4) The total number of English language learners exempted from the test pursuant  
19 to Education Code section 60615.

20 (5) The total number of English language learners exempted pursuant to any  
21 provision in their individualized education programs (IEPs) which explicitly exempts  
22 them from standardized testing.

23 (6) If a school district opted to have the publisher of a designated primary language  
24 test provide pre-identification of answer sheets, the number of tests administered with  
25 pre-identified answer documents.

26 (b)(1) The superintendent of each school district shall certify the accuracy of all  
27 information submitted. The report required by Subdivision (a) shall be filed with the  
28 State Superintendent of Public Instruction within ten (10) working days of the last day of  
29 makeup testing in the school district.

30 (2) School districts with an average daily attendance greater than 100,000 may  
31 certify the accuracy and submit the information required by Subdivision (a) within fifteen

1 ~~(15) working days of the last day of makeup testing in the school district. The school~~  
2 ~~district may submit a request to the State Department of Education to obtain approval~~  
3 ~~of the State Board of Education for an extension of ten (10) additional working days if~~  
4 ~~the fifteen (15) working day requirement presents an undue hardship.~~

5 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

6 Reference: Sections 60615 and 60640, Education Code.

7

8 **§ 892. Parent Reports.**

9 ~~A school district shall report the results of each pupil's test to the pupil's parent or~~  
10 ~~guardian as provided in Section 863.~~

11 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

12 Reference: Section 60641, Education Code.

13

14 **§ 893. Reporting Test Scores.**

15 ~~No scores that are compiled pursuant to Education Code section 60641 or 60643~~  
16 ~~shall be reported electronically, in hard copy, or in other media, to any audience, if the~~  
17 ~~aggregate or group score is composed of ten (10) or fewer individual pupil scores. In~~  
18 ~~each instance in which no score is reported for this reason, the notation shall appear,~~  
19 ~~when posted on the Internet: "The number of pupils in this category is too small for~~  
20 ~~statistical accuracy or privacy protection" or, when reported in hard copy or other~~  
21 ~~media, a substantially similar statement may be used. In no case shall any group score~~  
22 ~~be reported that would deliberately or inadvertently make public the score or~~  
23 ~~performance of any individual pupil.~~

24 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

25 Reference: Sections 60640 and 60643, Education Code.

26

27 **§ 894. Test Order Information.**

28 ~~(a) Each publisher of a designated primary language test or tests shall notify all~~  
29 ~~school districts of any adaptations available from each publisher to accommodate~~  
30 ~~pupils with exceptional needs including, but not limited to, Braille and large print.~~

31 ~~(b) The school district shall provide to the publisher, no later than December 15 of~~

1 the year immediately prior to the year of test administration, the following data for each  
2 test site of the school district, by grade level:

3 (1) The number of pupils to be tested.

4 (2) Valid county district school (CDS) codes.

5 (3) Number of tests without adaptation.

6 (4) Numbers of large print tests.

7 (5) Number of Directions for Administration needed, by grade level.

8 (6) First date of testing in the school district including the dates for each testing  
9 wave, if applicable.

10 (7) Date or dates on which delivery of materials to the school district is required.

11 (c) Each school district that elects pre-identification of answer documents shall  
12 provide to the publisher no fewer than 45 days prior to the first date of testing in the  
13 school district, an electronic file that includes all of the information required in Section.

14 (1) If the testing materials are lost or destroyed while in the possession of the school  
15 district, and the publisher provides the school district with replacement materials, the  
16 school district is responsible for the cost of all replacement materials.

17 (2) If the school district places orders for tests for any school that are excessive, the  
18 school district is responsible for the cost of materials for the difference between the  
19 sum of the number of pupil tests scored, the number of parent requests pursuant to  
20 Education Code section 60615, and the number of individualized education program  
21 exemptions pursuant to Education Code section 60640(e) and 90 percent of the tests  
22 ordered. In no event shall the cost to school district for replacement or excessive  
23 materials exceed the amount per test booklet and accompanying material that is paid to  
24 the publisher by the Department as part of the contract with the publisher for the  
25 current year.

26 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

27 Reference: Sections 60640 and 60643, Education Code.

28  
29 **§ 895. Transportation.**

30 (a) Each test publisher shall assume all responsibility for the security and integrity of  
31 their tests and test materials at all sites where the publisher creates, produces, stores,

1 ~~or maintains the materials and during the time that any and all materials are in transit~~  
2 ~~by any means from the publisher's storage, production, maintenance, or transfer facility~~  
3 ~~until the materials arrive at a single location designated by each school district and the~~  
4 ~~school district's STAR program district coordinator provides the publisher with a signed~~  
5 ~~receipt. Upon arrival of the test materials at a single location designated by each~~  
6 ~~school district, the school district's STAR program district coordinator shall provide the~~  
7 ~~publisher with a signed receipt.~~

8 ~~(b) The security of the tests and test materials that have been duly delivered to the~~  
9 ~~school district is the sole responsibility of the school district until all tests and test~~  
10 ~~materials have been inventoried, accounted for, and delivered to the common or private~~  
11 ~~carrier designated by the publisher.~~

12 ~~(c) Secure transportation within a school district is the responsibility of the school~~  
13 ~~district once materials have been duly delivered to the school district.~~

14 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

15 Reference: Section 60640, Education Code.

16  
17  
18 **§ 896. School District Delivery.**

19 ~~(a) No school district shall receive its test materials more than twenty-five (25) or~~  
20 ~~fewer than ten (10) working days prior to the first day of testing in the school district. A~~  
21 ~~school district that has not received test materials from by the test publisher at least~~  
22 ~~(10) calendar days before the first date of testing in the school district shall notify the~~  
23 ~~publisher and the Department on the tenth day before testing is scheduled to begin that~~  
24 ~~the school district has not received its materials~~

25 ~~(b) School districts shall return all designated primary language tests and test~~  
26 ~~materials to the publisher(s) within five (5) working days of the last test date in the~~  
27 ~~school district, including makeup testing days or June 1, whichever date is earlier.~~

28 ~~(c) If the school district has an average daily attendance greater than 50,000 or has~~  
29 ~~schools on a multi-track year round calendar, the school district and the publisher(s)~~  
30 ~~may establish a periodic delivery and retrieval schedule to accommodate staggered~~  
31 ~~test administration dates within the school district.~~

1 ~~(d) A unified school district that will administer the test to pupils in grades 9 through~~  
2 ~~11 during a time frame that does not overlap the administration of the test to pupils in~~  
3 ~~grades 2 through 8 may establish a periodic delivery and retrieval schedule with the~~  
4 ~~publisher to accommodate staggered test administration dates within the school district~~  
5 ~~for grades 9 through 11 and grades 2 through 8.~~

6 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

7 Reference: Sections 60640 and 60643, Education Code.

8

9 **§ 897. Test Site Delivery.**

10 ~~(a) No school or other test site shall receive any test or related test materials more~~  
11 ~~than ten (10) working days nor fewer than five (5) working days prior to the first day of~~  
12 ~~testing scheduled at the school or test site.~~

13 ~~(b) Upon completion of testing at a site, including makeup testing, all tests and test~~  
14 ~~materials shall be returned to the school district location designated by the STAR~~  
15 ~~program district coordinator.~~

16 ~~(c) Tests and test materials shall not be retained at the test site for more than two~~  
17 ~~(2) working days after the last day of test administration including makeup testing days~~  
18 ~~or May 25th, whichever is earlier.~~

19 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

20 Reference: Section 60640, Education Code.

21

22 **§ 898. Retrieval of Materials by Publisher.**

23 ~~(a) The school district shall ensure that materials are inventoried, packaged, and~~  
24 ~~labeled in accordance with instructions from each designated publisher, and returned to~~  
25 ~~a single school district location for pickup by each publisher within five (5) working days~~  
26 ~~following completion of testing in the school district and in no event later than May 30.~~  
27 ~~All school districts must have their materials returned to the publisher(s) no later than~~  
28 ~~June 1.~~

29 ~~(b) Each publisher shall arrange with the STAR program district coordinator a range~~  
30 ~~of dates on which the publisher will pick up the packaged materials.~~

31 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

1 Reference: Section 60643, Education Code.

2  
3 **§ 899. Discrepancy Resolution for Designated Primary Language Test(s).**

4 ~~(a) School districts shall process discrepancies determined by the designated~~  
5 ~~publisher(s) upon receipt of returned tests and test materials pursuant to this~~  
6 ~~subdivision:~~

7 ~~(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by~~  
8 ~~the STAR program district coordinator for one or more of the following items shall~~  
9 ~~require a response from the STAR program district coordinator to the publisher within~~  
10 ~~24 hours:~~

11 ~~(A) A discrepancy between the quantity of tests and test materials shipped to the~~  
12 ~~school district and the number of tests and test materials returned to the publisher from~~  
13 ~~the school district.~~

14 ~~(B) Information on scannable documents or test support materials that is~~  
15 ~~inconsistent, incomplete, or missing.~~

16 ~~(2) The STAR program district coordinator shall acknowledge the discrepancy~~  
17 ~~notice via electronic mail to the publisher and to the Department within twenty-four (24)~~  
18 ~~hours of receipt.~~

19 ~~(b) The STAR program district coordinator shall report any discrepancy in the total~~  
20 ~~amount of the shipment from the publisher of any designated primary language test~~  
21 ~~material to the publisher within two (2) working days of the receipt of the shipment. If~~  
22 ~~the publisher does not remedy the discrepancy within two (2) working days of the~~  
23 ~~school district report, the school district shall notify the Department within 24 hours.~~

24 ~~(c) Any discrepancy in a shipment of tests or test materials received at a test site~~  
25 ~~from the STAR program district coordinator shall be reported to the STAR program~~  
26 ~~district coordinator immediately but no later than two (2) working days of the receipt of~~  
27 ~~the shipment at the testing site. The STAR program district coordinator shall remedy~~  
28 ~~the discrepancy within two (2) working days.~~

29 ~~(d) The STAR program district coordinator shall report to the publisher any~~  
30 ~~discrepancy reported by a STAR test site coordinator within three (3) working days of~~  
31 ~~receipt of materials at the school district. If the STAR program district coordinator does~~

1 not have a sufficient supply of tests or test materials to remedy any shortage, the test  
2 publisher shall remedy the shortage by providing sufficient materials directly to the test  
3 site within two (2) working days of the notification by the STAR program district  
4 coordinator.

5 (e) The notices required by this section shall be made by telephone with  
6 simultaneous confirmation in writing and by electronic mail, if available.

7 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

8 Reference: Sections 60640 and 60643, Education Code.

9

10 **§ 901. Apportionment.**

11 (a) The amount of funding to be apportioned to the school district for the costs of  
12 administering any designated primary language test shall be the amount established by  
13 the State Board of Education to enable school districts to meet the requirements of  
14 administering any designated primary language tests per the number of tests  
15 administered to eligible pupils in grades 2 to 11, inclusive, in the school district. The  
16 number of tests administered shall be determined by the certification of the school  
17 district superintendent pursuant to Section 891. For purposes of this portion of the  
18 apportionment, administration of any designated primary language test includes the  
19 following items:

20 (1) All staffing costs, including the STAR program district coordinator and the STAR  
21 test site coordinator, staff training and other staff expenses related to testing.

22 (2) All expenses incurred at the school district and test site level related to testing.

23 (3) All transportation costs of delivering and retrieving tests and test materials within  
24 the school district.

25 (4) All costs associated with mailing the parent reports of test results.

26 (5) All costs associated with pre-identification of answer sheets and consumable  
27 test booklets, and other activities intended to provide the complete and accurate data  
28 required in Section 861 of these regulations.

29 (b) If at the time a district's scannable documents are processed by the publisher a  
30 student data record is missing any of the data elements required in Section 861 of  
31 these regulations, the district shall provide the missing data elements within the time

1 ~~required by the publisher to process the documents and meet the publisher's schedule~~  
2 ~~of deliverables under its contract with the Department. The additional costs incurred by~~  
3 ~~the district to have the publisher reprocess the student information to acquire the data~~  
4 ~~required by Section 890 of these regulations shall be withheld from the district's~~  
5 ~~apportionment.~~

6 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

7 Reference: Sections 60640 and 60643, Education Code.

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# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Independent Evaluation of Standards and Assessment Program Request for Proposals	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the Request for Proposals (RFP) for an independent evaluation of its assessment systems that are required for federal Title I accountability, including the Standardized Testing and Reporting (STAR) Program and the California High School Exit Examination (CAHSEE).

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

None.

### SUMMARY OF KEY ISSUES

The California 2005-06 budget appropriated \$2,000,000 from Federal Title I funds to contract for an independent evaluation to determine whether California has met the assessment requirements of No Child Left Behind (NCLB) Act of 2001, relating to commonly accepted professional standards for validity and reliability of large scale assessments when used for statewide accountability programs. The expenditure of these funds is contingent on approval by the SBE and the Department of Finance.

This Request for Proposals (RFP) invites submissions for an independent alignment study of California's standards and assessments system.

The independent alignment study will examine the following assessments, content areas, and grades that are used to calculate Adequate Yearly Progress (AYP).

- A. The California Standards Tests (CSTs) in English-language arts, grades two through eight, including the writing assessment at grades four and seven.
- B. The CSTs in Mathematics, grades two through seven, and grade eight for the following course-specific tests:
  - 1. General mathematics
  - 2. Algebra I
  - 3. Geometry

## **SUMMARY OF KEY ISSUES (Cont.)**

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4. Algebra II
  5. Integrated Mathematics 1, 2, or 3
- C. The CSTs in Science, grades 5, 8, and 10.
- D. The California Alternate Performance Assessment (CAPA) in English-language arts and mathematics, grades two through eight and grade ten.
- E. The California High School Exit Examination (CAHSEE), administered first in grade ten. The CAHSEE assesses English-language arts and mathematics.

The independent alignment study design will address the following questions that are related to NCLB requirements for assessments.

- A. Has the State outlined a coherent approach to ensuring alignment between each of its assessments, including alternate assessment(s), or combination of assessments and the academic content standards and academic achievement standards the assessment is designed to measure?
- B. Are the assessments, the content standards, and the achievement standards aligned comprehensively, i.e.,
1. Do the assessments reflect the full range of the State's academic content standards?
  2. Are the assessments as cognitively challenging as the standards?
  3. Are the assessments and standards aligned to measure the depth of the standards?
  4. Do the standards reflect the degree of cognitive complexity and level of difficulty of the concepts and processes described in the standards?
  5. Do the State's allowable test variations, modifications, or accommodations (including the use of a calculator on Mathematics tests) alter the construct being assessed?
- C. Are the assessments, the content standards, and the achievement standards aligned in terms of both content (knowledge) and process (how to do it), as necessary, meaning that the assessments measure what the standards state students should both know and be able to do?
- D. Do the assessments reflect the same degree and pattern of emphasis as are reflected in the State's academic content standards?
- E. Do the assessments yield scores that reflect the full range of achievement implied by the State's academic achievement standards?
- F. For each assessment in the alignment study, what are the aligned content-based competencies by grade, content area, and achievement level?

### **SUMMARY OF KEY ISSUES (Cont.)**

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- G. Additionally, the results of the alignment study may be used by the department to produce descriptions of the content-based competencies associated with each achievement level for each grade and subject assessed.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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All costs for the contract (up to \$2,000,000) are contained in the 2005-06 State budget.

### **ATTACHMENT(S)**

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A copy of the Request for Proposals will be provided as a last minute memorandum.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Standardized Testing and Reporting Program: The adoption of performance standards for the Grade Eight California Standards Test in Science and the Grade Ten California Standards Test in Life Science	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

### RECOMMENDATION

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The State Superintendent of Public Instruction (SSPI) recommends that the State Board of Education (SBE) consider comments received during the regional public hearings and take action to adopt the proposed performance standards (levels) for the grades eight and ten California Standards Tests (CSTs) in science.

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

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No Child Left Behind (NCLB) requires that, not later than the 2007-08 school year, each state administers three standards-based science tests every year, one within each of the following grade spans: three through five, six through nine, and ten through twelve. These tests measure the science concepts and skills that students should know and be able to do at the grades assessed. California developed a science test for grade five in 2002 (field-tested in 2003 and administered in 2004).

- In January 2004, the SBE approved testing science at grades eight and ten and the accompanying CST blueprints.
- The SBE adopted performance standards or levels (far below basic, below basic, basic, proficient, and advanced) for the grade five science CST in March 2004.
- In March 2006, the SBE approved the proposed performance standards for the grades eight and ten science CSTs and directed staff to conduct regional public hearings.

### SUMMARY OF KEY ISSUES

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California *Education Code* Section 60605 requires the SBE to adopt statewide performance standards in core curriculum areas of reading, writing, mathematics, history/social science, and science and to conduct regional public hearings prior to the adoption of the performance standards.

## **SUMMARY OF KEY ISSUES (Cont.)**

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In February 2006, Educational Testing Service (ETS) conducted a performance standard setting to set cut scores and determine the performance standards for the grades eight and ten CSTs in science. The standard setting process is used to determine the depth and breadth of the content standards a student must have to demonstrate competency at each performance standard or level (far below basic, below basic, basic, proficient, and advanced). The standard setting panel comprised of Standardized Testing and Reporting (STAR) Program Science Assessment Review Panel members, grade eight and ten science teachers, and community members, represented California's various regions and diversity, including English learners and students with disabilities. The panel's recommendations to the SBE were based on cut scores they set for the five performance standards for the grades eight and ten science CSTs.

The SSPI's recommendations, based on analyses conducted by the California Department of Education (CDE) and ETS, differ from the standard setting panel's recommendations. Considering that every test has error of measurement and every standard setting has what could be termed "error of judgment,"<sup>1</sup> the SSPI recommended for grade eight that the cut scores for Basic and Advanced be decreased by one Standard Error of Measurement (SEM). For grade ten, the SSPI recommended that the cut score for Basic be decreased by two SEMs. One SEM is equal to approximately three score points. These adjustments would ensure a reasonable distribution of students at each performance level, similar to the performance levels adopted for the other science CSTs.

The approved performance standards, based on the SSPI's recommendations, were distributed for public review and comment at two regional public hearings held March 29, 2006. A third hearing is being held in conjunction with the May SBE meeting.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The costs for these activities are included in the approved 2006 STAR contract budget.

## **ATTACHMENT(S)**

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Attachment 1: Proposed Performance Standards (Levels) for the Grades Eight and Ten California Standards Tests (CSTs) in Science (1 Page)

Attachment 2: Announcement of Three Regional Public Hearings (2 Pages)

Attachment 3: Report of the Regional Public Hearings for the Proposed Performance Standards (Levels) for the Grades 8 and 10 California Standards Tests in Science

Report of the Regional Public Hearings for the Proposed Performance Standards (Levels) for the Grades Eight and Ten CSTs in Science.

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<sup>1</sup> "Error" in this context refers to random fluctuations that cannot be completely controlled regardless of the quality of the test or the quality of the standard-setting process. Such error can be reduced through good measurement and standard setting techniques, but it can never be reduced to zero.



## California State Board of Education

## ***Proposed Performance Standards (Levels) for the Grades 8 and 10 California Standards Tests in Science***

*To be used in reporting the results of the Grades 8 and 10 California Standards Tests in Science, Spring 2006 and thereafter*

Grade level	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items
<b>8</b>	7%	<b>&lt;18</b>	<30%	24%	<b>18</b>	30%	36%	<b>25</b>	42%	25%	<b>33</b>	55%	8%	<b>41</b>	68%
<b>10</b>	10%	<b>&lt;18</b>	<30%	19%	<b>18</b>	30%	42%	<b>25</b>	42%	22%	<b>37</b>	62%	7%	<b>47</b>	78%

Advanced	Advanced performance with respect to the California Science Content Standards
Proficient	Proficient performance with respect to the California Science Content Standards
Basic	Basic performance with respect to the California Science Content Standards
Below Basic	Below-basic performance with respect to the California Science Content Standards
Far Below Basic	Far-below-basic performance with respect to the California Science Content Standards

% Students	Percent of students statewide who would be placed at this performance standard (level) based on the results of the 2005 census field tests for grades 8 and 10 science.
# Correct	Minimum number of correct responses needed to achieve this performance standard (level).
% Items	Minimum percent of correct responses needed to achieve this performance standard (level).

**NOTE:** The grades 8 and 10 California Standards Tests in science have 60 items.

**EXAMPLES OF HOW TO READ THIS CHART:** Correct responses to fewer than 18 test items (or less than 30% correct responses) would be designated as Far Below Basic. Correct responses to at least 25 test items or (42% correct responses) would be designated as Basic.

**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street, Room 5111  
 Sacramento, California 95814  
 (916) 319-0827



March 16, 2006

**ANNOUNCEMENT OF THREE REGIONAL PUBLIC HEARINGS**

California State Board of Education

**Proposed Performance Standards (Levels) For Grades 8 and 10 Science Tests**

(California Standards Tests in Science for Grades 8 and 10)

To be used in reporting the results of the Grades 8 and 10 Science California Standards Test administered in Spring 2006 and thereafter

<p><b>Wednesday, March 29, 2006</b>  <b>10:00 a.m. – 11:00 a.m.</b>            South/Inland Empire Region</p> <p><b>Videoconference</b>            Orange County            Department of Education            200 Kalmus Drive            Building D, Room 1002            Costa Mesa, CA 92628            (714) 966-4108</p>	<p><b>Wednesday, March 29, 2006</b>  <b>1:00 p.m. – 2:00 p.m.</b>            Bay Area/Coastal Region</p> <p><b>Videoconference</b>            Santa Clara County            Office of Education            1290 Ridder Park Drive            San Jose, CA 95131            (408) 453-6500</p>	<p><b>Wednesday, May 10, 2006</b>  <b>10:00 a.m. – As necessary</b>            North/Central Valley/Sierra Region</p> <p><b>California Department of Education</b>            1430 N Street            Room 1101            Sacramento, CA 95814            (916) 319-0827</p>
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To: County and District Superintendents  
 Other Interested Parties

In 2001, California's Standardized Testing and Reporting (STAR) Program reports, for the first time, included student performance results in English-language arts.

Performance standards (levels) relate exclusively to students' scores on the California Standards Tests, which are fully aligned to California's rigorous academic content standards. The designations for these performance standards (levels) are Advanced, Proficient, Basic, Below Basic, and Far Below Basic.

For 2002 and thereafter, reporting of student achievement based on these performance standards (levels) was expanded to include the California Standards Tests in

history-social science, mathematics and, in part, science. In addition, the performance standards (levels) in English-language arts were modified at grades four and seven to incorporate students' scores on the direct writing assessment conducted at those grades. For 2004 and thereafter, performance standards (levels) were reported on the Grade 5 Science California Standards Test.

ANNOUNCEMENT OF THREE REGIONAL PUBLIC HEARINGS  
(April and May 2004) Proposed Performance Standards (Levels)

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Page 2

The State Board of Education is now proposing to adopt performance standards (levels) for the new Grades eight and ten Science California Standards Tests, which are being administered to students in grades eight and ten in 2006. The attachment displays the “cut scores” (minimum number and percentage of correct responses) proposed to establish the performance standards (levels) for these tests.

The regional public hearings are for the purpose of gathering comments from a cross-section of interested parties, including teachers, administrators, school board members and other local elected officials, business leaders, parents, guardians, and students.

- Comments and suggestions are sought on the proposed “cut scores” (minimum number and percentage of correct responses) on the respective tests that determine students’ performance standards (levels).

The regional public hearings at the Orange County Department of Education and Santa Clara County Office of Education will be videoconferences (dates indicated above). State Board members (whose schedules permit them to attend) and State Board and Department of Education executive staff will be prepared to accept public comments and input on a continuous basis during the videoconferences. Individuals are not required to pre-arrange a specific time to present their comments. Oral comments will be accepted as individuals arrive. Some delays may occur if many individuals arrive at the same time, and patience in that event will be appreciated.

The third and final regional public hearing will be conducted in Sacramento (date noted above) in conjunction with the State Board’s regular May meeting. It will begin as close to 10:00 a.m. as possible, but will be only as long as necessary to hear from those wishing to testify orally at that time.

**Individuals need not come to one of the regional public hearings to present their comments.** The State Board would be pleased to receive comments by mail, e-mail, or fax.

**California State Board of Education**

<i>By mail</i> 1430 N Street, Room 5111 Sacramento, CA 95814	<i>By e-mail</i> gborden@cde.ca.gov	<i>By fax</i> (916) 319-0175
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***Please help us publicize these regional public hearings!***

**Report of the Regional Public Hearings  
for the Proposed Performance Standards (Levels)  
for the Grades 8 and 10 California Standards Tests in Science**

*California Education Code* Section 60605 requires the State Board of Education (SBE) to conduct regional public hearings prior to the adoption of performance standards (levels) for the purpose of giving parents and other members of the public the opportunity to comment on the proposed performance standards (levels).

Regional public hearings (videoconferences) were held at the Santa Clara County Office of Education and the Orange County Department of Education in March. Several general questions were asked focusing on the process used to set cut scores.

Bill Stewart, Department Chair for Science, from Basset High School in Basset Unified School District stated that it was difficult to comment specifically on the proposed performance standards (levels) without seeing more information about the field test questions. However, he expressed support for the cut scores for the performance standards (levels) as they are currently proposed.

Pat Machado, Director of Secondary Curriculum, for Santa Ana Unified School District stated that she cannot respond adequately regarding the proposed performance standards (levels) without having more information about the bookmarks used or the field tests that were administered. Deb Sigman, from the California Department of Education (CDE), discussed a number of sources of additional background information, available to the public, regarding how the cut scores were determined.

Phyllis Mukamoto, Teacher, 8th Grade Science, Dale Junior High School, stated that the cut scores may be too high because it is difficult for teachers in some schools to cover all of the content standards before the test is administered in May.

The third and final regional public hearing will be conducted Sacramento in conjunction with the SBE's regular May meeting.



## CALIFORNIA STATE BOARD OF EDUCATION MAY 2006 AGENDA

SUBJECT	
California High School Exit Examination: Including, but not limited, to California High School Exit Examination program update	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

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

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In September 2005, the SBE was presented with the summary results for the 2004-05 California High School Exit Examination (CAHSEE) administration. These results are posted on the CDE Web site at <http://data1.cde.ca.gov/dataquest/>.

### SUMMARY OF KEY ISSUES

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#### Analysis of Preliminary Results for Class of 2006

The Human Resources Research Organization (HumRRO) analyzed the results of the September and November 2005 CAHSEE administrations in order to provide an estimate of passing rates for the class of 2006. HumRRO estimates that 89 percent of the class of 2006 have passed both the mathematics and the English-language arts (ELA) portions of the CAHSEE. HumRRO estimates that 93 percent of the state's high school seniors have passed the ELA portion of the CAHSEE, and 92 percent have passed the math portion. In raw numbers, an estimated 47,925 seniors have yet to pass both portions of the CAHSEE as of January 2006. See Attachment 1 entitled "Estimated Number and Percentage of Class of 2006 Students Passing the California High School Exit Examination as of January 2006" for further information.

#### February 2006 Testing Volume

On March 23, Educational Testing Service (ETS), the test contractor, released a summary of the number of students tested in February 2006 and 454 districts reported testing: 187,836 tenth graders, 25,620 eleventh graders, 46,019 twelfth graders, and 2,734 adult students. The individual student results for February were available to districts on April 14, 2006. An update on the statewide February results will be provided at the May meeting.

**SUMMARY OF KEY ISSUES (Cont.)**

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**2006-2007 Testing Dates**

California *Education Code* Section 60851 requires that the State Superintendent of Public Instruction (SSPI) designate the dates on which the CAHSEE may be administered in school districts. Currently, the administration dates for the CAHSEE are scheduled through the 2007-08 school year. In response to feedback from numerous school districts regarding the current administration schedule and the anticipated passage of Assembly Bill (AB) 2040 (Chu), which permits the addition of a summer and a Saturday administration of the CAHSEE, a revised administration schedule has been approved by the SSPI (see Table 1 below). Urgency California legislation to fund these additional administrations is pending.

Table 1 presents the revised CAHSEE administration dates approved by the SSPI:

**Table 1. Test Dates for 2006-07**

<b>English-Language Arts</b>	<b>Mathematics</b>
Tuesday	Wednesday
July 25, 2006*	July 26, 2006*
October 3, 2006	October 4, 2006
November 7, 2006	November 8, 2006
December 2, 2006* (Saturday administration)	December 9, 2006* (Saturday administration)
February 6, 2007	February 7, 2007
March 20, 2007	March 21, 2007
May 8, 2007	May 9, 2007

\*Administration is contingent upon funding.

The dates remain the same as previously designated by the SSPI, with the exception of moving the September administration two weeks later to early October. The proposed dates for a summer administration are July 25-26, 2006, and then December 2 and December 9, 2006, for the Saturday administration.

The ELA portion of the CAHSEE would be provided to students who had not yet passed on December 2, and the mathematics portion would be provided to students who had not yet passed on December 9. The summer administration will be used for grade twelve non-passers (classes of 2006 and 2007) to test at the conclusion of summer school or other remediation.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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The HumRRO independent evaluation is currently funded under contract with CDE. The current CAHSEE contract, which runs from July 2004 through September 2007, is for \$38,869,068. This contract period covers 15 administrations of the CAHSEE, which is approximately \$2.6 million per administration. The estimated cost to

**FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)**

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develop new test items and test forms for the proposed Saturday and summer administrations and to provide each additional administration of the CAHSEE could be as much as \$2.6 million per administration.

**ATTACHMENT(S)**

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Attachment 1: Estimated Number and Percentage of Class of 2006 Students Passing the California High School Exit Examination as of January 2006  
(3 Pages)

**Estimated Number and Percentage of Class of 2006 Students  
Passing the California High School Exit Examination as of January 2006**

The independent evaluator for the California High School Exit Examination (CAHSEE), the Human Resources Research Organization (HumRRO), estimates that 89 percent of the class of 2006 have passed both sections of the CAHSEE. This estimate includes students who passed the CAHSEE during the two fall administrations of the 2005-06 school year.

**Table 1: Estimated Cumulative passing Rates by Subgroup:**

Subgroup	Percentage Passed as of January 2006
All Students	89%
Female	89%
Male	88%
Asian	94%
Hispanic	82%
African-American	80%
White	96%
English Learner	69%
Economically Disadvantaged	82%

While several factors (e.g., lack of statewide student identifiers, drop outs, students leaving the state, students who are retained in a grade) made it impossible to match 100 percent of student records to derive exact passing rates, HumRRO believes its estimates to be accurate to within one or two percentage points of the actual passing rates.

Of the students who still need to pass the CAHSEE, many need to pass only one section of the exam, English-language arts or mathematics. The final three administrations of the CAHSEE this school year are in February, March, and May 2006.

**Procedure:**

As part of its analyses, HumRRO reviewed 94,804 grade 12 answer documents from the fall (September and November) 2005 CAHSEE administrations. The estimated number of students tested during this time was 92,909, after information was combined across multiple documents for the same student. Previous CAHSEE results (from 2004-05) were identified and merged for 65,130 of these students (70%). The remaining 27,779 students could not be matched due to the lack of a unique student identifier.

Tables 2, 3, and 4 provide the passing rate estimates as of January 2006, by school year, for students in the class of 2006. To account for fluctuations in the tested population, several adjustments were made to previous estimates of passing rates, including:

- Including 1,597 students from the fall 2005 administrations who were tested as sophomores in 2004, had not tested as juniors and had been dropped from the June 2005 counts.
- Removing 22,327 students in special education programs who had not passed the CAHSEE by June 2005 and are now exempted from having to pass for one year by the passage of Senate Bill 517.
- Adjusting counts by demographic group to reflect differences between students in the June 2005, file not found in the fall 2005, records and students in the fall 2005 file who were not matched to earlier records.

Except for differences related to the adjustments outlined above, the current estimates of CAHSEE passing rates are comparable to previous estimates provided by HumRRO. Please see HumRRO's *Year 6 Independent Evaluation Report (September 30, 2005)* for details about passing rates at the end of the 2004-05 school year.

Estimates of the number of students who have not yet passed both sections reflect the best available information about students who are still trying to pass the CAHSEE.

**Table 2: Estimated Number and Percentage of Students in the Class of 2006 Passing Both CAHSEE Sections through the November 2005 Administration**

Passed Both Group	Estimated Numbers of Students					Percent of Students				
	Grade 10	Grade 11	Grade 12	Not Yet Passed	Revised Total	Grade 10	Grade 11	Grade 12	Cumulative Passing Rate	Not Yet Passed
All Students	295,226	67,810	19,933	47,925	430,894	68.5%	15.7%	4.6%	88.8%	11.1%
Females	150,818	32,268	9,475	23,074	215,635	69.9%	15.0%	4.4%	89.3%	10.7%
Males	144,356	35,430	10,401	24,954	215,141	67.1%	16.5%	4.8%	88.4%	11.6%
Asian	34,709	4,583	1,383	2,757	43,432	79.9%	10.6%	3.2%	93.7%	6.3%
Hispanic	92,362	33,249	10,292	30,277	166,180	55.6%	20.0%	6.2%	81.8%	18.2%
African American	16,891	6,893	2,236	6,609	32,629	51.8%	21.1%	6.9%	79.8%	20.3%
White, non- Hispanic	133,650	18,921	4,786	5,948	163,305	81.8%	11.6%	2.9%	96.3%	3.6%
Economically Disadvantaged	88,918	32,524	9,702	29,714	160,858	55.3%	20.2%	6.0%	81.5%	18.4%
English Learner	24,783	17,032	5,996	21,376	69,187	35.8%	24.6%	8.7%	69.1%	30.9%
Special Education	7,993	6,675	--	--	14,668	--	--	--	--	--

**Table 3: Estimated Number and Percentage of Students in the Class of 2006 Passing the CAHSEE ELA Section through the November 2005 Administration**

Passed ELA  Group	Estimated Numbers of Students					Percent of Students				
	Grade 10	Grade 11	Grade 12	Not Yet Passed	Revised Total	Grade 10	Grade 11	Grade 12	Cumulative Passing Rate	Not Yet Passed
All Students	334,712	48,000	16,882	31,300	430,894	77.7%	11.1%	3.9%	92.7%	7.3%
Females	173,969	20,881	7,635	13,150	215,635	80.7%	9.7%	3.5%	93.9%	6.1%
Males	160,733	26,967	9,200	18,241	215,141	74.7%	12.5%	4.3%	91.5%	8.5%
Asian	35,817	3,980	1,279	2,356	43,432	82.5%	9.2%	2.9%	94.6%	5.4%
Hispanic	112,719	23,928	8,885	20,648	166,180	67.8%	14.4%	5.3%	87.5%	12.5%
African American	22,409	4,568	1,995	3,657	32,629	68.7%	14.0%	6.1%	88.8%	11.2%
White, non-Hispanic	144,083	12,343	3,703	3,176	163,305	88.2%	7.6%	2.3%	98.1%	1.9%
Economically Disadvantaged	108,305	23,488	8,366	20,699	160,858	67.3%	14.6%	5.2%	87.1%	12.9%
English Learner	31,817	14,759	5,614	16,997	69,187	46.0%	21.3%	8.1%	75.4%	24.6%
Special Education	12,245	2,423	--	--	14,668	--	--	--	--	--

**Table 4: Estimated Number and Percent of Students in the Class of 2006 Passing the CAHSEE Math Section through the November 2005 Administration**

Passed Math  Group	Estimated Numbers of Students					Percent of Students				
	Grade 10	Grade 11	Grade 12	Not Yet Passed	Revised Total	Grade 10	Grade 11	Grade 12	Cumulative Passing Rate	Not Yet Passed
All Students	329,661	49,917	16,367	34,949	430,894	76.5%	11.6%	3.8%	91.9%	8.1%
Females	163,630	26,119	7,975	17,911	215,635	75.9%	12.1%	3.7%	91.7%	8.3%
Males	165,647	24,036	8,338	17,120	215,141	77.0%	11.2%	3.9%	92.1%	8.0%
Asian	38,542	2,802	1,018	1,070	43,432	88.7%	6.5%	2.3%	97.5%	2.5%
Hispanic	111,588	24,512	8,344	21,736	166,180	67.1%	14.8%	5.0%	86.9%	13.1%
African American	19,352	5,636	1,936	5,705	32,629	59.3%	17.3%	5.9%	82.5%	17.5%
White, non-Hispanic	140,771	13,879	3,974	4,681	163,305	86.2%	8.5%	2.4%	97.1%	2.9%
Economically Disadvantaged	109,237	23,024	7,510	21,087	160,858	67.9%	14.3%	4.7%	86.9%	13.1%
English Learner	39,855	11,611	4,582	13,139	69,187	57.6%	16.8%	6.6%	81.0%	19.0%
Special Education	11,819	2,849	--	--	14,668	--	--	--	--	--



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
California High School Exit Examination: Adopt Amendments to Title 5 California Code of Regulations	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) consider comments received during the public comments period and at the public hearing and take action to adopt amendments to the regulations for the California High School Exit Examination (CAHSEE).

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

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#### CAHSEE Emergency Regulations and Rulemaking Process

At the March 8, 2006, SBE meeting, the board adopted emergency regulations and approved the commencement of the rulemaking process for proposed regulations to make the emergency regulations a permanent part of the CAHSEE regulations. The purpose of these regulations is to: (1) permit eligible adult students in K-12 districts to take the CAHSEE up to three times per school year and to take the exam in successive administrations beginning in the 2006-07 school year; and (2) specify the data that school districts are to submit to CDE regarding the local waiver process for students with disabilities and the one-year exemption for students with disabilities in the class of 2006.

### SUMMARY OF KEY ISSUES

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#### CAHSEE Emergency Regulations and Rulemaking Process

The proposed amendments to the Title 5 Regulations for the CAHSEE are in response to changes to the current law through urgency legislation as well as the need to increase the number of opportunities for adult education students to be able to take the CAHSEE from two to three times per year. The emergency regulations which went into effect March 16, 2006, and expire after 120 days, may be found on the CDE Web site at <http://www.cde.ca.gov/re/lr/rr>.

## **SUMMARY OF KEY ISSUES (Cont.)**

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The 45-day public review period for the regulations began on March 17, 2006. CDE will hear public comments on the regulations at a public hearing scheduled for 1:00 p.m. on May 3, 2006, at 1430 N Street, Room 1101, Sacramento, CA 95814.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The Economic Impact Statement concludes that while there are some costs related to the emergency regulations, most of the cost are attributable to either state or federal statutes. Costs not attributable are reimbursable by the CAHSEE apportionment.

## **ATTACHMENT(S)**

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The proposed regulations that were approved by SBE to be sent out for the 45-day written comment period are attached.

Attachment 1: TITLE 5. Education, Division 1. California Department of Education, Chapter 2. Pupils, Subchapter 6. California High School Exit Examination, Article 2. General to Article 5. Apportionment (4 pages)

Attachment 2: Finding of Emergency (3 pages)

Attachment 3: Initial Statement of Reasons (2 pages)

Attachment 4: Notice of Proposed Rulemaking (4 pages)

Attachment 5: Economic and Fiscal Impact Statement (16 pages) is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.

A last minute memorandum will be provided that will include a summary of the comments received during the public comment period and at the public hearing scheduled for May 3, 2006, at 1:00 pm.

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**Title 5. EDUCATION**

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**Division 1. California Department of Education**

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**Article 2. High School Exit Examination Administration**

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**§ 1204.5 Grades 11 and 12 and Adult ~~Education~~ Student Testing Dates.**

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(a) Eligible pupils in grade 11 ~~and eligible adult students~~ who have not yet passed one or both sections of the examination shall have up to two opportunities per year to take the section(s) of the examination not yet passed and may elect to take the examination during these opportunities.

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(b) Eligible pupils in grade 12 shall have up to three opportunities to take the section(s) of the examination not yet passed. The district shall offer either three opportunities during grade 12 or two opportunities in grade 12 and one opportunity in the year following grade 12 to take the section(s) of the examination not yet passed. Eligible pupils in grade 12 may elect to take the examination during district-provided opportunities.

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(c) Eligible adult students shall have up to three opportunities per year to take the section(s) of the examination not yet passed and may elect to take the examination during these opportunities.

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(e)(d) Districts shall not test eligible pupils in grade 11 ~~and eligible adult students~~ in successive administrations within a school year. Eligible pupils in grades 11 and 12 and adult students should be offered appropriate remediation or supplemental instruction before being retested.

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**1207.1. Data for Analysis of Local Waiver Process for Pupils with Disabilities.**

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By July 31 of each year, each school district shall provide to the department the following information pursuant to Education Code section 60851:

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(a) Provide the following information by grade and by school for those pupils and adult students who have taken one or both parts of the examination with one or more modifications and have received the equivalent of a passing score:

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(1) The number of pupils or adult students who received the equivalent of a passing score on the mathematics portion of the examination only.

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1       (2) The number of pupils or adult students who received the equivalent of a passing  
2 score on the English-language arts portion of the examination only.

3       (3) The number of pupils or adult students who received the equivalent of a passing  
4 score on both portions of the examination.

5       (b) Provide the following information by grade, by school, by primary disability, and  
6 by the percent of time in general education for each pupil and adult student who has  
7 taken one or both parts of the examination with one or more modifications and has  
8 received the equivalent of a passing score and for whom a waiver pursuant to  
9 Education Code section 60851(c) has been requested:

10       (1) The number of pupils or adult students for whom a waiver of the mathematics  
11 portion of the examination only has been requested.

12       (2) The number of pupils or adult students for whom a waiver of the English-  
13 language arts portion of the examination only has been requested.

14       (3) The number of pupils or adult students for whom a waiver of both portions of the  
15 examination has been requested.

16       (c) Provide the following information by grade, by school, by primary disability, and  
17 by the percent of time in general education for each pupil and adult student who has  
18 taken one or both parts of the examination with one or more modifications and has  
19 received the equivalent of a passing score and for whom a waiver pursuant to  
20 Education Code section 60851(c) has been granted:

21       (1) The number of pupils or adult students for whom a waiver of the mathematics  
22 portion of the examination only has been granted.

23       (2) The number of pupils or adult students for whom a waiver of the English-  
24 language arts portion of the examination only has been granted.

25       (3) The number of pupils or adult students for whom a waiver of both portions of the  
26 examination has been granted.

27       (d) Provide the following information by grade, by school, by primary disability, and  
28 by the percent of time in general education for each pupil and adult student who has  
29 taken one or both parts of the examination with one or more modifications and has  
30 received the equivalent of a passing score and for whom a waiver pursuant to  
31 Education Code section 60851(c) has been denied:

1 (1) The number of pupils or adult students for whom a waiver of the mathematics  
2 portion of the examination only has been denied.

3 (2) The number of pupils or adult students for whom a waiver of the English-  
4 language arts portion of the examination only has been denied.

5 (3) The number of pupils or adult students for whom a waiver of both portions of the  
6 examination has been denied.

7 (e) The number on pupils that graduated during the prior school year as a result of  
8 having been granted a waiver on one or both portions of the examination.

9 NOTE: Authority cited: Section 33031. Reference: Section 60851, Education Code.

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11 **§ 1207.2. Data for Analysis of Pupils with Disabilities in the Class of 2006.**

12 (a) By July 1, 2006, each school district and state special school shall provide the  
13 following information to the department for each pupil in the class of 2006 who has an  
14 IEP or Section 504 plan dated on or before July 1, 2005, that indicates that the pupil is  
15 scheduled to graduate in 2006, but who has not yet passed both sections of the  
16 examination:

17 (1) Primary disability code.

18 (2) Percent of time spent in general education.

19 (3) Anticipated graduation date as specified in the IEP or Section 504 plan.

20 (4) Whether the student satisfied all other state and local graduation requirements.

21 (5) The month and year of each attempt to pass the CAHSEE with the  
22 accommodations and modifications specified in the IEP or Section 504 plan.

23 (6) Type of remedial or supplemental instruction program completed.

24 (7) The month and year of each attempt to pass the CAHSEE after completing a  
25 remedial or supplemental instruction program.

26 (8) The date on which the pupil, or the parent or legal guardian if the student is a  
27 minor, acknowledged in writing that the pupil is entitled to receive free appropriate  
28 public education up to and including the academic year in which the pupil reaches 22  
29 years of age, or until the pupil receives a high school diploma, whichever occurs first.

30 (9) Whether the student received a waiver from the requirement to pass the  
31 examination pursuant to Education Code section 60851(c).

1       (10) Whether the student satisfied the criteria set forth in Education Code section  
2 60852.3(a).

3       (11) Whether the student received a diploma pursuant to Education Code section  
4 60852.3(a).

5 NOTE: Authority cited: Section 33031. Reference: Section 60852.3, Education Code.

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## **FINDING OF EMERGENCY**

The State Board of Education finds that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public peace, health, and safety or general welfare.

### **SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION**

Addition of One CAHSEE Test Opportunity for Adult Students: Currently, the Title 5 Regulations for the California High School Exit Examination (CAHSEE) provide adult students with two opportunities per year to take the portion(s) of the CAHSEE not yet passed. The California Department of Education has received feedback from the adult education community that many adult students are in circumstances (e.g., seeking employment, applying for the military) that present an urgent need to obtain a high school diploma. The proposed regulations will assist adult students in meeting this need by providing them with one additional opportunity per year to take the portion(s) of the CAHSEE not yet passed and eliminating the prohibition from testing in successive administrations, beginning in the 2006-07 school year (July 1, 2006-June 30, 2007). Emergency regulations are proposed to provide school districts with sufficient time to plan or modify their CAHSEE administration schedules to incorporate an additional opportunity for adult students.

Senate Bill 517 Data Reporting Requirements: On January 30, 2006, Governor Schwarzenegger signed urgency legislation Senate Bill (SB) 517, which provides a one-year exemption of the requirement to pass the CAHSEE for students with disabilities in the class of 2006 who satisfy certain requirements. This new law, which took effect immediately, also requires school districts to report to the State Board of Education and the State Superintendent of Public Instruction information pertaining to students with disabilities. The proposed regulations will implement the statutory data reporting requirements pursuant to Education Code sections 60851 and 60852.3.

### **Authority and Reference**

Authority: Section 33031, Education Code

Reference: Sections 37252 and 60851, and 60852.3, Education Code

### **Informative Digest**

Addition of One CAHSEE Test Opportunity for Adult Students: Currently, the Title 5 Regulations for the CAHSEE provide adult students with two opportunities per year to take the portion(s) of the CAHSEE not yet passed. The California Department of Education has received feedback from the adult education community that many adult students are in circumstances (e.g., seeking employment, applying for the military) that present an urgent need to obtain a high school diploma.

The proposed regulations will assist adult students in meeting this need by providing them with one additional opportunity per year to take the portion(s) of the CAHSEE not yet passed and eliminating the prohibition from testing in successive administrations, beginning in the 2006-07 school year (July 1, 2006-June 30, 2007). Emergency regulations are proposed to provide school districts with sufficient time to plan or modify their CAHSEE administration schedules to incorporate an additional opportunity for adult students.

#### **1204.5. Grades 11 and 12 and Adult Student Testing Dates.**

This regulation will permit eligible adult students to take the CAHSEE up to three times per school year.

Senate Bill 517 Data Reporting Requirements: Existing law provides a one-year exemption of the requirement to pass the CAHSEE for students with disabilities in the class of 2006 who satisfy certain requirements. This new law, which took effect immediately, also requires school districts to report to the State Board of Education and the State Superintendent of Public Instruction information pertaining to students with disabilities. The proposed regulations will implement the statutory data reporting requirements pursuant to Education Code sections 60851 and 60852.3.

#### **1207.1. Data for Analysis of Local Waiver Process for Pupils with Disabilities.**

This regulation will establish the data reporting requirements set forth in Education Code Section 60851(c)(2).

#### **1207.2. Data for Analysis of One-Year Exemption for Pupils with Disabilities in the Class of 2006.**

This regulation will establish the data reporting requirements set forth in Education Code Section 60852.3(c).

#### **Mandate on Local Agencies or School Districts**

Addition of One CAHSEE Test Opportunity for Adult Students: The statute allows for reimbursement to school districts for mandated costs associated with each test administration. School districts would receive an apportionment of \$3.00 per adult student tested pursuant to Education Code Section 60851.

Senate Bill 517 Data Reporting Requirements: All costs are attributable to Education Code sections 60851(c)(2) and 60852.3(c). The regulations do not impose any cost beyond the statute.

### **Cost Estimate**

Addition of One CAHSEE Test Opportunity for Adult Students: There would be additional variable costs associated with adult students having three opportunities to test per year. These costs would be for additional materials, scoring and reporting, as well as apportionments to cover the number of adult students tested. Additional costs are estimated at \$50,000 to \$100,000 based on 20,000 adult students.

Senate Bill 517 Data Reporting Requirements: There would be some mandated cost to the California Department of Education to collect and document the data set forth in the proposed regulations.

## **Initial Statement of Reasons California High School Exit Examination**

### **SPECIFIC PURPOSE OF THE REGULATION**

The Title 5 Regulations for the California High School Exit Examination (CAHSEE) serve to guide districts and schools in the administration of the examination and the reporting of student demographic data to the State.

### **NECESSITY/RATIONALE**

Currently, the Title 5 Regulations for the CAHSEE provide adult students with two opportunities per year to take the portion(s) of the CAHSEE not yet passed. The California Department of Education has received feedback from the adult education community that many adult students are in circumstances (e.g., seeking employment, applying for the military) that present an urgent need to obtain a high school diploma. The proposed regulations will assist adult students in meeting this need by providing them with one additional opportunity per year to take the portion(s) of the CAHSEE not yet passed and eliminating the prohibition from testing in successive administrations, beginning in the 2006-07 school year (July 1, 2006-June 30, 2007). Emergency regulations are proposed to provide school districts with sufficient time to plan or modify their CAHSEE administration schedules to incorporate an additional opportunity for adult students.

On January 30, 2006, Governor Schwarzenegger signed urgency legislation Senate Bill (SB) 517, which provides a one-year exemption of the requirement to pass the CAHSEE for students with disabilities in the class of 2006 who satisfy certain requirements. This new law, which took effect immediately, also requires school districts to report to the State Board of Education (State Board) and the State Superintendent of Public Instruction information pertaining to students with disabilities. The proposed regulations will implement the statutory data reporting requirements pursuant to Education Code sections 60851 and 60852.3.

### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The proposed regulations require school districts to report data elements pertaining to the local waiver process and the one-year exemption of the requirement to pass the CAHSEE for certain students with disabilities in the class of 2006.

### **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 because the regulations only relate to local school districts and not to business practices.

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111  
Sacramento, CA 95814



## NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE)

**[Notice published March 17, 2006]**

**NOTICE IS HEREBY GIVEN** that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

### **PUBLIC HEARING**

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **1:00 p.m. on May 3, 2006**, 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 Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to [regulations@cde.ca.gov](mailto:regulations@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on May 3, 2006**.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Authority: Section 33031, Education Code.

Reference: Sections 37252, 60851 and 60852.3, Education Code.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Currently, the Title 5 Regulations for the CAHSEE provide adult students with two opportunities per year to take the portion(s) of the CAHSEE not yet passed. The California Department of Education has received feedback from the adult education community that many adult students are in circumstances (e.g., seeking employment, applying for the military) that present an urgent need to obtain a high school diploma. The proposed regulations will assist adult students in meeting this need by providing them with one additional opportunity per year to take the portion(s) of the CAHSEE not yet passed and eliminating the prohibition from testing in successive administrations, beginning in the 2006-07 school year (July 1, 2006-June 30, 2007). Emergency regulations are proposed to provide school districts with sufficient time to plan or modify their CAHSEE administration schedules to incorporate an additional opportunity for adult students.

Existing law provides a one-year exemption of the requirement to pass the CAHSEE for students with disabilities in the class of 2006 who satisfy certain requirements. This new law, which took effect immediately, also requires school districts to report to the State Board of Education and the State Superintendent of Public Instruction information pertaining to students with disabilities. The proposed regulations will implement the statutory data reporting requirements pursuant to Education Code sections 60851 and 60852.3.

**DISCLOSURES REGARDING THE PROPOSED REGULATION**

*The State Board has made the following initial determinations:*

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to county offices of education and not to small business practices.

**CONSIDERATION OF ALTERNATIVES**

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

## **CONTACT PERSONS**

Inquiries concerning the content of this regulation may be directed to:

Jessica Valdez, Education Programs Consultant  
High School Exit Exam Office  
California Department of Education  
1430 N Street, Room 5408  
Sacramento, CA 95814  
Telephone: (916) 319-0354

Inquiries concerning the regulations process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at (916) 319-0860.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at <http://www.cde.ca.gov/re/lr/rr>.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jessica Valdez, High School Exit Exam Office, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0354; fax, (916) 319-0969. It is recommended that assistance be requested at least two weeks prior to the hearing.

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 5, 2006

**TO:** **MEMBERS, STATE BOARD OF EDUCATION**

**FROM:** William L. Padia, Deputy Superintendent  
Assessment and Accountability Branch

**RE:** Item No. 8

**SUBJECT:** California High School Exit Examination: Adopt Amendments to Title 5  
California Code of Regulations

## Background

In March 2006, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the proposed amendments to the Title 5 Regulations for the California High School Exit Examination (CAHSEE) and the beginning of the 45-day written comment period.

## Proposed Amendments to Regulations

The CAHSEE regulations serve to guide districts and schools in the administration of this assessment. The purpose of the proposed amendments to the current regulations is to: (1) permit eligible adult students in K-12 districts to take the CAHSEE up to three times per school year and to take the exam in successive administrations beginning in the 2006-07 school year; and (2) specify the data that school districts are to submit to CDE regarding the local waiver process for students with disabilities and the one-year exemption for students with disabilities in the class of 2006.

## Report on Public Hearing

A public hearing was held on May 3, 2006, as required by the Administrative Procedures Act. The public hearing was called to order at 1:05 p.m. One individual provided oral comments in strong support of the proposed regulation to permit adult students to take the CAHSEE in successive administrations, stating that this would facilitate graduation and entry into the workforce for adult students who may complete other graduation requirements at any time during the year. With no one else present to comment, the public hearing was recessed at 1:10 p.m. and then reconvened at 1:40 p.m. No one was present to provide oral comments, so the public hearing was adjourned at 1:45 p.m.

Written comments from two individuals were submitted to the Regulations Coordinator during the 45-day public comment period. The written comments from the first individual did not address the regulations. The written comments from the second individual, who

also provided oral comments at the public hearing, were partially responsive to the regulations.

The comments that addressed the regulations were in support of the proposed regulation to permit adult students to take the CAHSEE in successive administrations. The Final Statement of Reasons is attached; it summarizes the oral and written comments provided and the CDE responses to those comments.

**Recommendation**

The CDE recommends that the SBE consider comments received during the public comment period and at the public hearing, take action to adopt the regulations, and direct CDE staff to submit the adopted regulations to the Office of Administrative Law.

Attachment 1: Final Statement of Reasons (3 Pages)

Attachment 2: Proposed CAHSEE Regulations (4 Pages)

**FINAL STATEMENT OF REASONS**  
**California High School Exit Examination**

**UPDATE OF INITIAL STATEMENT OF REASONS**

The Title 5 Regulations for the California High School Exit Examination (CAHSEE) serve to guide districts and schools in the administration of the examination and the reporting of student demographic data to the State.

At its March 2006 meeting, the State Board of Education (SBE) adopted emergency regulations that permit eligible adult students in school districts to take the CAHSEE up to three times per school year and to take the exam in successive administrations beginning in the 2006-07 school year. In addition, the emergency regulations specify the data that school districts are to submit to the California Department of Education (CDE) regarding the local waiver process for students with disabilities and the one-year exemption for students with disabilities in the class of 2006.

The SBE also approved the commencement of the rulemaking process for proposed regulations to make the emergency regulations a permanent part of the CAHSEE regulations. The 45-day public review period for the regulations began on March 17, and the CDE held a public hearing to receive oral comments on the proposed regulations on May 3, 2006.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 17, 2006 THROUGH MAY 3, 2006**

Written comments from two individuals were submitted to the Regulations Coordinator during the 45-day public comment period.

**Comment #1:** Tunisha Grant, Parent, submitted the following written comment:

I am the parent of an 11th grader. I want to comment because I think there should be an extension on the exemption to include the Class of 2007. My son has a Specific Learning Disability and an IEP.

How can you, the State, require these kids to pass 10th grade English and Math, when, since elementary school, they've only have IEPs to meet certain goals or criteria, i.e., 'to complete 10 multiplication problems by the end of the school year' or 'to write one paragraph with punctuation by the end of the school year'? These children are not adequately prepared for such an exam, and, more likely, would need assistance and accommodations throughout the exam.

Alternatively, if you were to start, say in the fifth or sixth grade a plan that these kids would learn what's on the test by the 10th grade, that would be acceptable...."

**Response:** No response is needed. Ms. Grant's comments do not address the proposed regulations.

**Comment #2:** Edward Morris, Division of Adult and Career Education, Los Angeles Unified School District, submitted the following written comment:

The Los Angeles Unified School District supports the proposed changes in regulations governing administration of the California High School Exit Exam as they pertain to students enrolled in the State's Adult Education Programs.

The proposed regulatory change providing Saturday administrations of the California High School Exit Exam for students enrolled in Adult Education Programs will resolve a scheduling issue that has impaired their participation in the process. Adult students are currently required to take the High School Exit Exam on Tuesdays and Wednesdays, as are all high school students. This scheduling mandate forces many economically disadvantaged adult students to take two days off from work to take the test. These students, and the families they support, can least afford the loss of pay that is incurred due to these circumstances. The Los Angeles Unified School District; therefore, supports this important change.

The proposed regulatory change allowing adult education students to take successive administration of the High School Exit Exam will allow these students to exit school and enter the workforce more quickly. Adult Education Programs state-wide are run on an open-entry, open-exit basis. In contrast to four-year high school programs, this allows adult students to finish their requirements at any time during the year. Because allowing them to take consecutive administrations of the test will facilitate their graduation and entry into the workforce, the Los Angeles Unified School District supports this regulatory change.

**Response:** No response is needed. Mr. Morris's written comments regarding Saturday test administrations does not address the proposed regulations, and Mr. Morris's comments regarding taking the exam in successive administrations are in support of the proposed regulations.

### **COMMENTS RECEIVED DURING THE PUBLIC HEARING ON MAY 3, 2006**

One individual provided oral comments in strong support of the proposed regulation to permit adult students to take the CAHSEE in successive administrations, stating that this would facilitate graduation and entry into the workforce for adult students who may complete other graduation requirements at any time during the year.

### **ALTERNATIVES DETERMINATION**

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

### **LOCAL MANDATE DETERMINATION**

The proposed amended regulations require new activities that create reimbursable costs. First, it requires school districts to provide an additional opportunity to take the CAHSEE for adult students. This will increase the number of students taking the exam. Second, it requires additional data to be submitted to CDE. Both result in mandated costs. The first cost is covered by increased apportionments funding likely to be available under the current funding procedures, i.e., the annual Budget Act. The second cost is attributable to the statute, not the regulations.

### **REGULATIONS TO BECOME EFFECTIVE UPON FILING**

It is important that this regulation becomes effective as soon as possible to meet the administration timeline.

1 **Title 5. EDUCATION**

2 **Division 1. California Department of Education**

3 **Article 2. High School Exit Examination Administration**

4  
5 **§ 1204.5 Grades 11 and 12 and Adult Student Testing Dates.**

6 (a) Eligible pupils in grade 11 who have not yet passed one or both sections of the  
7 examination shall have up to two opportunities per year to take the section(s) of the  
8 examination not yet passed and may elect to take the examination during these  
9 opportunities.

10 (b) Eligible pupils in grade 12 shall have up to three opportunities to take the  
11 section(s) of the examination not yet passed. The district shall offer either three  
12 opportunities during grade 12 or two opportunities in grade 12 and one opportunity in  
13 the year following grade 12 to take the section(s) of the examination not yet passed.  
14 Eligible pupils in grade 12 may elect to take the examination during district-provided  
15 opportunities.

16 (c) Eligible adult students shall have up to three opportunities per year to take the  
17 section(s) of the examination not yet passed and may elect to take the examination  
18 during these opportunities.

19 (d) Districts shall not test eligible pupils in grade 11 in successive administrations  
20 within a school year. Eligible pupils in grades 11 and 12 and eligible adult students  
21 should be offered appropriate remediation or supplemental instruction before being  
22 retested.

23 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 37252 and  
24 60851, Education Code.

25  
26 **1207.1. Data for Analysis of Local Waiver Process for Pupils with Disabilities.**

27 By July 31 of each year, each school district shall provide to the department the  
28 following information pursuant to Education Code section 60851:

29 (a) Provide the following information by grade and by school for those pupils and  
30 adult students who have taken one or both parts of the examination with one or more  
31 modifications and have received the equivalent of a passing score:

1 (1) The number of pupils or adult students who received the equivalent of a passing  
2 score on the mathematics portion of the examination only.

3 (2) The number of pupils or adult students who received the equivalent of a passing  
4 score on the English-language arts portion of the examination only.

5 (3) The number of pupils or adult students who received the equivalent of a passing  
6 score on both portions of the examination.

7 (b) Provide the following information by grade, by school, by primary disability, and  
8 by the percent of time in general education for each pupil and adult student who has  
9 taken one or both parts of the examination with one or more modifications and has  
10 received the equivalent of a passing score and for whom a waiver pursuant to  
11 Education Code section 60851(c) has been requested:

12 (1) The number of pupils or adult students for whom a waiver of the mathematics  
13 portion of the examination only has been requested.

14 (2) The number of pupils or adult students for whom a waiver of the English-  
15 language arts portion of the examination only has been requested.

16 (3) The number of pupils or adult students for whom a waiver of both portions of the  
17 examination has been requested.

18 (c) Provide the following information by grade, by school, by primary disability, and  
19 by the percent of time in general education for each pupil and adult student who has  
20 taken one or both parts of the examination with one or more modifications and has  
21 received the equivalent of a passing score and for whom a waiver pursuant to  
22 Education Code section 60851(c) has been granted:

23 (1) The number of pupils or adult students for whom a waiver of the mathematics  
24 portion of the examination only has been granted.

25 (2) The number of pupils or adult students for whom a waiver of the English-  
26 language arts portion of the examination only has been granted.

27 (3) The number of pupils or adult students for whom a waiver of both portions of the  
28 examination has been granted.

29 (d) Provide the following information by grade, by school, by primary disability, and  
30 by the percent of time in general education for each pupil and adult student who has  
31 taken one or both parts of the examination with one or more modifications and has

1 received the equivalent of a passing score and for whom a waiver pursuant to  
2 Education Code section 60851(c) has been denied:

3 (1) The number of pupils or adult students for whom a waiver of the mathematics  
4 portion of the examination only has been denied.

5 (2) The number of pupils or adult students for whom a waiver of the English-  
6 language arts portion of the examination only has been denied.

7 (3) The number of pupils or adult students for whom a waiver of both portions of the  
8 examination has been denied.

9 (e) The number of pupils or adult students that graduated during the prior school  
10 year as a result of having been granted a waiver on one or both portions of the  
11 examination.

12 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851,  
13 Education Code.

14

15 **§ 1207.2. Data for Analysis of Pupils with Disabilities in the Class of 2006.**

16 (a) By July 1, 2006, each school district and state special school shall provide the  
17 following information to the department for each pupil in the class of 2006 who has an  
18 IEP or Section 504 plan dated on or before July 1, 2005, that indicates that the pupil is  
19 scheduled to graduate in 2006, but who has not yet passed both sections of the  
20 examination:

21 (1) Primary disability code.

22 (2) Percent of time spent in general education.

23 (3) Anticipated graduation date as specified in the IEP or Section 504 plan.

24 (4) Whether the pupil satisfied all other state and local graduation requirements.

25 (5) The month and year of each attempt to pass the examination with the  
26 accommodations and modifications, if any, specified in the IEP or Section 504 plan.

27 (6) Type of remedial or supplemental instruction program completed.

28 (7) The month and year of each attempt to pass the examination after completing a  
29 remedial or supplemental instruction program.

30 (8) The date on which the pupil, or the parent or legal guardian if the student is a  
31 minor, acknowledged in writing that the pupil is entitled to receive free appropriate

1 public education up to and including the academic year in which the pupil reaches 22  
2 years of age, or until the pupil receives a high school diploma, whichever occurs first.

3 (9) Whether the pupil received a waiver from the requirement to pass the  
4 examination pursuant to Education Code section 60851(c).

5 (10) Whether the pupil satisfied the criteria set forth in Education Code section  
6 60852.3(a).

7 (11) Whether the pupil received a diploma pursuant to Education Code section  
8 60852.3(a).

9 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60852.3,  
10 Education Code.

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# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
California High School Exit Examination: Review Local Educational Agency denial of exemption for certain students under California <i>Education Code</i> 60852.3	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE), pursuant to California *Education Code* Section 60852.3, direct certain Local Educational Agencies (LEAs) (listed on the Last Minute Memorandum accompanying this Board item as Attachment 2) to issue a high school diploma to the students the Board has determined to qualify for the CAHSEE exemption pursuant to Section 60852.3.

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

None.

### SUMMARY OF KEY ISSUES

#### California High School Exit Exam (CAHSEE) Student with Disabilities Exemption

On January 30, 2006, Senate Bill (SB) 517 was signed into law and took effect immediately, providing a one-year exemption from the requirement to pass the CAHSEE for certain students with disabilities. As a result of the passage of SB 517 (California *Education Code* section 60852.3), for the 2005-06 school year, all school districts, including charter schools and state special schools (LEAs), are required to grant a high school diploma to students with disabilities under the conditions provided below. If the LEA does not grant a diploma pursuant to this exemption, the State Board of Education (SBE) must review the LEAs decision and may direct the LEA to grant a high school diploma to the student.

An LEA is required to grant a high school diploma to a student with disabilities who meets the following conditions:

1. scheduled to graduate from high school in 2006,
2. has not passed the CAHSEE,
3. has not been granted a local waiver of the CAHSEE requirement pursuant to California *Education Code* section 60851(c), and
4. has met all of the criteria described below.

## **SUMMARY OF KEY ISSUES (Cont.)**

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Students with disabilities are eligible for this exemption if all of the following conditions are met:

1. The student has an individualized education program (IEP) or Section 504 plan.
2. According to the IEP or Section 504 plan that is dated on or before July 1, 2005, the student is scheduled to receive a high school diploma with an anticipated graduation from high school in 2006.
3. The school district or state special school certifies that the student has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma in 2006.
4. The student has attempted to pass the CAHSEE at least twice after grade ten, including at least once during grade twelve, with the accommodations or modifications, if any, specified in his or her IEP or Section 504 plan.
5. Either (A) the student has received remedial or supplemental instruction focused on the CAHSEE either through the school of the student, private tutoring, or other means, or (B) the school district or state special school failed to provide the student with the opportunity to receive that remedial or supplemental instruction.
6. If the student received remedial or supplemental instruction, the student has taken the CAHSEE at least once following the receipt of that remedial or supplemental instruction. This does not apply if, following the receipt of that remedial or supplemental instruction, there is no further administration of the exam on or before December 31, 2006.
7. The student, or the parent or legal guardian of the student if the student is a minor, has acknowledged in writing that the student is entitled to receive free appropriate public education up to and including the academic year during which the student reaches age twenty two, or until the student receives a high school diploma, whichever event occurs first.

If an LEA determines that a student with disabilities does not meet the criteria, the LEA is required to submit documentation of its decision to the SBE within 15 days of denial. Staff anticipates that, with the release of test score data from the February and March CAHSEE administrations, LEAs will begin to submit these denials beginning in mid-April to early May. The SBE is required to review any LEA's decision to deny a diploma to a student with disabilities no later than its next regularly scheduled meeting. If the Board finds that the student does meet the criteria, it may direct the LEA to issue that student a high school diploma.

CDE and SBE staff have met to develop a process by which this documentation can be reviewed and CDE has placed instructions to LEAs on the CDE's Web site.

## **SUMMARY OF KEY ISSUES (Cont.)**

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CDE has recently developed a form that is designed to assist LEAs to determine and document students' eligibility for this CAHSEE exemption. That form is included as Attachment 1 of this SBE item. Its use is recommended, but is not mandatory.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The development of the exemption verification form and staff time to process the exemption reviews has been conducted internally so there was no fiscal impact.

## **ATTACHMENT(S)**

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Attachment 1: Eligibility Verification Form for the Exemption for Students with an Individualized Education Program or Section 504 Plan in the Class of 2006  
(2 Pages)

A listing of LEAs and corresponding students (provided anonymously) for whom CDE recommends that a high school diploma should be given will be provided as a last minute memorandum.

**California High School Exit Examination  
Eligibility Verification Form for the Exemption for Students with an Individualized  
Education Program or Section 504 Plan in the Class of 2006**

California *Education Code* section 60852.3 (Senate Bill 517) requires all school districts, including charter schools and state special schools (LEAs), to grant a high school diploma to each student with disabilities who is scheduled to graduate from high school in 2006, has not passed the California High School Exit Examination (CAHSEE), has not been granted a local waiver of the CAHSEE requirement pursuant to California *Education Code* Section 60851(c), and has met each of the seven criteria listed on the attached form. This form is designed to assist LEAs to determine and document students' eligibility for this CAHSEE exemption. Its use is recommended, but is not mandatory.

**DIRECTIONS FOR COMPLETION OF THE ELIGIBILITY VERIFICATION FORM:**

Please complete the attached form for each student with an individualized education program or Section 504 Plan dated on or before July 1, 2005, who:

- Is scheduled to receive a diploma in 2006.
- Has not passed the CAHSEE.
- Has not been granted a waiver of the CAHSEE requirement pursuant to California *Education Code* 60851(c).

If the student satisfies all of the requirements listed on the form, place the completed form in the student's permanent record as evidence of the student's eligibility for this exemption.

If the student does not satisfy one or more of the requirements on the form, provide a detailed description of the LEAs justification for not granting the exemption. Attach additional pages to the form if necessary.

This form and supporting documentation must be submitted to the State Board of Education within 15 days of the determination that the student does not meet the criteria for this exemption. In order to maintain student confidentiality, please blank out and student/family names on all documents and use the same substitute identifier on all documents.

Submit this form and supporting documentation for each denial of the CAHSEE Special Education Exemption to:

California State Board of Education  
CAHSEE Exemption Review  
1430 N Street, Suite 5403  
Sacramento, California 95814

Thank you for your assistance in this important process. If you have any questions about the use of this form or the CAHSEE, please contact the California Department of Education's CAHSEE Office, at (916) 445-9449.

Student Name: \_\_\_\_\_  
 Local Education Agency: \_\_\_\_\_  
 School: \_\_\_\_\_  
 Substitute Identifier: \_\_\_\_\_

<b>Eligibility Criteria</b>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>#1</b> - The pupil has an individualized education program (IEP) adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)).
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>#2</b> - According to the IEP or the section 504 plan of the pupil, which is dated on or before July 1, 2005, the pupil is scheduled to receive a high school diploma with an anticipated graduation from high school in 2006.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>#3</b> - The Local Education Agency (LEA) certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma in 2006.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>#4</b> - The pupil has attempted to pass the CAHSEE at least twice after grade 10, including at least once during grade 12, with the accommodations or modifications, if any, specified in the IEP or Section 504 plan of the pupil.
<input type="checkbox"/> (A) or <input type="checkbox"/> (B)	<input type="checkbox"/> No	<b>#5</b> - Either (A) the pupil has received remedial or supplemental instruction focused on the high school exit examination either through the school of the pupil, private tutoring, or other means, or (B) the school district or state special school failed to provide the pupil with an opportunity to receive remedial or supplemental instruction.
<input type="checkbox"/> Yes or <input type="checkbox"/> N/A	<input type="checkbox"/> No	<b>#6</b> - If the pupil received remedial or supplemental instruction as described above, the pupil has taken the CAHSEE at least once following the receipt of that remedial or supplemental instruction.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>#7</b> - The pupil, or the parent or legal guardian of the pupil if the pupil is a minor, has acknowledged in writing that the pupil is entitled to receive free appropriate public education up to and including the academic year during which the pupil reaches 22 years of age, or until the pupil receives a high school diploma, whichever event occurs first.
If you indicated "no" for any of the criteria above, please describe the specific reasons why the LEA denied this student an exemption from the CAHSEE requirement. (Provide documentation supporting the LEAs decision, including a copy of the student's IEP as described in criteria #2.) _____ _____ _____		
(Please attach additional pages if necessary)		
Signature _____		Date: _____
Printed Name: _____		Telephone Number: _____
Title: _____		



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
California English Language Development Test: Including, but not limited to, update on California English Language Development Test	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

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

In March 2006, the SBE received an update on the California English Language Development Test (CELDT) Program including the results for the 2005 CELDT annual assessment.

### SUMMARY OF KEY ISSUES

The contractor for the CELDT is conducting the Pre-Administration and Scoring Training Workshops for the CELDT. They are attended by individuals who will be trainers for the 2006-2007 school year. CTB/McGraw Hill is presenting new writing rubrics, a new scale, and new cut scores. The schedule and location of the workshops are displayed below.

April 17, Sacramento	May 16, Fresno
April 19, San Jose	May 17, Visalia
April 20, Monterey	May 23, Burbank
April 24, Pasadena	May 24, Ontario
April 27, Santa Barbara	May 25, Riverside
May 1, Stockton	May 30, Visalia
May 2, Redding	May 31, Concord
May 9, Los Angeles	June 7, Indian Wells
May 10, Costa Mesa	June 8, Fallbrook
May 11, Long Beach	June 9, San Diego

### FISCAL ANALYSIS (AS APPROPRIATE)

All costs for the current CELDT administration are included in the current CELDT contract (\$12 million in 2004-05).

**ATTACHMENT(S)**

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None.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Physical Fitness Test (PFT): Approve Commencement of 15-Day Comment Period for Proposed Amendments to Title 5 Regulations	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendment to the regulations;
- Direct that the proposed amendment be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no substantive objections to the revision are received during the 15-day public comment period, CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval; and
- If substantive objections to the revision are received during the 15-day public comment period, CDE shall place the amended regulations on the SBE's July 2006, agenda for action following consideration of the comments received.

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

On September 8, 2005, SBE approved the commencement of the rulemaking process for the proposed revisions to the PFT Regulations. On November 9, 2005, the SBE approved final regulations incorporating revisions to the PFT regulations subject to review and approval by the Office of Administrative Law (OAL). On April 19, 2006, the regulations were withdrawn because OAL was set to disapprove the regulations due to changes in the Third Edition *FITNESSGRAM/ACTIVITYGRAM*® Administration Manual. The SBE is now being asked to approve these regulations for an additional 15-day public comment period to allow comment on the proposed change.

In February 1996, the State Board of Education designated the *FITNESSGRAM*® as the physical performance test to be administered to California students.

On May 15, 1989, SBE adopted amendments to the Physical Fitness Test (PFT) regulations, and these regulations were approved by the OAL in May 1989.

## **SUMMARY OF KEY ISSUES**

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The PFT regulations serve to guide districts and schools in the administration of the *FITNESSGRAM*® as California's physical fitness assessment. The purpose of the proposed amendment is to revise the adopted regulations so that they reference the most current edition of the Third Edition *FITNESSGRAM/ACTIVITYGRAM*® Test Administration Manual, which is incorporated by reference in the regulations. This revision is the addition of the word "**Updated**" on line 5 of page 2 of 7 of the regulations.

The Updated Third Edition *FITNESSGRAM/ACTIVITYGRAM*® Test Administration Manual includes the following changes:

1. PACER Healthy Fitness Zone standards are revised for boys age seventeen and up, and girls age ten and up.
2. Body Mass Index and Percent Body Fat Healthy Fitness Zones standards for both boys and girls.
3. The Pull-up is no longer a test item in *FITNESSGRAM*® beginning with version 8.0 of the software.
4. Appendix E is completely changed to reflect the *FITNESSGRAM*® 8.0 software program.
5. Edits within the manual to delete references to the previous version of the software (*FITNESSGRAM*® 6.0) to the newer version.
6. Body composition results revised on the student and parent reports when using the *FITNESSGRAM*® 8.0 software program (i.e., identifying children who are too lean as well as too heavy). References to body composition reflect new statistics from the Center for Disease Control and Prevention.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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A fiscal analysis was previously submitted to the SBE.

## **ATTACHMENT(S)**

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Attachment 1: TITLE 5. Education, Division 1. California Department of Education, Chapter 2. Pupils, Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures, Article 2. Physical Performance Testing Programs (7 Pages)

1 **TITLE 5. Education**

2 **Division 1. California Department of Education**

3 **Chapter 2. Pupils**

4 **Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures**

5 **Article 2. Physical Performance Testing Programs**

6  
7 **§ 1040. Definitions of "Pupil."**

8 For the purpose of the physical performance test required by Education Code  
9 section 60800, and also referred to as the Physical Fitness Test (PFT), the following  
10 definitions shall apply:

11 (a) "Accommodations" means any variation in the assessment environment or  
12 process that does not fundamentally alter what the test measures or affect the  
13 comparability of scores.

14 (b) "Annual assessment window" begins on February 1 and ends on May 31 of each  
15 school year.

16 (c) "Block schedule" is a restructuring of the school day whereby pupils attend half  
17 as many classes, for twice as long.

18 (d) "District Physical Fitness Test Coordinator" is an employee of the school district  
19 designated by the superintendent of the district to oversee the administration of the  
20 PFT within the district.

21 (e) "FITNESSGRAM<sup>®</sup>" November, 2005, is the California Physical Fitness Test  
22 designated by the State Board of Education (SBE), a document incorporated by  
23 reference.

24 (f) "Grade" for the purpose of the PFT means the grade assigned to the pupil by the  
25 school district at the time of testing.

26 (g) "Modification" means any variation in the assessment environment or process  
27 that fundamentally alters what the test measures or affects the comparability of scores.

28 (h) "Pupil" is a person in grades 5, 7, or 9, enrolled in a California public school or  
29 placed in a non-public school through the individualized education program (IEP)  
30 process pursuant to Education Code section 56365.

1 (i) "School district" includes elementary, high school, and unified school districts,  
2 county offices of education, any charter school that for assessment purposes does not  
3 elect to be part of the school district or county office of education that granted the  
4 charter, and any charter school chartered by the SBE.

5 (j) "Test administration manual" is the **Updated** Third Edition  
6 FITNESSGRAM/ACTIVITYGRAM, a document incorporated by reference. A copy may be  
7 obtained from CDE staff in the Standards and Assessment Division.

8 (k) "Test examiner" is an employee of the school district who administers the PFT.

9 (l) "Variation" is a change in the manner in which a test is presented or  
10 administered, or in how a test taker is allowed to respond, and includes, but is not  
11 limited to accommodations and modifications.

12 NOTE: Authority cited: Sections 33031 60601 and 60603, Education Code. Reference:  
13 Sections 60603 and 60608, Education Code.

14  
15 **§ 1041. Required Program.**

16 (a) During the ~~period~~ annual assessment window of ~~March-May~~, inclusive, the  
17 governing board of each school district maintaining grades 5, 7, and ~~9~~ 10, or any one or  
18 more of such grades, shall administer to each pupil in those grades the physical  
19 performance test, *FITNESSGRAM*<sup>®</sup>, designated by the State Board of Education. This  
20 includes pupils who attend schools that are on a block schedule and whose pupils may  
21 not be enrolled in physical education classes during the annual assessment window.

22 Each physically handicapped pupil and each pupil who is physically unable to take  
23 all of the physical performance test shall be given as much of the test as his condition  
24 will permit.

25 (b) All pupils in grades 5, 7 and 9 shall only take the test once during the annual  
26 assessment window.

27 (c) School districts shall test all pupils in alternative education programs conducted  
28 off the regular school campus, including, but not limited to continuation schools,  
29 independent study, community day schools, and county community schools.

30 (d) No test shall be administered in a home or hospital except by a test examiner.  
31 No test shall be administered to a pupil by the parent or guardian of that pupil.

1 (e) Pupils shall be tested in each fitness component included in the PFT unless  
2 exempt by the pupil's IEP or Section 504 plan.

3 NOTE: Authority cited: ~~S~~sections 33031 and ~~60603~~, Education Code. Reference:  
4 Sections ~~60602(c)~~, ~~60603~~ and ~~60608~~ 60615 and 60800, Education Code.

### 5 **§ 1042. Recommended Program.**

6 ~~When adequate facilities are available, tests pursuant to this article may be given~~  
7 ~~more often than once yearly.~~

8 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60605,  
9 Education Code.

### 11 **§ 1043. Methods of Administration.**

12 (a) The tests shall be administered and scored by employees of the district or the  
13 employees of the county superintendent of schools. The scoring thereof shall be in  
14 compliance with the instructions of the publisher or developer for scoring, and the  
15 scores shall be submitted to the governing board of the school district on the dates  
16 required by, and on forms prescribed or approved by, such governing board.

17 (b) Districts may provide an alternative date for make-ups based on absence or  
18 temporary physical restriction or limitations (e.g., recovering from illness or injury).

19 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
20 Education Code.

### 22 **§ 1043.2. Test Administration Training.**

23 (a) For valid results, districts shall use the test administration manual provided for  
24 the test designated by the SBE.

25 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
26 Education Code.

### 28 **§ 1043.4. District Physical Fitness Test Coordinator.**

29 (a) On or before November 1 of each school year, the superintendent of each  
30 school district, county office of education, and independent charter school may  
31 designate from among its employees a District Physical Fitness Test Coordinator. If a

1 District Physical Fitness Test Coordinator is designated, the superintendent shall notify  
2 the contractor for the PFT of the identity and contact information of the District Physical  
3 Fitness Test Coordinator. The District Physical Fitness Test Coordinator shall be  
4 available throughout the year and shall serve as the liaison between the school district  
5 and the CDE for all matters related to the PFT.

6 (b) The District Physical Fitness Test Coordinator responsibilities include, but are  
7 not limited to, the following:

8 (1) Responding to correspondence and inquiries from the contractor in a timely  
9 manner and as provided in the contractor's instructions.

10 (2) Determining school district and individual school test and test material needs.

11 (3) Overseeing the administration of the PFT to pupils.

12 (4) Overseeing the collection and return of all test data to the contractor.

13 (5) Ensuring that all test data are received from school test sites within the school  
14 district in sufficient time to satisfy the reporting requirements.

15 (6) Ensuring that all test data are sent to the test contractor by June 30 of each  
16 year.

17 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
18 Education Code.

19  
20 **§ 1043.6. Data for Analysis of Pupil Proficiency**

21 (a) Each school district shall provide the contractor of the PFT the California School  
22 Information Services (CSIS) student identification number and demographic information  
23 for each pupil tested for purposes of the analyses and reporting.

24 (b) The demographic information required by subdivision (a) is for the purpose of  
25 aggregate analyses and reporting only.

26 (c) School districts shall provide the same information for each pupil enrolled in an  
27 alternative or off-campus program, or for pupils placed in nonpublic schools, as  
28 provided for all other pupils.

29 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49061,  
30 60605 and 60800, Education Code; 20 USC section 1232g.

1 **§ 1043.8. Reporting Test Scores.**

2 No aggregate or group scores or reports that are compiled pursuant to Education  
3 Code section 60800 shall be reported electronically, in hard copy, or in other media, to  
4 any audience other than the school or school district where the pupils were tested, if  
5 the aggregate or group scores or reports are composed of ten (10) or fewer individual  
6 pupil scores. In each instance in which no score is reported for this reason, the notation  
7 shall appear: "The number of pupils in this category is too small for statistical accuracy  
8 or privacy protection." In no case shall any group score be reported that would  
9 deliberately or inadvertently make public the score or performance of any individual  
10 pupil.

11 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
12 Sections 49061, 60605 and 60800, Education Code; 20 USC section 1232g; 34 CFR  
13 part 99; and 20 USC section 6311(b)(3)(C)xiii.

14  
15 **§ 1043.10. Reports of Results**

16 Results shall be provided to each pupil after completing the test. The results may be  
17 provided orally or in writing.

18 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
19 Education Code.

20  
21 **§ 1044. Recording Test Scores.**

22 The district superintendent or the county superintendent of schools, as the case  
23 may be, shall require that the pupil's scores on each of the tests given him or her in the  
24 physical performance testing program be included in the pupil's cumulative record. This  
25 requirement may be met by maintaining the regular physical performance testing  
26 program card with the cumulative record form.

27 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
28 Education Code.

29  
30 **§ 1045. Responsibility of County Superintendent of Schools.**

1       ~~As soon as possible after the State Board of Education, pursuant to subdivision (d)~~  
2 ~~of Education Code Section 60603, has designated the physical performance test to be~~  
3 ~~used during the ensuing school year in any grade, the county superintendent of schools~~  
4 ~~shall secure, and until the close of the school year for which the test was designated,~~  
5 ~~shall keep on file for reference purposes, a specimen set of that test.~~

6       ~~The county superintendent of schools shall provide assistance to school districts in~~  
7 ~~administering, recording, and reporting results of, the test.~~

8       NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60610,  
9 Education Code.

#### 11       **§ 1046. Use of Reports.**

12       ~~The governing board of each school district shall use the reports of test scores~~  
13 ~~submitted as required in this article for identifying physically underdeveloped pupils~~  
14 ~~adapting instruction to individual needs, appraising pupil progress, adapting the~~  
15 ~~physical education program to meet pupil needs and for such other purposes as may~~  
16 ~~be permitted or required by law.~~

17       NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
18 Education Code.

#### 20                       Article 2.5. Testing Variations/Accommodations

#### 21       § 1047. Testing Variations and Accommodations Available to Pupils.

22       (a) Each pupil with an IEP or Section 504 plan shall be given as much of the test as  
23 his or her condition will permit.

24       (b) School districts may provide all pupils the following test variations:

25       (1) extra time within a testing day.

26       (2) test directions that are simplified or clarified.

27       (c) All pupils may have the following testing variations if regularly used in the  
28 classroom:

29       (1) audio amplification equipment.

30       (2) test individual student separately provided that the pupil is directly supervised by  
31 the test examiner.

1       (3) Manually Coded English or American Sign Language to present directions for  
2 test administration.

3       (d) School districts may provide pupils with disabilities the following  
4 accommodations if specified in the pupil's IEP or Section 504 plan when administering  
5 the PFT:

6       (1) Administration of the PFT at the most beneficial time of day to the pupil after  
7 consultation with the test contractor.

8       (2) Administration of the PFT by a test examiner to the pupil at home or in the  
9 hospital.

10       (3) Any other accommodation specified in the pupil's IEP or Section 504 plan for the  
11 PFT.

12 NOTE: Authority cited: Section 30331, Education Code. Reference: 20 USC section  
13 1400, et seq.; 29 USC section 794; and 42 USC section 12132 and 12133.

14  
15       **§ 1048. Testing Variations Available to English Learners.**

16       School districts may provide identified English learner pupils the following additional  
17 testing variations if regularly used in the classroom or for assessment:

18       (1) English learners may have the opportunity to be tested separately with other  
19 English learners provided that the pupil is directly supervised by the test examiner.

20       (2) English learners may have the opportunity to hear the test directions printed in  
21 the test contractor's manual translated into their primary language. English learners  
22 may have the opportunity to ask clarifying questions about the test directions in their  
23 primary language.

24 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60800,  
25 Education Code.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Alternative Schools Accountability Model: Approve Regulation Revision for the Alternative Schools Accountability Model Pre-Post Assessments	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) consider comments received during the written comment period and at the public hearing, if any, and to adopt the proposed revision to the Alternative Schools Accountability Model (ASAM) Pre-Post Assessments Regulations.

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

---

In March 2006, the SBE approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the commencement of the regulatory process for the proposed revision to the Title 5 regulations for the ASAM Pre-Post Assessments. The SBE also directed staff to begin the 45-day written comment period. The 45-day written comment period began on March 18, 2006. A public hearing is scheduled on May 3, 2006, at 1:00 p.m. in Room 4101 at the CDE.

### SUMMARY OF KEY ISSUES

---

Currently, ASAM Readiness and Contextual Indicators 1 through 6 and Completion Indicators 11 through 15 must be reported no later than October 28 each year, with Academic Indicators 8 through 10 reported no later than July 31 each year. Aligning the due dates for all indicator reporting is requested. The proposed change would greatly improve the reporting of Academic Indicator pre-post assessment data by ASAM schools as school staff are generally not available to complete reporting by the current deadline of July 31 each year.

### FISCAL ANALYSIS (AS APPROPRIATE)

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The use of pre-post assessment instruments by schools participating in the ASAM is voluntary. Therefore, there are no state costs.

**ATTACHMENT(S)**

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Attachment 1: Title 5. Education  
Division 1. California Department of Education  
Chapter 2. Pupils  
Subchapter 4. Statewide Testing and Evaluation Procedures  
Article 5. Alternative Schools Accountability Model Pre-Post  
Assessments (1 page)

A last minute memorandum will be provided that will include a summary of the comments received during the public comment period and at the public hearing scheduled for May 3, 2006 at 1:00 pm.

**Title 5. EDUCATION****Division 1. California Department of Education****Chapter 2. Pupils****Subchapter 4. Statewide Testing of Pupils and Evaluation Proceedings****Article 5. Alternative Schools Accountability Model Pre-Post Assessments****§ 1074. Reporting.**

School districts that have adopted a pre-post assessment instrument as an indicator of achievement for an ASAM school shall submit the following information for each long-term student enrolled in the school.

- (a) Local student Identification number (as available).
- (b) Test name and form.
- (c) Dates pre-post assessment instruments were administered.
- (d) Scores on each assessment instrument.
- (e) Student demographics:
  - (1) Date of birth.
  - (2) Grade level.
  - (3) Gender.
  - (4) Language fluency and home language.
  - (5) Special program participation.
  - (6) Testing adaptations or accommodations.
  - (7) Amount of time in school district and in California public schools.
  - (8) Ethnicity.
  - (9) Parent education level.
  - (10) Handicapping condition or disability.

This information is for the purpose of aggregate analyses only.

Districts shall submit the ASAM pre-post assessment instrument results to CDE or its designee by ~~July 31~~ October 28 each year.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

06-22-05

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 3, 2006

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** Sue Stickel, Deputy Superintendent  
Curriculum and Instruction Branch

**RE:** Item No. 12

**SUBJECT:** Alternative Schools Accountability Model: Approve Regulation Revision for the Alternative Schools Accountability Model Pre-Post Assessments

## Background

In March 2006, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking to the Title V Regulations for the Alternative Schools Accountability Model Pre-Post Assessments, and the beginning of the 45-day written comment period.

## Report on Public Hearing

A public hearing was held on Wednesday, May 3, 2006, at 1:00 p.m. in Room 4101 of the California Department of Education (CDE) building. No members of the public were present at the hearing. No written comments were received prior to the public hearing.

## Recommendation

The CDE recommends that the SBE adopt the proposed revision to the regulations and direct staff to complete the rulemaking package and submit it to the Office of Administrative Law.

Attachment 1: Final Statement of Reasons (1 page)

Attachment 2: Proposed Regulations (1 page)

**FINAL STATEMENT OF REASONS**  
**Alternative Schools Accountability Model Pre-Post Assessments**

## UPDATE OF INITIAL STATEMENT OF REASONS

### SECTION 1074. Reporting

The current reporting deadline for the Pre-Post Assessment Indicators (8, 9, and 10) in the Alternative Schools Accountability Model (ASAM) is July 31 each year. This date has made it difficult for most ASAM schools using these indicators to report on time, since most school, district, and county office staffs are generally unavailable during the summer. Further, the deadline for reporting Pre-Post Assessment Indicators is different from the deadline for reporting ASAM performance indicators, leading to confusion and miscommunication in the field about ASAM reporting requirements. Designating one deadline for the reporting on all ASAM indicators is both internally and externally consistent for ASAM staff; for our contractor, WestEd; and for the field that is reporting this data.

The proposed amendment to change the reporting deadline for the Pre-Post Assessment Indicators (8, 9, 10) in the ASAM from July 31 to October 28 each year will (1) bring indicator reporting deadlines for all ASAM indicators into alignment (currently ASAM performance indicators 1-6 and 11-15 must be reported no later than October 28); and (2) greatly improve Pre-Post Assessment Indicator reporting by ASAM schools, since school staff are generally not available to complete reporting by the present deadline, July 31.

A public hearing was held on May 3, 2006, following the 45-day public comment period. No comments were received.

### SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 17, 2006, THROUGH MAY 3, 2006

The text was made available to the public from March 17, 2006, through May 3, 2006, inclusive. No comments were received in response to the proposed regulations.

### ALTERNATIVES DETERMINATION

**The State Board of Education has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.**

### LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

## **Title 5. EDUCATION**

### **Division 1. California Department of Education**

#### **Chapter 2. Pupils**

#### **Subchapter 4. Statewide Testing of Pupils and Evaluation Proceedings**

#### **Article 5. Alternative Schools Accountability Model Pre-Post Assessments**

#### **§ 1074. Reporting.**

School districts that have adopted a pre-post assessment instrument as an indicator of achievement for an ASAM school shall submit the following information for each long-term student enrolled in the school.

- (a) Local student Identification number (as available).
- (b) Test name and form.
- (c) Dates pre-post assessment instruments were administered.
- (d) Scores on each assessment instrument.
- (e) Student demographics:
  - (1) Date of birth.
  - (2) Grade level.
  - (3) Gender.
  - (4) Language fluency and home language.
  - (5) Special program participation.
  - (6) Testing adaptations or accommodations.
  - (7) Amount of time in school district and in California public schools.
  - (8) Ethnicity.
  - (9) Parent education level.
  - (10) Handicapping condition or disability.

This information is for the purpose of aggregate analyses only.

Districts shall submit the ASAM pre-post assessment instrument results to CDE or its designee by ~~July 31~~ October 28 each year.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 52052, Education Code.

06-22-05



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
2006 Base Academic Performance Index: Subgroup Target Structure	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the proposed changes to the target structure of the 2006 Base Academic Performance Index (API).

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

At the January 2006 meeting, the SBE approved changes to the methodology for calculating the 2005 Base API. The changes included: 1) the addition of two new subgroups, English learners (EL) and students with disabilities (SWD), in determining comparable improvement in the API; and 2) the addition of six new variables in determining similar schools ranks.

The SBE is responsible for determining the indicators and methodology for each year's API reporting cycle, which begins with the Base API report. (The 2006 Base and 2007 Growth make up the 2006-07 reporting cycle.) The 2006 API Growth reports are scheduled to be released in August 2006. The 2006 API Base reports are scheduled to be released in March 2007.

### SUMMARY OF KEY ISSUES

The SBE has authority to set API growth targets (*Education Code* Section 52052c) that are calculated schoolwide and for each numerically significant subgroup within a school. Currently, subgroup targets are set at 80 percent of the schoolwide target. This method of computing subgroup targets was adopted by the SBE in December 1999 and has remained unchanged since the inception of the API. The current method does not adequately address narrowing the achievement gap that exists between traditionally higher- and lower-scoring student subgroups.

The Public Schools Accountability Act (PSAA) Advisory Committee along with its statistical consulting team, the Technical Design Group (TDG), has discussed the achievement gap issue as it relates to subgroup targets. Both groups recommend a

## **SUMMARY OF KEY ISSUES (Cont.)**

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change in methodology so that targets are calculated separately for each numerically significant subgroup and set at five percent growth towards an API of 800. It is also recommended that subgroup and schoolwide growth targets are set at a minimum of five points until an API score of 800 (the current statewide target) is reached or exceeded.

The following table shows the impact of the proposed changes in growth target calculations based on analyses of 2004-05 API results. If subgroups were required to meet a target based on five percent of the distance to 800 and a minimum five-point gain until the subgroup reaches or exceeds 800, between 3.0 and 7.7 percent fewer schools would meet their targets depending on school type (elementary, middle, high). Overall the number of schools meeting targets would have been four percent fewer.

### **PERCENT OF SCHOOLS MEETING TARGET USING 2004-05 RESULTS**

Models	Elementary	Middle	High	Total
API with EL and SWD subgroups	71.3%	66.9%	64.8%	69.7%
In addition, 5% distance to target	69.8%	62.4%	58.1%	67.0%
In addition, 5 point minimum gain	68.3%	61.3%	57.1%	65.7%
Total change	3.0%	5.6%	7.7%	4.0%

**Note:** Total number of schools included in the simulations is 7,263, which are non-Alternative Schools Accountability Model (ASAM) schools that have at least 100 valid test scores in the 2004 Base and valid APIs for both 2004 Base and 2005 Growth.

This item does not address the complete set of changes for the 2006 Base API. In September or November another board item will address the addition of the new No Child Left Behind (NCLB) Act of 2001 science test in grades eight and ten to the 2006 Base API. At that time changes to the weight given science will be considered, among other changes.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is minimal cost in modifying the methodology to calculate and produce the 2006 API Base report.

## **ATTACHMENT(S)**

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None.

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 3, 2006

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** William L. Padia, Deputy Superintendent  
Assessment and Accountability Branch

**RE:** Item No. 13

**SUBJECT:** 2006 Base Academic Performance Index: Subgroup Target Structure

Data in the original State Board of Education item were compiled on an incomplete dataset. The revised item represents an analysis of the complete dataset.

The following table shows the impact of the proposed changes in growth target calculations based on analyses of 2004-05 API results. If both school-wide and subgroups were required to meet a target based on five percent of the distance to 800 and a minimum five-point gain until the subgroup reaches or exceeds 800, between 4.0 and 7.9 percent fewer schools would meet their targets depending on school type (elementary, middle, high). Overall the number of schools meeting targets would have been 4.9 percent fewer.

## PERCENT OF SCHOOLS MEETING TARGET USING 2004-05 RESULTS

Models	Elementary	Middle	High	Total
API with EL and SWD subgroups	65.5%	58.9%	58.0%	63.4%
In addition, 5% distance to target	62.8%	53.7%	51.2%	59.7%
In addition, 5 point minimum gain	61.5%	52.7%	50.1%	58.5%
Total change	4.0%	6.2%	7.9%	4.9%

**Note:** Total number of schools included in the simulations is 7,268, which are non-Alternative Schools Accountability Model (ASAM) schools that have at least 100 valid test scores in the 2004 Base and valid APIs for both 2004 Base and 2005 Growth.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
School Accountability Report Card: Improving the Readability of the Template and Data Definitions for the 2006-07 School Year	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

---

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate but no action is recommended at this time.

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

---

The State Board of Education (SBE) annually approves the School Accountability Report Card (SARC) template and associated data definitions in accordance with the requirements of state and federal laws. In May 2005, the SBE approved a SARC template and data definitions that were used for SARCs published during the 2005-06 school year.

### SUMMARY OF KEY ISSUES

---

Each year, the CDE prepares for SBE approval a model template containing all the SARC reporting elements that are required by state and federal laws. LEAs may use the model template or may design their own report cards as long as all legally required information is included.

Over time, the SARC template has grown to include nearly 60 separate data elements and has become difficult for its intended audience of parents and community members to read and understand. In his 2006 State of Education address, Superintendent O'Connell made improving the readability of the SARC a top priority.

To accomplish that goal, a meeting of interested stakeholders was convened by the Hewlett Foundation, in conjunction with the CDE, in January 2006. Since then, three working groups have met regularly to discuss the following areas of the SARC: readability, executive summary or streamlining, and common release date (i.e. deadline for publishing SARCs).

### **SUMMARY OF KEY ISSUES (Cont.)**

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The CDE will propose a SARC template and data definitions to the SBE in July 2006. The proposed template will significantly differ from the current version in terms of its organization, its format and presentation of data, and its narrative descriptions of data elements. The proposed template will also include an executive summary comprised of about 20 elements designed to provide a quick, snapshot of school accountability.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is minimal CDE cost to develop a proposed template.

### **ATTACHMENT(S)**

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None.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
California Longitudinal Pupil Achievement Data System Overview	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) is providing the following item to the State Board of Education (SBE) for information and action as deemed necessary and appropriate. No action is recommended at this time.

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

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At the meeting in March, the SBE requested an overview of California Longitudinal Pupil Achievement Data System (CALPADS) to specifically address the progress made toward implementation of the system and the role of the California School Information Services (CSIS).

### SUMMARY OF KEY ISSUES

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CDE staff from the Data Management Division will provide an overview of CALPADS through a PowerPoint presentation.

### FISCAL ANALYSIS (AS APPROPRIATE)

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There is no fiscal impact related to this agenda item.

### ATTACHMENT(S)

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Attachment 1: California Longitudinal Pupil Achievement Data System Overview PowerPoint Presentation (7 Pages).



# OVERVIEW

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## Building an Education Data System for California



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Current Education Data “System”

- Numerous aggregate collections/reports (about 125)
- Redundant collection of data elements
- Aggregate data is not of high quality



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Current Education Data “System”

- No longitudinal capacity
- Non-responsive to changing reporting requirements



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# How do we “fix” the current “system”?

## By building a longitudinal data system:

- Collect basic student and teacher level data ONCE from LEAs
- The state then aggregates the data into numerous, varied, and ever-changing state and federally-required reports



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# How do we “fix” the current “system”?

- Data is also available for research, evaluation and analysis at both state and local levels



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# How do we “fix” the current system?

In 2002 the Legislature authorized the establishment of such a system:

**California Longitudinal Pupil Achievement Data System  
(CALPADS)**



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# A National Direction

CALPADS is consistent with national trends:

- The National Data Quality Campaign identifies 10 essential elements critical to a longitudinal data system:
  - A unique statewide student identifier



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# A National Direction

- Student-level enrollment demographic and program participation information
- The ability to match individual students' test records from year to year to measure academic growth
- Information on untested students



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# A National Direction

- Student-level graduation and dropout data
- Student-level transcript information, including information on courses completed and grades earned
- A state data audit system assessing data quality



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# A National Direction

- Student-level college readiness scores
- The ability to match student records between K-12 and postsecondary systems
- A teacher identifier system with the ability to match teachers to students



# OVERVIEW

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## California Longitudinal Pupil Achievement Data System (CALPADS)



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# CALPADS

## Major Requirements

- Requires the California School Information Services (CSIS) to assist LEAs to assign and maintain a non-personally identifiable statewide student identifier (SSID) for every K-12 student



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# CALPADS

## Major Requirements

- Requires the CDE to develop a longitudinal database (CALPADS) that links student demographic and assessment data using the SSID



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# CALPADS

## Statutory Goals

- Provide LEAs and the CDE access to data necessary to comply with federal NCLB reporting requirements
- Provide a better means of evaluating educational progress and investments over time



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# CALPADS

## Statutory Goals

- Provide LEAs information that can be used to improve pupil achievement
- Provide an efficient, flexible, and secure means of maintaining longitudinal statewide pupil level data in a manner that promotes good data management practices



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Implementation Update

- Task 1: Initial assignment of SSIDs
- Task 2: Ongoing maintenance of SSIDs
- Task 3: CALPADS Implementation



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 1

## Initial Assignment of SSIDs

- All SSIDs have been assigned statewide by CSIS except for 0.5%



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 2

## Maintenance of SSIDs

### Ongoing Maintenance:

During the year, LEAs request new SSIDs and submit enrollment changes as they occur



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 2

## Maintenance of SSIDs

### Annual Maintenance:

Each fall, LEAs submit the *Annual SSID Enrollment Update*. Records for all students enrolled the previous fall are submitted, including for those students no longer enrolled, an indication of where they went



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 2

## Maintenance of SSIDs

- **First Annual SSID EU conducted fall of 2005**
  - 2005 data would provide baseline to calculate more accurate statewide dropout and graduation rates in 2006 if 100% participation
  - Not quite 100% participation in 2005



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 2

## Maintenance of SSIDs

### **Anomaly Resolution:**

Ongoing resolution as anomalies are reported, and annual resolution after statewide integrity check



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 2

## Maintenance of SSIDs

- **First statewide anomaly resolution window will commence shortly**
  - LEAs will have 4-6 weeks to resolve anomalies



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Maintaining SSIDS is KEY!

**The SSIDS are key to being able to:**

- Link data in CALPADS
- Provide LEAs with comprehensive, timely information on new students



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Maintaining SSIDS is KEY!

## Maintaining SSIDS are key prior to CALPADS in order to:

- Begin calculating more accurate dropout and one-year graduation rates
- Begin providing LEAs some timely information on new students



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 3

## CALPADS Implementation

### Completed Tasks:

- FSR completed: 8/20/04
- FSR conditionally approved: 6/24/05
- Conditional report approved: 10/21/05



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Task 3

## CALPADS Implementation

### Remaining Tasks:

- RFP completed: 6/9/06
- RFP approved: 8/16/06
- Vendor approved: 7/30/07
- Special Project Report  
approved by DOF 7/12/07
- System completed: 12/22/08



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# What will CALPADS “look like”?

- LEAs submit basic demographic and program participation, course data to CALPADS at least once a year
- LEAs able to update data on ongoing basis as necessary
- Test vendors submit assessment data to CALPADS



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# What will CALPADS “look like” ?

- CALPADS stores data longitudinally
- CALPADS links student demographic and program participation data to assessment scores to provide data required for API and AYP calculations
- CALPADS generates other state, federal and ad hoc reports



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# What will CALPADS “look like” ?

- CALPADS provides data to researchers and back to LEAs per state and federal privacy laws
- Current aggregate collections (CBEDS, LCEN, SNOR, etc.) are discontinued
- Other data collections are analyzed for potential collapse into CALPADS



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# What will CALPADS “look like” ?

- CALPADS is a CDE system housed at the State Data Center
- CDE and CSIS are collaborating in the development of CALPADS
- Once developed, CSIS will maintain CALPADS for CDE



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# CALPADS Risk: Poor Data Quality

- California holds its multi-billion K-12 public education system accountable based on data submitted by LEAs, yet does not support local data activities
- LEA data quality is an issue today



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# **CALPADS Risk: Poor Data Quality**

- Continued poor LEA data quality and failure to submit data is a significant risk to CALPADS
- Other states find poor data quality to be their most significant challenge



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Why is data quality an issue?

- LEAS have not traditionally submitted student level data to the state – the accuracy of each record is not an issue when aggregate data is submitted
- The LEA business culture has not been one that has standardized data practices and maintained and used data on an ongoing basis



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# Why is data quality an issue?

- Maintaining SSIDs is a new workload and resources *is* an issue
- Accurate statewide data is a state versus local desire



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# What do LEAs have to do to improve data quality?

- Standardize data collection and maintenance processes across school sites
- Provide ongoing training to school and district staff on the collection and maintenance of data and SSIDs



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# What do LEAs have to do to improve data quality?

- Maintain SSIDs on an ongoing basis (acquire new SSIDs, resolve anomalies)
- Keep student demographic and program participation up-to-date
- Determine and record why students leave the LEA



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# How do we mitigate the risk?

**Mitigation #1: Build capacity in all LEAs to submit individual level data prior to CALPADS implementation**

- Legislature is considering a budget proposal for CSIS to provide one-time capacity building to all LEAs that have not yet participated in the CSIS program (750 districts)



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# How do we mitigate the risk?

**Mitigation #2:** Provide ongoing funding to all LEAs to support local data activities

- Legislature is considering CDE's proposal of providing ongoing funding of \$5/pupil for all LEAs to support local data activities, and the new workload of maintaining SSIDs



**JACK O'CONNELL**  
State Superintendent  
of Public Instruction

# How do we mitigate the risk?

- In exchange for funding, LEAs would be required to:
  - Submit Annual SSID Enrollment Update
  - Maintain SSIDs at specified validity rates
  - Meet other data quality measures



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# QUESTIONS?

**CALIFORNIA DEPARTMENT OF EDUCATION**  
Jack O'Connell, State Superintendent of Public Instruction

## AAV Building an Education Data System for Calif.

Accessible Alternative Version of a PowerPoint posted as an attachment to Item 15 on the May 2006 Stage Board Agenda.

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This is a text version of the [Item 15 Attachment 1](#) ( PPT; 167KB; 40pp.) posted on the [May 2006 State Board of Education agenda](#).

### OVERVIEW

#### Building an Education Data System for California

##### Current Education Data “System”

- Numerous aggregate collections/reports (about 125)
- Redundant collection of data elements
- Aggregate data is not of high quality
- No longitudinal capacity
- Non-responsive to changing reporting requirements

##### How do we “fix” the current “system”?

##### By building a longitudinal data system:

- Collect basic student and teacher level data ONCE from LEAs
- The state then aggregates the data into numerous, varied, and ever-changing state and federally-required reports
- Data is also available for research, evaluation and analysis at both state and local levels
- In 2002 the Legislature authorized the establishment of such a system:  
**California Longitudinal Pupil Achievement Data System (CALPADS)**

##### A National Direction

##### CALPADS is consistent with national trends:

- The National Data Quality Campaign identifies 10 essential elements critical to a longitudinal data system:
  - A unique statewide student identifier
  - Student-level enrollment demographic and program participation information
  - The ability to match individual students’ test records from year to year to measure academic growth
  - Information on untested students
  - Student-level graduation and dropout data
  - Student-level transcript information, including information on courses completed and grades earned
  - A state data audit system assessing data quality
  - Student-level college readiness scores
  - The ability to match student records between K-12 and postsecondary systems
  - A teacher identifier system with the ability to match teachers to students

### OVERVIEW

#### California Longitudinal Pupil Achievement Data System (CALPADS)

##### CALPADS Major Requirements

- Requires the California School Information Services (CSIS) to assist LEAs to assign and maintain a non-personally identifiable statewide student identifier (SSID) for every K-12 student
- Requires the CDE to develop a longitudinal database (CALPADS) that links student demographic and assessment data using the SSID

##### CALPADS Statutory Goals

- Provide LEAs and the CDE access to data necessary to comply with federal NCLB reporting requirements
- Provide a better means of evaluating educational progress and investments over time
- Provide LEAs information that can be used to improve pupil achievement
- Provide an efficient, flexible, and secure means of maintaining longitudinal statewide pupil level data in a manner that promotes good data management practices

### **Implementation Update**

Task 1: Initial assignment of SSIDs

Task 2: Ongoing maintenance of SSIDs

Task 3: CALPADS Implementation

#### **Task 1 Initial Assignment of SSIDs**

- All SSIDs have been assigned statewide by CSIS except for 0.5%

#### **Task 2 Maintenance of SSIDs**

##### **Ongoing Maintenance:**

During the year, LEAs request new SSIDs and submit enrollment changes as they occur

##### **Annual Maintenance:**

Each fall, LEAs submit the *Annual SSID Enrollment Update*. Records for all students enrolled the previous fall are submitted, including for those students no longer enrolled, an indication of where they went

##### **First Annual SSID EU conducted fall of 2005**

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- Not quite 100% participation in 2005

##### **Anomaly Resolution:**

- Ongoing resolution as anomalies are reported, and annual resolution after statewide integrity check

##### **First statewide anomaly resolution window will commence shortly**

- LEAs will have 4-6 weeks to resolve anomalies

#### **Maintaining SSIDS is KEY!**

##### **The SSIDS are key to being able to:**

- Link data in CALPADS
- Provide LEAs with comprehensive, timely information on new students

##### **Maintaining SSIDS are key prior to CALPADS in order to:**

- Begin calculating more accurate dropout and one-year graduation rates
- Begin providing LEAs some timely information on new students

#### **Task 3 CALPADS Implementation**

##### **Completed Tasks:**

- FSR completed: 8/20/04

- FSR conditionally approved: 6/24/05
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- California holds its multi-billion K-12 public education system accountable based on data submitted by LEAs, yet does not support local data activities
- LEA data quality is an issue today
- Continued poor LEA data quality and failure to submit data is a significant risk to CALPADS
- Other states find poor data quality to be their most significant challenge

#### Why is data quality an issue?

- LEAs have not traditionally submitted student level data to the state – the accuracy of each record is not an issue when aggregate data is submitted
- The LEA business culture has not been one that has standardized data practices and maintained and used data on an ongoing basis
- Maintaining SSIDs is a new workload and resources *is* an issue
- Accurate statewide data is a state versus local desire

#### What do LEAs have to do to improve data quality?

- Standardize data collection and maintenance processes across school sites
- Provide ongoing training to school and district staff on the collection and maintenance of data and SSIDs
- Maintain SSIDs on an ongoing basis (acquire new SSIDs, resolve anomalies)
- Keep student demographic and program participation up-to-date
- Determine and record why students leave the LEA

#### How do we mitigate the risk?

##### **Mitigation #1:** Build capacity in all LEAs to submit individual level data prior to CALPADS implementation

- Legislature is considering a budget proposal for CSIS to provide one-time capacity building to all LEAs that have not yet participated in the CSIS program (750 districts)

##### **Mitigation #2:** Provide ongoing funding to all LEAs to support local data activities

- Legislature is considering CDE's proposal of providing ongoing funding of \$5/pupil for all LEAs to support local data activities, and the new workload of maintaining SSIDs

**How do we mitigate the risk?**

- In exchange for funding, LEAs would be required to:
  - Submit Annual SSID Enrollment Update
  - Maintain SSIDs at specified validity rates
  - Meet other data quality measured

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

Last Reviewed: Thursday, July 07, 2011

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California Department of Education

[Mobile site](#) | [Full site](#)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
California Technology Assistance Project Grants: Including, but not limited to, approval of the Mid-Year California Technology Assistance Project Summary Evaluation Report for the period of July 1, 2005, to December 31, 2005.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve the funding for the 11 California Technology Assistance Project (CTAP) regional lead agencies for the period of July 1, 2006, to June 30, 2007, with the following conditions: (1) The CDE provide written evidence to the SBE Executive Director that the 11 CTAP regional lead agencies have provided a plan to address the recommendations listed in each region's evaluation report as summarized in the Summary Evaluation Report; and (2) Funds will be held, pending approval of the SBE Executive Director that the plans are in order.

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

At its May 2005 meeting, the SBE approved three-year grants for 11 county offices of education to serve as lead agencies to provide regional technical assistance services to schools, districts, and county offices of education in all of the following areas related to education technology:

1. Professional development.
2. Electronic learning resources.
3. Hardware.
4. Telecommunications infrastructure.
5. Technical assistance to school districts in developing a support system to operate and maintain an education technology infrastructure, including improving pupil recordkeeping and tracking related to pupil instruction.
6. Coordination with and support for the funding and implementation of federal, state, and local programs.
7. Funding.

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

8. Technical assistance and information to support access, planning, and the use of high-speed telecommunications networks.
9. Technical planning and implementation assistance to rural and technologically underserved school districts and county office of education.

Six of the CTAP applications met the baseline standards and were approved. Five of the applications met the baseline standards, but the Regional Governance Council (RGC) had not yet officially approved the required Governance Policy Documents, i.e., the bylaws that stipulate the responsibility and approval authority of the RGC, contained in their application; therefore, these five were conditionally approved. The CDE provided written evidence to the SBE Executive Director that the RGC for each of the five regions had approved the governance policy document contained in each application.

## **SUMMARY OF KEY ISSUES**

According to *Education Code* Section 51871 (a), CTAP shall be administered by the CDE to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology as set forth in policies of the SBE.

Over the past seven years, the 11 CTAP regional lead agencies have continued to evolve into effective service and support providers for their client county offices and districts. They have provided extensive local support for the Enhancing Education Through Technology (EETT) Formula and Competitive grants, School Renovation Technology Grant (SRTG), E-rate, and the Education Technology for High Schools Grant (AB 2882) programs.

The CDE is fully satisfied with the services and support provided by CTAP and the new process CTAP has used to evaluate and improve services. The CDE has conducted four meetings with the external evaluators and has defined the focus, framework, and process to be used to determine the impact of services provided by CTAP. Copies of the CTAP Mid-Year Evaluation Reports are on file in the SBE Office.

Attachment 1 is the Mid-Year CTAP Summary Evaluation Report. Although each regional report contains region-specific information, there are some strengths common across the state. These are:

1. All regions are meeting their performance goals per their SBE approved plan.
2. All regions are providing services in each of the areas required by law.
3. All regions adjust their plans based upon feedback and changing circumstances.
4. CTAP is successfully leveraging resources from a variety of funding sources.
5. All regions are promoting the four Statewide Education Technology Services (SETS) approved by the State Board and administered by CDE.

## **SUMMARY OF KEY ISSUES (Cont.)**

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6. All regions assist their districts, particularly small, rural districts to develop technology plans. By the end of this year, CTAP will have assisted more than 800 districts to receive funding under this program.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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Following State Board approval of the 2005 Mid-Year Evaluation Report of CTAP Services, and contingent upon authorization in the 2006-07 State Budget, the CDE will release funding to each region for the second year of this program period. The CDE anticipates receiving from the State and Federal budget approximately \$12 million for CTAP regional services for the 2006-07 fiscal year.

## **ATTACHMENT(S)**

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Attachment 1: Mid-Year California Technology Assistance Project (CTAP) Summary Evaluation Report (July 1, 2005 – December 31, 2005) (5 Pages)

## Mid-year *California Technology Assistance Project (CTAP)* Summary Evaluation Report

**Background:** Over the past 25 years, state supported educational technology programs have provided professional development, planning, and implementation assistance to help schools use technology in teaching and learning. These programs include the 11 regional *California Technology Assistance Projects (CTAP)* and the four *Statewide Educational Technology Services (SETS)*.

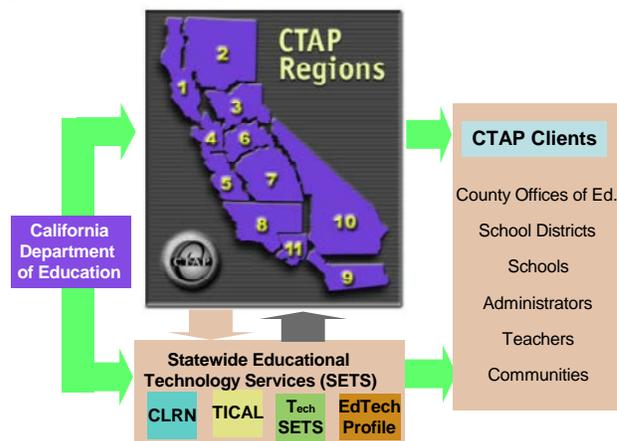
The CTAP regional programs, funded in each of the 11 Superintendent's Regions, provide professional development and support in four areas, including: (1) use of technology as a tool to improve teaching and learning; (2) hardware and network implementation; (3) using technology to improve school management; and (4) funding and coordination with other programs. CTAP regional services were established to reduce local duplication of services and to assure equity of access to resources in rural and technologically underserved districts.

The four SETS programs are: (1) *California Learning Resource Network (CLRN)* – assisting educators to select electronic learning resources aligned to the California Content Standards; (2) *Technical Support for Education Technology in Schools (TechSETS)*—providing information regarding technical support; (3) *Technology Information Center for Administrative Leadership (TICAL)* assisting administrators to use technology to support school management; and (4) *EdTechProfile (ETP)* providing online technology proficiency assessments for educators and students.

Together, the California Department of Education (CDE), CTAP and SETS provide a coordinated support system designed to meet state priorities and specific regional and local needs. Additionally, The CTAP and SETS programs are major components of the state's technology plan under No Child Left Behind (NCLB), and serve to establish state eligibility for the NCLB Title II D, Enhancing Education Through Technology (EETT) funding.

In 2004, the CTAP and SETS programs were reauthorized for four years under provisions of SB 1254, which took effect January 1, 2005, providing for external evaluation of the impact of CTAP and SETS. This mid-year report summarizes the implementation and initial impact of CTAP services from July 1, 2005, to December 31, 2005. By September 2006, comprehensive reports on the implementation and impact of CTAP and SETS programs will reflect recommendations stated in previous reports. Results will be reported to the State Board of Education and the Legislature.

**Evaluation data sources:** The formative data and information for this report is based on: (1) a new statewide online system whereby educators using CTAP services provide feedback relating to survey questions for each activity in which they participate; and



(2) a cross-analysis of the 11 external evaluation reports from the evaluators for each CTAP region. Data sources typically include locally designed surveys, state surveys, self-assessments, staff interviews, and evidence of accomplishment of benchmarks. The CDE, all CTAP regions, and external evaluators collaborated in developing the online system to collect participant feedback as a means of consistent data collection across regions. This online system is based on recommendations from the 2004 statewide CTAP evaluation and is being piloted and modified this year, with full-scale use planned for 2006-07.

**Regional governance:** Effort was directed this year to ensure concerns about some districts and counties having little or no knowledge of, or access to, CTAP resources. This year (2005-06) the CDE and legislation (SB 1254) required that the 11 CTAP Regional Governance Councils (RGC) be modified, as needed, to ensure active involvement in planning, oversight of operations and program delivery, and approval and implementation of the plans for each region. Reports from the evaluators and analyses of RGC agendas showed that in general, every region evidenced increased RGC participation and representation according to the external evaluation reports. The five topics most frequently addressed in RGC meetings as of December 2005, were: (1) equity of access to services by all schools, districts, county offices of education, and rural and technologically underserved schools; (2) equity of access to services by Program Improvement, II/USP, HP, and State Monitored districts and schools was consistently addressed by the RGC; (3) attention to effective communication between the RGC and staff who attend the Director and Program Management Committee meetings; (4) program modifications based on input from an external evaluator coordination of CTAP services with other regional service providers; and (5) involvement of the RGC in planning for SETS involvement.

***Distribution of services to rural and technologically underserved districts:***

Although there was generally an increase in the planning for or reported level of service to rural regions, feedback from Directors and RGC members suggest more is needed to ensure equity of service to rural and technologically underserved districts. Lack of funding is the biggest roadblock to regions serving mostly rural schools where it is significantly more expensive in terms of staff time and travel to serve these schools. Also, rural districts do not have existing staff to provide the ongoing follow-up needed to sustain the use of information and resources CTAP can initially deliver. Consistent data on county-by-county service across all 11 regions was not available as of December 2005; however, preliminary results show that there were CTAP activity participants in 56 of the 58 counties. Each region determines its own definition for rural and technologically underserved.

***Implementation progress by program area:*** The CTAP regions are required by the CDE to provide services in four program areas, and for each area, the CDE in concert with the CTAP Directors have established a list of specific subtopics that would further define services to be provided. These subtopics provide a common framework used in this evaluation to describe services provided on a statewide basis. What follows for each program area are the subtopics emphasized statewide as a definition of the content of services.

*Program Area 1: Professional development and learning resources to use technology as a tool to improve teaching and learning.* All 11 CTAP regions provided professional development addressing teacher certification Standards 9 and 16 related to technology proficiency. This ranged from basic technology application use to selection and curriculum integration of electronic learning resources aligned to the California Content Standards. Most regions used CLRN, a SETS program, enabling educators to identify electronic learning resources aligned to the California Content Standards.

*Program Area 2: Professional development and support for hardware and telecommunications infrastructure design, implementation and sustainability.* Most regions used TechSETS, a SETS program, to provide online courses and information addressing the use and maintenance of hardware, the California High Speed Network, and ongoing technical support through an online “help-desk”.

*Program Area 3: Professional development and support related to using technology as a tool to improve school management.* Many regions provided training on data-literacy, how to use student assessment data to inform instructional planning decisions. TICAL, a SETS program, was used by many regions as a resource to support this program area.

*Program Area 4: Funding and coordination with other federal, state, and local programs.* Service in this area was offered predominantly through consultation and assistance in preparing EETT Grant proposals, other proposals including E-Rate, regional mini-grants, and monthly funding updates.

**Overall participation by program area and level:** Between July and December 2005, CTAP conducted 2,027 professional development activities with documented direct participation by 35,269 educators. *Figure 1* shows, consistent with the percentage of professional development activities and support services offered, more than half (54 percent) of the educators participated in Program Area 1 professional development addressing the use of technology to supplement curriculum and instruction. About 13 percent participated in Program Area 2 training and support using hardware and infrastructure, followed by 20 percent in Program Area 3 administrative applications of technology. An additional 13 percent participated in Program Area 4 and reported that CTAP helped build their capacity to coordinate and leverage other resources, such as federal EETT grants, and integrate technology into other programs.

Figure 1: Participants by program area

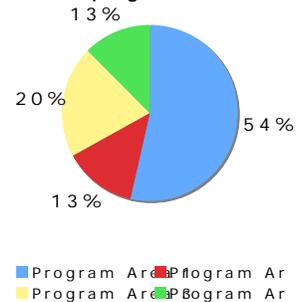
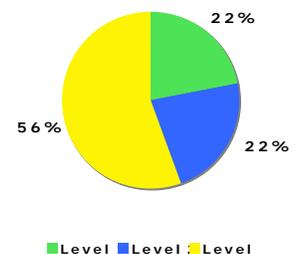


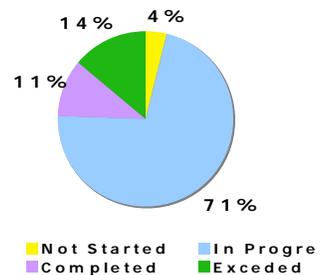
Figure 2: CTAP participation by level



*Figure 2* shows more than half (56 percent) of the participants participated in Level 1 professional development activities designated as more than one day with follow-up; 22 percent participated in Level 2 events lasting more than a day without follow-up, and 22 percent participated in Level 3 brief events lasting one day or less. Of the participants, 63 percent were teachers, 20 percent were administrators, 4 percent were tech-support staff, and 13 percent were others who did not indicate their position.

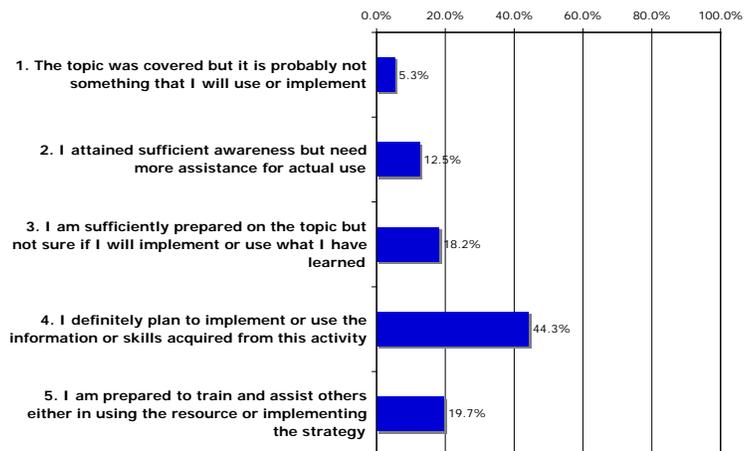
**Progress towards benchmarks:** External evaluators for each of the 11 CTAP regions reported the extent to which each region’s planned benchmarks were attained as of December 2005. Most benchmarks addressed the number of activities, anticipated participation, and impact on participants. As Figure 3 illustrates, 71 percent of the benchmarks across the regions were determined to be “In Progress,” 11 percent were “Completed,” 14 percent “Exceeded,” and 4 percent were “Not Started.” In all cases, the evaluators were confident that all planned benchmarks would be met or exceeded by July 2006.

Figure 3: Progress toward benchmark completion



**Impact of CTAP services:** For this Mid-year Report, impact is based on 1,841 individuals who completed the online professional development assessment of the activity in which they participated. Participants reported the extent to which they felt the knowledge or skills presented in CTAP training would be used in their instructional program. Figure 4 illustrates findings across the four program areas and three levels of professional development. It shows that 64 percent indicated they definitely plan to use the information or skills acquired from the activity. Of that group approximately 20 percent indicated they were ready to mentor others on what they learned. They had not had an opportunity to apply the knowledge or skills at the time of survey completion. Analysis of the open-ended questions showed that about 40 percent of individuals who answered stated they would incorporate what they learned into their instructional program. The spring follow-up survey will determine the level of use of knowledge acquired and any observed impact on students. This will be reported in the September End-of-Year Report.

Figure 4: Overall Impact of Statewide CTAP Professional Development (based on 1,841 participant assessments)



Analysis of the open-ended questions showed that about 40 percent of individuals who answered stated they would incorporate what they learned into their instructional program. The spring follow-up survey will determine the level of use of knowledge acquired and any observed impact on students. This will be reported in the September End-of-Year Report.

The evaluators documented two other types of impact. For the past three years, each of the 11 CTAP regions either directly or indirectly assisted about 80 percent of the school districts in the development of No Child Left Behind, Enhancing Education Through Technology Competitive grants. Since its inception, 163 EETT Competitive Grants were funded at a total of \$111,857,773. Additionally, CTAP provided major assistance to most of the nearly 1,000 school districts that develop the educational technology plan required to qualify for the federal E-Rate telecommunications discounts and EETT Formula Grants. As a result, most districts currently have approved technology plans. The evaluators report that, without CTAP assistance, many school districts would be unable to prepare acceptable technology plans. Approved technology plans are required for future programs such as the Education Technology K-12 Voucher Program and any state or federally funded technology grant programs.

Finally, it was documented that each region increased the ability of other programs at the state and county levels to infuse technology through cross-program coordination and collaboration. For example, most regions coordinated administrator training in the use of technology as both a management and instructional resource through the provisions of AB 75. Several regions demonstrated increased initiative and more active collaboration with programs including, but not limited to, Regional System of District and School Support, English Language Learners, Special Education, assessment, curriculum, and professional development. Through regional training-of-trainers, most CTAP regions have enabled increased use of the SETS programs and most have provided support in the use of the K-12 High Speed Network.

**Recommendations:** These recommendations are based on: (1) summary of suggestions from the region-specific evaluations; and (2) suggestions based on overall findings for this Mid-Year Report. Numbers in parenthesis indicate the number of regions making a recommendation directly related to the following:

1. Continue to increase RGC involvement in planning CTAP services (7).
2. Continue to increase central management and monitoring of services (6).
3. Increase the use of videoconferencing to deliver professional development (5).
4. Establish or adopt a CTAP user-registration system to enable tracking of use (6).
5. Continue to identify and document exemplary EETT projects by region (5).
6. Increase the use and evaluation of online-delivered professional development (5).
7. Revise the online data collection system to ensure better accuracy of data (5).
8. Identify and disseminate information about effective professional development (4).
9. Increase county level participation to serve the whole region better (4).
10. More closely align regional objectives to the CTAP Focus Framework (4).
11. More closely monitor the SETS training-of-trainers events (4).
12. Begin using the emerging CTAP data collection system (3).

Additional recommendations:

13. Increase opportunities for long-term, in-depth training with follow-up.
14. Establish a common definition of rural and technologically underserved schools.
15. Continue to refine the common data collection process.
16. Ensure that the objectives/benchmarks are valid, realistic, and measurable.
17. Ensure that the CTAP staff use the plan to guide and define activities.
18. Increase sharing of CTAP–developed resources across regions as appropriate.

*This report represents a brief summary analysis of common data collected across the 11 CTAP regions. It was the result of collaborative work between the external evaluators and the Directors of each of the 11 CTAP regions with CTAP 6 providing the statewide use of its online data-collection and management system.*



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Consolidated Applications: Update on local educational agencies that received conditional approval	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) is providing the following item to the State Board of Education (SBE) as a follow-up to the SBE meeting in November 2005. The SBE may take action as deemed necessary and appropriate but no action is recommended at this time.

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

There are 14 state and federal programs that LEAs may apply for in the Consolidated Application (ConApp). Approximately \$3.2 billion is distributed annually through the ConApp process. ConApps are presented to the SBE for approval after they have been reviewed. California Department of Education (CDE) recommendation is based upon application completeness and the status of outstanding compliance issues. The CDE provides the SBE with two types of approval recommendations. Regular approval is recommended when a local educational agency (LEA) has submitted a correct and complete ConApp, Part I, and has no serious noncompliant issues over 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more serious noncompliant issues over 365 days. Conditional approval provides authority to the LEA to spend its categorical funds under the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

At its meeting in November, the SBE gave conditional approval to the 2005-06 ConApps for 14 LEAs that had noncompliant issues over 365 days. No action was recommended to withhold funds. Since that time, seven of the 14 LEAs have fully resolved all of their noncompliant issues and seven still have a number of noncompliant issues yet to resolve. These 14 LEAs will continue to receive funds on the condition that they continue to make progress toward full compliance. The SBE requested an update on the progress of these LEAs to resolve their noncompliant issues.

## **SUMMARY OF KEY ISSUES**

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An update will be presented to the SBE on the progress of these 14 LEAs to resolve their noncompliant issues.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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CDE has determined that there are no additional costs or fiscal impact associated with this agenda item. LEAs will continue to receive funds appropriated for this purpose.

## **ATTACHMENT(S)**

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Attachment 1: Update on LEAs That Received Conditional Approval for the 2005-06 Consolidated Application and Reference List of 2004-05 English Learner Compliance Issues (2 Pages)

**Update on LEAs That Received Conditional Approval  
for the 2005-06 Consolidated Application**

The following LEAs resolved all of their noncompliant issues:

Armona Union Elementary  
King City Union Elementary  
King City Joint Union High  
National Elementary  
San Ysidro Elementary  
Sonoma Valley Unified  
William S. Hart Union High

<b>District Name</b>	<b>CDS</b>	<b># of Issues Resolved</b>	<b>Remaining EL Issues</b>	<b>Comments</b>
Yreka Union High	4770516	11	2a, 2b, 3a, 4c, 7	
Gonzales Unified	2775473	1	2b, 3b, 4c, 4d, 6a, 6b, 8a, 8b, 10a, 10b	
Scotts Valley Unified	4475432	0	1, 2a, 2b, 3a, 3b, 4c, 4d, 5a, 5b, 6a, 6b, 7, 8a, 8b, 10b	District submitted new documents in April – still under review.
El Nido Elementary	2465680	0	1, 2a, 2b, 3b, 4c, 4d, 5a, 8a, 9a, 9b	
Washington Union High	1062521	0	2a, 2b, 6b	District has shown continued progress and is close to resolution.
San Lucus Union Elementary	2766183	0	1, 2a, 2b, 3a, 9b, 10a	
Salinas Union High	2766159	7	3b, 10a, 10b	

## ***Reference List of 2004-05 English Learner Compliance Issues***

<b>EL 1</b>	Reclassification
<b>EL 2a</b>	Program evaluation process
<b>EL 2b</b>	Program evaluation implementation with student results
<b>EL 3a</b>	ELD instructional services
<b>EL 3b</b>	Access to core curriculum
<b>EL 4a</b>	Home language survey
<b>EL 4b</b>	Initial assessment in English
<b>EL 4c</b>	Initial assessment in primary language
<b>EL 4d</b>	Parent notification of assessment results
<b>EL 5a</b>	Placement in structured-English immersion
<b>EL 5b</b>	Placement in English language mainstream
<b>EL 5c</b>	Placement in alternative course of educational study program
<b>EL 6a</b>	Adequate qualified staff for ELD instruction
<b>EL 6b</b>	Adequate qualified staff for core curriculum instruction
<b>EL 7</b>	Professional Development
<b>EL 8a</b>	Parent notification of placement and opportunity to apply for waiver
<b>EL 8b</b>	Waiver policies and procedures
<b>EL 9a</b>	English learner advisory committee (ELAC)
<b>EL 9b</b>	District English learner advisory committee (DELAC)
<b>EL 10a</b>	Adequate general fund resources for English learner services
<b>EL 10b</b>	Appropriate use of EIA (Economic Impact Aid) funds



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Consolidated Applications 2005-06: Approval	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2005-06 Consolidated Applications (ConApps) submitted by local educational agencies (LEAs) in Attachment 1.

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

Each year the CDE, in compliance with California *Code of Regulations* Title 5, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. To date, the SBE has approved ConApps for 1,245 LEAs for the 2005-06 school year.

Approximately \$3.2 billion of state and federal funding is distributed annually through the ConApp process. There are 14 state and federal programs that LEAs may apply for in the ConApp. The state funding sources include: Cal-SAFE; Economic Impact Aid (which is used for State Compensatory Education and/or English learners); Peer Assistance Review; School Safety (AB 1113); and Tobacco Use Prevention Education. The federal funding sources include Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D, (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (Limited English Proficient (LEP) Students); Title IV, Part A (Safe and Drug-Free Schools and Communities); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two types of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no serious noncompliant issues over 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more serious noncompliant issues over 365 days. Conditional approval provides authority to the LEA to spend its categorical funds under the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

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

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The attachments include ConApp entitlement figures and the Student Testing and Reporting (STAR) data from school year 2004-05. If fiscal data are absent, it indicates that the LEA is new or is applying for direct funding for the first time. If achievement data are absent, it indicates the LEA is new, the scores were attributed to their sponsoring LEA (in the case of charter schools), or there were an insufficient number of student results to report.

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**SUMMARY OF KEY ISSUES**

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The CDE recommends regular approval of the ConApp for 40 LEAs (see Attachment 1 for the list of LEAs).

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**FISCAL ANALYSIS (AS APPROPRIATE)**

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There is minimal CDE cost to track the SBE approval status of the ConApp for approximately 1,300 LEAs.

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**ATTACHMENT(S)**

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Attachment 1: ConApp List, (2005-06) Regular Approvals (3 Pages)

**Recommended for  
Regular Approval:**

The following LEAs have submitted a correct and complete ConApp, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2004-05 Enrollment	2004-05 Entitlement Per Student	2004-05 Enrollment	2004-05 STAR Data			
						Percent of Students Scoring At or Above			
						Mathematics		Reading	
Basic	Advanced or Proficient	Basic	Advanced or Proficient						
3066670	3030780	Albor Charter	1,512,548	519.24	1,381,456				
1975671	1996586	Animo Inglewood Charter High		401.48		0.0	0.0	0.0	0.0
1964709	1996313	Animo Leadership High	112,414	483.57	99,454	26.3	14.9	39.5	40.2
1964733	0102434	Animo South Los Angeles Charter	251,456	354.54	216,619	17.5	1.9	37.1	22.0
1964733	0109660	Aspire La Elementary Charter	50,344		43,596	24.4	5.2	49.6	37.0
3773791	0109785	Bayshore Prep Charter		0.00		0.0	0.0	0.0	0.0
5572363	0100099	California Virtual Academy At Jamestown	0	0.00	0	0.0	0.0	0.0	0.0
4168882	0107565	California Virtual Academy At San Mateo	0	0.00	0	34.2	24.7	23.3	56.2
1062166	1030840	Carter G. Woodson Public Charter		452.17		25.9	38.0	24.1	57.4
1964733	0101634	Chime Middle Charter	61,877		43,050	9.7	0.6	17.1	2.6
1964733	0109876	Community Charter Early College High	4,064	0.00		35.3	25.5	30.7	44.4
1964733	0109959	Crescendo Charter			0	0.0	0.0	0.0	0.0
1062364	0107623	Crescent View Charter High School	0	0.00	0	0.0	0.0	0.0	0.0
1075127	0109991	Crescent View West Charter		0.00		5.0	1.1	29.8	7.2
3675044	3631132	Crosswalk: Hesperia Experiential Learning	0	0.00	0	0.0	0.0	0.0	0.0
1964246	1996537	Desert Sands Charter	0		0	21.0	16.1	32.3	22.0
			0	0.00	0	6.4	0.9	22.3	9.3
04/06/2006			6,058		0				
					0				

**Recommended for  
Regular Approval:**

The following LEAs have submitted a correct and complete ConApp, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2004-05 Enrollment	2004-05 Entitlement Per Student	2004-05 Entitlement	2004-05 STAR Data			
						Percent of Students Scoring At or Above			
						Mathematics		Reading	
Basic	Advanced or Proficient	Basic	Advanced or Proficient						
3975499	6118665	Discovery Charter		18.07		31.1	43.1	25.5	60.1
3767991	0108563	Eje Elementary Academy Charter	5,420	0.00		0.0	0.0	0.0	0.0
3768338	0109033	King/Chavez Arts Academy		0.00	0	0.0	0.0	0.0	0.0
3768338	0109041	King/Chavez Athletics Academy Charter	0	0.00	0	0.0	0.0	0.0	0.0
3768338	6040190	King/Chavez Primary Academy	0		0				
0810082	0109777	Klamath River Early College Of Redwoods	0	0.00	0	0.0	0.0	0.0	0.0
1964733	1996610	Los Angeles Leadership Academy	0	515.50	0	32.3	17.5	37.6	26.2
3975499	0102392	Millennium Charter	98,976	42.92	87,192	23.9	12.7	36.6	53.5
3768338	0109157	Momentum Middle	3,219	0.00		0.0	0.0	0.0	0.0
4570110	6117931	Monarch Learning Center		0.00	0	28.0	45.1	31.7	51.2
1964733	0102483	New Academy Canoga Park	0	0.00	0	0.0	0.0	0.0	0.0
1964733	0100289	New Economics For Women (New) Academy	0	0.00	0	20.3	17.2	20.3	10.9
1975663	6120158	New West Charter Middle	0	18.13		31.0	33.2	27.2	51.4
1964733	0109934	Our Community Charter	0		0				
3773569	3731221	Pacific View Charter	5,114	0.00		0.0	0.0	0.0	0.0
1964733	6119895	Pacifica Community Charter		0.00	0	15.3	9.8	31.8	31.5
3975499	0102384	Primary Charter	0	266.25	0	0.0	0.0	0.0	0.0
			27,956	49.90	22,228	20.0	70.0	35.0	45.0
			0		0				
04/06/2006			2,994						

**Recommended for  
Regular Approval:**

The following LEAs have submitted a correct and complete ConApp, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2004-05 Enrollment	2004-05 Entitlement Per Student	2004-05 Entitlement	2004-05 STAR Data			
						Percent of Students Scoring At or Above			
						Mathematics		Reading	
Basic	Advanced or Proficient	Basic	Advanced or Proficient						
3467439	0101295	Sol Aureus College Preparatory		289.34		28.1	21.9	36.5	28.1
3768338	0106658	Southern California Connections Academy	27,487	45.66	21,798	0.0	0.0	0.0	0.0
3768304	3731544	Sun Valley Charter	3,607			23.5	22.1	17.6	58.8
5171464	0107318	Twin Rivers Charter	3,471	0.00	0	30.1	30.1	28.9	39.2
1964733	6117048	View Park Preparatory Accelerated Charter		0.00 124.31	0	22.8	52.3	20.7	53.4
1964733	6121081	View Park Preparatory Accelerated Charter	31,202 0	163.30	24,568 0	35.4	28.0	34.8	49.1
5610561	0109900	Vista Real Charter High	24,495		18,718				
5171464	0109215	Yuba City Charter High		0.00		0.0	0.0	0.0	0.0
				0.00		0.0	0.0	0.0	0.0
		Total Number of LEAs in the report							
	41	Total ConApp entitlement for districts receiving regular approval							

\$2,332,702



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the local educational agency (LEA) Plans for the LEAs listed on Attachment 1. These plans have met the requirements for full approval.

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

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As of the March 2006 meeting, the SBE has approved a total of 1,266 LEA Plans.

### SUMMARY OF KEY ISSUES

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The purpose of the LEA Plan is to develop an integrated, coordinated plan that describes educational services for all students and can be used to guide program implementation and resource allocation. LEA Plans from ten direct-funded charter schools are being recommended for full approval (see attachment). This approval allows the schools to access federal and state categorical funding.

### FISCAL ANALYSIS (AS APPROPRIATE)

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There is no fiscal impact to state operations.

### ATTACHMENT(S)

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Attachment 1: Local Educational Agency Plans for Direct-Funded Charter Schools  
Recommended for Full State Board of Education Approval, May 2006  
(1 Page)

Local Educational Agency Plans for Direct-Funded Charter Schools  
Recommended for Full State Board of Education Approval  
May 2006

<b>CoDistCode</b>	<b>SchCode</b>	<b>Direct-Funded Charter Schools</b>
0161259	0101469	LPS-Oakland
0176380	0108670	LPS-Hayward
1964733	0102442	Lakeview Charter Academy
1964733	0109553	CALS Early College High School
1964733	0109660	The Aspire Charter School, Huntington Park
1964733	0109876	Community Charter Early College High School
1964733	0109942	Los Angeles International Charter High School
3410348	0106773	Northern California Polytechnical Academy
3768338	0109025	Gompers Charter Middle School
3868478	0109769	Metropolitan Arts and Technology High School



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b>	
No Child Left Behind (NCLB) Act of 2001 Title III, Part A: Response to the U.S. Department of Education Monitoring Report, Submission	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Information  <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the response to the Monitoring Report for the No Child Left Behind (NCLB) Act of 2001, Title III, Part A.

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

The SBE received an information memorandum in April 2006 that included an update on California's report of the review conducted by the U.S. Department of Education (ED) on the administration of Title III, Part A. The federal monitoring report was received March 3, 2006. It included 22 items, with 3 items that required "Further Action," and 4 commendations for state level activities.

### SUMMARY OF KEY ISSUES

This report is based on the review of the CDE's administration of the Title III, Part A under NCLB. The review was conducted during the week of September 26-30, 2005, by a team from the ED's Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA).

The report contains a listing of the critical monitoring indicators under each monitoring element, a description of the scope of the monitoring review, and the findings, recommendations, and commendations that the team cited as a result of the review. The ED is requesting the CDE to provide a detailed description of the actions the department has taken, or will take, regarding issues outlined under the "Further Action Required" heading of the report within 30 days of the receipt of the letter. In view of the short time allowed to develop a CDE response and to obtain the SBE approval of the same, the CDE requested an extension from the ED of the submission for May 25, 2006, in a memorandum dated March 13, 2006.

## **SUMMARY OF KEY ISSUES (Cont.)**

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The Language Policy and Leadership Office was assisted by the Standards and Assessment and the Data Management Divisions in providing responses for the following elements: Element 1.1, Element 3.2, and Element 3.6 (Attachment 3).

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The CDE response to the report findings is critical. Any state or local educational agency that does not abide by the mandates and provisions of NCLB is at risk of losing federal funding.

Fiscal impact of Assembly Bill 1483:

Title III funds in an amount of \$1.4 million are available for the development of California English Language Development Test (CELDT) reading and writing assessments for English language learners in kindergarten and grade one, pursuant to enabling legislation.

Additionally, it is estimated that the kindergarten through grade one early literacy testing will increase the annual ongoing operational costs of the CELDT by 20 percent.

The apportionments to local school districts intended to defray the costs of administering the CELDT (currently five dollars per scored test) may require review when additional testing is implemented.

As per the fiscal impact of the California Longitudinal Pupil Achievement Data System (CALPADS), at this point is probably negligible since the vendor will be required to include CELDT scores. CALPADS already has kindergarten through grade one students; adding reading and writing scores for these students is not a problem. However, if the "different assessment" is a "new" assessment, funds will be needed to add the functionality to support the data elements, loading process, reports, "pre-id" process, etc.

## **ATTACHMENT(S)**

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Attachment 1: U.S. Department of Education letter from Kathleen Leos, Assistant Deputy Secretary and Director (2 pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education Office.)

Attachment 2: Title III, Part A of NCLB Monitoring Report (14 pages)

Attachment 3: California State Board of Education/California Department of Education Response to Title III, Part A, Monitoring Report (2 pages)

## **California Department of Education**

**September 26-30, 2005**

**Scope of Review:** A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, Formula Grant Division conducted an on-site review at the California Department of Education (CDE) the week of September 26-30, 2005. This was a comprehensive review of CDE's administration of the following program authorized by the Elementary and Secondary Education (ESEA), as reauthorized by the No Child Left Behind Act (NCLB): Title III, Part A.

In conducting this comprehensive review, the ED team carried out a number of major activities. In its review of the Title III, Part A program, the ED team analyzed evidence of implementation of the State accountability system, reviewed the effectiveness of the language instruction educational programs and professional development processes established by the State to benefit local educational agencies (LEAs) as well as district level professional development implementation and reviewed compliance with fiscal and administrative oversight activities required of the State educational agency (SEA). During the onsite review, the ED team visited four school districts: Sacramento City Unified School District, Fresno Unified School District, Los Angeles Unified School District, and Santa Ana School District. In each of the school districts, the ED team interviewed administrative staff and teaching staff from the schools and the districts.

### **California Department of Education Representatives:**

Sue Stickel, Deputy Superintendent of Curriculum & Instruction;  
Geno Flores, Deputy Superintendent of Assessment & Accountability;  
Bill Padia, Director of Accountability;  
Deb Sigman, representing Director of Assessment, Mark Fetler;  
Scott Hannon, Director for Business Services;  
Kim Sakata, Designee for Director of Auditing, Kevin Chan;  
Keric Ashley, Director of Data Management;  
Tom Adams, Director of Curriculum and Frameworks and Instructional Resources; Gerry Shelton, Fiscal Officer for the Division of Instruction;  
Camille Maben, School and District Accountability Director;  
Donald Kairott, Title II Director;  
Jesus Contreras, Designee Categorical Program Monitoring;  
Veronica Aguila, Title III Administrator;  
Cathy George, Lilia Sanchez, David Almquist, Alice Ng, Terry Delgado, Judy Lambert, and Paula Jacobs, Title III Administrative support.

### **LEA representatives:**

#### **Sacramento City Unified School District:**

Arturo Flores, Associate Superintendent  
Evan Lum, Associate Superintendent

Daisy Lee, Academic Achievement Administrator  
Graciela Albiar-Gates, Curriculum and Professional Development Administrator  
Ed Lee, Director, Assessment, Research and Evaluation  
Ed Eldridge, Assessment Research and Evaluation  
Audrey Kilpatrick, Budget Services Department Director  
Mike Smith, Fiscal Analyst, Budget Services Department  
Suzen Holtemann, Student Achievement Specialist, Multilingual Education Department  
and Assistant Principal at Edward Kemble Elementary School  
Wanda Shironaka, Chimeng Yang, William Yang, and Angela Ng, Student Achievement  
Specialist, Multilingual Education Department  
Lue Vang, Student Success Specialist, Multilingual Education Department  
Lori Aoun, Assistant Principal at E.I. Baker Elementary School  
Hamed Razawi, Assistant Principal at Oakridge Elementary School  
Mary DeSprinter, Principal at Elder Creek Elementary School  
Carrie Hansen, Elder Creek Elementary School Resource Teacher  
See Lor, Elder Creek Elementary School Teacher  
Luda Hedger, Interim Matriculation and Orientation Center Supervisor  
Obdulia Solis, Tsucheng Vang, Ram Vu, Nora Castro, Mai Sepan, and Victor Guardado,  
Parent Advisors at the Matriculation and Orientation Center

**Fresno Unified School District:**

Barbara Bengel, Assistant Superintendent, Office of State & Federal Programs, K-8  
Instruction  
Paul Garcia, Director English Learner Services  
Pat Roehl, Coordinator Title III Office and Parent/Community Liaison  
Caran Resciniti, Administrator Curriculum, Instruction, and Professional Development  
Sam Nofziger, Coordinator English Language Development  
Lewis Wiley, Director Fiscal Services  
Rita Nunez, Fiscal Services

**Los Angeles Unified School District:**

Alma Peña Sanchez, Assistant Superintendent Instructional Services  
Jesús Limón, Language Acquisition Branch  
Rita Caldera, Assistant Superintendent, Specially Funded Programs  
Oscar Lafarga, English Learner Coordinator  
Sandra Kim, Coordinator for Dual Language Programs  
Carmen Tavitian, English Learner Specialist  
Ana Estevez, English Learner Specialist  
Yumi Takahashi and Margaret Lam, Budget Services  
Jesús Salazar, Specialist Program Evaluation and Research Branch  
Veronica Herrera, Immigrant Education Program,  
Patricia Galbraith, Private Schools  
Lloyd Houske, Principal Cahuenga Elementary  
Adeline Shoji, Assistant Principal

**Santa Ana Unified School District:**

Howard Bryan, Director of the Bilingual Education Department

Nuria Solis, Title III Coordinator; Budget; Standards/Assessment/Instruction; Data Collection

Jon Guenzler, Budget

Leslie Crucil, Standards/Assessment/Instruction

Jenny Shumar, Standards/Assessment/Instruction; Data Collection

Michelle LePatner, Standards/Assessment/Instruction; Data Collection

Mary L. Espinosa, Curriculum Specialist, ELD/Bilingual Education and Student Achievement Department

Jose Luis Pedroza, Data Collection

Dan Salcedo, Principal Santa Ana High School

Debby Sawyer, Assessment Coordinator Santa Ana High School

Laura Pickerell, Professional Development Santa Ana High School

Victoria Zaragoza, Chairperson of Parent Advisory Committee

Maria Torres, Vice President of Parent Advisory Committee

Maria Gallardo, Secretary of Parent Advisory Committee

Patricia Gomez, Parent Advisory Committee Parent Trainer

**USDOED Representatives:**

Kathleen Leos, Assistant Under Secretary and Director of OELA

Harpreet Sandhu, Director of the State Formula Grant Division, OELA

Sue Kenworthy, USDOED, Office of English Language Acquisition

Sam Lopez, USDOED, Office of English Language Acquisition

Marilyn Rahilly, USDOED, Office of English Language Acquisition

Margarita Ackley, USDOED, Office of English Language Acquisition

Diana Schneider, USDOED, Office of English Language Acquisition

Jamila Booker, USDOED, Office of the Secretary

**Previous Monitoring Findings:**

This is the first on-site monitoring activity for Title III programs.

## Summary of Title III, Part A

### Monitoring Indicators

<b>Title III, Part A: Submission Indicators</b>			
<b>Element Number</b>	<b>Critical element</b>	<b>Status</b>	<b>Page</b>
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews.	Reviewed: Comments Finding Further Action Required	8
<b>Title III, Part A: Fiduciary Indicators</b>			
Element 2.1	Audits: The SEA ensures that its LEA/Subgrantees are audited annually in accordance with the Single Audit Act, and that all corrective actions required through this process are fully implemented	Reviewed: Comments	8
Element 2.2	Allocations, Reallocations, and Carryover The SEA complies with— <ul style="list-style-type: none"> <li>• The procedures for Title III allocations outlined in Section 3114.</li> <li>• The procedures for allocating funds for immigrant children and youth programs as outlined in Sec. 3114(d).</li> <li>• The reallocation provisions in Section 3114(c)</li> </ul>	Reviewed: Comments Recommendation	9
Element 2.3	Reservation of funds: The SEA has a system in place that enables it to account for: <ol style="list-style-type: none"> <li>(1) funds reserved for State administration,</li> <li>(2) funds reserved to provide technical assistance and other State level activities</li> <li>(3) the reservation of funds for immigrant activities, and</li> <li>(4) funds that become available for reallocation.</li> </ol>	Reviewed: Comments	9
Element 2.4	Supplement Not Supplant: The SEA ensures that Title III funds are used only to supplement or increase other Federal and non-Federal sources used for the education of participating children and not to supplant funds from those sources.	Reviewed: Comments	9
Element 2.5	Equipment and Real Property: The SEA ensures that equipment and real property is procured at a reasonable cost and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire Real Property.	Reviewed: Comments	9

<b>Title III, Part A: ELP Standards, Assessments and Accountability Indicators</b>			
<b>Element Number</b>	<b>Critical element</b>	<b>Status</b>	<b>Page</b>
Element 3.1	English language proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Reviewed: Comments Recommendation	10
Element 3.2	ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented.	Reviewed: Comments Finding Further Action Required Recommendation	10
Element 3.3	Data Collection: The State established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and has a system for monitoring and improving the on-going quality of its assessment systems	Reviewed: Comments	11
Element 3.4	New English language proficiency Assessment: Transition to new ELP assessment or revising the current State ELP assessment	Reviewed: No Comments	11
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Reviewed: Comments	11
Element 3.6	Data system in place to meet all Title III data requirements including capacity to follow Title III served students for two years after exiting; State approach to follow ELP progress and attainment over time, using cohort model	Reviewed: Comments Finding Further Action Required	11

<b>Title III, Part A: State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth Indicators</b>			
<b>Element Number</b>	<b>Description</b>	<b>Status</b>	<b>Page</b>
Element 4.1	<p>State Level Activities</p> <p>Using funds the reserved for State–level activities, the State carries out one or more activities that may include:</p> <ul style="list-style-type: none"> <li>• Professional development</li> <li>• Planning, evaluation, administration and interagency coordination</li> <li>• Promoting parental and community participation</li> <li>• Providing recognition</li> </ul>	Reviewed: Commendation Comments	12
Element 4.2	<p>Required Subgrantee Activities</p> <p>The LEA/Subgrantee is responsible for increasing the English proficiency of LEP students by providing high quality language instructional programs and providing high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or community based organization personnel</p>	Reviewed: Commendation Comments Recommendation	12
Element 4.3	<p>Authorized Subgrantee Activities:</p> <p>The LEA may use the funds by undertaking one or more authorized activities</p>	Reviewed: Commendation Comments	13
Element 4.4	<p>Activities by Agencies experiencing substantial increases in immigrant children and youth</p> <p>The subgrantee receiving funds under section 3114 (d) (1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth</p>	Reviewed: Comments	13
<b>Title III, Part A: State Review of Local Plans</b>			
<b>Element Number</b>	<b>Critical element</b>	<b>Status</b>	<b>Page</b>
Element 5.1	SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (Section 3116 (a))	Reviewed: Comments	13
Element 5.2	Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III	Reviewed: Commendation Comments	14

Element 5.3	Teacher English fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116 (c))	Reviewed: Comments	14
<b>Title III, Part A: State Monitoring of Subgrantees</b>			
Element 6.1	Monitoring The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements	Reviewed: Comments Recommendation	14
Element 6.2	Consortia: Any governance issues in the State; policy on fiscal agents	Reviewed: Comments	15
<b>Title III, Part A: Parental Notification</b>			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format (Section 3302)	Reviewed: Comments	15

## **Title III, Part A State Submission Indicators**

### **Element 1.1- State Submissions**

Review Comments: Review of the January 2005 Consolidated State Performance Report (CSPR) indicated the following: The California Department of Education (CDE) does not require local school districts to use the State Board of Education guidelines for classifying students, based on the English Language Development Test (CELDT), as Initial Fluent English Proficient (I-FEP) or English Learner (EL). CDE currently is unable to determine what portion of students who took the CELDT for initial identification purposes were classified as English Learner. CDE indicated that the reclassification from EL to FEP involves multiple criteria: teacher input, parent input, in addition test results. Therefore, CDE is unable to determine how many students were reclassified to FEP when they took the CELDT for annual assessment purposes.

Finding: CDE is unable to determine what portion of students who took the CELDT for initial identification purposes were classified as EL and is unable to determine how many students who took the CELDT for annual assessment purposes were reclassified to Fluent English Proficient status.

Citation: Sections 3116, 3121, 3122, and 3123

Further Action Required: The CDE must implement a data collection system that will collect all necessary Title III data as required in the CSPR.

## **Title III, Part A Fiduciary Indicators**

### **Element 2.1 – Audits**

Review Comments: CDE ensures that LEAs submit an annual financial and compliance audit report. In response to recommendations from three findings related to Title III from the 2002 and 2003 audits, CDE responded that in 2005-2006, the State is implementing a process of assessing the needs of “sub-recipients” prior to releasing funds on an installment basis.

The State reported that the challenge to the CDE’s budget process is staffing: additional staff is needed if more steps are added to the process.

Citation: Circular A-133

### **Element 2.2 – Allocations, Reallocations, and Carryover**

Review Comments: The State reserved 15% of the State allocation to make subgrants to LEAs experiencing significant increases in their immigrant population under Section 3114(d)(1). The balance of the Title III funds is distributed to LEAs that have a State approved LEA plan

pursuant to Section 3114(a). In the spring of the prior year, LEAs receive a letter with the estimated amount of the award. The State indicated that LEA expenditure reports are reviewed prior to making allocations and that LEAs can automatically carry-over Title III funding for twelve months after the end of the initial subgrant period.

Citation: Section 3111 and 3114

Recommendation: The State is advised to encourage LEAs to carry out prudent fiscal planning that would ensure that funds are utilized as soon as possible, even though the LEAs have the twelve months of carry-over period to utilize Title III funds.

### **Element 2.3 – Reservation of funds:**

Review Comments: The State reserves 5 percent of its Title III allocation for State activities. The bulk of the State reservation is used for funding “consultant” positions to the State office. Many of these positions provide technical assistance and outreach services to LEAs.

Citation: Section 3111

### **Element 2.4 – Supplement Not Supplant**

Review Comments: The CDE audits districts through the Coordinated Compliance Review (CCR) process during which expenditures are specifically examined for their consistency with the supplement not supplant requirement.

Citation: Section 3115 (g),

### **Element 2.5 – Equipment and Real Property**

Review Comments: CDE ensures that equipment is procured at a cost that is reasonable and necessary to carrying out the Title III program.

Citation: OMB A-87; 34 CFR 76.533, 80.32

## **Title III, Part A ELP Standards, Assessments, and Accountability Indicators**

### **Element 3.1 - ELP Standards**

Review Comments: The State Board of Education adopted the English Language Development (ELD) Standards for California Public Schools, K-12, in 1999. The CDE has contracted with a test publisher to do a study on how the English Language Development (ELD) standards can be aligned to the content standards of science and math. The CDE provided OELA with evidence

of the alignment of ELD standards to English Language Arts (ELA) standards and a sample of the ELD/ELA standards correlation matrix for supplemental ELD materials for grades K-2 in the domain of ELD writing.

Citation: Section 3113 (b)(2)

Recommendation: CDE is encouraged to review the alignment of the State English Language Development (ELD) curriculum to the State ELD standards.

### **Element 3.2 - ELP Assessments**

Review Comments: According to information on CDE's website, all English language learners must be tested annually for English language proficiency using the CELDT within the testing window of July 1 – October 31. The CELDT assesses listening and speaking skills in kindergarten and first grade, but does not assess reading and writing in these grades. Students in grades 2-12 receive an overall proficiency level score and separate proficiency scores for each of the skill areas.

Finding: The CDE does not test the English language proficiency of K-1 English language learners (ELLs) in reading and writing.

Citation: Section 3113 (b)(3)(D)

Further action required: The State must develop a developmentally appropriate English language proficiency assessment of reading and writing skills for ELL students in kindergarten and grade one.

Recommendation: The CDE should review the use of the CELDT as a measure for initially identifying K-12 students as ELLs. It should also consider whether development of a separate screening measure aligned to the CELDT would be beneficial.

### **Element 3.3 – Data Collection (Reporting components of ELP assessments)**

Review Comments: The CELDT annual assessment window ends October 31<sup>st</sup> of each year. Under CDE procedures, school districts must return a completed test to the test contractor for scoring before the test contractor's final deadline. Notifications, updates, and specific instructions regarding the CELDT are sent to the CELDT District Coordinators (CDC) on a regular basis via e-mail and through regular mail. Each CDC is responsible for ensuring that the information is current and accurate. Annually, on November 15, the CDE distributes to each school district an *Apportionment Information Report* with the number of students assessed with the CELDT, based on the number of answer documents submitted to the test contractor.

Citation: Section 3121(a)(4) and Performance Indicator 2.1 of the Consolidated State Application.

### **Element 3.4 – Transition to new ELP assessment**

Reviewed-No Comments.

Citation: Section 1111 (b)(7); Section 3113 (b)(3)(D)

### **Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)**

Review Comments: During 2004-2005, 85% of the Title III served districts met the first AMAO for “making progress”, 85% met the second AMAO for “attaining proficiency”, and 65% met the third AMAO for making Adequate Yearly Progress.

Notifications for Title III Improvement Plans were sent September 15, 2005. The CDE developed the English Learner Subgroup Self Assessment (ELSSA) document that is designed to assist LEAs in discerning strengths and weaknesses of their current LEA Plan and development of the required Title III LEA Improvement Plan. Complete CDE guidance on Title III AMAOs is accessible at: <http://www.cde.ca.gov/sp/el/t3/documents/04-05amao.doc>

Citation: Sec. 3122 (a)(3)(A)(i-iii)

### **Element 3.6 – Data Collection (Data collection system)**

Review

Comments: Information on CDE’s website indicates: (1) the assignment of individual student identifiers for all K-12 students; and (2) the establishment of the California Longitudinal Pupil Achievement System (CALPADS) that includes Statewide assessment data, enrollment data, and other demographic elements required to meet federal reporting requirements.

Finding: Refer back to Element 1.1, State Submissions, for Finding related to State data collection to meet all federal NCLB, Title III reporting requirements.

Citation: Section 1111 (b)(7) & Section 3113(b)(3)(D)

Further Action Required: The CDE must implement a data collection system that will collect all required data to meet Title III data components.

## **Title III, Part A**

### **State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth**

#### **Element 4.1 – State Level Activities**

Commendation: The CDE provided excellent documentation on professional development and training for teachers and personnel staff who are directly involved in the education of ELLs.

Review Comments: The CDE uses state funds for the Bilingual Teacher Training Program (BTTP), which helps support schools and districts in preparing teachers to attain authorizations and credentials to provide instructional services to ELLs. The CDE provides extensive training and technical assistance to LEAs through the State Bilingual Coordinators Network, the annual accountability institute, the National Two-Way Bilingual Immersion Program Summer Conference, and through other means.

Citation: Section 3111(b)(2)

#### **Element 4.2 – Required Subgrantee Activities**

Commendation: Los Angeles Unified School District provides a language rich instructional program at the elementary level that incorporates the arts.

Review Comments: As determined through interviews conducted in the four LEAs visited, districts provided evidence that they are using Title III funds to implement the required subgrantee activities, however, at the school level knowledge about Title III annual measurable achievement objectives was not evident.

Citation: Section 3115(c)

Recommendation: LEA administrators need to communicate more information on the definition of AMAOs at the school level.

#### **Element 4.3 – Authorized Subgrantee Activities**

Commendation: Fresno Unified School District provides a significant number of outreach activities aimed at bridging the potential gap and barriers that develop between school and communities; Sacramento City Unified School District provides strong administrative leadership and commitment to ELLs at both the district office and the sites visited; and Santa Ana Unified School District provides strong administrative team orientation for ELLs at both the district office and the site visited, as well as parental involvement.

Review Comments: Through the various technical assistance opportunities offered to the LEAs, the CDE conveys to districts the types of activities that LEAs can implement with Title III funds.

Citation: Section 3115 (d)

#### **Element 4.4 – Activities by Agencies experiencing substantial increases in immigrant children and youth**

Review Comments: The CDE provides an apportionment of Title III funds to support grants to eligible LEAs. The total immigrant subgrant, for each LEA experiencing a significant increase in

the number or percentage of immigrant students, is based on the number of immigrant students submitted on the CDE's Student National Origin Report, a survey used to collect data on immigrant students.

Citation: Section 3114 (d)(1)

### **Title III, Part A State Review of Local Plans**

#### **Element 5.1 – State Review of Local Plans**

Review Comments: The CDE has a State process for the review and approval of Title III LEA plans. The CDE provides guidance to LEAs on the preparation and submission of LEA Plans to receive Title III funds. Of 897 LEA plans reviewed in June 2003, 740 offered services to LEP students and 157 offered services to immigrant children and youth.

Citation: Section 3116 (a)

#### **Element 5.2 – Private School Participation**

Commendation: A private school workgroup meets quarterly to resolve any problems involving private schools and to help private schools that want to participate in receiving Title III services.

Review Comments: The CDE provides a guidance document to LEAs on private school participation. In addition, Title III Frequently Asked Questions (FAQs) are posted on the CDE web site. In order to ensure the provision of equitable services to eligible private school children and teachers, a Memorandum of Understanding (MOU) between the LEA and private school is required of all LEAs with private school participation, describing the services provided to the private school students and teachers. MOUs are kept on file with the Language Policy and Leadership Office.

Citation: Sections 9501-9506

#### **Element 5.3 – Teacher English Fluency**

Review Comments: The CDE requires an assurance from LEAs in their Title III State submitted plan that all teachers teaching English language learners are fluent in English and in any other language used for instruction.

Citation: Section 3116 (c)

## **Title III, Part A State Monitoring of Subgrantees**

### **Element 6.1 – State Monitoring of Subgrantees**

Review Comments: The CDE monitors the LEAs on the basis of a four-year cycle. For the 2005-2006 cycle, the CDE initiated a revised monitoring system and instrument called the Coordinated Compliance Review Instrument. The instrument contains program specific questions to which LEAs must respond. CDE indicated that on site monitoring of Title III served LEAs is challenging due to insufficient number of staff.

Citation: Section 3116; 34 CFR 80.40

Recommendation: ED recommends that Title III State staff be augmented in order that CDE can adequately monitor Title III subgrantees on site to ensure that they meet the program requirements of Title III.

### **Element 6.2 – Consortia**

Review Comments: LEAs that are scheduled to receive less than \$10,000 must form a consortium in order to receive Title III funds. The CDE provides a sample Memorandum of Understanding for those that wish to enter into a consortium. One LEA acts as the lead and each LEA is responsible for reporting.

Citation: Section 3114 (b)

## **Title III, Part A Parental Notification**

### **Element 7.1– Parental Notification**

Review Comments: The CDE has available on its website a Title III Parental Notification Letter for subgrantees to use to notify parents. A brief guide, in English and ten other languages, provides general information to parents about the CELDT, how the results are reported, and what these results mean.

Parental outreach and parental involvement were evident from the attendance of parents in the schools visited.

Citation: Section 3302 (a) & (b)

## **U.S. Department of Education Monitoring Visit Standards and Assessment Response**

**Critical Element 1.1:** Review Comments: Review of the January 2005 Consolidated State Performance Report (CSPR) indicated the following: The California Department of Education (CDE) does not require local school districts to use the State Board of Education guidelines for classifying students, based on the English Language Development Test (CELDT), as Initial Fluent English Proficient (I-FEP) or English Learner (EL). CDE currently is unable to determine what portion of students who took the CELDT for initial identification purposes were classified as English Learner. CDE indicated that the reclassification from EL to FEP involves multiple criteria: teacher input, parent input, in addition test results. Therefore, CDE is unable to determine how many students were reclassified to FEP when they took the CELDT for annual assessment purposes.

**Critical Element 3.6:** Information on CDE's website indicates: (1) the assignment of individual student identifiers for all K-12 students; and (2) the establishment of the California Longitudinal Pupil Achievement System (CALPADS) that includes Statewide assessment data, enrollment data, and other demographic elements required to meet federal reporting requirements.

**Finding:** CDE is unable to determine what portion of students who took the CELDT for initial identification purposes were classified as EL and is unable to determine how many students who took the CELDT for annual assessment purposes were reclassified to Fluent English Proficient status.

**Further Action Required for Critical Element 1.1:** The CDE must implement a data collection system that will collect all necessary Title III data as required in the CSPR.

**Further Action Required for Critical Element 3.6:** The CDE must implement a data collection system that will collect all required data to meet Title III data components.

### **Critical Elements 1.1 and 3.6 Response**

The California Department of Education (CDE) is in the process of developing the California Longitudinal Pupil Achievement Data System (CALPADS) as required by California *Education Code (EC)* Section 60900. The purpose of CALPADS is to maintain statewide student assessment data, as well as any other data necessary to meet federal reporting requirements under the No Child Left Behind (NCLB) Act of 2001. The California Department of Finance approved a Feasibility Study Report (FSR) and allocated funds for the project. Currently, the CDE is in the process of writing a Request for Proposal (RFP) that is planned for release in August 2006. It is anticipated that CALPADS will be implemented by the end of 2008. After the implementation of CALPADS, the CDE will have the capability of supplying all data as required in the Consolidated State Performance Report (CSPR) and Title III reporting requirements. Below is a chart with the timeline of implementation.

## CALPADS Implementation Timeline

Activity	Key Dates
FSR completed	August 20, 2004
FSR conditionally approved	June 24, 2005
Conditional Report completed	October 21, 2005
RFP completed	June 9, 2006
RFP approved	August 16, 2007
Vendor selected & approved	July 30, 2007
System completed	December 22, 2008

**Critical Element 3.2:** Review Comments: According to information on CDE's website, all English language learners must be tested annually for English language proficiency using the CELDT within the testing window of July 1 – October 31. The CELDT assesses listening and speaking skills in kindergarten and first grade, but does not assess reading and writing in these grades. Students in grades 2-12 receive an overall proficiency level score and separate proficiency scores for each of the skill areas.

**Finding:** The CDE does not test the English language proficiency of K-1 English language learners (ELLs) in reading and writing.

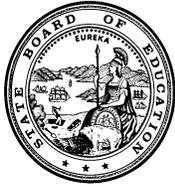
**Further action required:** The State must develop a developmentally appropriate English language proficiency assessment of reading and writing skills for ELL students in kindergarten and grade one.

Recommendation: The CDE should review the use of the CELDT as a measure for initially identifying K-12 students as ELLs. It should also consider whether development of a separate screening measure aligned to the CELDT would be beneficial.

### Element 3.2 Response

Assembly Bill (AB) 1483 would amend *EC* Section 60810, which authorizes the California English Language Development Test (CELDT). The CELDT was established prior to NCLB and assesses kindergarten and first grade students only in listening and speaking skills. AB 1483 would require the CELDT to assess kindergarten and first grade students in listening, speaking, and early literacy skills.

Evaluation of fundamental early literacy skills assesses reading and writing through means that are developmentally appropriate for kindergarten through grade one students. This bill would authorize the CDE to begin development work to bring the CELDT into compliance with NCLB requirements. The bill will become effective upon the governor's signature. In addition, the current state budget will provide \$1.4 million to cover test development costs if this bill is passed. Given the passing of the bill, test development work would begin in 2006-07 with an operational test ready for administration in July 2008.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b>  Reading First: Regulations – Approve Proposed Amendments to Regulations for Reading First Achievement Index/Definition of Significant Progress	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Information  <input type="checkbox"/> Public Hearing
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### **RECOMMENDATION**

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The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations (to be included in a last minute memorandum);
- Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no objections to the revisions are received during the 15-day public comment period, CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval; and
- If substantive objections to the revisions are received during the 15-day public comment period, CDE shall place the amended regulations on the SBE's July 2006 agenda for action following consideration of the comments received.

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

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On August 23, 2002, the U.S. Department of Education approved California's Reading First State Plan. The SBE is designated as the state educational agency (SEA) for the program.

The SEA responsibilities are delineated in Exhibit XIII of the plan. The SBE is assigned the responsibility to "approve the definition of what constitutes 'making significant progress for the local educational agencies annual benchmark on student achievement.'"

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

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On November 9, 2005, the SBE considered the proposed definition of significant progress recommended by the Reading First Reading and Literacy Partnership Team. The CDE presented the proposal but noted that some of the language in the item needed clarification. The CDE agreed to submit a corrected proposal at the January SBE meeting with draft regulations.

On March 9, 2006, the SBE received a draft Final Statement of Reasons, summarizing public comments. The SBE agreed to have the CDE review the public comments and submit revisions to the proposed regulations at the May SBE meeting.

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## **SUMMARY OF KEY ISSUES**

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The Reading First Reading and Literacy Partnership Team, convened on October 19, 2005, unanimously accepted the recommendation to use the Reading First Achievement Index score as the measure for significant progress.

A measure of significant progress is a federal Reading First program requirement and is addressed in California's Reading First State Plan. The measure will be used to determine if an LEA should be discontinued in the Reading First program.

On January 12, 2006, the SBE approved the draft regulations for the measure of significant progress and the Notice of Proposed Rulemaking was published on January 20, 2006. The period for public comment ended March 6, 2006.

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## **FISCAL ANALYSIS (AS APPROPRIATE)**

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A measure of significant progress will be applied to districts to determine whether they will continue to receive funding for the remainder of the grant period following their fourth year of funding. Those districts that do not meet the standard for significant progress will not be recommended for additional funding. These funds will become available for use in the Reading First program.

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## **ATTACHMENT(S)**

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Attachment 1: Initial Statement of Reasons - Reading First Program (2 Pages)

Attachment 2: Notice of Proposed Rulemaking Amendment To Title 5, California Code of Regulations Regarding Reading First – Significant Progress (4 Pages)

Attachment 3: TITLE 5. Education Division 1. California Department of Education Chapter 11. Special Programs (2 Pages)

**ATTACHMENT(S) (Cont.)**

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Attachment 4: The Reading First Reading and Literacy Partnership Team's  
Recommendation for Significant Progress (1 Page)

Attachment 5: Economic and Fiscal Impact Statement (PDF File) (6 Pages)  
(This attachment is not available for Web viewing. A printed copy is  
available for viewing in the State Board of Education office.)

Attachment 6: Draft of Final Statement of Reasons (6 Pages)

A last minute memorandum will be provided containing the proposed amended  
regulations.

**INITIAL STATEMENT OF REASONS**  
**Reading First Program**

**Subchapter 22.5 Reading First Achievement Index**

**SPECIFIC PURPOSE OF THE PROPOSED REGULATION**

The proposed regulation provides a measure, The Reading First Achievement Index (RFAI), to determine whether a district is making “significant progress” in improving reading achievement in kindergarten through grade three in Reading First schools. The proposed regulation provides a clear standard to determine whether a district and its participating schools have attained “significant progress” and merits continued funding for the remainder of the grant period following their fourth year of participation in the Reading First program.

**NECESSITY/RATIONALE**

- A. “Significant Progress” should be defined by the Reading First Achievement Index (RFAI) so that the California Department of Education can assess the progress being made by an LEA in improving student reading achievement in Reading First.**

Reading First is part of the federal No child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and is authorized in California under Education Code Section 51700. Both federal and state laws require the State to adopt a clear and consistent measure to determine whether schools and districts are making significant progress in improving the reading achievement of their kindergarten through grade three students. The proposed regulations establish the RFAI as a precisely defined standard to measure “significant progress”. The RFAI is comprised of three reading achievement measures.

- B. “Significant Progress” should be defined by the RFAI so that the California Department of Education has an objective measure to apply to Reading First districts and schools to determine if an LEA should continue to receive funding or be discontinued.**

Both federal and state laws require the State to adopt clear processes and procedures for continuation and discontinuation of Reading First subgrants to districts. These procedures must be objectively defined so that there is no ambiguity or confusion. The RFAI is comprised of three reading achievement measures: the Standardized Testing and Reporting Program, California Standards Test (STAR/CST); the STAR California Achievement Test/6 (STAR/CAT/6); and the California Technical Assistance Center (C-TAC) End-of-year Assessments. By using a weighted index of these three measures, the RFAI, the proposed regulations establish an unambiguous standard for reading achievement that rewards active improvement efforts and discourages continuation of ineffective practice.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The State Board of Education (SBE) did not rely upon any technical, theoretical, and/or empirical study, reports, or documents in proposing the adoption of this regulation.

**REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives were presented or considered by the SBE.

**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The SBE has not identified any adverse impact on small business that would necessitate developing alternatives to the proposed regulatory action.

**EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The proposed regulatory change would not have a significant adverse economic impact on any business because the regulations only relate to local school districts and not to business practices.

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111  
Sacramento, CA 95814



## NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING READING FIRST – SIGNIFICANT PROGRESS

[Notice published January 20, 2006]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

### **PUBLIC HEARING**

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at **10:00 a.m. on March 6, 2006**, at 1430 N Street, Room 6102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on March 6, 2006**.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Authority: Sections 12001, 12032 and 33031, Education Code.

Reference: Section 51700, Education Code; 20 USC 6361 et seq. (Title I, Part B, federal No Child Left Behind Act), California's Approved Reading First Plan as approved by the United States Department of Education on August 23, 2002.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

California's Reading First Plan, as approved by the United States Department of Education on August 23, 2002, requires the State to have a clear definition of "significant progress" in order to determine which Reading First districts will continue to receive funding and which will be discontinued. The proposed regulation serves two purposes: (1) it defines the criteria to determine progress in improving reading achievement for schools and districts through an index approach known as the Reading First Achievement Index (RFAI), and (2) it defines "significant progress" and provides how the RFAI will be applied to determine whether a district has made "significant progress" after the fourth year of funding in order to be entitled to continue to receive funding.

**DISCLOSURES REGARDING THE PROPOSED REGULATION**

*The State Board has made the following initial determinations:*

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

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

Adoption of these regulations may 1) create or eliminate jobs within California; 2) create new businesses within California; or 3) cause the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and not to small business practices.

### **CONSIDERATION OF ALTERNATIVES**

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

### **CONTACT PERSONS**

Inquiries concerning the content of this regulation may be directed to:

Jeff Cohen, Education Program Consultant  
Professional Development and Curriculum Support Division  
California Department of Education  
1430 N Street, Room 4309  
Sacramento, CA 95814  
Telephone: (916) 323-6440

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the regulation is based.

**TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the Department of Education's web site at

<http://www.cde.ca.gov/re/lr/rr>.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jeffrey Cohen, Professional Development and Curriculum Support Division, 1430 N Street, Room 4309, Sacramento, CA, 95814; telephone, (916) 323-6440; fax, (916) 323-2806. It is recommended that assistance be requested at least two weeks prior to the hearing.

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**TITLE 5. Education**  
**Division 1. California Department of Education**  
**Chapter 11. Special Programs**

**Subchapter 22.5 Reading First Achievement Index/Definition**  
**of Significant Progress**

**§ 11991. Reading First Achievement Index.**

(a) The California Reading First Plan, approved by the United States Department of Education on August 23, 2002, requires that an external, independent evaluator under contract to the California Department of Education develop criteria to determine progress for Reading First districts and schools. To comply with this requirement, the Reading First Achievement Index (RFAI) was created and is comprised of the following three achievement measures:

(1) The Standardized Testing and Reporting Program, California Standards Test (STAR/CST), English Language Arts, for grades two and three;

(2) The STAR, California Achievement Test/6 English Language Arts, (STAR/CAT/6) for grade three;

(3) The California Technical Assistance Center (C-TAC), End-of-Year Reading Assessments for grades kindergarten through three.

(b) The RFAI is calculated annually and is computed in the following manner:

(1) Sixty (60) percent of the total RFAI score is calculated from STAR/CST for English/Language Arts, which is comprised of 30 percent from the second grade CST and 30 percent from the third grade CST. The score is generated through weights set by performance levels as follows: a “0” score for students scoring “far below basic” and “below basic”; a “0.5” score for students scoring at the “basic” level; and a “1.0” for students scoring “proficient” and above.

(2) Ten (10) percent of the total RFAI score is calculated from STAR/CAT/6 for the third grade, which is comprised of 6 percent for subtests in Reading, 2 percent for subtests in Language, and 2 percent for subtests in Spelling.

(3) Thirty (30) percent of the total RFAI Score is calculated from C-TAC End-of-Year Assessment Tests, which is comprised of 5 percent for kindergarten (7 subtests),

1 10 percent for first grade Oral Fluency, 10 percent for second grade Oral Fluency, and  
2 5 percent for third grade Oral Fluency.

3 (c) The result of the calculation described in part (b) above is a two digit weighted  
4 percentage index score (the RFAI) that describes reading achievement for Reading  
5 First Schools.

6 Note: Authority cited: Sections 12001, 12032 and 33031, Education Code. Reference:  
7 Section 51700, Education Code; 20 USC 6361 et seq. (Title I, Part B, federal No Child  
8 Left Behind Act), California's Reading First Plan as approved by the United States  
9 Department of Education on August 23, 2002.

10  
11 **§ 11991.1. Defining Significant Progress/Continuance of Reading First Funding.**

12 In order to continue to receive Reading First Funding, a local educational agency  
13 (LEA) must achieve "significant progress" which is defined as having more than half of  
14 the LEA's schools score above one standard deviation below the mean on the RFAI for  
15 the LEA's cohort. A cohort is made up of all the LEAs that were funded in the same  
16 round of subgrant competition LEAs not meeting this standard are deemed not to have  
17 made "significant progress" and funding is discontinued. The standard for significant  
18 progress is applied after the fourth year of funding.

19 Note: Authority cited: Sections 12001, 12032 and 33031, Education Code. Reference:  
20 Section 51700, Education Code; 20 USC 6362 (Title I, Part B, federal No Child Left  
21 Behind Act), California's Reading First Plan as approved by the United States  
22 Department of Education on August 23, 2002.

### **The Reading First Reading and Literacy Partnership Team's Recommendation for Significant Progress**

In order to continue to receive Reading First Funding, a local educational agency (LEA) must achieve "significant progress" which is defined as having more than half of the LEA's schools score above one standard deviation below the mean on the Reading First Achievement Index for the LEA's cohort. A cohort is made up of all the LEAs that were funded in the same round of subgrant competition. LEAs not meeting this standard are deemed not to have made "significant progress" and funding is discontinued. The standard for significant progress is applied after the fourth year of funding.

**FINAL STATEMENT OF REASONS**  
**Reading First Regulations-Definition of Significant Progress**  
***DRAFT***

**UPDATE OF INITIAL STATEMENT OF REASONS**

The proposed regulation provides a measure, the Reading First Achievement Index (RFAI), to determine whether a district is making Significant Progress in improving reading achievement in kindergarten through grade three in Reading First schools. The proposed regulation provides a clear standard to determine whether a district and its participating schools have attained Significant Progress and merits continued funding for the remainder of the grant period following their fourth year of participation in the Reading First program.

A public hearing was held on March 6, 2006, concluding the 45-day public comment period. Written comments were received as well as comments made at the hearing: one letter from Martha Hernandez of the California Association for Bilingual Education (CABE), one letter from Shelly Spiegel Coleman of Californians Together, and one letter from Alice R. Furry and Sharon Van Vleck from the California Technical Assistance Center (CTAC) and eight Regional Technical Assistance Center (R-TAC) directors for Reading First. Form letters from 96 individuals were also received which make the same statements and recommendations as those contained in the comments from CABE and Californians Together. Oral testimony was given by Harlan Kerr on behalf of the West Contra Costa Unified School District. In addition, oral testimony was given by Martha Zaragoza-Diaz for CABE and Californians Together, and Alice R. Furry for CTAC, testimony which reiterated the comments received in writing.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JANUARY 20, 2006 THROUGH MARCH 6, 2006.**

***Martha Hernandez of CABE and Shelly Spiegel Coleman of Californians Together submitted the following five comments:***

**Comment #1:** Martha Hernandez of CABE and Shelly Spiegel Coleman of Californians Together question the validity of the RFAI as a measure of reading achievement for students in waived classrooms because it uses second grade California Standards Test (CST) scores, which are only given in English, as part of the calculation the RFAI score. They state that the agreement was that second graders in waived classrooms would use Spanish tests from the curriculum materials and the Sacramento County Office of Education.

**Response:** While testing students in English in the second grade may put those receiving instruction in Spanish at a disadvantage, in fact, the agreement was that second and third graders would be tested on the STAR/CST. The goal of Reading First

is that all students will read at the proficient level in English by the end of the third grade.

**Comment #2:** Martha Hernandez of CABE and Shelly Spiegel Coleman of Californians Together state that the RFAI treats all students as if they have been in Reading First for all three years.

**Response:** While the RFAI measures third year data, it treats the district, not the students, as having been in Reading First for all three years. The population of participating students, both in waived and non-waived classrooms, varies considerably.

At least half the districts in all three cohorts make some adjustment yearly by adding or dropping kindergarten through grade three classrooms to existing schools because of either growth or loss in student population. Every year, significant numbers of districts either close participating schools and open new ones that meet the eligibility requirements or substitute an eligible but previously non-participating school for one that has closed or been reconfigured.

Waived classes and schools that were added after the first year of the grant did not start from zero implementation. Most had been using the state adopted core instructional materials, either in Spanish or English. They had been receiving classroom instruction; teachers had received AB 466 training. The same is true for non-waived classes. In 2003-04, 679 waived and 213 non-waived kindergarten through grade three classes were added; in 2004-05, 427 waived and 281 non-waived classes were added.

Individual students are not identified or tracked in Reading First, so it is not possible to know how many years a particular student has been in the program, what reading programs he or she has participated in, or what level of English proficiency an individual student possesses. Staggered dates for students entering the program is an ongoing factor in Reading First.

**Comment #3:** Martha Hernandez of CABE and Shelly Spiegel Coleman of Californians Together state that the RFAI does not account for the unique literacy needs of English learners, who may enter the program with varying levels of literacy in both English and their native language.

**Response:** The use of valid and reliable skills assessments in Spanish, which are used in the calculation of the RFAI, would help give a better measure of English learners' reading achievement. Also, professional development specifically developed for teachers and coaches in the alternative format instructional materials would better equip teachers to deal effectively with the varying needs of this population. This may be a professional development rather than an assessment issue.

**Comment #4:** Martha Hernandez of CAFE and Shelly Spiegel Coleman of Californians Together recommend that data used in the calculation of the RFAI be disaggregated by the number of years students have participated in the program, levels of English proficiency, and years of instruction in the core reading programs using the Spanish translations versus using the English language versions.

**Response:** Data is not collected at the student level; it is aggregated at the classroom, school, and district level. It is not possible to identify specific students and track them according to years of participation, level of English proficiency, or reading program. It is a matter of the level of complexity of collecting individual student data and issues of confidentiality that are beyond the capability of the Reading First program.

**Comment #5:** Martha Hernandez of CAFE and Shelly Spiegel Coleman of Californians Together state that the application of the proposed definition of Significant Progress on *Education Code* Section 310 (Proposition 227) waived classrooms may be unfair because of the failure of CDE to convene a legislatively-mandated Reading First advisory committee on English learners in waived classrooms.

**Comment #5A:** A form letter from 96 individuals makes the same statements and recommendations as those contained in the comments from CAFE and Californians Together.

**Response:** The committee is to determine the validity and reliability of the Spanish language assessments in Reading First and is scheduled to meet for the first time on March 28, 2006.

***Alice Furry, Chief Administrative Officer, Reading First, CTAC; Sharon Van Vleck, Director of the CTAC and the eight R-TAC directors for Reading First submitted the following four comments:***

**Comment #1:** They state that the Reading First State Plan requires that the SBE must approve a definition of Significant Progress and that this should be reflected in the regulations.

**Response:** Since the SBE must approve or disapprove the Title 5 regulations that define Significant Progress, it is not necessary to restate this in the regulations themselves.

**Comment #2:** They state that the regulations identify a specific publisher's test (CAT/6) as part of the STAR and that the test could change in the future; the regulations misstate the ownership of the End-of-Year Assessments (EOY); the regulations do not accurately describe how the RFAI is computed; the regulations state there are seven subtests in the kindergarten EOY instead of eight; and the regulations do not clearly state the RFAI is computed for individual schools. They submitted suggested changes in the draft regulatory language.

**Response:** These comments need further investigation and the suggested language to define the computation of the RFAI needs to be studied. Consultation with the independent state evaluator for Reading First is also needed.

**Comment #3:** They state that specifying that the RFAI is a two digit number is inaccurate; it can range from 0 to 100 and that this is an unnecessary detail that should be eliminated

**Response:** The language specifying that the RFAI is a two digit number can be eliminated from the draft regulations.

**Comment #4:** They state that the regulatory language does not clearly state the year in which achievement data will be used to determine significant progress, does not clearly differentiate which cohort an LEA belongs to if it receives funding in different years, and does not clearly state when funding will be discontinued.

**Response:** These issues need further study and analysis to determine if some of the draft regulatory language needs to be modified.

***Harlan Kerr, Reading First Coordinator of West Contra Costa Unified School District made the following comments during the public hearing:***

**Comment #1:** Stated that all 14 of the participating Reading First schools in the district have made significant growth over the four years they have been in the program. He suggested that there be a "safe harbor" provision for districts and schools that have made significant progress but have not met the standard of having 50 percent of the schools above the mean on the RFAI.

**Response:** As defined in the current draft regulations, the measure of Significant Progress does not measure reading achievement progress from year to year, but measures only the RFAI score in the third year of a district's having implemented the program. It is not a measure of progress but of attainment, although progress is implied in attaining the proposed standard.

**Comment #2:** Stated that if the district was allowed to drop those schools that had the lowest RFAI scores, the district would then be able to meet the standard of Significant Progress as defined in the draft regulations. For his district, if they dropped the five lowest performing schools, the remaining nine schools would meet the standard for Significant Progress as defined in the draft regulations.

**Response:** This request will be reviewed. More time is needed in order to draft recommended modifications to the regulatory language stating the RFAI standard of 50 percent above the mean may be applied to individual schools in a district and that those schools may lose funding but the district, if it then meets the standard by dropping those schools, may continue in the Reading First program.

**Comment #3:** Stated that the standard for Significant Progress is applied “retroactively”. That is, a Cohort 1 district is currently in Year 4 of implementation yet the standard is being applied to Year 3 data. In the absence of established guidelines for defining Significant Progress, districts do not have a clear definition and lack the opportunity to engage in proactive action to improve their scores on the RFAI.

**Response:** This is inherent in the way the definition of Significant Progress is defined and applied in the draft regulations. The standard is applied to third year data, the district continues to implement the program in Year 4, but is denied funding in Year 5. The fourth year data of the district is not considered in determining “significant progress.”

**Comment #4:** Stated that his district has one of the largest numbers of waived classrooms in Cohort 1 and they have made significant growth, especially in this last (Year 4) year. If the standard of Significant Progress were applied at the end of Year 4 instead of Year 3, he feels this growth would be reflected in improved RFAI scores for those classrooms and schools.

**Response:** Waivered classrooms were added to districts in January of 2003-04 and in 2004-05. The third year for Cohort 1 is 2003-04. Thus, substantial numbers of waived classrooms and their students have been receiving Reading First services for less than two years. If the standard were applied at the end of 2004-05, while it is the fourth year of participation for the district, it will be the third year for those students in waived classes. The findings of the statewide evaluation of Reading First identify number of years in the program as a significant variable.

## **ALTERNATIVES DETERMINATION**

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

## **LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 9, 2006

**TO:** **MEMBERS, STATE BOARD OF EDUCATION**

**FROM:** Sue Stickel, Deputy Superintendent  
Curriculum and Instruction Branch

**RE:** Item No. 21

**SUBJECT:** Reading First: Regulations – Approve Proposed Amendments to  
Regulations for Reading First Achievement Index/Definition of Significant  
Progress

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations;
- Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no objections to the revisions are received during the 15-day public comment period, the CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval; and
- If substantive objections to the revisions are received during the 15-day public comment period, the CDE shall place the amended regulations on the SBE's July 2006 agenda for action following consideration of the comments received.

Attachment 1: TITLE 5. Education Division 1. California Department of Education  
Chapter 11. Special Programs (3 Pages)

Attachment 2: Final Statement of Reasons - Reading First Program (5 Pages)

1 TITLE 5. Education

2 Division 1. California Department of Education

3 Chapter 11. Special Programs

4 Subchapter 22.5 Reading First Achievement Index/Definition

5 of Significant Progress

6  
7 **§ 11991. Reading First Achievement Index.**

8 (a) The California Reading First Plan, approved by the United States Department of  
9 Education on August 23, 2002, requires ~~that an external, independent evaluator~~  
10 ~~under contract to the California Department of Education~~ the development of  
11 criteria to determine progress for Reading First **local educational agencies (LEAS)**  
12 **districts and schools.** To comply with this requirement, the Reading First Achievement  
13 Index (RFAI) was created. ~~and is comprised of the following three achievement~~  
14 ~~measures~~ The RFAI is an annually calculated numerical index of a school's  
15 reading achievement in kindergarten through grade three, and is comprised of  
16 weighting test results from the following assessments:

17 (1) The Standardized Testing and Reporting Program (**STAR**), California Standards  
18 Test (**STAR/CST**), in English Language Arts, for grades two and three. **Each of**  
19 **these assessments is weighted as 30 percent of a school's RFAI, for a total of 60**  
20 **percent;**

21 (2) The STAR norm-referenced subtests in reading, language arts, and  
22 ~~spelling, California Achievement Test/6 English Language Arts, (STAR/CAT/6) for~~  
23 grade three. The reading subtest is weighted as 6 percent, the language arts  
24 subtest as 2 percent, and the spelling subtest as two percent of a school's RFAI,  
25 for a total of 10 percent; and

26 (3) The California Technical Assistance Center (C-TAC), The Reading First  
27 End-of-Year Reading Assessments for ~~grades~~ kindergarten through grade three. The  
28 kindergarten and grade three assessments are each weighted as 5 percent of a  
29 school's RFAI, and grade one and two assessments are each weighted as 10  
30 percent of a school's RFAI, for a total of thirty percent.

1 (b) The RFAI is calculated annually and is computed in the following manner:

2 (1) Sixty (60) percent of the total RFAI score is calculated from STAR/CST for  
3 English/Language Arts, which is comprised of 30 percent from the second grade  
4 CST and 30 percent from the third grade CST. The score is generated through  
5 weights set by performance levels as follows: a “0” score for students scoring  
6 “far below basic” and “below basic”; a “0.5” score for students scoring at the  
7 “basic” level; and a “1.0” for students scoring “proficient” and above.

8 (2) Ten (10) percent of the total RFAI score is calculated from STAR/CAT/6 for  
9 the third grade, which is comprised of 6 percent for subtests in Reading, 2  
10 percent for subtests in Language, and 2 percent for subtests in Spelling.

11 (3) Thirty (30) percent of the total RFAI Score is calculated from C-TAC End-of  
12 Year Assessment Tests, which is comprised of 5 percent for kindergarten (7  
13 subtests), 10 percent for first grade Oral Fluency, 10 percent for second grade  
14 Oral Fluency, and 5 percent for third grade Oral Fluency.

15 (c) The result of the calculation described in part (b) above is a two digit  
16 weighted percentage index score (the RFAI) that describes reading achievement  
17 for Reading First Schools. If a school does not have test results as specified in  
18 section 11991(a), due to either not having classrooms in one or more of the  
19 primary grade levels, kindergarten through grade three, or having less than 11  
20 students in any grade level, the LEA’s mean values on those missing data  
21 elements will be used to calculate the school’s RFAI. If a school does not submit  
22 test results for any of the assessments specified in section 11991(a), a value of  
23 zero will be used for that data element to calculate the school’s RFAI. If a school  
24 does not have at least 45 percent of the RFAI weights, an RFAI will not be  
25 calculated for that school.

26 NOTE: Authority cited: Sections 12001, 12032 and 33031, Education Code. Reference:  
27 Section 51700, Education Code; 20 USC 6361 et seq. (Title I, Part B, federal No Child  
28 Left Behind Act), California’s Reading First Plan as approved by the United States  
29 Department of Education on August 23, 2002.

30  
31 § 11991.1. Defining Significant Progress/Continuance of Reading First Funding.

1 (a) In order to continue to receive Reading First Funding, a local educational agency  
2 (LEA) must achieve "significant progress" which is defined as having **more than at**  
3 **least** half of the LEA's **Reading First** schools **that have an RFAI** score above one  
4 standard deviation below the mean on the RFAI for the LEA's cohort.

5 (b) A cohort is made up of all the LEAs that were funded in the same round of  
6 subgrant competition. ~~LEAs not meeting this standard are deemed not to have~~  
7 ~~made "significant progress" and funding is discontinued. The standard for~~  
8 ~~significant progress is applied after the fourth year of funding.~~

9 (c) For Cohort One, if a LEA fails to make significant progress after the fifth  
10 year of implementation, CDE shall notify the LEA that it will not be funded for the  
11 next year of implementation.

12 (d) For all other cohorts, if a LEA fails to make significant progress after the  
13 fourth year of implementation, CDE shall notify the that it will not be funded for  
14 the next year of implementation.

15 NOTE: Authority cited: Sections 12001, 12032 and 33031, Education Code. Reference:  
16 Section 51700, Education Code; 20 USC 6362 (Title I, Part B, federal No Child Left  
17 Behind Act), California's Reading First Plan as approved by the United States  
18 Department of Education on August 23, 2002.

19  
20 **§ 11991.2. Appeal Process.**

21 If a LEA disagrees with the determination that it has not made significant  
22 progress, it can seek reconsideration from the SBE prior to the next year of  
23 implementation.

24 NOTE: Authority cited: Sections 12001, 12032 and 33031, Education Code.  
25 Reference: Section 51700, Education Code; 20 USC 6362 (Title I, Part B, federal  
26 No Child Left Behind Act), California's Reading First Plan as approved by the  
27 United States Department of Education on August 23, 2002.

## **FINAL STATEMENT OF REASONS**

### **Reading First Regulations-Definition of Significant Progress**

## **UPDATE OF INITIAL STATEMENT OF REASONS**

The proposed regulation provides a measure, the Reading First Achievement Index (RFAI), to determine whether a district is making “significant progress” in improving reading achievement in kindergarten through grade three in Reading First schools. The proposed regulation provides a clear standard to determine whether a district and its participating schools have attained “significant progress” and merits continued funding for the remainder of the grant period following their fourth year of participation in the Reading First program.

A public hearing was held on March 6, 2006, following the 45-day public comment period. Four sets of comments were received.

### **SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JANUARY 20, 2006 THROUGH MARCH 6, 2006.**

***Martha Hernandez of CAFE and Shelly Spiegel Coleman of Californians Together submitted the following five comments:***

**Comment #1:** Martha Hernandez of the California Association for Bilingual Education (CAFE) and Shelly Spiegel Coleman of Californians Together question the validity of the RFAI as a measure of reading achievement for students in waiver classrooms because it uses second grade California Standards Test (CST) scores, which are only given in English, as part of the calculation the RFAI score. They state that the agreement was that second graders in waiver classrooms would use Spanish tests from the curriculum materials and the Sacramento County Office of Education.

**Response :** The agreement that is apparently being referenced by this comment, is the settlement agreement reached in Pazmino v. State Board of Education (SBE). The agreement did not address how second grade students enrolled in waived classrooms would be assessed, or reference the use of the English CST for second grade students. Thus, the comment incorrectly characterizes the nature of the agreement.

Furthermore, the state does not have a primary language, standards based test that can be incorporated into this index for second grade. In order to comply with federal law, the state is required to have a measure of significant progress in place right now. In addition, the end of year assessments can be administered in Spanish for waived classrooms.

**Comment #2 :** Martha Hernandez of the CAFE and Shelly Spiegel Coleman of Californians Together state that the RFAI treats all students as if they have been in Reading First for all three years.

**Response :** While the RFAI measures third year data, it treats the district, not the students, as having been in Reading First for all three years. The population of participating students, both in waiver and English-only classrooms, varies considerably. At least half the districts in all three cohorts make some adjustment yearly by adding or dropping kindergarten through grade three classrooms to existing schools because of either growth or loss in student population. Every year, significant numbers of districts either close participating schools and open new ones that meet the eligibility requirements or substitute an eligible but previously non-participating school for one that has closed or been reconfigured.

Waivered classes and schools that were added after the first year of the grant did not start from zero implementation. Most had been using the state adopted core instructional materials, either in Spanish or English. They had been receiving classroom instruction; teachers had received AB 466 training. The same is true for non-waivered classes. In 2003-04, 679 waivered and 213 non-waivered kindergarten through grade three classes were added; in 2004-05, 427 waivered and 281 non-waivered classes were added.

Staggered dates for students beginning participation is an on-going factor in Reading First.

**Comment #3 :** Martha Hernandez of the CAFE and Shelly Spiegel Coleman of Californians Together state that the RFAI does not account for the unique literacy needs of English learners, who may enter the program with varying levels of literacy in both English and their native language.

**Response :** The state does not have a primary language, standards based test that can be incorporated into this index for second grade. In order to comply with federal law, the state is required to have a measure of significant progress in place right now. In addition, the end of year assessments can be administered in Spanish for waivered classrooms. The English Learner Advisory Committee was convened in March and reached consensus on recommendations to improve the assessments in Spanish.

**Comment #4 :** Martha Hernandez of the CAFE and Shelly Spiegel Coleman of Californians Together recommend that data used in the calculation of the RFAI be disaggregated by the number of years students have participated in the program, levels of English proficiency, and years of instruction in the core reading programs using the Spanish translations versus using the English language versions.

**Response :** Data is not collected at the student level; it is aggregated at the classroom, school, and district level. It is not possible to identify specific students and track them according to years of participation, level of English proficiency, or reading program. It is a matter of the level of complexity of collecting individual student data and issues of confidentiality that are beyond the capability of the Reading First program.

**Comment #5 :** Martha Hernandez of the CAFE and Shelly Spiegel Coleman of Californians Together state that the application of the

proposed definition of Significant Progress on *Education Code* Section 310 (Proposition 227) waiver classrooms may be unfair because of the failure of the California Department of Education to convene a legislatively mandated advisory committee on English learners in waiver classrooms. The committee was to determine the validity and accuracy of the Spanish language assessments in Reading First.

**Comment #5a :** A form letter from 96 individuals makes the same statements and recommendations as those contained in the comments from CAFE and Californians Together.

**Response :** In March 2006, the English Learner Advisory Committee convened, and has made recommendations about the Spanish language assessments that are used in Reading First.

***Alice Furry, Chief Administrative Officer, Reading First, California Technical Assistance Center; Sharon Van Vleck, Director of the California Technical Assistance Center and the eight Regional Technical Assistance Center Directors for Reading First (Gladys Frantz, Kathy Clements, Della Larimore, Roxanne Higgins, Bette Harrison, Marilyn Miles, Connie Tate, David Demille) submitted the following four comments :***

**Comment #1 :** They state that the Reading First State Plan requires that the State Board of Education must approve a definition of Significant Progress and that this should be reflected in the regulations.

**Response :** Since the SBE must approve or disapprove the Title 5 regulations that define Significant Progress, it is not necessary to restate this in the regulations themselves.

**Comment #2 :** They state that the regulations identify a specific publisher's test (CAT/6) as part of the STAR and that the test could change in the future; the regulations misstate the ownership of the End-of-Year Assessments (EOY); the regulations do not accurately describe how the RFAI is computed; the regulations state there are seven subtests in the kindergarten EOY instead of eight; and the regulations do not clearly state the RFAI is computed for individual schools. They submitted suggested changes in the draft regulatory language.

**Response :** All references to specific test publishers have been eliminated. The EOY assessments are identified as Reading First assessments in section 11991(a)(3). The computation of the RFAI has been more accurately defined in section 11991(a)(1)(2)(3). The reference to the number of kindergarten subtests has been removed. The regulations now state in section 11991(a) that the RFAI is an index of "...a school's reading achievement...".

**Comment #3 :** They state that specifying that the RFAI is a two digit number is inaccurate, it can range from 0 to 100 and that this is an unnecessary detail that should be eliminated.

**Response :** The language specifying that the RFAI is a two digit number has been eliminated from the draft regulations because it was not necessary.

**Comment #4 :** They state that the regulatory language does not clearly state the year in which achievement data will be used to determine significant progress, does not clearly differentiate which cohort an LEA belongs to if it receives funding in different years, and does not clearly state when funding will be discontinued.

**Response :** Section 11991.1 (c) and (d) states that the significant progress standard will be applied after the fifth year of implementation for Cohort One, after the fourth year of implementation for all other cohorts. Section 11991.1 (b) defines a cohort as being made up of all the LEAs that were funded in the same round of subgrant competition. Section 11991.1 (c) (d) state that funding will be discontinued after the fifth year of implementation for Cohort One and after the fourth year for all other cohorts that do not make significant progress.

***Harlan Kerr, Reading First Coordinator of West Contra Costa, made the following comments during the public hearing:***

**Comment #1 :** Stated that all 14 of the participating Reading First schools in the district have made significant growth over the four years they have been in the program. He suggested that there be a “safe harbor” provision for districts and schools that have made significant progress but have not met the standard of having 50 percent of the schools above the mean on the RFAI.

**Response :** As defined in the current draft regulations, the measure of “Significant Progress” does not measure reading achievement progress from year to year, but measures attainment of reading achievement as reflected by the district’s RFAI score in the fourth or fifth year of a district’s having implemented the program. The Reading and Literacy Partnership, the advisory committee to Reading First, considered many options about how to define significant progress, and has advised that the measure as set forth in the regulations provides sufficient opportunity for a district to demonstrate that it has achieved significant progress.

**Comment #2 :** Stated that if the district was allowed to drop those schools that had the lowest RFAI scores, the district would then be able to meet the standard of Significant Progress as defined in the draft regulations. For his district, if they dropped the five lowest performing schools, the remaining nine schools would meet the standard for Significant Progress as defined in the draft regulations.

**Response :** The option of applying the significant progress standard to individual schools rather than the district as a whole was considered by the Reading and Literacy Partnership, the advisory committee to Reading First, and was rejected. The rationale was that the district is responsible for assuring that all participating schools implement the program with fidelity and the district is also responsible for assuring that all participating schools will meet the standards established for improving reading achievement. Added to the proposed regulations is a provision that if the district

disagrees with a determination that it did not make significant progress, it can seek reconsideration from the SBE prior to the next year of implementation.

**Comment #3** : Stated that the standard for Significant Progress is applied “retroactively”. That is, a Cohort One district is currently in Year 4 of implementation yet the standard is being applied to Year 3 data. In the absence of established guidelines for defining Significant Progress, districts do not have a clear definition and lack the opportunity to engage in proactive action to improve their scores on the RFAI.

**Response** : The revised regulations call for the standard for significant progress for Cohort One districts to be applied in the fifth year of implementation. If a district does not make significant progress after the fifth year of implementation, then it will not be funded for the next year of implementation. For all other cohorts, the standard for significant progress will be applied in the fourth year. If the district fails to meet the standard after the fourth year of implementation, then it will not be funded for the next year.

**Comment #4** : Stated that his district has one of the largest numbers of waiver classrooms in Cohort One and they have made significant growth, especially in this last year (Year 4). If the standard of Significant Progress were applied at the end of Year 4 instead of Year 3, he feels this growth would be reflected in improved RFAI scores for those classrooms and schools.

**Response** : Section 11991.1 provides the extra time for participation of waiver classrooms by applying the standard for significant progress after the fifth year for Cohort One, and after the fourth year for all other cohorts.

### **ALTERNATIVES DETERMINATION**

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

### **LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts. The Reading first program is a voluntary program, so there is no mandate being imposed by the state.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Reading First: Proposed Round 4 Grant Awards	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the list of local educational agencies (LEAs) shown in Attachment 1 for funding for Round 4 of the Reading First Program.

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

The SBE has approved three previous rounds of Reading First Grants. Currently, there are 110 LEAs that have received grants. In all, 820 schools and approximately 19,000 teachers are being served in the Reading First Program.

### SUMMARY OF KEY ISSUES

The state plan for Reading First identifies the SBE as the lead state educational agency (SEA) for the California Reading First Programs and requires the SBE to approve district applications for funding. Reading First is a federally funded program established in 2002 under the No Child Left Behind Act. The purpose of the program is to enable all students to become successful early readers by promoting high-quality, evidence-based reading instruction for students in kindergarten through third grade.

The California Reading First Plan builds on the SBE's commitment to a standards-based instructional system that includes rigorous academic content standards in English-language arts, adherence to guidance provided by the *Reading/Language Arts Framework*, and the adoption of reading/language arts instructional materials that are research-based and aligned to the *English-Language Arts Content Standards*. The California Reading First plan places emphasis in three key areas to assist Reading First districts including: (1) implementing research-based, state-adopted reading programs; (2) the appropriate use of assessments to monitor student progress and inform instruction; and (3) ongoing professional development for teachers and principals. The California Reading First Plan targets funding and technical assistance resources in districts with 1,000 or more, or 40 percent or more second and third grade students scoring "below basic" and "far below basic" on the California Standards Test (CST).

**FISCAL ANALYSIS (AS APPROPRIATE)**

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The Budget Act of 2005 set aside \$6.5 million in funds for Round 4 Reading First districts.

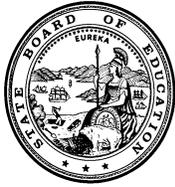
**ATTACHMENT(S)**

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Attachment 1: Reading First Round 4: Local Educational Agencies Recommended for Funding (1 Page)

**Reading First Round 4  
Local Educational Agencies Recommended for Funding**

<b>County</b>	<b>Local Educational Agency</b>
Colusa	Colusa Unified School District
Kings	Corcoran Joint Unified School District
Los Angeles	Eastside Union Elementary School District
Sonoma	Healdsburg Unified School District
Riverside	Hemet Unified School District
Monterey	North Monterey County Unified School District
Tulare	Pleasant View Elementary School District
Mendocino	Round Valley Unified School District
Imperial	San Pasqual Valley Unified School District
Tulare	Stone Corral Elementary School District
Solano	Vallejo City Unified School District
Fresno	West Fresno Elementary School District



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approval of Training Providers and Training Curricula	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the providers and training curricula listed on Attachment 1 for the professional development under the provisions of the Mathematics and Reading Professional Development Program, Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001).

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

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At the February 2002 meeting, the SBE approved criteria for the approval of training providers and training curricula. The SBE has since approved AB 466 training providers and training curricula. The list of current SBE-approved AB 466 providers is available on the CDE Web site at <http://www.cde.ca.gov/pd/ca/ma/mard03sbttrngprvdr.asp>.

### SUMMARY OF KEY ISSUES

---

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the SBE-approved criteria and have been approved by the SBE, local educational agencies (LEAs) may contact the approved providers for AB 466 professional development.

### FISCAL ANALYSIS (AS APPROPRIATE)

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Approval of additional AB 466 providers allows more choices for LEAs in selecting training providers, for which \$31.7 million was allocated for fiscal year 2005-06. Approval of additional providers does not affect the total dollars available.

### ATTACHMENT(S)

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Attachment 1: Providers and Training Curricula Recommended for Board Approval  
(2 pages)

## **Providers and Training Curricula Recommended for Board Approval**

Mathematics and Reading Professional Development Program (Assembly Bill 466) review panel recommends approval of the following providers and training curricula:

Provider: Action Learning Systems

Curriculum: Holt, Rinehart and Winston, *Holt Literature and Language Arts*, Copyright © 2003

Grade Levels: Seven and nine

Provider: Burton School District

Curriculum: McDougal Littell, Inc., *Concepts and Skills*

Grade Level: Eight

Provider: CTB McGraw Hill

Curriculum: Harcourt School Publishers, *Harcourt Math @ 2002*

Grade Level: Four

Provider: CTB McGraw Hill

Curriculum: Scott Foresman, *Scott Foresman CA Mathematics*

Grade Level: Four

Provider: Etiwanda School District  
Curriculum: William H. Sadlier, Inc., *Progress in Mathematics CA Ed.*  
Grade Levels: One, two, and four

Provider: Smartel Learning Links  
Curriculum: Holt, Rinehart and Winston, *Holt Literature and Language Arts*, Copyright © 2003  
Grade Levels: Six – eight

Provider: Technology in Learning  
Curriculum: Harcourt School Publishers, *Harcourt Math @ 2002*  
Grade Levels: One, three, and four

Provider: Voyager Expanded Learning Inc.  
Curriculum: Voyager Passport  
Grade Levels: Four - eight



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b>	
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approve Reimbursement Requests from Local Educational Agencies	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve reimbursement requests of local educational agencies (LEAs) as shown in Attachments 1 and 2 that have complied with required assurances for the Mathematics and Reading Professional Development Program, Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001).

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

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*Education Code (EC)* Section 99234(g), established by AB 466, stipulates that funding may not be provided to an LEA until the SBE approves the agency's certified assurances. During 2002-03, the SBE approved AB 466 applications **prior to** a participating LEA commencing training. This process caused a time delay before an LEA could begin training. To avoid this delay in 2003-04 and subsequent years, the SBE Executive Director and the CDE Deputy Superintendent for Curriculum and Instruction agreed that LEA compliance with required assurances would be approved by the SBE when LEAs submit a Request for Reimbursement form, which occurs after training is completed.

### SUMMARY OF KEY ISSUES

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As a condition of the receipt of funds, *EC* Section 99237(a) requires that an LEA submit to the SBE a statement of assurance certified by the appropriate agency official and approved in a public session by the governing body of the agency. LEAs participating in the AB 466 program provide this proof of compliance with assurances by submitting a signed application. LEAs submitting a Request for Reimbursement Form additionally provide summary information regarding credentials held by each teacher who has successfully completed training.

The specific amount for each LEA will be determined by the CDE staff in accordance with law, regulation, and the established practice for this program.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The legislature appropriated \$31.7 million (General Fund) for the AB 466 program for fiscal year (FY) 2004-05. To date the CDE has issued \$30,358,750 in payments from FY 2004-05. Another \$110,000 is pending payment for claims that were approved at the March 2006 SBE meeting and for additional claims submitted by previously approved LEAs; therefore, sufficient funding remains to pay the claims shown on Attachment 1.

The legislature also appropriated \$31.7 million (General Fund) for the AB 466 program for FY 2005-06. To date the CDE has received \$10,406,250 in FY 2005-06 claims and has issued \$3,893,750 in FY 2005-06 payments. LEAs on Attachment 2 will be reimbursed from the current fiscal year's appropriation.

## **ATTACHMENT(S)**

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Attachment 1: List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Years Prior to 2005-06 (March 2006)  
(1 Page)

Attachment 2: List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Year 2005-06 (May 2006)  
(5 Pages)

List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form:**  
Fiscal Years Prior to 2005-06 (March 2006)

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Madera	Chowchilla	3				Sacramento COE	McDougal Littell, <i>Concepts and Skills, Algebra 1</i>
Stanislaus	Turlock Joint Unified	25				Sacramento COE	Holt, <i>Literature and Language Arts</i>
	<b>TOTAL</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>0</b>		

List of LEAs submitting certification of assurance via a signed <b>Request for Reimbursement Form:</b> Fiscal Year 2005-06 (May 2006)							
COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Butte	Durham Unified			2		Sacramento COE	McDougal Littell, <i>Concepts and Skills, Algebra, Course 2</i>
Butte	Golden Feather Union Elementary	3				RIC, Butte COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Contra Costa	Mt. Diablo Unified	15				Sacramento COE	Prentice Hall, <i>Timeless Voices, Timeless Themes</i>
Glenn	Hamilton Union High			1		Sacramento COE	McDougal Littell, <i>Concepts and Skills, Algebra</i>
Humboldt	Fieldbrook	4				RIC, Butte COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Kings	Corcoran Joint Unified	10				Santa Cruz COE	McDougal Littell, <i>The Language of Literature</i>
Los Angeles	Duarte Unified	14				RIC, Sacramento COE	SRA/McGraw-Hill, <i>Open Court 2002</i>
Los Angeles	Keppel Union Elementary	11				RIC, Sacramento COE	SRA/McGraw-Hill, <i>Open Court 2002</i>
Los Angeles	Lawndale Elementary	59				Calabash	Houghton Mifflin, <i>A Legacy of Literacy</i>

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Los Angeles	Lynwood Unified	87				RIC, Los Angeles COE	SRA/McGraw-Hill, <i>Open Court 2002</i>
Los Angeles	Mountain View Elementary	67				RIC, Los Angeles COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Los Angeles	Saugus Union Elementary	24				Calabash Processional Learning Systems	Houghton Mifflin, <i>A Legacy of Literacy</i>
Madera	Chowchilla Elementary				3	District	McDougal Littell, <i>Concepts and Skills, Algebra</i>
Madera	Golden Valley Unified	17				RIC, San Joaquin COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Mendocino	Mendocino County Office of Education	2				Sacramento COE	Hampton Brown, <i>High Point</i>
Merced	Atwater Elementary	5				RIC, San Joaquin COE	SRA/McGraw-Hill, <i>Open Court 2002</i>
Merced	Merced River Union Elementary	2				RIC, San Joaquin COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Modoc	Modoc Joint Unified	2				RIC, Butte COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Napa	Calistoga Joint Unified	6				RIC, Alameda COE	Houghton Mifflin, <i>A Legacy of Literacy</i>

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Orange	Anaheim Union High	25				Sacramento COE	Prentice Hall, <i>Timeless Voices, Timeless Themes</i>
Riverside	Coachella Valley Joint Unified	26				RIC, San Diego COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Riverside	Lake Elsinore Unified	42				RIC, San Diego COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Riverside	Palo Verde Unified			58		Sacramento COE	McGraw-Hill, <i>Mathematics</i>
Sacramento	San Juan Unified	45				Calabash	Houghton Mifflin, <i>A Legacy of Literacy</i>
San Diego	Carlsbad Unified	14				RIC, San Diego COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
San Diego	Fallbrook Union Elementary	7				Scholastic Inc.	Scholastic Inc., <i>Read 180, California Edition</i>
San Diego	San Diego County Office of Education			6		Sacramento COE	Prentice Hall, <i>Pre-Algebra, California Edition</i>
San Francisco	San Francisco Unified	80				RIC, Alameda COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
San Joaquin	Lodi Unified	14				RIC, San Joaquin COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
		<b>NUMBER OF TEACHERS</b>					

COUNTY	LEA NAME	Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours	PROVIDER	MATERIALS
San Joaquin	Manteca Unified	62				RIC, San Joaquin COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Santa Clara	Santa Clara County Office of Education		8			Sacramento COE	SRA/McGraw -Hill, <i>REACH</i>
Solano	Vacaville Unified	73				Calabash	Houghton Mifflin, <i>A Legacy of Literacy</i>
Sonoma	Piner-Olivet Union Elementary	3				Calabash	Houghton Mifflin, <i>A Legacy of Literacy</i>
Stanislaus	Hart- Ransom Union Elementary	5				RIC, San Joaquin COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Stanislaus	Stanislaus Union	6				RIC, San Joaquin COE	SRA/McGraw -Hill, <i>Open Court 2002</i>
Tehama	Red Bluff Union Elementary	71				RIC, Butte COE	Houghton Mifflin, <i>A Legacy of Literacy</i>
Trinity	Weaverville Elementary	2				Sacramento COE	Hampton Brown, <i>High Point</i>
Tulare	Dinuba Unified	3				RIC, San Joaquin COE	Houghton Mifflin, <i>A Legacy of Literacy</i>

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Ventura	Ventura Unified	105				RIC, Los Angeles COE	Houghton Mifflin, <i>A Legacy of Literacy</i> , <i>Lectura</i>
	<b>TOTAL</b>	<b>911</b>	<b>8</b>	<b>67</b>	<b>3</b>		





# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
The Principal Training Program, Assembly Bill 75 (Chapter 697, Statutes of 2001): Approval of Applications for Funding from Local Educational Agencies and Consortia	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the attached lists of five local educational agencies (LEAs) that have submitted applications for funding under The Principal Training Program (PTP), Assembly Bill (AB) 75 (Chapter 697, Statutes of 2001).

Note: Effective July 1, 2006, the current PTP Program will be reauthorized as the Administrator Training Program (AB 430 [Chapter 364, Statutes of 2005]). The SBE will approve AB 430 applications in May 2006.

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

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The SBE approved criteria and requirements for PTP applications at the February 2002 meeting.

### SUMMARY OF KEY ISSUES

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The PTP requires the SBE to approve all LEA applicants for funding by name only. Initial funding is dispersed once the LEA enters the participant name into the Management System for Principal Training (MSPT). Subsequent payments are dispersed once the training provider records the completed hours into the MSPT.

### FISCAL ANALYSIS (AS APPROPRIATE)

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Actual LEA reimbursements are dependent upon further information to be provided by LEAs and training providers, such as names of administrator participants and number of hours in actual training. LEAs receive a payment of \$1,200 per participant, once the participant name is entered into the MSPT. A second payment of \$900 is dispersed once the first 80 hours of training is recorded into the MSPT. A final payment of \$900 is dispersed once the participant completes 160 hours of training. It is feasible that initial award requests will be amended throughout the funding period. Estimated State expenditures resulting from this action: \$15,000.

**ATTACHMENT(S)**

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Attachment 1: Principal Training Program Local Educational Agencies Recommended for State Board of Education Approval May 2006 (1 Page)

Attachment 2: Principal Training Program, Consortia Members Recommended for State Board of Education Approval May 2006 (1 Page)

Attachment 3: Principal Training Program, Program Summary May 2006 (1 Page)

**PRINCIPAL TRAINING PROGRAM**  
**Local Educational Agencies Recommended**  
**For State Board of Education Approval**  
**May 2006**

*Applications received during the months of February and March 2006*

<b>LOCAL EDUCATIONAL AGENCIES</b>	<b>Total Number of Site Administrators</b>	<b>Total Amount of State Funding Requested</b>
<b>MARIPOSA</b> Mariposa County Unified	2	\$6,000
<b>TOTAL</b>	<b>2</b>	<b>\$6,000</b> (2 x \$3,000)

**PRINCIPAL TRAINING PROGRAM**  
**Consortia Members Recommended**  
**For State Board of Education Approval**  
**May 2006**

*Applications received during the months of February and March 2006*

<b>CONSORTIA with recommended Membership</b>	<b>Total Number of Site Administrators</b>	<b>Total Amount of State Funding Requested</b>
<b>SAN DIEGO</b> Vallecitos Elementary	3	\$9,000
<b>TOTAL</b>	<b>3</b>	<b>\$9,000</b> (3 x \$3,000)

**PRINCIPAL TRAINING PROGRAM  
Program Summary  
May 2006**

**CURRENT REQUEST SUMMARY**

**Applications received in February and March 2006**

Total number of LEAs recommended for May Approval.....	1
Total number of administrators.....	2
Total state funds requested by Single LEAs for May approval: (2 x \$3,000) .....	\$6,000
Total number of new Consortia recommended for May approval.....	None
(New participants added: 3) (3 x \$3,000).....	\$9,000
<b>Total State Funds Requested.....</b>	<b>\$15,000</b>
(2 LEAs and 3 new Consortium participant(s) x \$3,000)	

**SUMMARY TO DATE**

Total number of participating LEAs (454 Single LEAs plus 269 LEAs included in 20 SBE-approved Consortia.....	723
Total number of administrators anticipated for program participation.....	11,270

Note: The numbers in the SUMMARY TO DATE have changed due to LEAs withdrawing from the program.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b>	
Legislative update, including, but not limited to information on legislation from the 2005-06 session.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### **RECOMMENDATION**

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This item is presented to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

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

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The March 2006 legislative update provided to the SBE included a summary and status of legislative measures from the 2005-2006 legislative session.

### **SUMMARY OF KEY ISSUES**

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The legislative measures presented include bills that fall under the seven principles adopted by the SBE at the September 2004 Board meeting, as well as legislation that may be of interest to the SBE.

The legislature is on spring recess and will reconvene on April 17, 2006. April 28, 2006, is the last day for policy committees to hear and report to fiscal committees fiscal bills in their house. May 12, 2006, is the last day for policy committees to hear and report to the floor non-fiscal bills. May 19, 2006, is the last day for policy committees to meet prior to June 5<sup>th</sup>. May 26, 2006, is the last day for fiscal committees to hear and report to the floor bills introduce in their house.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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The fiscal impact will be noted as appropriate in the legislative summary of each measure.

### **ATTACHMENT(S)**

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Attachment 1: Legislative update (3 pages). A last minute memorandum may be submitted with an update on the status of legislative measures.

## Legislative Update

Bills Related to State Board (SBE) of Education Principles

**1. Safeguard the State Board of Education adopted academic content standards as the foundation of California's K-12 educational system; the same standards for all children.**

### **AB 1246 (Wolk)**

This bill would authorize the Superintendent of Public Instruction to develop preschool learning standards and develop curriculum guides in preliteracy, prenumeracy, history/social science and science. This bill is sponsored by the Superintendent of Public Instruction. **This measure has become a two-year bill.**

### **AB 2115 (Goldberg)**

This bill would require the State Board of Education to appoint a panel of teachers who teach any subject in any of kindergarten or grades 1 to 12, inclusive, to review and revise the state content standards in English language arts, mathematics, science, and history and social science. In addition it would require the revised content standards to contain no more than 10 standards per subject, per grade level. The bill would require the panel to present the revised content standards to the state board by January 1, 2010, and would require the state board to adopt revised content standards for English language arts, mathematics, science, and history and social science, pursuant to the recommendations of the panel. This bill would require the state board to appoint a new teacher panel as needed in order to review and revise the standards and to present revised content standards to the state board every 10 years. The bill also would express the intent of the Legislature that all 10 of the revised content standards be tested in the standardized tests. **This bill is the vehicle for a legislation currently being discussed by the Assembly Education Committee workgroup on Standards, Accountability and Instruction. AB 2115 is scheduled to be heard in the Assembly Education Committee on April 19, 2006.**

**2. Insure that curriculum is rigorous, standards-aligned, and research-based utilizing State Board adopted materials or standards-aligned textbooks in grades 9 to 12, to prepare children for college or the workforce.**

### **AB 607 (Goldberg)**

This bill would limit the term of members of the Curriculum Development and Supplemental Materials Commission. This bill would prohibit a person appointed to serve as part of an advisory group to the commission from participating in that advisory group for more than one subject matter adoption. **This bill is awaiting a hearing in the Senate Education Committee.**

### **AB 2722 (Canciamilla)**

This bill would prohibit the State Board from adopting basic instructional materials in language arts or mathematics for the same grade level in successive years. The bill would require the State Board of Education to allow the continued use of certain instructional materials for at least 2 years following the 6th year after those instructional materials are adopted if specified conditions are met. **This bill is scheduled to be heard in the Assembly Education Committee on April 26, 2006.**

### **SB 696 (Escutia)**

This bill is the same as SB 657 from last year. SB 657 was vetoed by the Governor. This bill would require the SBE to annually solicit recommendations from school districts of instructional materials for adoption in any subject area in which the Board adopts instructional materials. This bill permits a school district that recommends instructional materials for adoption to use those instructional materials as if the materials were adopted by the SBE, unless the SBE, within 180 calendar days, makes written factual findings that the instructional materials lack specific criteria. In addition, the SBE must decide within one year of the receipt of a school district recommendation whether to adopt the recommended instructional materials. A failure of the State Board to act on the recommendation deems the instructional materials adopted for four years, or until the next regular adoption of materials in that category, whichever comes later.

**This measure passed the Senate Floor 23-10 on January 26, 2006, and is awaiting a hearing in the Assembly Education Committee.**

### **SB 1653 (Alarcon)**

This bill would establish the K-12 Supplemental Instructional Materials Account within the State Treasury to be administered by the State Board of Education. This bill would require that each fiscal year, commencing with the 2006-07 fiscal year, an amount of moneys be transferred from the Proposition 98 Reversion Account to the K-12 Supplemental Instructional Materials Account in the annual Budget Act the bill would require the amount to equal 10% of the unappropriated balance in the Proposition 98 Reversion Account as of the end of the immediately preceding fiscal year or \$10 per pupil enrolled in kindergarten and grades 1 to 12, inclusive, adjusted annually for inflation, whichever is higher, to the extent funds are available. This bill would require that the funds in the K-12 Supplemental Instructional Materials Account be used for the necessary supplemental instructional materials. This bill would permit the Legislature to transfer other funds appropriated in compliance with Proposition 98 into the K-12 Supplemental Instructional Materials Account and would also permit the receipt of private donations. **This bill is scheduled to be heard in the Senate Education Committee on April 26, 2006.**

**3. Insure the availability of State Board of Education adopted instructional materials for Kindergarten and grades 1 to 8 and locally adopted standards-aligned instructional materials in grades 9 to 12.**

**AB 1548 (Pavley)**

This bill establishes the Digital Classroom Grant Program of 2006, which directs the State Superintendent of Public Instruction (SPI) to divide funds appropriated for the purpose among the 11 technology project regions of the state and reserve funds for schools selected by the SPI in each region. The new Digital Classroom Grant Program is intended to provide a means for allocating \$25 million proposed in the 2006-07 Governor's Budget for education technology grants. This is an urgency measure sponsored by the Governor. **This bill is awaiting a hearing in the Senate Appropriations Committee.**

**4. Support professional development for teachers on the adopted instructional materials that are used in the classroom.**

**SB 362 (Torlakson)**

This bill would establish the Physical Education Professional Development Program, administered by the Superintendent of Public Instruction. Clarifies that a secondary school physical education class is one in which each student is required to actively participate. Deletes the authority for a student to be excused from physical education classes to attend driver's training, and closes a loophole that allows a student who is at least 16 years old and in 11<sup>th</sup> grade or repeating 10<sup>th</sup> grade to be permanently excused from physical education courses. **This measure passed the Senate floor 27-10 on January 30, 2006, and is awaiting a hearing in the Assembly Education Committee.**

**SB 472 (Alquist)**

This bill is similar to SB 414 (Alquist) from last year. The Governor vetoed SB 414 due to "drafting errors." This bill would extend the Mathematics and Reading Professional Development Program for teachers from July 1, 2006 to July 1, 2012. This bill is sponsored by the Superintendent of Public Instruction. **This bill is scheduled to be heard in the Assembly Education Committee on April 26, 2006.**

**SB 1190 (Alquist)**

This bill would expand the Mathematics and Reading Professional Development Program by adding science to the existing teacher professional development program. This bill is sponsored by the Superintendent of Public Instruction. **This bill was placed on the Senate Education Committee suspense file on March 22, 2006.**

**AB 2248 (Coto)**

This bill would extend Reading First grants for years five and six to local education agencies that have received continuous funding and can demonstrate significant progress. This bill is sponsored by the Superintendent of Public Instruction.

**This bill is scheduled to be heard in the Assembly Education Committee on April 19, 2006.**

**5. Maintain the assessment and accountability system (including STAR, EAP, CAHSEE, and CELDT).**

**AB 1483 (Arambula)**

Requires the development and administration of an English language development assessment in early literacy skills for English learners in kindergarten and grade 1. The bill would require the State Department of Education, in the development of the test for pupils in kindergarten and grade 1, to minimize any additional testing time and to ensure that the test is age and developmentally appropriate. This bill is sponsored by the Superintendent of Public Instruction and would bring California into alignment with federal requirements. **This measure is awaiting a hearing in the Senate Education Committee.**

**AB 2117 (Goldberg)**

This bill would include, within the listed assessment criteria, assessment of academic proficiency using a primary language assessment instrument under the Standardized Testing and Reporting (STAR) Program, if that assessment instrument is available.

**This bill is the vehicle for a legislation currently being discussed by the Assembly Education Committee workgroup on English Language Learners. This measure is scheduled to be heard in the Assembly Education Committee on April 19, 2006.**

**AB 2937 (Pavley)**

This bill would require the high school exit examination to be offered to any pupil in grade 10, 11, or 12 in June, July, and August of 2006, with not less than one of those dates on a Saturday. This bill would also require that the results of a high school exit examination be provided to pupils who are in grade 12 during calendar year 2006 or 2007, within 14 business days of the examination. **This bill is scheduled to be heard in the Assembly Education Committee on April 19, 2006.**

**6. Insure that the California Commission on Teacher Credentialing (CTC) and all teacher training institutes use State Board adopted standards as the basis for determining the subject matter competency of teacher candidates.**

**SB 428 (Scott)**

This bill would repeal the CBEST and would charge the California Commission on Teacher Credentialing with establishing standards and procedures for the issuance and

renewal of teaching credentials in California. **This measure, which is a two-year bill, is awaiting a hearing in the Assembly Appropriations Committee.**

**SB 1209 (Scott)**

This bill would, require the amount of funding a school district receives be adjusted based on changes in the number of participating credential candidates, with the amount per candidate adjusted annually for inflation. This bill contains other related provisions related to teacher credentialing and preparation. **This bill is scheduled to be heard in the Senate Education Committee on April 19, 2006.**

**7. Strengthen coordination between K-12 and higher education.**

**None at this time.**

**Other Bills of Interest to the State Board**

**AB 172 (Chan) Universal Preschool**

States the intent of the Legislature to establish and provide a voluntary preschool-for-all system. In addition, AB 172 would require the Superintendent of Public Instruction to prepare a report and submit it to the Legislature before January 1, 2007, regarding the types of preschool programs that receive funding, including data relating to the geographic and income distribution of participants in these programs. In addition, the Superintendent shall convene a committee to develop a plan to coordinate the capacity and efficiency of the state system of postsecondary education for the purpose of preparing and training high quality staff in preschool programs. This bill would become operative only if funding is provided for purposes of the bill in a statewide initiative that authorizes universal preschool and is approved by the voters at a statewide election.

**This measure is awaiting a hearing in the Senate Education Committee.**

**SB 1837 (Daucher)**

This bill would require CDE, by January 1, 2007, to recommend for adoption by the State Board an additional revision to the School Accountability Report Card (SARC) standardized template, and adds specified data reporting fields to the SARC template. This is an urgency measure sponsored by the Governor. **This bill is scheduled to be heard in the Senate Education Committee on April 26, 2006.**

State of California

Department of Education

## LAST MINUTE MEMORANDUM

**DATE:** May 5, 2006

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** Andrea Ball, Director  
Government Affairs

**RE:** Item No. 26

**SUBJECT:** Legislative Update: Including, but not limited to, Information on Legislation from the 2005-06 Legislative Session.

The legislative measures presented include bills that fall under the seven principles adopted by the SBE at the September 2004 Board meeting, as well as legislation that may be of interest to the SBE.

May 12, 2006, is the last day for policy committees to hear and report to the floor non-fiscal bills. May 19, 2006, is the last day for policy committees to meet prior to June 5, 2006. May 26, 2006, is the last day for fiscal committees to hear and report to the floor bills introduced in their house. May 30<sup>th</sup> – June 2<sup>nd</sup> the Legislature will hold floor session only. No committee may meet for any purpose. June 2, 2006, is the last day for each house to pass bills introduced in that house. Committee hearings may resume on June 5, 2006. The budget bill must be passed by midnight on June 15, 2006. June 29, 2006, is the last day for a legislative measure to qualify for the November 7, 2006, general election.

The May Revision of the Governor's proposed budget is expected to be announced on Friday, May 12, 2006.

Attachment 1: Legislative Update (7 pages)

## Legislative Update

~~Please include, in each bill's summary, whether the bill will help California comply with federal requirements (as shown below).~~

Bills Related to State Board (SBE) of Education Principles

**1. Safeguard the State Board of Education adopted academic content standards as the foundation of California's K-12 educational system; the same standards for all children.**

### **AB 1246 (Wolk)**

This bill would authorize the Superintendent of Public Instruction to develop preschool learning standards and develop curriculum guides in preliteracy, prenumeracy, history/social science and science. This bill is sponsored by the Superintendent of Public Instruction. **This measure has become a two-year bill.**

### **AB 2115 (Goldberg)**

This bill contains the recommendations of the Assembly Education Committee workgroup on Standards, Accountability and Instruction for which there was bi-partisan agreement. These include:

The establishment of a Career Technical Education Coordinating Council to identify state and federal career education programs in kindergarten and grades 1-12 schools and to recommend to the Governor and the Legislature ways to coordinate programs and funding streams in order to enhance the effectiveness and economy of those programs. It requires the council to identify barriers to the articulation of K-12 programs with the programs of various state institutions of higher education, and to link K-12 programs with community college certificate and degree programs. It requires the council to make recommendations regarding the credential requirements and instruction for various CTE programs.

The creation of Electronic Materials Site Licenses, which requires a publisher or manufacturer of electronic materials to provide a site license to the purchasing school or district to reproduce up to 10% of the materials to replace lost or damaged materials.

**AB 2115 passed the Assembly Education Committee 10-0 on April 19, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**2. Insure that curriculum is rigorous, standards-aligned, and research-based utilizing State Board adopted materials or standards-aligned textbooks in grades 9 to 12, to prepare children for college or the workforce.**

**AB 607 (Goldberg)**

This bill would limit the term of members of the Curriculum Development and Supplemental Materials Commission. This bill would prohibit a person appointed to serve as part of an advisory group to the commission from participating in that advisory group for more than one subject matter adoption. **This bill is awaiting a hearing in the Senate Education Committee.**

**AB 2722 (Canciamilla)**

This bill would prohibit the State Board from adopting basic instructional materials in language arts or mathematics for the same grade level in successive years. The bill would require the State Board of Education to allow the continued use of certain instructional materials for at least 2 years following the 6th year after those instructional materials are adopted if specified conditions are met. **This bill passed the Assembly Education Committee 11-0 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**SB 696 (Escutia)**

This bill is the same as SB 657 from last year. SB 657 was vetoed by the Governor. This bill would require the SBE to annually solicit recommendations from school districts of instructional materials for adoption in any subject area in which the Board adopts instructional materials. This bill permits a school district that recommends instructional materials for adoption to use those instructional materials as if the materials were adopted by the SBE, unless the SBE, within 180 calendar days, makes written factual findings that the instructional materials lack specific criteria. In addition, the SBE must decide within one year of the receipt of a school district recommendation whether to adopt the recommended instructional materials. A failure of the State Board to act on the recommendation deems the instructional materials adopted for four years, or until the next regular adoption of materials in that category, whichever comes later.

**This measure passed the Senate Floor 23-10 on January 26, 2006, and is awaiting a hearing in the Assembly Education Committee.**

**SB 1653 (Alarcón)**

This bill, an urgency measure, would establish the K-12 Supplemental Instructional Materials Account within the State Treasury to be administered by the State Board of Education to annually allocate specified amounts per pupil to school districts for the purchase of supplemental instructional materials. This bill would also permit the Legislature to transfer other funds appropriated in compliance with Proposition 98 into the K-12 Supplemental Instructional Materials Account and would allow for the receipt of private donations. **On April 27, 2006, this bill was held in the Senate Education Committee on suspense without recommendation.**

**3. Insure the availability of State Board of Education adopted instructional materials for Kindergarten and grades 1 to 8 and locally adopted standards-aligned instructional materials in grades 9 to 12.**

**AB 1548 (Pavley)**

This bill establishes the Digital Classroom Grant Program of 2006, which directs the State Superintendent of Public Instruction (SPI) to divide funds appropriated for the purpose among the 11 technology project regions of the state and reserve funds for schools selected by the SPI in each region. The new Digital Classroom Grant Program is intended to provide a means for allocating \$25 million proposed in the 2006-07 Governor's Budget for education technology grants. This is an urgency measure sponsored by the Governor. **This bill is awaiting a hearing in the Senate Appropriations Committee.**

**4. Support professional development for teachers on the adopted instructional materials that are used in the classroom.**

**SB 362 (Torlakson)**

This bill would establish the Physical Education Professional Development Program, administered by the Superintendent of Public Instruction. Clarifies that a secondary school physical education class is one in which each student is required to actively participate. Deletes the authority for a student to be excused from physical education classes to attend driver's training, and closes a loophole that allows a student who is at least 16 years old and in 11<sup>th</sup> grade or repeating 10<sup>th</sup> grade to be permanently excused from physical education courses. **This measure passed the Senate floor 27-10 on January 30, 2006, and is awaiting a hearing in the Assembly Education Committee.**

**SB 472 (Alquist)**

This bill is similar to SB 414 (Alquist) from last year. The Governor vetoed SB 414 due to "drafting errors." This bill would extend the Mathematics and Reading Professional Development Program for teachers from July 1, 2006 to July 1, 2012. This bill is sponsored by the Superintendent of Public Instruction. **This bill passed the Assembly Education Committee 6-2 on May 3, 2006.**

**SB 1190 (Alquist)**

This bill would expand the Mathematics and Reading Professional Development Program by adding science to the existing teacher professional development program. This bill is sponsored by the Superintendent of Public Instruction. **This bill passed the Senate Education Committee 8-1 on April 27, 2006, and is scheduled to be heard in the Senate Appropriations Committee on May 8, 2006.**

**AB 2248 (Coto)**

This bill would extend Reading First grants for years five and six to local education agencies that have received continuous funding and can demonstrate significant progress. This bill is sponsored by the Superintendent of Public Instruction.

**This bill passed the Assembly Education Committee 11-0 on April 19, 2006. It was heard in the Assembly Appropriations Committee on May 3, 2006, and was placed on the suspense file.**

**5. Maintain the assessment and accountability system (including STAR, EAP, CAHSEE, and CELDT).****AB 1483 (Arambula)**

Requires the development and administration of an English language development assessment in early literacy skills for English learners in kindergarten and grade 1. The bill would require the State Department of Education, in the development of the test for pupils in kindergarten and grade 1, to minimize any additional testing time and to ensure that the test is age and developmentally appropriate. This bill is sponsored by the Superintendent of Public Instruction and would bring California into alignment with federal requirements. **This measure is awaiting a hearing in the Senate Education Committee.**

**AB 2117 (Goldberg)**

As amended, this bill establishes the English Language Learner Acquisition and Development Pilot Program and would require each school district in the state to provide each English language learner who has been attending public schools in the state for less than three years with extra support and assistance on all statewide academic assessments. **This bill is the vehicle for legislation discussed by the Assembly Education Committee workgroup on English Language Learners. This measure passed the Assembly Education Committee 10-0 on April 19, 2006, and is awaiting a vote on the Assembly floor.**

**AB 2418 (Wyland)**

Requires the Superintendent of Public Instruction with the approval of the State Board of Education to develop a section on United States history and government to be included on the CAHSEE. **This bill passed the Assembly Education Committee 7-1 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**AB 2937 (Pavley)**

This bill would require the high school exit examination to be offered to any pupil in grade 10, 11, or 12 in June, July, and August of 2006, with not less than one of those dates on a Saturday. This bill would also require that the results of a high school exit examination be provided to pupils who are in grade 12 during calendar year 2006 or 2007, within 14 business days of the examination. **This bill passed the Assembly Education Committee 9-2 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**AB 2975 (Hancock)**

This bill makes Legislative declarations that action is needed to align the state and federal assessment and accountability programs including requiring the SBE to change the definition of "proficient" for purposes of adequate yearly progress (AYP) for the federal No Child Left Behind Act of 2001 (NCLB) to be set at the level needed to pass the California High School Exit Examination. This bill requires that, by March 31, 2007, the SBE shall report to the education and budget committees of the Legislature on its plan for implementing these changes. **This bill passed the Assembly Education Committee 8-2 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**SB 1221 (Alquist)**

This bill requires school districts to annually report both the results of the California High School Exit Exam for grades 10-12, and the percentage of pupils who drop out for grades 9-12, identified by ethnicity and English language learner status, to the California Department of Education and requires the department to make this information publicly available on its website. **This bill passed the Senate Education Committee 9-1 on April 27, 2006, and is scheduled to be heard in the Senate Appropriations Committee on May 8, 2006.**

**SB 1306 (Poochigian)**

This bill requires school districts to report the grade level of a pupil's performance to parents when reporting pupil scores on Standardized Testing and Reporting (STAR) Program tests. **This bill was scheduled to be heard on April 26, 2006, in the Senate Education Committee but was cancelled at the request of the author.**

**SB 1592 (Romero)**

As amended, this bill would require that the Superintendent of Public Instruction make available the results of the California High School Exit Exam and student demographic information as soon as test scores and information are available. **This bill passed the Senate Education Committee 10-0 on April 27, 2006, and is awaiting a hearing in the Senate Appropriations Committee.**

**6. Insure that the California Commission on Teacher Credentialing (CTC) and all teacher training institutes use State Board adopted standards as the basis for determining the subject matter competency of teacher candidates.**

**SB 428 (Scott)**

This bill would repeal the CBEST and would charge the California Commission on Teacher Credentialing with establishing standards and procedures for the issuance and renewal of teaching credentials in California. **This measure, which is a two-year bill, is awaiting a hearing in the Assembly Appropriations Committee.**

**SB 1209 (Scott)**

This bill, as amended, eliminates duplicate preliminary credential requirements for new teachers who have completed state-adopted credentialing requirements in another state, consolidates testing requirements for teacher credential candidates, provides incentives to strengthen the preparation of teacher interns and induce experienced teachers to teach and mentor new teachers in high priority schools, among other revisions of teacher credentialing law. **This bill passed the Senate Education Committee 10-0 on April 27, 2006, and is awaiting a hearing in the Senate Appropriations Committee.**

**7. Strengthen coordination between K-12 and higher education.****SB 1563 (Escutia)**

This bill establishes the Community College Early Assessment Pilot program, under which up to 25 community colleges (CCCs) would be authorized to participate to provide students at their feeder high schools with an indicator of their readiness for college-level English and math. **This bill passed the Senate Education Committee 8-2 on April 27, 2006, and is awaiting a hearing in the Senate Appropriations Committee.**

**Other Bills of Interest to the State Board****AB 172 (Chan)**

States the intent of the Legislature to establish and provide a voluntary preschool-for-all system. In addition, AB 172 would require the Superintendent of Public Instruction to prepare a report and submit it to the Legislature before January 1, 2007, regarding the types of preschool programs that receive funding, including data relating to the geographic and income distribution of participants in these programs. In addition, the Superintendent shall convene a committee to develop a plan to coordinate the capacity and efficiency of the state system of postsecondary education for the purpose of preparing and training high quality staff in preschool programs. This bill would become operative only if funding is provided for purposes of the bill in a statewide initiative that authorizes universal preschool and is approved by the voters at a statewide election.

**This measure is awaiting a hearing in the Senate Education Committee.**

**AB 1988 (Coto)**

This bill implements several recommendations of the Assembly Education Committee's English learner working group. This bill requires the Commission on Teacher Credentialing (CTC) to develop a ten hour English language learner (EL) professional development module to be incorporated into the Beginning Teacher Support and Assessment (BTSA) Program. This bill also requires the Department of Education (CDE) in consultation with CTC to require each school district to report to CDE teacher proficiency in EL teaching knowledge and skills. This bill makes several changes and revisions surrounding the California English Language Development Test, EL Proficiency, data collection on EL students and the Advancement Via Individual

Determination (AVID) Program. **This bill passed the Assembly Education Committee 8-3 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee**

**AB 2254 (Umberg)**

This bill, sponsored by the Superintendent of Public Instruction, consolidates language and clarifies program requirements and timelines for interventions and sanctions for schools in the High Priority Schools Grant Program (HPSGP) and establishes funding for a pilot HPSGP for Alternative Schools. **This bill passed the Assembly Education Committee 11-0 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**AB 2594 (Nunez and Chu)**

This bill, sponsored by the Superintendent of Public Instruction, seeks to create more coherence between the state and federal accountability systems in dealing with school interventions through improved coordination of their accountability features for all schools. **This bill passed the Assembly Education Committee 8-0 on April 26, 2006, and is awaiting a hearing in the Assembly Appropriations Committee.**

**SB 1284 (Scott)**

This bill updates and makes technical correcting amendments to statutes that establish the Academic Performance Index (API) by:

- Striking mention of the applied academic skills matrix test from the list of test results that provide the basis for calculation of the API.
- Repealing the requirement for the API advisory committee to recommend specified matters by July 1, 2005 and recasts the authorization for the committee with technical corrections.

**This bill passed the Senate Education Committee 8-0 on April 26, 2006, and is scheduled to be heard in the Senate Appropriations Committee on May 8, 2006.**

**SB 1837 (Daucher)**

This bill would require CDE, by January 1, 2007, to recommend for adoption by the State Board an additional revision to the School Accountability Report Card (SARC) standardized template, and adds specified data reporting fields to the SARC template. This is an urgency measure sponsored by the Governor. **This bill failed passage in the Senate Education Committee 3-7 on April 26, 2006.**

**SB 1510 (Alquist)**

This bill, sponsored by the Superintendent of Public Instruction, removes seven reporting requirements from the School Accountability Report Card (SARC) that are duplicative or outdated in an effort to make the SARC a more readable and useful tool for parents. **This bill is scheduled to be heard in the Senate Education Committee on May 10, 2006.**



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Immediate Intervention/Underperforming Schools Program: School Assistance and Intervention Team: Request to Approve Amended Expenditure Plans to Reduce Costs	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve two revised expenditure plans, one for Washington Elementary School in West Contra Costa Unified School District (Attachment 1) and one for Luther Burbank Middle School in San Francisco Unified School District (Attachment 2).

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

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Washington Elementary School and 48 other schools were deemed state-monitored at the September 8, 2005, SBE meeting and the SBE approved an expenditure plan for all 49 schools to support School Assistance and Intervention Team (SAIT) activities and SAIT Corrective Actions. The recommendation to rescind the state-monitored status of Washington Elementary School was approved at the March 9, 2006, SBE meeting along with a commitment to bring a revised expenditure plan to the May 2006 meeting of the SBE.

Luther Burbank Middle School and four other schools were deemed state-monitored at the January 12, 2006, SBE meeting and the SBE approved an expenditure plan to support SAIT activities and SAIT Corrective Actions at these five schools. Since that time, CDE has been notified that Luther Burbank is closing.

### SUMMARY OF KEY ISSUES

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The CDE recommends that the SBE approve a new September 2005 expenditure plan which reduces the total funds to be expended by \$31,800, originally scheduled for Washington Elementary School. The September 2005 expenditure plan will total \$9,038,750.

The grant award for Washington Elementary School was initially \$136,800. West Contra Costa Unified School District has submitted expenditure reports indicating expenditures of \$50,000 for the SAIT contract and \$55,000 for implementation of the SAIT Corrective Actions to date, totaling \$105,000 expended and \$31,800 to be returned to the state.

## **SUMMARY OF KEY ISSUES (Cont.)**

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The January 2006 expenditure plan in the amount of \$122,100 is requested to be reduced by the same amount. It was scheduled to be awarded to Luther Burbank Middle School in San Francisco Unified. The school is closing on June 15, 2006; no SAIT contract has been negotiated nor has SAIT Corrective Action work been initiated. CDE staff has been informed that Luther Burbank Middle School students will be disbursed to other middle schools in the district.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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Table 1 is the original 2005-06 expenditure plan for the Immediate Intervention/Underperforming Schools Program (II/USP) state-monitored schools that were approved at the September 2005 meeting, which included funding for Washington Elementary School.

Table 2 is the revised September 2005 expenditure plan for II/USP schools. It removes \$25,000 for the SAIT work and \$6,800 for SAIT Corrective Actions work, totaling \$31,800.

Table 3 is the original 2005-06 expenditure plan for the II/USP that was approved at the January 2006 meeting, which included funding for Luther Burbank Middle School.

Table 4 is the revised January 2006 expenditure plan for the II/USP school, removing \$75,000 for the SAIT work and \$47,100 for SAIT Corrective Actions work, totaling \$122,100.

## **ATTACHMENT(S)**

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Attachment 1: Table 1: Original 2005-06 Expenditure Plan for Immediate Intervention/Underperforming Schools Program State-Monitored Schools as approved in September 2005

Table 2: Revised September 2005-06 Expenditure Plan for Immediate Intervention/Underperforming Schools Program State-Monitored Schools (1 Page)

Attachment 2: Table 3: Original 2005-06 Expenditure Plan for Immediate Intervention/Underperforming Schools Program State-Monitored School as approved in January 2006

Table 4: Revised January 2006 Expenditure Plan for Immediate Intervention/Underperforming Schools Program State-Monitored School (1 Page)

**Table 1**

**Original 2005-06 Expenditure Plan for  
Immediate Intervention/Underperforming Schools Program  
State-Monitored Schools as Approved in September 2005**

<b>Funding</b>	<b>Identified Schools</b>	<b>School Assistance and Intervention Team (SAIT) Work</b>	<b>Corrective Actions as a Result of SAIT Work</b>
<b>Federal Funds</b>	Cohorts 1, 2, & 3 Elementary      40	\$75,000 x 40 = \$3,000,000	27,703 students x \$150 = \$ 4,155,450
	Middle              3	\$75,000 x 3 = \$ 225,000	2,550 students x \$150 = \$ 382,500
	High                 2	\$100,000 x 2 = \$ 200,000	7,384 students x \$150 = \$ 1,107,600
	<b>Total</b> 45	<b>Total</b> <b>\$3,425,000</b>	<b>Total</b> <b>\$5,645,550</b>
		<b>Total SAIT and SAIT Corrective Actions Funds:</b>	<b>\$9,070,550</b>

**Table 2**

**Revised September 2005-06 Expenditure Plan for  
Immediate Intervention/Underperforming Schools Program  
State-Monitored Schools**

<b>Funding</b>	<b>Identified Schools</b>	<b>School Assistance and Intervention Team (SAIT) Work</b>	<b>Corrective Actions as a Result of SAIT Work</b>
<b>Federal Funds</b>	Cohorts 1, 2, & 3 Elementary      40	\$75,000 x 40 = \$3,000,000	27,703 students x \$150 = \$ 4,155,450
	Middle              3	\$75,000 x 3 = \$ 225,000	2,550 students x \$150 = \$ 382,500
	High                 2	\$100,000 x 2 = \$ 200,000	7,384 students x \$150 = \$1,107,600
	Subtotal            45	<b>Subtotal</b> <b>\$3,425,000</b>	<b>Subtotal</b> <b>\$5,645,550</b>
	<u>-1</u> Total                44	* <u>- 25,000</u> <b>Total</b> <b>\$3,400,000</b>	** <u>- 6,800</u> <b>Total</b> <b>\$5,638,750</b>
		<b>Total SAIT and SAIT Corrective Actions Funds:</b>	<b>\$9,038,750</b>

**NOTE:**

\*Washington Elementary has an unexpended balance of \$25,000 for the SAIT.  
(Grant amount of \$75,000 – expenditures of \$50,000 = \$25,000)

\*\*Washington Elementary has an unexpended balance of \$6,800 for the SAIT Corrective Actions.  
(Grant amount of \$61,800 – expenditures of \$55,000 = \$6,800)

**Table 3**

**Original 2005-06 Expenditure Plan for  
Immediate Intervention/Underperforming Schools Program  
State-Monitored School as Approved in January 2006**

<b>Funding</b>	<b>Newly Identified School</b>	<b>School Assistance and Intervention Team (SAIT) Work</b>	<b>Corrective Actions as a Result of SAIT Work</b>
<b>Federal Funds</b>	<b>Cohort 2</b> Middle                      1	\$75,000 x 1 = \$75,000	314 students x \$150 = \$47,100
		<b>Total SAIT and Corrective Actions Funds:</b>	<b>\$122,100</b>

**Table 4**

**Revised January 2006 Expenditure Plan for  
Immediate Intervention/Underperforming Schools Program  
State-Monitored School**

<b>Funding</b>	<b>Identified School</b>	<b>School Assistance and Intervention Team (SAIT) Work</b>	<b>Corrective Actions as a Result of SAIT Work</b>
<b>Federal Funds</b>	<b>Cohort 2</b> Middle                      1 -1 0	\$75,000 x 1 = \$75,000 - 75,000 \$        0	314 students x \$150 = \$47,100 - 47,100 \$        0
		<b>Total SAIT and SAIT Corrective Actions Funds:</b>	<b>\$            0</b>



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
High Priority Schools Grant Program (HPSGP): Amend Definition of Significant Growth and Criteria to Determine Academic Growth for HPSGP Schools Without a Valid Academic Performance Index: Approve Regulations to Commence with Rulemaking Process	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to *California Code of Regulations (CCR)*, Title 5, sections 1030.7 and 1030.8, the Initial Statement of Reasons, and Notice of Proposed Rulemaking Amendment to *CCR*, Title 5, regarding High Priority Schools Grant Program (HPSGP), and direct staff to commence with the rulemaking process.

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

The Academic Performance Index (API) is the key measure of a school's progress, and generally, a school's performance on the API is the best measure to determine whether the school has made progress. However, for a variety of reasons, a school may be missing an API in one or more years of program participation which means that an alternative measure of school academic performance is needed to determine its progress.

Because of this need for an alternative measure, in May 2005, the SBE approved regulations specific to the HPSGP to clarify the definition of significant growth and establish criteria to demonstrate significant growth for schools without valid APIs. These regulations defined the alternative measure as an increase of 2 percentage points in the percent of students tested at or above proficient on the California Standards Tests (CSTs) for English/language arts and mathematics over three years.

Questions have been raised about how these regulations affect schools that may be missing an API score in one or more years that they are participating in the HPSGP.

There are two ways under the existing regulations that a school can make significant growth. First, for a school with an API in all years, meeting significant growth is defined as a cumulative three-year increase of ten API points **and** "positive API growth" in two

## **SUMMARY OF KEY ISSUES**

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of the last three years. Second, for schools without a valid API in all years, significant growth is defined using CSTs. In this case, a school must show a 2 percent increase in percent proficient on the CSTs over a three-year period. Importantly, the application of this second method excludes **all** APIs generated by the school during program participation. As a result, any improvement in academic performance shown through changes in the school's API is disregarded.

One of the unintended consequences of the existing regulations is that a school that could use its available API might meet the significant growth requirement while at the same time failing the alternative growth definition, and vice versa. Because of this problem, the California Department of Education (CDE) proposes to give schools the opportunity to more fairly recognize improved performance of schools that are missing APIs. This requires the SBE to have a way to determine "positive API growth" for schools missing an API in any year of the program.

The CDE proposes to add a new step to the process, *California Code of Regulations (CCR)*, Title 5, Section 1030.7(b), that defines how "positive API growth" can be used when a school is missing an API. In this step "positive API growth" helps determine "significant growth." This new step states that for a school missing an API, it must show at least **1 percent** increase in student proficiency on the CSTs for English/language arts and mathematics for that year. This one-year alternative step is equally as stringent as *CCR*, Title 5, Section 1030.7(a).

This proposed regulation, *CCR*, Title 5, Section 1030.7(b), establishes that the API is still the preferred measure of growth and should be used first before considering a measure that does not include the API. It also establishes that when the preferred measure cannot apply, an alternative method is available.

### **Effect of Proposed Amendments**

If a school cannot show significant growth using *CCR*, Title 5, Section 1030.7, it can show academic growth equivalent to significant growth using *CCR*, Title 5, Section 1030.8. A school's API will be included whenever possible in determining "significant growth."

### **Examples**

(1) Mountain High School was missing its API in 2003. It grew 15 API points in 2004 and 14 API points in 2005. Under the current regulation, when even one API is missing, all API results are thrown out. Instead of using the APIs, the CDE must use CSTs to determine whether a school has increased the percent of students testing at or above proficient by 2 percentage points for English/language arts and mathematics over three years.

Under the proposed *CCR*, Title 5, Section 1030.7(b), Mountain High's two years of valid APIs would be used. In this case, the school would meet the definition of significant

## **SUMMARY OF KEY ISSUES (Cont.)**

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growth because it grew 10 percentage points over the three years and had two years of positive API growth.

(2) Valley Elementary School grew 15 API points in 2003, was missing an API in 2004 and in 2005. Even though the school met the ten-point API growth point requirement over the three years, under current regulations there is no way to determine if it made positive growth in two of the three years because of its missing APIs. The proposed *CCR*, Title 5, Section 1030.7(b) will allow the CDE to determine whether Valley Elementary made positive growth in either of the years in which it is missing APIs. If the school is found to have increased its average percentage of students proficient across all CSTs in English/language arts and mathematics by at least 1 percentage point in either 2004 or 2005, it will be credited for having achieved positive growth in that year and thereby will meet the requirement for a second year of positive growth over the three-year period.

(3) Bursten Senior High had no API in 2003, no API in 2004, and 28 API points of growth in 2005. In this case, *CCR*, Title 5, Section 1030.7 (combined growth is equal to or greater than ten API points over the last three years and positive API growth in two of the last three years) cannot be applied because Bursten cannot show two years of positive growth. The school met the ten-point API growth point requirement; however without API points, there is no way to determine if it made positive growth in two of three years. The proposed *CCR*, Title 5, Section 1030.7(b) is necessary to allow the school to demonstrate positive API growth for the years that no API was produced.

First, the CST computation is applied to the 2003 year. In this example, the school did not demonstrate “positive API growth” in 2003, so the CST computation is then applied to the 2004 year. In this case, Bursten Senior High did not demonstrate “positive API growth” in either year. Even though Bursten did not meet the 1 percent requirement in either year, they did demonstrate 2 percent CST growth over the three-year period. Thus, they met the standard established in *CCR*, Title 5, Section 1050.8.

### **An Incidental Effect of Limiting the Use of APIs under *CCR*, Title 5, Section 1030.8: Preventing Schools from Exiting the Program**

The incidental effect of applying only *CCR*, Title 5, Section 1030.8 when a school does not have at least one year of an API is evident when a school also achieves all its growth targets in the years it has an API. Since the current definition eliminates use of any APIs, a school that met its growth targets in two years could never exit the program. However, when the API is included, as in the proposed regulations, a school that met all its growth targets when it had valid APIs could successfully exit the program if it made 1 percent CST growth in the other year.

These examples illustrate the effect of the proposed regulations, *CCR*, Title 5, sections 1030.7 and 1030.8. These changes prioritize the use of APIs where they exist.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The fiscal analysis will be provided in a last minute memorandum.

## **ATTACHMENT(S)**

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Attachment 1: Initial Statement of Reasons (3 Pages)

Attachment 2: Title 5. Education, Division 1. California Department of Education, Chapter 2. Pupils, Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures, Article 1.6. Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Definition of Significant Growth and Criteria to Determine Academic Growth for II/USP and HPSGP Schools Without Valid API's (2 Pages)

Attachment 3: Notice of Proposed Rulemaking Amendment to Title 5, California Code of Regulations Regarding High Priority Schools Grant Program (4 Pages)

A last minute memorandum will provide Fiscal Analysis of the Proposed Amendments

## INITIAL STATEMENT OF REASONS High Priority Schools Grant Program (HPSGP)

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- SECTION 1030.7 Definition of Significant Growth for HPSGP Schools with Valid APIs;
- SECTION 1030.8 Criteria to Method of Demonstrating Significant Positive API Growth for HPSGP Schools without Valid APIs
- Section 1030.8 Criteria to Demonstrate Academic Growth Equivalent to Significant Growth for HPSGP Schools without Valid APIs

### SPECIFIC PURPOSE OF THE PROPOSED REGULATIONS

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The proposed regulations provide schools with an alternative means of demonstrating positive growth in the absence of a valid Academic Performance Index (APIs) for the purpose of satisfying the significant growth requirement in California Education Code ~~ss~~Section 52055.650.

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~~The For schools without a valid API score for any given year of participation, the proposed regulations outline the process to determine whether a school has made positive API growth equivalent to significant growth. CDE California Department of Education (CDE) HPSGP proposes to amend 5 California Code of Regulations (Cal. Code Regs. CR), Title 5, Ssections 1030.7 and 1030.8 of the California Code of Regulations (CCR) regulation to do the following: 1) provide clarification regarding the clarify the requirements to determine use of valid API's in the determination of significant growth for schools with valid APIs, 2) identify an alternative method of outline the process to determining "positive API growth" for any schools without a valid API in one any or two-year of participation in the program, and unable to demonstrate positive growth in two of the last three years, and 3) clarify that schools without a valid API in at least one year that cannot show "significant growth" by either of the methods defined by CCR Cal. Code Regs., Title 5, sSection 1030.7, may still show the necessary academic growth by the method described in CCR Cal. Code Regs., Title 5, sSection 1030.8, define the criteria to demonstrate academic growth equivalent to significant growth for those schools without a valid API at least.~~

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### NECESSITY/RATIONALE

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Under California Education Code (EC) Ssections 52055.600-660, a low performing school that participates in the High Priority Schools Grant Program (HPSGP), must

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show that it met academic performance improvement targets or achieved “significant growth,” in order to meet program requirements and avoid state sanctions (Education Code EC sec. sSection 52055.650). Generally, a school’s performance on the API is the measure used to determine whether the school has achieved “significant growth.” The current language of 5 CCR Cal. Code Regs., tTitle 5, ssSection 1030.7 states that “significant growth” consists of both a cumulative three-year increase of ten API points and “positive API growth” in two of the last three years. However, since a school may not generate a valid API in one or more years of program participation for a variety of reasons, a school might be able to show cumulative three-year growth of ten API points, but would not be able to show “positive API growth” through a valid API score in the other year(s). Thus, a school can meet the significant growth requirement while at the same time failing the alternative growth definition, and vice versa. However, the purpose in amending the regulation is to provide schools with the opportunity to demonstrate significant growth when circumstances prevent them from fairly applying either CCR Cal. Code Regs., tTitle 5, sSection 1030.7 or CCR Cal. Code Regs., Ttitle 5, sSection 1030.8.

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CDE therefore proposes to add a new subsection CCR Cal. Code Regs., tTitle 5, sSection 1030.7(b), which defines a measure of “positive API growth” to be utilized in years in which they do not generate positive valid APIs. This defined measure of “positive API growth” is then used as one part of the determination of “significant growth.” This definition requires that schools show an increase in student proficiency on the California Standards Tests (CST) for English/language arts and mathematics from prior to current year of at least one percent. CDE believes this alternative standard holds such a school to a comparable degree of stringency to those with valid APIs as specified in CCR Cal. Code Regs., tTitle 5, sSection 1030.7(a).

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For example, School A has an API increase of 12 points in 2002, no valid API in 2003, and a decrease of 2 API points in 2004. School A can meet the cumulative increase requirement of 10 ten API points over three years, but cannot show “positive API growth” in either of the other two

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years through API results. In such case, School A could show a one percent increase in percent proficient on the CST in 2003 to meet the requirement of “positive API growth” for the purposes of CCR Cal. Code Regs., T title 5, sSection 1030.7(a).

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The current language of 5 CCR Cal. Code Regs., title 5, sSection 1030.8 allows an alternative measure of “significant growth” for schools without valid APIs in one or more years. However, CCR Cal. Code Regs., Ttitle 5, sSection 1030.8 relies entirely on a two percent increase in percent proficient on the CST over a three-year period and does not consider any valid APIs the school had during that time. The proposed

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amendment to CCR Cal. Code Regs., Title 5, Section 1030.8 clarifies that this alternative measure is still available to schools, but only after they have been unable to show "significant growth" by the measures stated in CCR Cal. Code Regs., Title 5, Section 1030.7. That is, the API is still the preferred measure of growth and should be utilized first before going to the measure in CCR Cal. Code Regs., Title 5, Section 1030.8.

For example, School B has a valid API showing an increase of 7 API points in 2002, but no valid API in 2003 or 2004. School B cannot show either a cumulative increase of 10 points over three years and does not show "positive API growth" in either 2003 or 2004. School B can still show "significant growth" by demonstrating a two percent increase in percent proficient on the CSTs over that three-year period. This alternative measure is reasonably comparable in stringency to the API-based measures and provides a more appropriate outcome for a school that is able to show academic improvement over several years.

Schools that participate in the High Priority Schools Grant Program (High Priority Schools Grant Program (HPSGP)) must show improved academic performance, identified as "significant growth" in order to meet program requirements and avoid state sanctions. Generally, a school's performance on the API is the measure used to determine whether the school has achieved "significant growth". However, for a variety of reasons, a school may not generate a valid API in one or more years of program participation, requiring the CDE to develop an alternative measure of academic performance to determine its status concerning program performance requirements.

In some cases, schools that demonstrate improvement on the API may not meet significant growth requirements of the HPSGP due to the existing processes used to measure their academic performance, because the current alternative process excludes the use of API scores across all years of participation. When a school does not generate a valid API in any year, the conventional process for determining significant growth (CCR Section 1030.7), which relies on APIs, does not apply. To address this need the CDE and State Board of Education (SBE) developed the existing alternative method method for, **reflected in section 1030.8** (CCR Section 1030.8) for determining significant growth for those schools that do not have valid APIs in one or more years of program participation. However, that alternative method excludes all APIs generated by the school during program participation. As a result, improved academic performance demonstrated through changes in the school's API scores is not utilized. A more appropriate measure would be to apply any valid APIs the school generates in HPSGP during program participation and where they do not have an API, determine if they achieved positive growth in that year. Achieving positive growth is one of two necessary conditions for a school to demonstrate significant growth under

CCR Section 1030.7. The proposed regulation provides a mechanism where schools without an API in one or two years can utilize their existing APIs to demonstrate significant growth. Further, it allows these same schools a secondary opportunity to

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**REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The ~~State Board~~SBE has not identified any alternatives to the proposed regulation that would achieve the specificity required to make program participation decisions based on API growth. The proposed regulation provides a standard as measured by the API and an alternative for those schools that do not have a valid API.

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**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The ~~State Board~~SBE has not identified any alternatives that would lessen any adverse impact on small business.

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**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The ~~State Board~~SBE does not anticipate any economic impact on any business as the regulation is applicable only to schools.

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**Title 5. EDUCATION**

2

**Division 1. California Department of Education**

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**Chapter 2. Pupils**

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**Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures**

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**Article 1.6. Immediate Intervention/Underperforming Schools Program (II/USP)**

7

**and High Priority Schools Grant Program (HPSGP): Definition of Significant**

8

**Growth and Criteria to Determine Academic Growth for II/USP and HPSGP**

9

**Schools Without Valid API's**

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**§ 1030.7. Definition of Significant Growth for HPSGP Schools.**

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(a) A school participating in the High Priority Schools Grant Program (HPSGP) of

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Education Code sections 52055.600 through 52055.662 achieves "significant growth"

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as that term is used in Education Code section 52055.650 when its combined growth is

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equal to or greater than ten Academic Performance Index (API) points on the API over

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the last three years it participates in the program and also achieves positive API growth

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in two of the last three years.

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(b) A school without a valid API score pursuant to Education Code section 52055(f)

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in any year of participation in the program demonstrates positive API growth for that

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year when the school's weighted average percent proficient increases by at least one

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percentage point from the prior year across all California Standards Tests in (a)

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English/language arts, and (b) mathematics. For purposes of this calculation, there

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shall be no rounding (e.g. 0.99 does not round up to 1.00).

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NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52052,

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52055.600, 52055.640, 52055.645, and 52055.650, Education Code.

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**§ 1030.8. Criteria to Demonstrate Academic Growth Equivalent to Significant**

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**Growth for HPSGP Schools Without Valid APIs.**

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A school without a valid API in at least one year that does not demonstrate

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significant growth as defined in section 1030.7. Schools participating in the HPSGP

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without a valid API score pursuant to Education Code section 52052(f) in at least one

1 ~~out of three years~~ demonstrates academic growth equivalent to significant growth for  
2 purposes of Education Code section 52055.650 when the school's weighted average  
3 percent proficient across all California Standards Tests in (a) English/language arts and  
4 (b) mathematics increased by at least two percentage points over the prior three year  
5 period. For purposes of this calculation, there shall be no rounding (e.g., 0.99 does not  
6 round up to 1.00).

7 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52052,  
8 52055.600, 52055.640, 52055.645, and 52055.650, Education Code.

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**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street, Room 5111  
Sacramento, CA 95814



**NOTICE OF PROPOSED RULEMAKING  
AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS  
REGARDING HIGH PRIORITY SCHOOLS GRANT PROGRAM**

[Notice published May 19, 2006]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the State Board, will hold a public hearing beginning at **9:00 a.m. on July 5, 2006**, at 1430 N Street, Room 4102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to [regulations@cde.ca.gov](mailto:regulations@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 5, 2006**.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this

Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Authority: Section 33031, Education Code.

Reference: Sections 52052, 52055.600, 52055.640, 52055.645, and 52055.650, Education Code.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The State Board of Education (SBE) proposes to adopt California Code of Regulations (Cal. Code Regs.), title 5, sections 1030.7 and 1030.8 in Article 1.6 Immediate Intervention/Underperforming School Program (II/USP) and High Priority Schools Grant Program (HPSGP): Definition of Significant Growth and Criteria to Determine Academic Growth for II/USP and HPSGP Schools Without Valid APIs. These sections concern the definition of, and criteria to demonstrate significant growth.

The purpose of the proposed regulations is to provide clarification regarding the use of valid APIs in the determination of significant growth, outline the process of determining positive API growth for schools without a valid API in one or two years, and define criteria to demonstrate academic growth equivalent to significant growth for those schools without a valid API.

Cal. Code Regs., title 5, sections 1030.7 and 1030.8 work together to provide a means for schools to demonstrate significant growth in the absence of one or more valid API scores. If a school cannot demonstrate significant growth under the application of Cal. Code Regs., title 5, section 1030.7, it can alternatively demonstrate significant growth under Cal. Code Regs., title 5, section 1030.8.

### **DISCLOSURES REGARDING THE PROPOSED REGULATION**

*The State Board has made the following initial determinations:*

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

### **CONSIDERATION OF ALTERNATIVES**

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

### **CONTACT PERSONS**

Inquiries concerning the content of this regulation may be directed to:

Martin Miller/Lisa McClung  
California Department of Education  
School Improvement Division  
1430 N Street, Room 4401  
Sacramento, CA 95814  
Telephone: (916) 324-3455  
E-mail: [mamiller@cde.ca.gov](mailto:mamiller@cde.ca.gov)

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

**TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Martin Miller, School Improvement Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 324-3455; fax, (916) 324-3580. It is recommended that assistance be requested at least two weeks prior to the hearing.

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 3, 2006

**TO:** **MEMBERS, STATE BOARD OF EDUCATION**

**FROM:** Sue Stickel, Deputy Superintendent  
Curriculum and Instruction Branch

**RE:** Item No. 28

**SUBJECT:** High Priority Schools Grant Program (HPSGP): Amend Definition of Significant Growth and Criteria to Determine Academic Growth for HPSGP Schools Without a Valid Academic Performance Index: Approve Regulations to Commence with Rulemaking Process

Attachment 4 is the Economic and Fiscal Impact Statement and a Summary of the Fiscal Impact Analysis. The summary concludes that there is no impact on these proposed regulations.

Attachment 4: Economic and Fiscal Impact Statement (10 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Braille Reading Standards, Assembly Bill 2326 (Chapter 653, Statutes of 2002) and Braille Mathematics Standards, Assembly Bill 897 (Chapter 530, Statutes of 2005): Adoption of Braille Reading and Mathematics Standards	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt Braille Mathematics and Reading Standards developed by the Task Force established under *Education Code (EC)* Section 56351.7 for students that use Braille as their primary literacy mode for learning.

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

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- September 2003: The SBE approved the Task Force membership as required by Assembly Bill (AB) 2326 (Chapter 653, Statutes of 2002).
- June 2004: The SBE received a copy of the report from the Task Force recommending Braille Reading Standards. SBE legal counsel advised the SBE that adoption authority was not included in AB 2326 and therefore the standards were not adopted at that time.
- October 2005: AB 897 (Chapter 530, Statutes of 2005) directed the SBE to adopt both Braille Mathematics and Reading Standards by June 1, 2006.
- February 2006: Copies of the report recommending Braille Mathematics Standards were given to the State Superintendent of Public Instruction (SSPI) and provided to the SBE.

### SUMMARY OF KEY ISSUES

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#### Legislative Authority

AB 2326 added *EC* Section 56351.7 which required the SSPI to form an advisory Task Force with prescribed membership to develop Braille Reading Standards. The Task Force was created to provide advice to the SBE and SSPI on establishing Reading Standards for students in kindergarten through grade twelve who use Braille.

## **SUMMARY OF KEY ISSUES (Cont.)**

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On October 5, 2005, Governor Schwarzenegger signed AB 897 requiring: (1) the SSPI to use the AB 2326 Task Force to develop Braille Mathematics Standards and report these to the SBE by March 1, 2006; and (2) the SBE to adopt both Braille Reading and Mathematics Standards by June 1, 2006, (*EC* sections 56351.8 and 56351.9).

### **Task Force Membership**

The Task Force represented the following groups: parents of visually impaired pupils, teachers of visually impaired pupils, researchers in the field of visual impairment, Braille experts, groups that advocate for teaching of and use of Braille, groups that advocate for the visually impaired, and special education administrators and educators knowledgeable about the teaching of reading. Rod Brawley, Manager, Clearinghouse for Specialized Media and Technology, California Department of Education also participated.

### **Purpose of Braille Standards**

Braille is essential for literacy skills among students who are blind just as print is for sighted students. Braille standards enable students who are blind or visually impaired to successfully compete with sighted students to acquire necessary skills for future education, employment, and independent living. Teaching mathematics and reading using Braille is more similar than different to teaching using print.

### **Alignment of Braille Standards**

Braille Mathematics and Reading Standards do not establish content standards. The Braille Standards support content standards-aligned instruction in each content area by emphasizing the unique and necessary differences in learning through the sense of touch. Braille standards were written in "tracking form" so that teachers, parents, and administrators can easily see the differences. Sections added to the print standards were underlined and bolded. Braille transcriptions of the Standardized Testing and Reporting tests and the California High School Exit Examination are already provided by the test contractor for eligible students who are blind or visually impaired, and for whom an accommodation is specified in the student's individualized education program.

## **FISCAL ANALYSIS**

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The current budget includes funding for the preparation of braille instructional materials and qualified staff to provide instruction to students.

## **ATTACHMENTS**

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Attachment 1: The Assembly Bill 2326 Braille Reading Standards Task Force Report (110 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education Office.)

Attachment 2: Braille Mathematics Standards Task Force Report (96 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education Office.)

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 5, 2006

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** Sue Stickel, Deputy Superintendent  
Curriculum and Instruction Branch

**RE:** Item No. 29

**SUBJECT:** Braille Reading Standards, Assembly Bill 2326 (Chapter 653, Statutes of 2002) and Braille Mathematics Standards, Assembly Bill 897 (Chapter 530, Statutes of 2005): Adoption of Braille Reading and Mathematics Standards

In October 2002, Assembly Bill (AB) 2326 (Chapter 653, Statutes of 2002) charged the State Board of Education (SBE) to appoint a task force to develop Braille Reading Standards and provide these to the State Legislature and Governor by June 2004. The SBE legal counsel advised the SBE that adoption authority was not included in AB 2326 and the standards were not adopted at that time.

In October 2005, AB 897 (Chapter 530, Statutes of 2005) directed the SBE to adopt both Braille Reading and Mathematics Standards by June 1, 2006. The SBE was provided a copy of the Braille Mathematics Standards report in March 2006.

In April, California Department of Education (CDE) and SBE staff met to discuss two issues regarding the Braille Reading and Mathematics reports. The CDE developed language to clarify these issues.

The first issue involved the need to insert language emphasizing that Braille Reading and Mathematics Standards do not establish content standards. Rather, they support content standards-aligned instruction by emphasizing unique and necessary learning differences for students who are blind or visually impaired. Language addressing this is located in the forward letter at the beginning of both the Braille Reading and Braille Mathematics standards reports. The forward letter will be signed by the State Superintendent of Public Instruction (SSPI) and the President of the SBE.

The second issue involved language regarding prerequisite skills for all children. Revised language was inserted into pages xi and xii of the Braille Reading Standards report and on page xii of the Braille Mathematics standards report. It stresses that students lacking prerequisite skills require instruction in these.

Attachment 1: Revised Forward Letter from the SSPI and the SBE President (1 Page)  
Attachment 2: Reading Instruction Prerequisites for All Children (1 Page)  
Attachment 3: Mathematics Instruction Prerequisites for All Children (1Page)

**CALIFORNIA DEPARTMENT OF EDUCATION**

**JACK O'CONNELL**, State Superintendent of Public Instruction  
(916) 319-0800

**CALIFORNIA STATE BOARD OF EDUCATION**

**GLEE JOHNSON**, President  
(916) 319-0827

February 28, 2006

**A Message from the State Superintendent of Public Instruction and the President of the State Board of Education**

California is making great strides to improve our educational system. As a result of our high-quality content standards and statewide accountability system, we have seen increased student achievement. We need to ensure that all students share in this progress, including those students who are blind or visually impaired.

In 2002, the California Legislature enacted Assembly Bill 2326, which called for the establishment of a task force to develop Braille Reading Standards. We convened this task force, and it issued its recommendations to the State Board of Education in 2004.

In 2005, the Legislature enacted Assembly Bill 897. That legislation called for the development of Braille Mathematics Standards and required the State Board to adopt both Braille Reading and Braille Mathematics Standards for pupils who are blind or visually impaired by June 2006.

The Braille Mathematics and Reading Standards do not establish content standards. Including instructional principles and prerequisites appropriate for students who learn through the sense of touch does not change nor conflict with what the Board previously adopted for all students. It merely provides additional technical information pertaining to Braille learners.

The Braille standards are carefully aligned with the English-language arts and mathematics content standards for students who use print. We are proud that California is the first state in the nation to address the unique needs of students who use Braille for learning their state adopted reading and mathematics content standards. Supporting content standards-aligned instruction in each content area for students who use Braille is evidence of our commitment to providing equal opportunity for all students.

We wish to express our appreciation to the task force members for their dedication and assistance in producing these Braille Standards. These standards will help our blind and visually impaired students to acquire the skills they need for future education, employment, and independent living and to become successful members of our society.

**JACK O'CONNELL**  
*State Superintendent of Public Instruction*

**GLEE JOHNSON**  
*President, State Board of Education*

## Reading Instruction Prerequisites for All Children

All children, including those with visual impairments, should demonstrate these specific skills to learn how to read. If students do not demonstrate these prerequisite skills, then they should be taught as appropriate to prepare them.

- Cognitive ability of five years of age or above
- Expressive vocabulary, oral, signed, or with the use of an augmentative communication device, of several thousand words
- Understand that abstract symbols represent words and experiences, and that meaning is attached to experiences
- Attention span is at least ten minutes
- Curiosity about books

### *Concept Development*

- Understanding that Braille is a way of reading by using the fingers
- Curiosity about Braille and Braille books
- Interest in and attentiveness to stories told or read aloud and to songs sung
- Ability to remain engaged in a task for ten minutes while seated at a table
- Ability to follow one-step (preferably, two-step or more) directions
- Knowledge of left and right on own body and on a page
- Understanding of “same” and “different” in a variety of contexts
- Interest in initiating activities

### *Tactile Skills*

- Willingness to touch a variety of materials, including a line of Braille on a page
- Ability to sort materials into two or more categories by touch
- Ability to match objects from a given set of concrete objects, based on one variable (e.g., shape, size, texture)
- Ability to sort based on one category and to state or demonstrate differences among items (e.g., shape, size, and texture)
- Ability to identify like shapes in various positions (e.g., recognizes two triangles as the same even though one has the apex pointing up and the other has the apex pointing down)

## **Mathematics Instruction Prerequisites for All Children**

All children, including those with visual impairments, should demonstrate the specific skills noted below to learn mathematics. If students do not demonstrate these prerequisite skills, then they should be taught as appropriate to prepare them.

- Cognitive ability is at five years of age or above
- An expressive vocabulary oral, signed, or with the use of an augmentative communication device, of several thousand words
- Understanding that abstract symbols, such as Braille numerals, represent numbers and can be used to record mathematical calculations
- Attention span of at least ten minutes
- Interest in counting objects, and comparing and contrasting things

### *Concept Development*

- Understanding that Braille is a way of reading by using the fingers and that Braille symbols stand for concepts
- Curiosity about exploring the world, observing the objects in it, and learning about their properties
- Interest in and attentiveness to comparing and contrasting individual objects and groups of objects, sorting and classifying objects, measuring, and telling time
- Ability to remain engaged in a task for ten minutes while seated at a table
- Ability to follow one-step (preferably, two-step or more) directions
- Knowledge of left and right on his or her own body and on a page
- An understanding of “same” and “different” in a variety of contexts
- Interest in initiating activities



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b>	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Information  <input type="checkbox"/> Public Hearing
State Board of Education-Approved Charter Schools: Update	

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) receive the regular update on SBE-approved charter schools and take action as deemed necessary and appropriate.

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

Since January 1999, the SBE has approved 12 charter school petitions that had been initially denied (or denied at renewal) at the local level. Of these, nine are currently operating under CDE oversight; one now operates under the authorization of a local educational agency; one is shifting to a local authorizer on July 1, 2006; and one was voluntarily surrendered.

Charter School Name	Approval Date	Opening Date	Renewal Date
Oakland Military Institute <sup>1</sup>	Dec 2000	Sep 2001	N/A
Ridgecrest Charter School (Kern County)	Dec 2000	Sep 2001	Mar 2009
Edison Charter Academy (San Francisco) <sup>2</sup>	Jul 2001	Aug 2001	Jul 2006
New West Charter Middle School (Los Angeles) <sup>3</sup>	Dec 2001	Sep 2003	Jul 2007
Animo Inglewood Charter High School	Dec 2001	Sep 2002	Jun 2010
School of Arts and Enterprise (Pomona)	Sep 2002	Sep 2003	Sep 2006
Knowledge is Power Program (San Lorenzo) <sup>4</sup>	Feb 2003	Aug 2003	N/A
Academy of Culture and Technology (Pomona)	Nov 2003	Sep 2005	Nov 2006
Leadership Public Schools-San Rafael <sup>5</sup>	Nov 2003	N/A	N/A
Livermore Valley Charter School	Nov 2004	Sep 2005	Jun 2008
Leadership Public Schools-Hayward	Mar 2005	Sep 2005	Mar 2008
High Tech High-Bayshore <sup>6</sup>	Jan 2006	Sep 2005	Jul 2011

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

- <sup>1</sup> Approved by the SBE, but renewed by the Oakland Unified School District.
- <sup>2</sup> Approved by the San Francisco Unified School District, but the SBE became the authorizer at the time of first renewal.
- <sup>3</sup> Initially scheduled to open in September 2002, but granted two one-year extensions.
- <sup>4</sup> Approved by SBE, but has been renewed by the San Lorenzo Unified School District which assumes oversight effective July 1, 2006.
- <sup>5</sup> Charter surrendered in June 2005.
- <sup>6</sup> Approved by San Mateo County Office of Education for one year only. The SBE has renewed the charter and assumes oversight effective July 1, 2006.

Since January 1994, the SBE has approved eight all-charter districts that include a total of 15 schools. All-charter districts became operative in the year approved.

District Name (County)	Approval Date	Renewal Date
Pioneer Union Elementary School District (Kings)	Jan 1994	May 2009
Kingsburg Union Elementary School District (Fresno)	May 1996	Jul 2011
Delta View Joint Union Elementary School District (Kings)	Jun 1999	May 2009
Hickman Community Charter District (Stanislaus)	Jul 1994	Jan 2010
Alvina Elementary Charter School District (Fresno)	Jul 2000	May 2010
Island Union Elementary School District (Kings)	Oct 2000	May 2010
Kings River-Hardwick School District (Kings)	May 2001	May 2009
Jacoby Creek Charter School District (Humboldt)	Jun 2002	Jan 2009

In January 2006, the SBE approved the first statewide benefit charter school which plans to begin operating two schools in 2007 and may include as many as ten schools by 2012.

Charter School Name	Approval Date	Opening Date	Renewal Date
High Tech High	Jan 2006	Sep 2007	Jul 2012

**SUMMARY OF KEY ISSUES**

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

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

As the charter authorizer, the SBE has monitoring responsibilities for its charter schools. The CDE Charter Schools Division staff monitors the charter schools on the SBE's

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**SUMMARY OF KEY ISSUES (Cont.)**

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

There are currently two staff in the Charter Schools Division assigned to oversee the nine currently operating SBE-approved charter schools, the eight all-charter districts, and the one statewide benefit charter. Assigned staff make periodic site visits to the SBE-authorized charter schools and all-charter districts.

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

With regard to all-charter districts (which are established by joint approval of the SBE and the State Superintendent of Public Instruction), county offices of education currently provide a significant amount of assistance and oversight under AB 1200 (Chapter 1213, Statutes of 1991). Unlike the two types of SBE-approved charters, there is no specific provision for contracting or designating by agreement the oversight responsibility for all-charter districts.

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**FISCAL ANALYSIS (AS APPROPRIATE)**

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

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**ATTACHMENT(S)**

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None



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

<b>SUBJECT</b>  Assignment of Numbers for Charter School Petitions	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Information  <input type="checkbox"/> Public Hearing
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### **RECOMMENDATION**

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The California Department of Education (CDE) 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**

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The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff presents this routine request for assignment of charter numbers as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 761 charter schools, including some approved by the SBE after denial by the local educational agencies, and eight all-charter districts. Of the 761 schools numbered, approximately 572 are operating in the 2005-06 school year.

### **SUMMARY OF KEY ISSUES**

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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 provisions of its charter, but is exempt from many statutes and regulations 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, 2005, the number of charter schools that may be authorized to operate in the state is 950. This cap may not be waived. This item proposes assignment of a number to 16 additional charter

### **SUMMARY OF KEY ISSUES (cont)**

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schools. These charter schools were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is essentially no fiscal impact directly resulting from the assignment of numbers to recently authorized charter schools. To the extent numbered schools serve students, they report average daily attendance and receive funding from certain federal, state, and local sources.

### **ATTACHMENT(S)**

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Attachment 1: Assignment of Numbers for Charter School Petitions (2 pages)

Additional requests for charter school numbers will be provided in a last minute memorandum.

**MAY 2006 STATE BOARD OF EDUCATION MEETING****Assignment of Numbers for Charter School Petitions**

<b>Number</b>	<b>Charter Name</b>	<b>Charter School County</b>	<b>Authorizing Entity</b>	<b>Charter School Contact</b>
762	Mojave River Academy	San Bernardino	Oro Grande School District	Joseph B. Andreasen 7626 SVL Box Victorville, CA 92392
763	Family Partnership Home Study Charter School	Santa Barbara	Blochman Union School District	Thomas Goodman P.O. Box 211 Los Olivos, CA 93441
764	Oakland Aviation High School	Alameda	Oakland Unified School District	Leah Casey c/o OCO 7200 Bancroft Ave., #2 Eastmont Mall Oakland, CA 94605
765	American Indian Public High School	Alameda	Oakland Unified School District	Dr. Ben Chavis 3637 Magee Ave. Oakland, CA 94619
766	Leadership Public Schools – Campbell	Santa Clara	Santa Clara County Office of Education	Mark Kushner 2601 Mission St., 9 <sup>th</sup> Floor San Francisco, CA 94110
767	Discovery Charter School	Santa Clara	Santa Clara County Office of Education	Barbara Eagle P.O. Box 1484 Campbell, CA 95009
768	Mother Lode Charter School	El Dorado	Mother Lode School District	Shanda Hahn 3783 Forni Rd. Placerville, CA 95667
769	Union Street Charter	Humboldt	Arcata School District	John Schmidt 470 Union St. Arcata, CA 95521
770	Sunny Day Early Primary School	Los Angeles	Westside Union School District	Laura Duran 40520 Palmas Ct. Palmdale, CA 93551
771	University Charter Middle School at CSU Channel Islands	Ventura	Pleasant Valley School District	Linda Ngarupe 550 Temple Ave. Camarillo, CA 93010
772	King/Chavez Preparatory Academy	San Diego	San Diego Unified School District	Elena Bolanos 415 31st St. San Diego, CA 92102

773	Albert Einstein Academy Charter Middle School	San Diego	San Diego Unified School District	David Sciarretta 3035 Ash St. San Diego, CA 92102
774	California Montessori Project – Shingle Springs Campus	El Dorado	Buckeye Union School District	Gary Bowman 4645 Buckeye Rd. Shingle Springs, CA 95682
775	California Montessori Project – Capitol Campus	Sacramento	Sacramento City Unified School District	Gary Bowman 2700 L St. Sacramento, CA 95616
776	California Montessori Project – San Juan	Sacramento	San Juan Unified School District	Gary Bowman 4718 Engle Rd. Carmichael, CA 95608
777	California Montessori Project – Elk Grove Campus	Sacramento	Elk Grove Unified School District	Gary Bowman 8828 Elk Grove Blvd. Elk Grove, CA 95624

Note: To date, the State Board of Education has issued 761 charter numbers. Currently there are 587 charter schools that are authorized to operate (and eight all charter districts). Approximately 572 charter schools are actually in operation in 2005-06. The difference (between the number of charter schools currently authorized and the number actually in operation) reflects mostly schools that will not open until 2006-07.

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** April 24, 2006

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** William J. Ellerbee, Jr., Deputy Superintendent  
School and District Operations Branch

**RE:** Item No. 31

**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. This list adds eighteen charter schools to those included in the original agenda item.

Please note that the Los Angeles Unified School District (LAUSD) has established an initiative titled, "Zone of Choice." As part of this initiative, two charter school developers, Alliance for College-Ready Public Schools and Green Dot Public Schools (Animo) have been approved to establish a total of 12 charter schools in the attendance areas of LAUSD's largest urban high schools that are currently in the restructuring phase of Program Improvement under *No Child Left Behind*. As a result, the same developers are identified as contacts for multiple school sites.

Attachment 1: Assignment of Numbers for Charter School Petitions (2 Pages)

**MAY 2006 STATE BOARD OF EDUCATION MEETING**

**Assignment of Numbers for Charter School Petitions**

<b>Number</b>	<b>Charter Name</b>	<b>Charter School County</b>	<b>Authorizing Entity</b>	<b>Charter School Contact</b>
778	Chrysalis Charter School	Shasta	Shasta County Office of Education	Paul Krafel 1155 Mistletoe Lane Redding, CA 96002 530-224-4129
779	College-Ready Charter Middle School #2	Los Angeles	Los Angeles Unified School District	Judy Burton 603 115th St. Los Angeles, CA 90061 213-943-4930
780	Education for Change Upper Elementary School	Alameda	Oakland Unified School District	Stephanie Wilson 303 Hegenberger Rd., Ste. 301 Oakland, CA 94606 510-568-7936
781	Animo Jefferson High School 1	Los Angeles	Los Angeles Unified School District	Marshall Tuck Jefferson High School Community Los Angeles, CA 90017 213-621-0276
782	El Dorado County Community Day School	El Dorado	El Dorado County Office of Education	Jeremy Meyers 6767 Green Valley Rd. Placerville, CA 95667 530-295-2257
783	Animo Jefferson High School 6	Los Angeles	Los Angeles Unified School District	Marshall Tuck Jefferson High School Community Los Angeles, CA 90017 213-621-0276
784	College Ready Academy High School #6	Los Angeles	Los Angeles Unified School District	Judy Burton 1729 Martin Luther King Blvd. Los Angeles, CA 90062 213-943-4930
785	Animo Jefferson High School 4	Los Angeles	Los Angeles Unified School District	Marshall Tuck Jefferson High School Community Los Angeles, CA 90017 213-621-0276

786	Animo Jefferson High School 5	Los Angeles	Los Angeles Unified School District	Marshall Tuck Jefferson High School Community Los Angeles, CA 90017 213-621-0276
787	Hume Lake Charter School	Fresno	Fresno County Office of Education	Mark Zasso 64144 Hume Lake Rd. Hume, CA 93628 559-335-2000x303
788	College Ready Math and Science School (MASS)	Los Angeles	Los Angeles Unified School District	Judy Burton CSU, Los Angeles Los Angeles, CA 90032 213-943-4930
789	College Ready Academy High School #5	Los Angeles	Los Angeles Unified School District	Judy Burton Jefferson High School Community Los Angeles, CA 90061 213-943-4930
790	College Ready Academy High School #4	Los Angeles	Los Angeles Unified School District	Judy Burton Jefferson High School Community Los Angeles, CA 90061 213-943-4930
791	New Village Charter High School	Los Angeles	Los Angeles Unified School District	Tony Walker 2808 Glassell St. Los Angeles, CA 90026 213-385-4067
792	Valley Arts & Science Academy	Fresno	Fresno Unified School District	Rosylin Bessard 2309 Tulare St. Fresno, CA 93721 559-457-3360
793	Animo Jefferson High School 2	Los Angeles	Los Angeles Unified School District	Marshall Tuck Jefferson High School Community Los Angeles, CA 90017 213-621-0276
794	Animo Jefferson High School 3	Los Angeles	Los Angeles Unified School District	Marshall Tuck Jefferson High School Community Los Angeles, CA 90017 213-621-0276
795	American Indian Academy	Humboldt	Northern Humboldt Union High School District	Kenny Richards 2755 McKinleyville Ave. McKinleyville, CA 95519 717-839-6481



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Charter Schools: Determination of Funding Requests for 2005-06 (and beyond) for Nonclassroom-based Charter Schools	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve 58 2005-06 (and beyond) determination of funding requests from charter schools pursuant to *Education Code (EC)* sections 47612.5 and 47634.2, and *California Code of Regulations*, Title 5, sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools (ACCS) as presented in Attachment 1.

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

Senate Bill (SB) 740 (Chapter 892, Statutes of 2001) enacted provisions in law that result in potential funding reductions for charter schools that offer nonclassroom-based instruction. Nonclassroom-based instruction occurs when a charter school does not require attendance of its pupils at the school site under the direct supervision and control of a qualified teaching employee of the school for at least 80 percent of the required instructional time. A charter school is prohibited from receiving any funding for nonclassroom-based instruction unless the SBE determines its eligibility for funding. For 2003-04 and each fiscal year thereafter, the law states that funding determinations must be 70 percent unless the SBE determines that a greater or lesser percentage is appropriate for a particular charter school.

SB 740 also established the ACCS to develop the criteria for the SBE to use in making funding determinations. Moreover, the ACCS provides recommendations to the SBE on appropriate funding determination levels for nonclassroom-based charter schools and on other aspects of the SBE's duties under the Charter Schools Act of 1992.

## **SUMMARY OF KEY ISSUES**

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The ACCS made recommendations on 58 funding determinations considered under the revised Title 5 regulations at its meetings on March 16, 2006, and April 18, 2006.

Please note that the revised Title 5 regulations (that became operative on December 6, 2005) specify the criteria that a nonclassroom-based charter school must meet in order for the SBE to approve a 100 percent determination of funding. These criteria state that at least 40 percent of the school's public revenues must be spent on certificated employee salaries and benefits, at least 80 percent of all revenues must be spent on instruction and instruction-related costs, and the student-to-teacher ratio does not exceed 25 to 1 or the student-to-teacher ratio of the largest unified school district in the county or counties in which the charter school operates. Affected schools must spend a minimum of 35 percent on certificated employee salaries and benefits and 60 percent on instruction and instruction-related costs or the funding determination is zero. Pursuant to the regulations, the SBE may approve a higher or lower funding level than the criteria would prescribe based upon mitigating circumstances of the school that indicate that a higher or lower funding level is appropriate.

Pursuant to the SB 740 regulations, all funding determination requests are required to be submitted to the CDE by February 1.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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A determination of funding request approved at less than the 100 percent level may result in reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. In 2002-03, funding determination requests approved by the SBE at less than 100 percent resulted in over \$30 million in reduced apportionment claims. The reductions in 2003-04 and 2004-05 were approximately \$25 million each year in reduced apportionment claims.

## **ATTACHMENT(S)**

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Attachment 1: 2005-06 (and beyond) Funding Determination Requests (6 Pages)

**2005-06 (and beyond) Funding Determination Requests  
March and April 2006**

**New Title 5 Regulations (effective December 6, 2005)**

The new regulations establish an alternative method for determining the pupil-teacher ratio for nonclassroom-based charter schools, allowing charter schools to use a statewide average pupil-teacher ratio; clarify the multi-year funding determination option; make clarifying changes to the determination of funding request forms and calculations for the 2005-06 fiscal year and beyond; incorporate facilities mitigation within "instructional costs" and the base calculation; clarify certificated instructional support staff and treatment of contracted staff used by the charter school for the calculation; make technical changes that include removal of language no longer in effect; and establish policy for determination of funding requests for nonclassroom-based virtual or on line charter schools.

**The following determination of funding requests are recommended for approval by the SBE for two years only (2005-06 and 2006-07) at the 100 percent level.** The reasons justifying a level higher than 70 percent in 2005-06 and beyond 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 determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Note that these are newly established charter schools, whose expenditures met the criteria for 100 percent funding.

<b>Charter Number</b>	<b>CDS Code</b>	<b>Charter Name</b>	<b>2005-06</b>	<b>2006-07</b>
#652	34-10348-0106773	Northern California Polytechnical Academy	100%	100%
#687	34-67405-0108415	Heritage Peak Charter School	100%	100%
#699	34-67363-0108837	Community Collaborative Charter School	100%	100%
#703	36-67827-0108845	Sedona Charter Academy	100%	100%
#720	54-72256-0109751	Visalia Charter Independent Study	100%	100%
#723	37-73791-0109785	Bayshore Prep	100%	100%
#724	51-71407-0109793	South Sutter Charter School	100%	100%
#728	01-10017-0109835	FAME Public Charter School	100%	100%
#732	04-61408-0109868	Biggs Public Charter School	100%	100%
#735	56-10561-0109900	Vista Real Charter High School	100%	100%
#746	10-75127-0109991	Crescent View West Charter School	100%	100%
#747	44-69807-0110007	Ocean Grove Charter School	100%	100%

**The following determination of funding requests are recommended for approval by the SBE for two years, only (2005-06 and 2006-07) at the 100 percent level.** The reasons justifying a level higher than 70 percent in 2005-06 and beyond 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 determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function (*CCR*, Title 5, Section 11963.4(a)(3)). These are continuing schools whose expenditures met the criteria for 100 percent funding.

<b>Charter Number</b>	<b>CDS Code</b>	<b>Charter Name</b>	<b>2005-06</b>	<b>2006-07</b>
#25	44-69807-4430179	SLVUSD Charter School	100%	100%
#27	34-67314-6112254	Elk Grove Charter School	100%	100%
#74	36-67934-3630761	Excelsior Education Center	100%	100%
#170	44-69799-4430229	Pacific Coast Charter School	100%	100%
#248	34-67447-3430717	Visions in Education	100%	100%
#275	34-67447-3430758	Choices Charter School	100%	100%
#310	49-70961-4930319	Orchard View Charter School	100%	100%
#320	18-75036-6010763	Long Valley Charter School	100%	100%
#335	36-67876-3630993	PAL Charter Academy	100%	100%
#477	50-75572-5030317	Connecting Waters Charter School	100%	100%
#494	15-63628-6121024	CAVA @ Kern	100%	100%
#501	56-72520-5630405	Valley Oak Charter School	100%	100%
#504	50-71043-6120828	Whitmore Charter School	100%	100%
#518	37-68437-0101220	Rainbow Advanced Institute	100%	100%
#616	49-70805-0105890	Mark West Charter School	100%	100%
#634	11-10116-1130103	William Finch Charter School	100%	100%
#642	12-62687-0107110	Six Rivers Charter High School	100%	100%
#651	01-61259-0107169	Oasis Community High School	100%	100%
#653	49-70797-0107284	CAVA @ Sonoma	100%	100%
#662	10-62166-0106740	Valley Preparatory Academy	100%	100%
#664	30-66464-0106765	Capistrano Connections Academy	100%	100%
#669	41-68882-0107565	CAVA @ San Mateo	100%	100%
#677	36-67876-0107730	ASA Charter School	100%	100%

**The following determination of funding requests are recommended for approval by the SBE for three years (2005-06, 2006-07, and 2007-08) at the 100 percent**

**level.** The reasons justifying a level higher than 70 percent in 2005-06 and beyond 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 determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. The ACCS recommended that given the school's relatively high CAHSEE passage rate, in combination with a solid record of achievement in the Standardized Testing and Reporting (STAR) program and meeting expenditures established per SB 740, the schools should be awarded a three-year approval period.

<b>Charter Number</b>	<b>CDS Code</b>	<b>Charter Name</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>
#67	04-61531-6112585	Home Tech Charter School	100%	100%	100%
#85	50-71134-6113286	Keyes to Learning	100%	100%	100%
#277	12-62927-1230150	Pacific View Charter School	100%	100%	100%
#327	27-10272-2730232	Monterey County Home Charter School	100%	100%	100%
#375	23-65615-2330439	La Vida Independent Study	100%	100%	100%
#392	50-71134-5030275	Gold Rush Home Study Charter School	100%	100%	100%
#419	37-68049-6119564	Dehesa Charter School	100%	100%	100%
#421	42-69245-4230199	Olive Grove Home Study Charter School	100%	100%	100%
#631	24-10249-0106518	Merced Scholars Charter School	100%	100%	100%
#633	18-64139-0106385	Diamond Mountain Charter High School	100%	100%	100%
#658	50-71043-0107136	Whitmore Charter High School	100%	100%	100%
#659	37-68338-0106799	The Learning Choice Academy	100%	100%	100%

**The following determination of funding requests are recommended for approval by the State Board of Education for five years (2005-06, 2006-07, 2007-08, 2008-09, and 2009-10) at the 100 percent level.** The reasons justifying a level higher than 70 percent in 2004-05 and beyond are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level; (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 determination 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; and (3) the schools met the criteria specified in *Education Code* Section 47612.5(d)(2) for a five-year determination. "A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. These schools met the conditions for 100 percent funding, and have received a statewide ranking of 6 on the Academic Performance Index for the last two years, qualifying the school for a five year funding determination.

Charter Number	CDS Code	Charter Name	2005-06	2006-07	2007-08	2008-09	2009-10
#28	37-68338-3730959	Charter School of San Diego	100%	100%	100%	100%	100%
#80	50-71092-6112965	Hart-Ransom Academic Charter School	100%	100%	100%	100%	100%
#493	37-68403-6120893	California Virtual Academy @ San Diego	100%	100%	100%	100%	100%

**The following determination of funding requests are recommended for approval by the SBE for two years (2005-06 and 2006-07) at the 85 percent level.** The reasons justifying this level in 2005-06 and 2006-07 revolve around the schools only having met the criteria specified in regulation for the 85 percent funding level. Specifically, the percentage of the schools' total expenditures calculated for Instruction and Related Services did not equal or exceed 80 percent of total revenues (*CCR*, Title 5, Section 11963.4(a)(2)). "If the percentage calculated pursuant to paragraph (1) of subdivision (c) of Section 11963.3 equals or exceeds 40 percent on certificated staff compensation, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of Section 11963.3 equals at least 70 percent but less than 80 percent on instruction and related services, the [ACCS] shall recommend to the [SBE] approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise." The schools spent less than 80 percent on instruction and related services in 2004-05 resulting in an 85 percent recommended funding level. These charter schools can address this problem in future funding determinations by increasing the school's total expenditures calculated for instruction and related services to 80 percent or more of total revenues.

Charter Number	CDS Code	Charter Name	2005-06	2006-07
#279	25-73585-2530129	Modoc Charter School	85%	85%
#399	18-64204-1830132	Westwood Charter School	85%	85%
#591	36-75044-0102160	Oasis Charter Academy	85%	85%

**The following determination of funding requests are recommended for approval by the SBE for two years only (2005-06 and 2006-07) at the 70 percent level.** The reason justifying a level of 70 percent in 2005-06 and beyond is that these schools continue to have discrepancies in their pupil-teacher ratio calculations used for their funding determination requests in 2005-06. While these charter schools meet the percentage requirements for higher funding in some cases, CDE questions whether these schools comply with pupil-teacher ratio calculations as prescribed in *EC* Section 51745.6 and *CCR* 11704. *CCR* 11963.4 requires that as a condition of full funding through SB 740, the charter school's pupil-teacher ratio is equal to or less than the largest unified school district in the county or counties in which the charter school operates. Pupil-teacher ratio calculations for full-time, twelve-month employees are generally counted at 1.92 FTEs at Options for Youth/Opportunities for Learning (OFY/OFL) schools. The current Fiscal Crisis and Management Assistance Team audit is examining pupil-teacher ratio calculations as well as other areas of independent study compliance and should be completed in the spring of 2006. The ACCS recommends that the current funding level of these schools (70 percent) be continued until the audit results are available.

Charter Number	CDS Code	Charter Name	2005-06	2006-07
#13	36-67934-3630670	Options for Youth-Victor Valley	70%	70%
#105	36-75069-6113427	Options for Youth-Upland	70%	70%
#130	19-64337-1996009	Options for Youth-Burbank	70%	70%
#214	19-65136-1996263	Opportunities for Learning-Santa Clarita	70%	70%
#402	19-64287-1996479	Opportunities for Learning-Baldwin Park	70%	70%



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Academy of Culture and Technology: Approve a Notice to Cure Pursuant to <i>Education Code</i> Section 47607(d)	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve a Notice to Cure to be sent to the Academy of Culture and Technology (ACT) regarding identified issues that are violations within the meaning of *Education Code (EC)* Section 47607(d) and that, therefore, form the basis for revocation, allowing ACT a reasonable opportunity to address the issues and expressing the intent to revoke ACT's charter unless the issues are addressed to the SBE's satisfaction.

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

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The SBE approved the ACT charter petition in November 2003. However, the school struggled with operational issues and did not operate during 2004-05. The school eventually opened in September 2005, although a variety of operational issues remained unsettled. CDE staff visited the school on a number of occasions, and copies of follow-up letters to the school have been provided to SBE members and staff. In addition, the SBE has received periodic oral updates regarding the school. The latest such letter (dated March 7, 2006) had not been responded to by ACT as of the agenda publication deadline.

### SUMMARY OF KEY ISSUES

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Pursuant to *Education Code (EC)* Section 47607(c), four reasons justify revocation of a charter. They are:

- (1) Material violation of any of the conditions, standards, or procedures set forth in the charter.
- (2) Failure to meet or pursue any of the pupil outcomes identified in the charter.
- (3) Failure to meet generally accepted accounting principles, or engaging in fiscal mismanagement.
- (4) Violation of any provision of law.

## **SUMMARY OF KEY ISSUES (cont)**

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Prior to revocation of a charter, *EC* Section 47607(d) requires that the charter authorizer present the school with a Notice to Cure, i.e., a document that outlines one or more issues (violations) that would form the basis for the revocation, and then provide the school a reasonable opportunity to address the issues to the authorizer's satisfaction.

CDE staff have concluded that essentially all of the specified reasons for revocation are pertinent in this case. The following are the specific issues CDE staff have identified:

- Despite numerous cautions and recommendations, ACT has not provided evidence of completed work on the alarm system for emergencies during school hours.
- Evidence in the possession of the CDE indicates that ACT faces a significant audit exception for 2005-06 due to inadequate credentialing of at least one (and possibly as many as three) of the school's four principal teachers.
- The school's enrollment is significantly below the level needed for ongoing financial viability. The school had approximately 85 students enrolled during a CDE staff visit in February 2006. According to the school's director, the school would need annual enrollment closer to 150 students (which would be approximately 140 average daily attendance) to be financially viable on a continuing basis.
- The facility, faculty, and school administration do not appear capable of expanding to serve tenth grade in keeping with the school's plan for 2006-07 and no authorization has been given by the CDE for the expansion.
- Due to ongoing issues with respect to the facility and the reporting of financial information to the CDE, the school has received only provisional authorization to operate during 2005-06.

Accordingly, CDE staff recommend that the SBE approve a Notice to Cure and express the intent to revoke the ACT charter at the SBE's July 2006 meeting if the school does not address the above-outlined issues to the SBE's satisfaction within a reasonable period following the issuance of the notice. Although no charter school can completely anticipate the prospect of revocation, the issues identified above should by no means be a surprise to ACT. The school has been advised and counseled by CDE staff on all of these issues.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There would be essentially no state cost related to the SBE's approval of the proposed Notice to Cure. If the SBE were eventually to revoke the ACT charter, some shifting of state expenditures would occur from ACT to other local educational agencies (due to the transfer of students), but overall state expenditures would be essentially unchanged.

**ATTACHMENT(S)**

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Attachment 1: Draft of Notice to Cure to be sent to ACT (2 pages)

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Suite 5111  
Sacramento, CA 95814  
(916) 319-0827  
(916) 319-0175 (fax)



May 11, 2006

Tomas Ursua, Director  
Academy of Culture and Technology  
1041 S. White Avenue  
Pomona, CA 91766

Members of the Board of Directors  
Academy of Culture and Technology  
1041 S. White Avenue  
Pomona, CA 91766

Dear Mr. Ursua and Members of the Board of Directors:

Subject: Notice to Cure Pursuant to *Education Code (EC)* Section 47607(d)

As you are aware, the State Board of Education (SBE) has been advised of various continuing issues that have adversely affected the ability of the Academy of Culture and Technology (ACT) to follow through on the provisions of the school's charter during 2005-06 and appear unlikely to be resolved before 2006-07. These issues are violations within the meaning of *EC* Section 47607(d), and they are:

- Despite numerous cautions and recommendations, ACT has not provided evidence of completed work on the alarm system for emergencies during school hours.
- Evidence in the possession of the CDE indicates that ACT faces a significant audit exception for 2005-06 due to inadequate credentialing of at least one (and possibly as many as three) of the school's four principal teachers.
- The school's enrollment is significantly below the level needed for ongoing financial viability. The school had approximately 85 students enrolled during a CDE staff visit in February 2006. According to the school's director, the school would need annual enrollment closer to 150 students (which would be approximately 140 average daily attendance) to be financially viable on a continuing basis.

Tomas Ursua, Director

May 11, 2006

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- The facility, faculty, and school administration do not appear capable of expanding to serve tenth grade in keeping with the school's plan for 2006-07 and no authorization has been given by the CDE for the expansion.
- Due to ongoing issues with respect to the facility and the reporting of financial information to the CDE, the school has received only provisional authorization to operate during 2005-06.

These issues are sufficient to form the basis for an action to revoke the ACT charter pursuant to *Education Code (EC)* Section 47607(c), and the SBE hereby expresses its intent to revoke the ACT charter at its July 2006 meeting. However, in accordance with *EC* Section 47607(d), the SBE provides the ACT this letter as a formal Notice to Cure and provides ACT a reasonable period (in excess of 30 days) in which to address the above-outlined issues in writing to the SBE's satisfaction.

Please deliver your written response to the above-outlined issues on or before the close of business (5:00 p.m. Pacific Time) on **Monday, June 12, 2006**. Your response is to be delivered to:

Marta Reyes, Director  
Charter Schools Division  
California Department of Education  
1430 N Street, Room 5401  
Sacramento, CA 95814

In addition to reviewing your written response and the guidance and recommendation(s) of CDE staff, the SBE will provide ACT representatives a reasonable amount of time to orally address the SBE at its July 2006 meeting (if so desired by the school) prior to taking any action.

In summary, then, the SBE directs the ACT to provide satisfactory evidence of the following on or before the close of business on **Monday, June 12, 2006**:

- That work has been completed on the school site's alarm system for emergencies during school hours, and that the system is fully operational.
- That all of ACT's teachers have been properly credentialed consistent with *EC* Section 47605(l) and qualified consistent with *California Code of Regulations*, Title 5, Sections 6100-6126 during the entire 2005-06 school year and that, therefore, the school does not face an audit exception related to improper credentialing or qualification for 2005-06.

Tomas Ursua, Director

May 11, 2006

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- That at least 140 students have committed to enroll in the school during the 2006-07 school year as evidenced by completion of an enrollment application.
- That ACT either (1) does not plan to expand to the tenth grade in 2006-07 or (2) is able to secure the approval of the CDE to expand to serve tenth grade students in 2006-07, providing faculty, instructional resources, and facilities sufficient to offer an appropriate array of college-preparatory courses for students at that grade level.
- That the ACT site is completely operational and that the ACT has resolved all ongoing problems related to the reporting of financial-related information to the CDE.

If you have any questions or need any additional information regarding this Notice to Cure, please contact Deborah Connelly, Consultant, Charter Schools Division, at (916) 323-2694 or by e-mail at [dconnell@cde.ca.gov](mailto:dconnell@cde.ca.gov).

Sincerely,

Glee Johnson, President  
California State Board of Education

GJ:mr

cc: Roger Magyar, Executive Director, California State Board of Education  
Paul Seave, Chief Counsel, California State Board of Education  
Jack O'Connell, State Superintendent of Public Instruction  
Marsha Bedwell, General Counsel, California Department of Education  
Marta Reyes, Director, Charter Schools Division, CDE  
Deborah Connelly, Consultant, Charter Schools Division, CDE



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
School of Arts and Enterprise: Renewal of Charter Under State Board of Education Oversight for a Five-Year Period	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) hold a public hearing on the request for charter renewal for the School of Arts and Enterprise (SAE). Following the public hearing, it is recommended that the SBE approve the renewal of the SAE charter with conditions (on pages 2 and 3 of this item), under the oversight of the SBE, for a five-year period: July 1, 2006, through June 30, 2011.

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

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The SAE was originally granted a charter by the SBE in September 2002, after being denied by the Pomona Unified School District (PUSD). The school opened in 2003-04.

There are a total of nine charter schools denied by local educational agencies that were subsequently approved by the SBE and that are currently operating.

### SUMMARY OF KEY ISSUES

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In accordance with *Education Code (EC)* Section 47605(k), the SAE submitted a request for renewal to the PUSD governing board in the fall of 2005. The governing board formally denied the renewal request on January 31, 2006; therefore, the SAE submitted its request for renewal to the SBE.

*EC* Section 47607 establishes various threshold criteria for renewal of charter schools, stating that at least one of the criteria must be met as a condition of renewal. It appears clear that the school meets at least one of the renewal criteria.

## **SUMMARY OF KEY ISSUES (cont)**

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The Advisory Commission on Charter Schools (ACCS) reviewed SAE's request for renewal at its meeting on March 16, 2006, and unanimously recommended that the SBE approve the request, subject to the following conditions:

1. Development of an MOU between SAE and the CDE that covers elements essential to effective state oversight of the school that are not incorporated in the charter itself.
2. The following CDE recommendations from Attachment 1 be included in the new charter:
  - Modify language to state specifically the program and strategies SAE is using to serve ELL students (page 3 of Attachment 1);
  - Include language in the parent/student handbook informing parents about the transferability of courses to other high schools and the eligibility of courses to meet college entrance requirements. Ensure that students and parents are provided with the handbook (page 3 of Attachment 1);
  - Add specific language regarding the contract SAE intends to enter into with an outside evaluator to prepare "an annual programmatic consultation," and describe who will conduct a separate proposed longitudinal study and how it will be conducted (page 4 of Attachment 1);
  - Add specific language to express a commitment to NCLB compliance, specifically to compliance with NCLB's "Highly Qualified" teacher provisions for those teaching core, college preparatory classes (page 4 of Attachment 1);
  - Add specific language in accordance with *EC 47605(d)(3)* which requires that if a student is expelled, fails to graduate, or ceases enrollment in SAE, the school will notify the superintendent of the school district within which the student's last known home address is located (page 6 of Attachment 1);
  - Remove language in the school's internal dispute resolution process that states the SBE shall not intervene in internal disputes without first consulting the SAE governing board and that the SBE shall not intervene in disputes unless the SBE believes that a violation of the charter or applicable laws has occurred, or unless SAE requests the SBE to intervene (page 6 of Attachment 1);
  - Add specific language regarding dispute resolution between SAE and the SBE that recognizes that because the SBE is not a local education agency it may choose to resolve disputes directly (page 6 of Attachment 1);

## **SUMMARY OF KEY ISSUES (cont)**

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- Add language specifying where school records will be secured in the event of a school closure (page 7 of Attachment 1);
- Add language specifying whether the nonprofit organization that sponsors SAE would be dissolved upon school closure, and if so, to whom any assets would be distributed (page 7 of Attachment 1);
- Remove unnecessary language related to the acceptance of integration funding (page 7 of Attachment 1); and
- Remove language that identifies the “county representative” for purposes of submitting attendance accounting summaries for review and replace it with “the CDE” (page 8 of Attachment 1).

The school accepted these recommendations and they will be incorporated in the charter.

If the SBE approves this renewal, the SAE will be renewed for a five-year period, commencing on July 1, 2006, and ending June 30, 2011.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There are currently two CDE staff positions assigned to oversee the SBE-approved charter schools, including the one statewide benefit charter school (established by the SBE in January 2006), and the eight all-charter districts, as well as to provide some essential business functions that support these schools and districts.

## **ATTACHMENT(S)**

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Attachment 1: CDE Staff Analysis of the Request for Charter Renewal from the School of Arts and Enterprise (10 pages)

Attachment 2: Petition for Charter Approval for The School of Arts & Enterprise (133 pages)

Attachment 3: Attachments A-H to Petition for Charter Approval for The School of Arts & Enterprise (89 pages)

## California Department of Education

### Memorandum

**Date:** March 9, 2006

**To:** Advisory Commission on Charter Schools

via: Marta Reyes, Director  
Charter Schools Division

**From:** Deborah Connelly

**Subject:** CDE Staff Analysis of the Request for Charter Renewal from the School of Arts and Enterprise

The School of Arts and Enterprise (SAE) has met the threshold requirement for renewal under *Education Code (EC)* Section 47607(b), and the school's charter (as revised) is generally consistent with the requirements of *EC* Section 47605. Therefore, California Department of Education (CDE) staff recommend that the school's charter be renewed for the five-year period specified in *EC* Section 47607(a), commencing July 1, 2006, and ending June 30, 2011. CDE staff also recommend that the renewal be conditioned upon execution (and periodic amendment, as necessary) of a memorandum of understanding with the CDE that covers all matters essential to effective oversight of the school's operation during the renewal period, including, but not limited to, continued participation in a Special Education Local Plan Area (SELPA). Finally, periodically in the analysis that follows, CDE staff recommends a few specific modifications of the revised charter.

#### Background

SAE was granted a charter by the State Board of Education (SBE) in 2002, after being denied by the Pomona Unified School District (PUSD) governing board. The school began operating in 2003-04.

In accordance with *EC* Section 47605(k), SAE submitted a request for renewal to the PUSD governing board in the fall of 2005. The PUSD governing board denied the renewal request (on January 31, 2006), citing among many reasons, inadequate evidence that SAE has implemented its educational program, has a governance structure that included parent involvement, reflects the racial and ethnic mix of the district, and that student performance equals that of the district.

Since SAE's renewal request has been formally denied by the PUSD governing board, the matter is now properly before the Advisory Commission on Charter Schools (ACCS) and the SBE.

### **Threshold Requirement for Renewal**

*EC* Section 47607(b) establishes a threshold requirement for renewal of a charter as meeting at least one of the following criteria:

- (1) Attaining Academic Performance Index (API) growth targets in the prior year or in two of the last three years, or in the aggregate for the prior three years.
- (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- (3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
- (4) Academic performance that the charter authorizer determines to be at least equal to the academic performance of the public schools that the charter school's pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

As the attached tables show, SAE has met the first and third thresholds, although it is not required to meet the criteria until it has been in existence for four years. While the first year of operation did not result in strong academic performance (statewide and similar schools rankings of 1 and 2, respectively), the 2004-05 actual API growth was 89 points, far exceeding the 13 point growth target. The statewide and similar schools rankings for 2004-05 were 3 and 8, respectively.

In addition, the SAE has maintained a solid financial record and has sustained no audit findings or deficiencies over the last two years. Since SAE has significantly improved its student achievement last year and there appear to be no problems with the organizational and financial operations, we would recommend that the SAE's charter be renewed for another five years. The MOU will require an annual update and analysis from SAE regarding student performance, and in the event the school's does not meet growth targets, a progressive set of corrective actions and reporting to the SBE will be required.

## **Review of Elements of Revised Charter**

Generally, the revised charter follows the structure of the existing charter with updates to reflect the passage of time and to indicate where the school is in relation to its outcomes. Highlights of the various charter sections are presented below:

### **I. Introduction: The School of Arts and Enterprise**

In this section, SAE provides an historical perspective of how the school came into existence and summarizes progress to date on academic measures. There is an assurances page stating the school's affirmation that it will comply with a number of requirements and that information contained in the revised charter is true to the best of the principal's knowledge.

### **II. Educational Philosophy and Program**

The description of curriculum and instruction, and the theoretical basis for the program, are consistent with the minimum requirements of law and the general objective of the CDE and SBE to promote high quality schools. The school is implementing an integrated curriculum model of project-based learning as a means for students to master state content standards.

- We recommend modification of the description in the charter of how SAE will serve English Language Learner (ELL) students (page 33-35) to reflect the specific program and strategies the school is using with these students. The current charter contains general descriptions about what the school will do to serve ELL students. The CDE website shows that SAE's ELL population has dropped from 41 percent to 22 percent from 2003-04 to 2004-05. However, the SAE has stated that this is in error and that the ELL population has been constant over the prior two years. Therefore, the school still has a substantial number of students needing English language development and specific information about how those needs are being met need to be included in the charter.
- The charter indicates that SAE will inform parents about the transferability of courses to other high schools and the eligibility of courses to meet college entrance requirements in the student/parent/staff handbook that is distributed annually to all students. However, the handbook included with the renewal request does not contain any information regarding course transferability and eligibility. Further, the handbook is apparently distributed to students only. We recommend that information be included in the handbook and that parents are provided a copy as well as students.

### III. Measurable Pupil Outcomes

This section contains academic content, essential skills, and general outcomes for SAE students. These outcomes are not measurable as stated. However, the petition does contain specific and measurable outcomes related to the standardized tests, primarily in math and English/language arts (pages 45-49). It also describes a number of process goals (i.e. each student will be offered one hour per week of computer instruction).

### IV. Method of Assessment

This section includes a commitment to participate in all required state assessments. The charter also contains an extensive chart that details what assessments will be used for assessing various goals. This section also contains more measurable outcomes in the description of how the overall success of the charter is going to be measured.

- We recommend that SAE provide greater detail in the charter regarding the contract it intends to enter into with an outside evaluator to prepare “an annual programmatic consultation.” Further, we recommend that the school describe how and by whom the proposed longitudinal study will be conducted.

### V. Legal Issues and Governance

This section describes SAE’s sponsor, The Haven, its mission, and its establishment as a nonprofit public benefit corporation as well as the composition of the governing board. The section further provides a detailed description of the governance structure, which uses the Accelerated Schools Model and operates on school wide consensus. Finally, the business and operations management is described, including the services to be performed by ExED, the business services provider.

### VI. Qualifications for Employees

This section includes a statement that primary teachers of core, college preparatory subjects will hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold and describes the qualifications for the school director, teachers, office personnel, and classified staff. There is a stated commitment to comply with *No Child Left Behind’s* (NCLB) “Highly Qualified Teacher” provisions.

- We would recommend that language be included to express a commitment to NCLB compliance, specifically to compliance with NCLB’s “Highly Qualified Teacher” provisions those teaching core, college preparatory classes.

A commitment is included to nondiscrimination in hiring based on race, creed, color, national origin, age, sex, disability, sexual orientation, or marital status.

#### VII. Procedures to Ensure Health and Safety of Pupils and Staff.

This section includes a detailed health and safety plan, including plans for emergencies and natural disasters. This section also contains information on limits and types of insurance policies carried by SAE, and statements indemnifying the SBE from liability for the school's actions. Finally, assurances are given that fingerprinting and background clearances will be done for all employees, contractors, and volunteers prior to employment or any one-on-one contact with students.

#### VIII. Racial and Ethnic Balance

This section states the school will make every effort to achieve a racial and ethnic balance that is reflective of the general population residing in the territorial jurisdiction of PUSD. The latest data on ethnicity indicates that SAE reasonably mirrors the student population of PUSD. SAE has a greater percentage of African American students (12 percent versus 8 percent), White students (13 percent versus 7 percent), and a smaller number of Hispanic or Latino students (67 percent versus 78 percent).

#### IX. Admissions Requirements

This section indicates that a random public drawing will be held if the number of applications exceeds space available. Preference is extended for students currently enrolled and students who reside in the PUSD attendance area.

#### X. Fiscal Issues and Annual Audit

The section describes a process for conducting the annual financial audit that is compliant with statute. To the extent more specific provisions may be necessary for effective charter oversight; they can be incorporated in the memorandum of understanding (MOU) recommended by staff as a condition for renewal of the charter. For example, it is desirable to require that the auditor have experience in education finance and be on the State Controller's Office approved list of auditors.

#### XI. Suspension and Expulsion Procedures

This section provides a detailed list of the offenses for which a student may be suspended or expelled and the process by which that will occur. Students may be expelled by the governing board following a hearing or by recommendation of an administrative panel (made up of at least three certificated staff). There are separate procedures for expulsion hearings involving sexual assault or battery offenses.

## XII. Teacher Retirement Fund Issues

This section, consistent with law, indicates that SAE will contribute to the State Teachers Retirement System or Public Employees Retirement System on behalf of its employees, and that it may also participate in other public or private retirement plans. This section also describes the work week and year, and benefits for employees.

## XIII. Public School Attendance Alternatives

This section makes it clear that no student can be required to attend SAE (consistent with law). Students not attending SAE have other public school alternatives.

- If a charter school student is expelled, fails to graduate, or ceases enrollment in a charter school for any other reason, legislation that took effect January 1, 2006, that requires the charter school to notify the superintendent of the school district within which the student's last known home address is located. This language is contained in the Assurances page. We would suggest that the language be placed in this section of the SAE charter for ease of reference.

## XIV. Rights of Employees

The Assurances page indicates (consistent with law) that SAE is the exclusive employer for collective bargaining purposes. This section indicates that all employees are at-will employees. This section also describes the rights of employees to work in the charter school and return to the district. The language is consistent with language in the regulations describing the criteria for review of SBE charter appeals CCR, Title 5, Section 11967.5.1).

## XV. Dispute Resolution Procedure

This section describes an internal dispute resolution procedure for disputes arising within SAE, and a procedure for resolving disputes with the SBE.

- The internal dispute resolution process states that the SBE shall not intervene in internal disputes without first consulting the SAE governing board and that the SBE shall not intervene in disputes unless the SBE believes that a violation of the charter or applicable laws has occurred, or unless SAE requests the SBE to intervene. We recommend this language be removed because it places limitations on the SBE's ability to act that are not in statute.
- The charter needs to include a statement regarding dispute resolution between the SBE (as the charter authorizer) and SAE to the following effect:

“Because the State Board of Education (SBE) is not a local education agency, it may choose to resolve any dispute with the School of Arts and Enterprise (SAE) directly instead of pursuing a dispute resolution process.

“If the substance of any dispute between the SBE and SAE is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the SAE charter in accordance with *EC* Section 47607, the matter will be addressed accordingly by the SBE.”

#### XVI. Term

This section expresses the effective dates of the charter if renewed by the SBE: July 1, 2006, to June 30, 2011. This section also states that the SAE will submit a renewal request by January 1, 2011.

#### XVII. Closure Procedures

This section contains a description of the procedures to be followed in the event the SAE closes for any reason.

- The procedures state that all SAE records will be “transferred to the District” upon closure. This was probably an oversight. We recommend the language be amended to indicate where records will be secured. More specific guidance for closure procedures will be included in the oversight MOU between the CDE and SAE.
- Language in the petition states that upon closure property and revenues will remain the “sole property of the charter school and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the nonprofit public benefit corporation.” Since The Haven (the nonprofit corporation) existed prior to sponsorship of the charter and has a mission that encompasses more than operation of the SAE, we recommend the SAE clarify whether this corporation would cease to exist upon school closure or whether the organization would continue, and if so, to whom any assets would be distributed.

### **Additional Considerations**

#### *Integration Funds*

The petition provides information on data it will submit when accepting integration funding, which includes ethnic survey information and other data regarding enrollment, grade levels, numbers of certificated teachers, fiscal reports, etc. We recommend the

SAE clarify whether it is currently receiving or has ever received integration funds. This may be an unnecessary provision in the charter and can be eliminated.

#### *Attendance Accounting Reporting*

The charter states that once the school director has approved attendance accounting summaries and registers, they will be forwarded to the “appropriate county representative in a timely manner.” We recommend the language be amended to substitute the CDE for the county representative since all attendance accounting information is submitted to the CDE. The county is not involved in reviewing such documents for SBE charters.

#### *Academic Performance of Key Subgroups*

SAE generally reflects the ethnicity of the student population within the district in which its facility is currently located. The student body is predominantly Hispanic/Latino, with nearly equal percentages of African American and White students. As shown in the following table of 2004-05 percentage figures, SAE serves about 10 percent fewer Hispanic/Latino students than PUSD and approximately one-third more African American students. As noted earlier in this analysis, the CDE website indicates the SAE serves about half the number of ELL students as PUSD (22 percent compared to 46 percent). Numbers of students participating in the Free and Reduced Lunch program are slightly more than half of the district’s students participating in the program (31 percent compared to 57 percent). It is noteworthy that the number of ELL students and Free and Reduced Lunch participants served by SAE has dropped significantly from 2003-04 to 2004-05. ELL student percentages dropped from 41 percent in 2003-04 to 22 percent and Free and Reduced Lunch participants dropped from 51 percent to 31 percent last year. SAE has indicated that both the percentages for ELL students and Free and Reduced Lunch participants is in error and that they will take steps to see that these figures are corrected.

	African American	Asian	Hispanic or Latino	White	Other
SAE	12	2	67	13	8
PUSD	8	5	78	7	3

The data indicate that academic performance in English/language arts is much higher than in mathematics, science, and history/social science, and that SAE has made the most gain in English/language arts. The percent of students proficient and above for English/language arts is about equivalent with PUSD, while the district far exceeds SAE in terms of proficiency in math and science.

Attachment

**School of Arts and Enterprise – Key Academic Performance Indicators**

Year of API Release/ STAR Administration Year	API State Rank	API Similar Schools Rank	Base API	Growth API	Actual API Growth (Growth Target)		CST % Prof/Adv English-Language Arts	CST % Prof/Adv Mathematics	CST % Prof/Adv Science	CST % Prof/Adv History/Science
2004-05	3	8	551	627	89	(13)	32	4	6	10
2003-04	1	2	538	551	N/A	N/A	20	2	2	N/A
PUSD – 2004-05	N/A	N/A	650	666	16	N/A	30	30	30	23

Petition for  
**CHARTER APPROVAL**  
FOR  
**THE SCHOOL OF ARTS & ENTERPRISE**

**SUBMITTED TO  
THE CALIFORNIA STATE BOARD OF EDUCATION**

**BY**

**Lucille Berger, Lead Petitioner**

***Revised***

**December 1, 2005**

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## **AFFIRMATIONS/ASSURANCES**

As the authorized representatives of the applicant, I, Lucille Berger, hereby certify that the information submitted in this application for a charter for The School of Arts and Enterprise (“Charter School”, “School” or “AHCHS”) to be located within the boundaries of the Pomona Unified School District is true to the best of my knowledge and belief; I also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School:

- Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. The Charter School shall certify that its students have participated in the state testing programs specified in Education Code Section 60600-60652 in the same manner as other students attending public schools. [Ref. Education Code Sections 47605(c), 47612.5(a)(3)]
- Will notify the superintendent of the school district of the pupil’s last known address within 30 days in the event that a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This requirement only applies to pupils subject to compulsory full-time education pursuant to Education Code Section 48200. [Ref. Education Code Section 47605(d)(3)]
- Will be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act and will comply with Government Code Sections 3540-3549.3. [Ref. Education Code Section 47605(b)(5)(O)]
- Will be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Will not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Will admit all students who wish to attend the School according to the following criteria and procedures and as further outlined herein:
  - a. Admission to the Charter School shall not be determined according to the student’s place of residence, or that of his/her guardians, within this state, except as allowed or required by the Charter Schools Act.

- b. If the number of students who wish to attend the Charter School exceeds the Charter School's capacity, attendance, except for existing students of the Charter School, shall be determined by a public random drawing. Preferences shall be extended to students currently attending the Charter School, students who reside in the District, and other preferences specified herein. In the event of a drawing, the District Board shall make reasonable efforts to accommodate the growth of the Charter School and shall not take any action to impede the Charter School from expanding enrollment to meet student demand.
- c. Other admissions preferences permitted by the Board in this petition that are consistent with law. [Ref. Education Code Section 47605(d)(2)(B)]
- Will not discriminate on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, perceived sexual orientation, home language, or disability. [Ref. Education Code Section 47605(d)(1)]
  - Will adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
  - Will meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)]
  - Will ensure that teachers in the School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
  - Will ensure that no person who has been convicted of a violent or serious felony is employed in either a certificated or classified position. [Ref. California Education Code Section 44830.1, 45122.1]
  - Will at all times maintain all necessary and appropriate insurance coverage.
  - Will promptly respond to all reasonable inquiries from the District, county office of education, or the Superintendent of Public Instruction, including but not limited to inquiries regarding its financial records. [Ref. California Education Code 47604.3]
  - Will follow any and all other applicable federal, state, and local laws and regulations that apply to the Charter School including but not limited to:

- The Charter School shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.
- The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
- The Charter School shall comply with any jurisdictional limitations to locations of its facilities.
- The Charter School will comply with Education Code Sections 51745-51749.3.
- The Charter School shall offer, at a minimum, the same number of instructional minutes set forth in Education Code Section 46201 for the appropriate grade levels.
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.
- The Charter School shall comply with all applicable portions of the No Child Left Behind Act.
- The Charter School shall comply with the Brown Act and Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.

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**Lucille Berger**

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**Date**

## Introduction

School of Arts and Enterprise (“SAE,” “Charter School” or “School”) is a start-up charter high school that will be located in the Arts Colony in downtown Pomona, California. In this introduction we address the genesis of this charter, the mission and goals of the school, the students and community we will serve, and the location of the proposed school.

### **The Genesis of the Charter**

This project was initiated by leaders of the Arts Colony in downtown Pomona, CA, in response to the results of a needs assessment survey for an educational focus for the Arts Colony. Nearly eight years ago at a meeting attended by Edward Tessier and Manuel Ortega, the downtown Arts Association, which is comprised of community artists and parents, expressed overwhelming support for the concept of an Arts High School to be located in Pomona’s Arts Colony. Rita Kanell, Edward Tessier, Lucille Berger, and Planning Board Members, gathered the names, addresses, ages and names of children of parents and teachers who supported the school. Experts of project-based curriculum and school development participated in helping develop a charter school based on a model of academically rigorous, *project-based*, education. The resulting plan for “The School of Arts and Enterprise” was presented as a model community-adapted educational plan in which the new charter school is intended to become an important stimulus to local community economic development. The school was proposed for start-up and full implementation by August, 2003. A planning group for this charter was formed and began work on developing the school in October, 2000. The planning team consisted of a high school administrator and former art teacher, two university faculty members, an educational consultant, artists from the community, a high school teacher, a parent, and an urban planner who is a business leader and major downtown property owner.

### **Why Pomona and the Arts Colony?**

The City of Pomona, in a 1994 ordinance backed by landowners and business leaders, committed its 20-block Downtown core to what is now a creative arts district dedicated to studios, galleries, related enterprises, and compatible housing. The area has become a leading community arts cluster for Southern California, with numerous public and private galleries that represent about 1500 artists, including many who are professors and teachers of art. About 200 artists are currently in residence downtown, many in live-work “loft” spaces in converted commercial buildings. There are numerous arts-related retail establishments, and about 20 “back office” creative content companies in fields such as graphic arts, architecture and entertainment media. The Arts Colony now has an infrastructure equivalent to that of a College of Art of a major university, with current growth in areas of media production and performing arts. Additional lofts and storefront business spaces, and hundreds of housing units mainly intended for educators are

under development in the Downtown area, some next to the “Cal Poly Downtown Center” (a gallery, theater, offices and computer labs in an attractive, restructured former bank building.)

For years, there has been a shared sense in the Pomona Arts Colony of a need for a school of the arts to serve as a focus for community-based activities and as a vehicle for public service. This need was born out in a needs assessment survey conducted by community organizers in 1998. The school is also needed as a local source of supply of entry-level arts and media workers and as an attraction to bring mid-level creative employees to live and/or work here, a new alternative to Westside L.A., the beach, and San Fernando Valley. Some professional families working in the arts have children of high school age they may wish to place in what amounts to a professional prep school for creative arts industries. The School of Arts and Enterprise as well as the surrounding Arts Colony community develops our students as adults and young professionals familiar with the arts and job opportunities within the arts as soon as they are ready and prove themselves capable.

The charter petition was rejected by Pomona Unified School District at a board meeting on January 2<sup>nd</sup>, 2002, but was approved on appeal by the State Board of Education. This petition seeks to renew the charter for an additional five (5) years beginning July 1, 2006.

### **The Surrounding Community**

Pomona served for a century as a primary center for markets and services, and a leading urban connection for large inland areas East of Los Angeles. During this time the Pomona Valley spawned many institutions, including a globally unique assemblage of colleges and universities. Among them are two distinguished namesakes, Cal Poly Pomona and Pomona College (one of the five Claremont Colleges), together with Claremont University Center, Claremont School of Theology, University of La Verne, Mt. San Antonio College (Southern California’s largest community college campus) and Western University of Health Sciences. Both Cal Poly Pomona and Western University have contributed significantly to the growth of the school and hold seats on the School of Arts and Enterprise Board of Directors.

Post-War housing subdivisions replaced farms and groves. Pomona first thrived but then became a victim, especially through removal of shopping to suburban malls, beginning in the 1960s. Pomona had by then become a major aerospace center, and further substantial damage accrued with decline and departure of that industry. Pomona tried redeveloping Downtown as a pedestrian shopping mall but it failed and downtown was largely abandoned by the mid-1970s. Resurgence began, but slowly, with the arrival of Western University, which now occupies much of the Eastern end of the former mall, the design and development of Antique Row (a collection of over 40 antiques shops), and with founding a decade ago of the Arts Colony on the Western side of the Downtown area.

**The host community of Downtown Pomona:**

This school's development has been solicited and supported by the Arts Colony residents as a potential focus for community organization, public service and linkage to the general public, especially youth, of the City of Pomona and nearby communities. The school will function as a high school with production studios and will include internships with participating artists from the arts colony and thus allow young people of modest means to develop professional skills, attitudes, and business opportunities in the arts. It will have unique access to studios, galleries and businesses of the Colony, utilizing the community as a wide-ranging laboratory for service learning, technical training and employment. Relationships with Western University and other nearby institutions have been developed (See Attachment C for letters of support). Hispanic artists and business people are well represented in the Colony and will serve as mentors and role models for Hispanic community students and thus help students develop a mindset for academic and personal success in the real world.

**Who The School Is Attempting To Educate - The Target Student Population and Enrollment:**

Pomona is predominantly Hispanic. The ethnic distribution of potential feeder middle schools is approximately: Hispanic 67%, Caucasian 12%, Asian and Pacific Islander 11%, and African-American 10%. Well over half of the projected student population is estimated to be from socio-economically disadvantaged families. Average academic performance of feeder Pomona middle schools is in the lowest two API quintiles for the State. The picture for Pomona high schools in the area is even bleaker: the California Academic Performance Index (API) rank for 2005 is as follows:

**Table 1.  
Academic Performance of Pomona Unified School District High Schools  
in the Service Area**

<b>Comparison of The School of Arts and Enterprise to High Schools in Pomona USD 6th API Cycle (Schoolwide APIs)</b>				
	2004 Base API	2005 Target Growth API	Actual 2005 Growth API	Actual to Target
<b>The School of Arts and Enterprise</b>	<b>538</b>	<b>551</b>	<b>627</b>	<b>76</b>
Diamond Ranch HS	768	770	791	21
Ganesha Senior HS	554	566	611	45
Garey Senior HS	567	579	577	-2
Pomona Alternative	400	420	404	-16
Pomona Senior HS	607	617	622	5
Village Academy HS	620	629	643	14

In recent years, approximately 30% who complete high school have gone on to college, despite the presence of many nearby colleges and universities in Pomona Valley. This is less than half of the national college going rate for high school graduates. The School will specifically address overcoming the “disconnection” between local K-12 and higher education, while providing access to jobs and business opportunities in arts, media, health services and other businesses that are well represented locally.

Hispanic residents of Pomona are typically first generation immigrants and their children. By regional standards, there is a high proportion of two-parent households and home ownership. Families typically retain an “old country” work ethic, and are close to their cultural roots. There is strong parental support for success in human relationships, as well as arts, culture and scholarly achievement. Arts can be a valuable theme for engaging the non-academic talents and “multiple intelligences” of the younger generation—authenticating and proving these traits to be valuable, and ultimately providing higher paying jobs and new role models for professional achievement in the community.

### Enrollment Plan

The School of Arts and Enterprise will begin as a public charter high school that will serve grades 9 through 12. The School of Arts and Enterprise opened with an enrollment of 130 students. The school has added approximately 120 students (one full grade level) per year. Currently, the school’s enrollment is as follows, including a projection for 12<sup>th</sup> grade which will be added in the 2006-2007 school year.

Grade Level	Enrollment	Student/Teacher Ratio
9 <sup>th</sup> Grade	124	25:1
10 <sup>th</sup> Grade	126	25:1
11 <sup>th</sup> Grade	109	22:1
12 <sup>th</sup> Grade	100 (Estimate)	20:1
<b>School Total</b>	<b>459</b>	

The longer range plan for the School is to both open a sister high school campus with a greater emphasis on math and science. Over the next 10 years, we also plan to provide seamless K-12 instruction in the arts and eventually launch additional sites to establish an elementary and a middle school to serve Pomona students. We plan to use the Accelerated Schools’ Model (which has proven to complement Charters) to provide a strong foundation for organizing the charter school. Pomona students who attend The School of Arts and Enterprise will receive a college prep curriculum in addition to other academic services. Parents have indicated that there is a great need to provide quality educational alternatives to children from all grade levels. At present, many Latino parents are dissatisfied with the public education services provided to their children.

### **The School as a Prototype**

A further mission of the School is to serve as a model of community-adapted, small charter school development for the region as a whole. New school models are much needed today and are of growing interest to State policy and to the world of business. New models are especially needed for the Pomona Unified School District, now composed overwhelmingly of immigrant youth and dominantly Hispanic. There are identifiable opportunities for smaller schools. Renewing this charter benefits the citizens of Pomona by continuing to provide a community-adapted, smaller charter school model that has a track record of academic success.

### **The mission and primary educational objectives of the School are as follows:**

The School will educate an ethnic and demographic cross-section of high school-age students from Pomona and nearby communities in five areas:

1. college preparatory academic skills;
2. specific arts-related skills for self expression in creative media and for employability in arts, media and design-based businesses;
3. “post-industrial” skills that are increasingly needed in today’s workplaces, including self-management; conflict resolution; creative teamwork; and use of communication media and other technology;
4. leadership skills, particularly through helping make the Arts Colony and its programs more accessible to the surrounding communities; and
5. entrepreneurial skills as well as through internships with our business partners such as Arts Exhibition or Arts Festival.

One might expect that such an arts school would lack rigor in the mathematics and science areas of study. Fortunately, the Western University of Health Sciences (within walking distance from the school) agreed to partner with the School to provide classroom space, including access to science laboratories, and assistance with developing and implementing a rigorous math and science curriculum for the students. The long term plan for this charter would be to open two high school sister campuses with the first one focusing on the arts and the second campus focusing on math and science (subjects students need for entry into Western University’s programs). A letter of support from the Western University’s president is included in Attachment C. Over the last 3 years, Western University has been a strong partner to the SAE. There have been student/teacher campus tours, material donations (glassware, microscopes, etc), and facilities sharing. Most importantly, however, Western University was our partner and benefactor in the real-estate transaction that produced our state-of-the-art facility, allowing us to purchase their property below market value.

The long-term goal of the SAE is that students will graduate from The School of Arts and Enterprise at about age 18 with a level of maturity and self-knowledge that will compare favorably to community college graduates, and with professional achievements comparable to those of art school grads. Students will thereby act upon

the critique of Leon Botstein, President of Bard College in New York, that high school is a waste of time (“Enough Already”, *People Magazine* July 12, 1998, and elsewhere). He states that young people should enter “the real conversation of life” no later than age 16 by going on to college, work, community service, or training such as art schools. Networking with the many colleges and universities in the Pomona Valley provides for seamless transition to higher education.

Unlike other “Arts” schools which are based on magnet school models, ours employs an open admissions process unless demand is such that a public random lottery is required due to lack of space to accommodate all that wish to attend.

### **The SAE’s Academic Accomplishments: Improving Academic Performance**

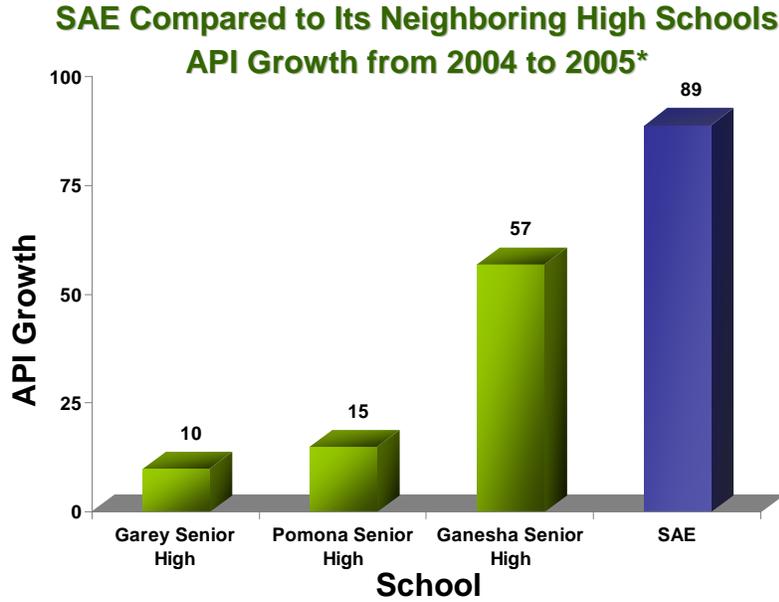
All of the College of Education at Cal State LA’s partner charter schools have performed well on the API. The College continues to be a significant partner with the school and has a faculty member serving on its governing Board. Professor Slovacek and the Dean of the College have served in this capacity for two other successful California charter accelerated school boards: The Accelerated School and View Park Preparatory Accelerated charter school.

SAE continues this tradition of academic growth. SAE’s neighboring high schools, the ones especially close, are low performing. The test scores recently released by the California Department of Education show that The School of Arts and Enterprise outperformed 4 of the 6 neighboring high schools in the 2004-2005 API growth (see Table 1 and Figure 1 below):

**Table 1**

<b>Comparison of The School of Arts and Enterprise to High Schools in Pomona USD 6th API Cycle (Schoolwide APIs)</b>				
	2004 Base API	2005 Target Growth API	Actual 2005 Growth API	Actual to Target
<b>The School of Arts and Enterprise</b>	<b>538</b>	<b>551</b>	<b>627</b>	<b>76</b>
Diamond Ranch HS	768	770	791	21
Ganesha Senior HS	554	566	611	45
Garey Senior HS	567	579	577	-2
Pomona Alternative	400	420	404	-16
Pomona Senior HS	607	617	622	5
Village Academy HS	620	629	643	14

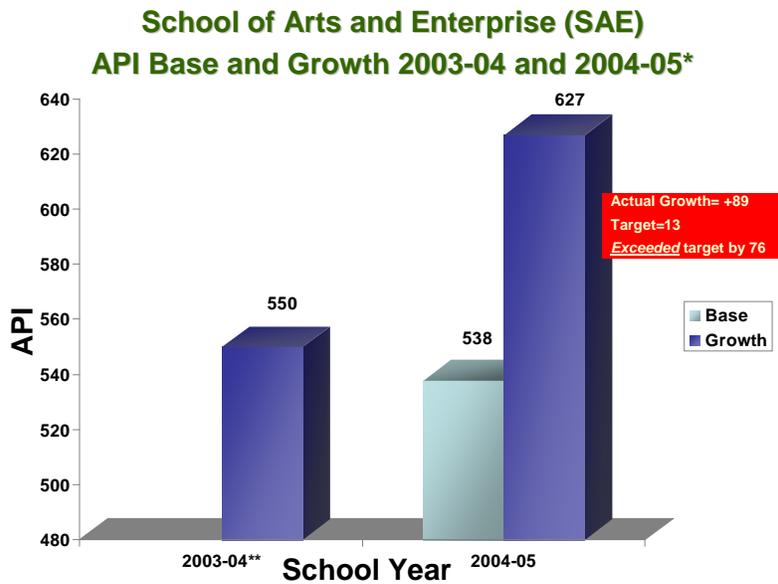
Figure 1



\*Data source: California Department of Education at <http://www.cde.ca.gov/>

On top of outperforming its closest neighboring high schools in API growth, SAE also exceeded its target growth by 76 API points in 2004-2005. The API base was 538 and SAE received 627. See Figure 2 below:

Figure 2



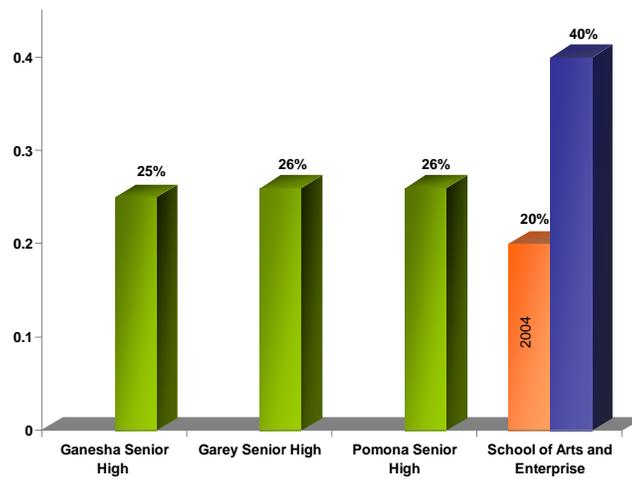
\*Data source: California Department of Education at <http://www.cde.ca.gov/>

\*\*SAE did not have a valid 2003 API Base and thus would not have any Growth or Target information for the year 2003-04.

The SAE also surpassed its neighboring schools on the California Standards Tests in English Language Arts in both 9th and 10th grades. The percentages of students at the SAE who met the state target were 40% (9<sup>th</sup> grade) and 24% (10<sup>th</sup> grade), higher than its closest neighboring Pomona high schools in both grades. In addition, 9th grade students in 2004-2005 registered a 20% increase in meeting the state target than those in 2003-2004 (see Figures 3 and 4 below):

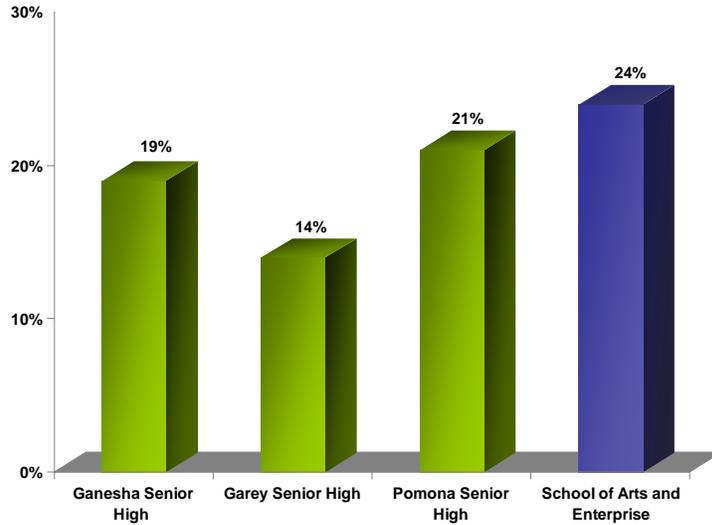
**Figure 3**

**The School of Arts and Enterprise and its Neighboring High Schools  
9<sup>th</sup> Grade CST English Language Arts Passing Percentage 2005**



**Figure 4**

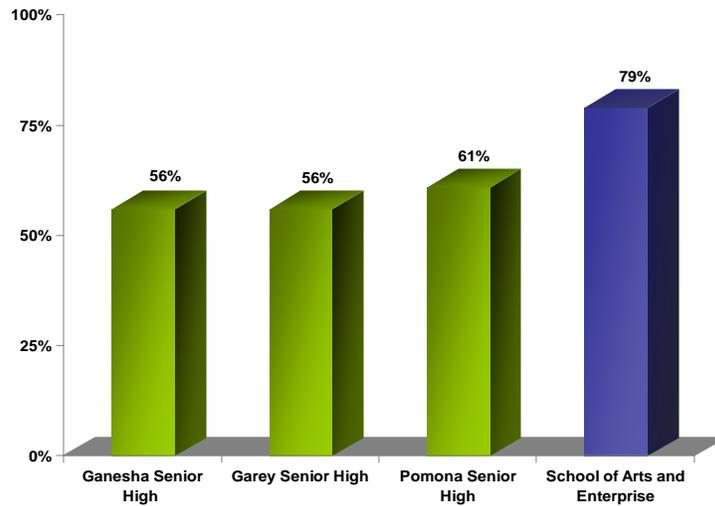
**The School of Arts and Enterprise and its Neighboring High Schools  
10th Grade CST English Language Arts Passing Percentage 2005**



SAE also outperformed its closest neighboring high schools in the California High School Exit Exam (CAHSEE) for English Language Arts by a fairly large margin. The passing rate for SAE was 79%, 23% higher than Ganesha High and Garey High and 18% higher than Pomona High. See Figure 5 below:

**Figure 5**

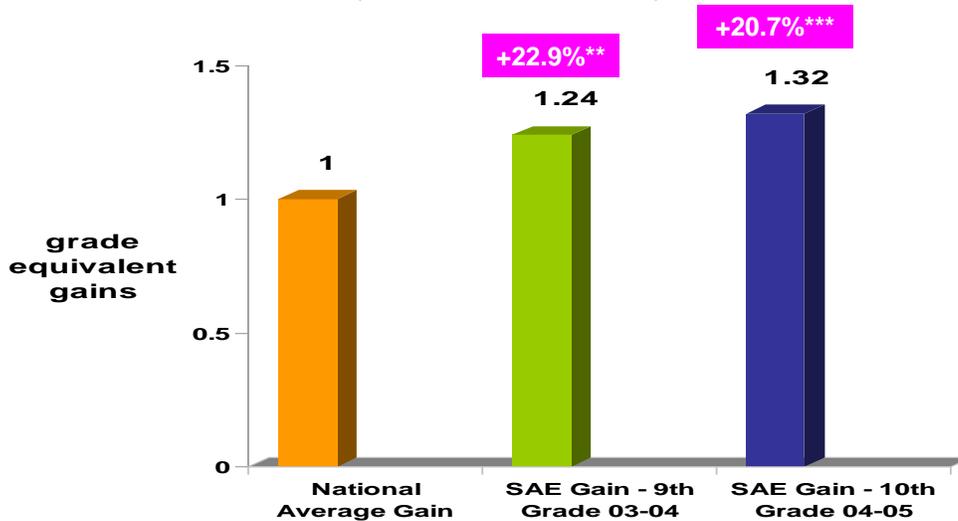
**The School of Arts and Enterprise and its Neighboring High Schools  
2005 California High School Exit Exam (CAHSEE) Results for ELA**



Under-prepared students\* in 10th grade (2004-2005) have made continuous progress in English Language Arts. This group of students was followed from 2003 to 2005, two consecutive academic years. The progress they made surpassed the national average by 22.9% in 2003-2004 (when they were in 9th grade), and by 20.7% in 2004-2005 (when they were in 10th grade). See Figure 6 below:

Figure 6

**SAE Under-prepared Students' Progress in Language Arts**  
**9<sup>th</sup> Grade 2003-04 and 10<sup>th</sup> Grade 2004-05\***  
(Gates-MacGuintie test)



Notes:

\*SAE gains were calculated for students who were at least 2 grade levels behind entering 9<sup>th</sup> grade (63% of all students).

\*\*The increase was calculated by comparing the difference between Fall 03 and Spring 04. (Average beginning 9<sup>th</sup> GE=5.4)

\*\*\*The increase was calculated by comparing the difference between Fall 04 and Spring 05. (Average entering 10<sup>th</sup> GE=6.4)

SAE has also achieved considerable progress in its state and similar school rank. In 2004 Base API, SAE received a "1" in Statewide rank (1 being the lowest, and 10 the highest) and a "2" in Similar School rank. Within the 2005 Growth API list, SAE's API of 627 is located in the middle of decile 5. When the 2004 Base API list of 100 SAE Similar Schools is sorted using the 2005 Growth APIs achieved by those schools, SAE is expected to rank as a high 5 or low 6 decile school. While the computation above is admittedly a rough estimate, it is a solid indication that SAE is making very significant progress in the State and Similar School rankings.

## Element A

### Educational Program

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21<sup>st</sup> century, and how learning best occurs.

The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. --California Education Code Section 47605(b)(5)(A)

#### **What It Means To Be An Educated Person In The 21st Century**

As the new century begins, American education faces the challenge of preparing its citizens to work in a changing, technology driven, economic environment. The increasing openness, democratization, and globalization of the world economy has made it clear that to compete effectively, businesses must be the best in the *world* at what they do, not simply the best in the United States. The forces of globalization are changing whole industries, changing the nature of work, and changing the kind of knowledge, skills, and abilities people need to work effectively. These facts have caused corporations to hone their core competencies to be *world-class* and in a world where technology and financial capital move across national boundaries with speed and ease, *employees* are the main, if not the only source of competitive advantage, therefore it is not surprising that employee core competencies are now being defined in the context of *knowledge-based work* at firms operating in developed economies such as ours. Knowledge based workers will need to be highly skilled in at least two areas. One set of skills is newly required and we can refer to them as *essential skills*. The other set of skills is the same “*basic skills*” that have served as the cornerstone of American education since its beginning.

#### **Essential Skills**

Recently, various reviews and surveys (e.g. Drucker, 1994, Bassi et. al., 1998) that have focused on the preparation and use of manpower in the 21<sup>st</sup> century have indicated that a fundamental change in the workplace is already underway. For example, it has been suggested that nearly fifty percent of the jobs in the 21<sup>st</sup> century will require the higher-order thinking skills once taught to the very few and that only about ten percent of all jobs will be routine, low skilled work. These reports also indicate that as America moves further into a global economy and organizations continue to enter new countries, there will be a rise of the virtual organization and knowledge management will grow in importance. Consistent with this trend, it is also being projected that information technology will become an integral part of more jobs and that employees will need the skills to use information technology effectively. As a result, workers entering the labor force in 2000 and beyond will increasingly need to possess well-developed computer skills. The average twenty-first century worker will also need lifelong learning, critical thinking, decision-making, problem solving and independent research or investigative skills. These skills will be fundamentally important

because the possession of them will enable employees to see the big picture and to react promptly and appropriately to new situations and problems as they arise both in tumultuous workplaces and also when work teams undergo frequent changes in membership. Finally, as this last point implies, these workers will also need to work collaboratively in teams and across national boundaries. There is already a growing use of teams in the workplace including self-directed quality circles and a variety of problem-solving teams. These trends are expected to only increase over time. Clearly, these studies indicate that the skills and knowledge people will need to have in order to succeed in the workplace are not currently being taught in the typical high school and college curriculum. Our charter school seeks to bridge this gap between educational competencies and the business world so as to prepare graduate students to be more successful in today's society.

### **Basic Skills**

The need to continue to focus upon and to improve educational outcomes in this area grows, at least partially, out of a realization that American citizens are ill prepared to compete successfully in a global economy. Indeed, as the world enters the 21<sup>st</sup> century, education in the United States faces the challenge of preparing its citizens to work in a changing economic environment. Recent studies (e.g., NAEP, 2004) of student performance in the basic skill areas of reading, science and math suggest that we may be ill prepared for the challenge. By way of illustration, let us briefly consider the achievement of 13-year olds in mathematics at the end of the academic year in 1999. First, it must be noted that the performance by 13-year-olds on national tests in the area of mathematics has risen only slightly each year during the past 30 years. Second, it should be noted that by 2004 this level of achievement (or underachievement) placed American children in the middle of the pack internationally. Regrettably, the same is generally true regarding the performance of 13-year olds in science and in reading. Against this backdrop it is no surprise that American citizens from every sector of our society are calling for education reform.

### **In Conclusion**

An educated person in the 21<sup>st</sup> century will have accumulated a large base of global knowledge upon which to build in order to achieve success in a highly technical and sophisticated society. The global economy and international interdependence will demand a strong knowledge of information technology, including usage of the World Wide Web. A core of knowledge in the subjects of language arts, math, geography, history, science, and entrepreneurship will be basic requirements. Moreover, the ability to work well in teams, think critically and creatively, solve complex problems, communicate effectively and employ the skills of a life-long learner will be essential for success in the workplace. However, such knowledge must be coupled with core knowledge in and a basic appreciation for the visual and performing arts as a gateway to work cooperatively and to understand and respect people from diverse cultural and social backgrounds. Finally, an educated person in the 21<sup>st</sup> century will understand the need for civic responsibility and social justice.

## **Philosophy/Research In Support Of Educational Program**

In this section we propose what we consider the best philosophical, theoretical and empirical foundation upon which to establish a charter school and initiate a systematic effort to build a knowledge base that will be accessible and useful to people in the field. Our presentation will make it immediately apparent that we do not need a “new theory of learning and instruction,” as some have proposed, in order to provide quality education to students in our targeted geographic area. To the contrary, we are convinced that the extensive literature that discusses *Contextual Teaching and Learning* sufficiently supports the educational program of the School of Arts and Enterprise. This broad category of literature includes; [1] the educational philosophies of Dewey (1915 & 1916), Montessori (1912) and Freire (1962); [2] the cognitive theories of Leontiev (1978), Vygotsky (1978) and Piaget (1970a); [3] empirical results reported in the fields of contextual learning and neuroscience and [4] discussions of the project-based learning (PBL) approach that we will implement at the School of Arts and Enterprise. Each of these four areas is presented below. It should be noted that in the PBL section we will include a discussion of how we first applied many of these ideas at an innovative high school in Southern California that delivers its entire standards-based functionally integrated curriculum by means of long-term projects.

### **Contextual Teaching and Learning: A Theoretical Background for the School of Arts and Enterprise**

Early cognitive theories assumed that a cognitive core of knowledge and skills exists in the mind of the individual, independent of context and intention. These theories typically treated cognitive processes rather mechanistically—as the manipulation of symbols inside the mind. Traditional instructional theories grounded in this perspective assumed that concepts and skills can be learned independently and that learning is facilitated by breaking complex tasks into component parts to be taught and practiced in isolation (e.g., Gagne 1985).

More recently, researchers have come to believe that cognition is a much more complex activity than once thought. Knowledge and learning are considered to be *situated* in particular physical and social contexts, challenging the view that knowledge exists in the mind of the individual, independent of its contexts of acquisition and use. Dissatisfied with overly individualistic accounts of learning and knowing, scholars are arguing for the importance of *social* and cultural factors in determining what and how we know and learn. Cognition is viewed, not solely as a property of individuals, but as *distributed or* “stretched over” (Lave 1988) the individual, other persons, and various artifacts such as physical and symbolic tools (Salomon 1993).

Drawing on these more recent conceptualizations, the educational program to be offered at The School of Art and Enterprise is one version of what the education community now generally refers to as “Contextual Teaching and Learning (CT&L).” The CT&L Project Core Team (1997), consisting of faculty and researchers from the Ohio

State University and Bowling Green State University has defined Contextual Teaching and Learning as follows:

“Contextual teaching is teaching that enables learning in which pupils employ their academic understandings and abilities in a variety of in-and-out-of-school contexts to solve simulated or real-world problems, both alone and in various dyad and group structures. Activities in which teachers use contextual teaching strategies help students make connections with their roles and responsibilities as family members, citizens, students, and workers. Learning through and in these kinds of activities is commonly characterized as project-based, problem-based, design-based, work-based, self-regulated, occurring in a variety of contexts including the community and work sites, involving teams or learning groups, and responsive to a host of diverse learner needs and interests. Further, contextual teaching and learning emphasizes higher-level thinking; knowledge transfer; and collection, analysis and synthesis of information and data from multiple sources and viewpoints. Contextual teaching and learning includes authentic assessment that is derived from multiple sources and is ongoing and blended with instruction<sup>1</sup>. We believe that this educational approach will enable us to assist all students, especially Latino/a students, to develop high academic competencies.

Broadly summarized, the characteristics of contextual teaching and learning include teaching and learning that

- is focused on a problem;
- fosters self regulation;
- occurs in multiple settings or contexts;
- anchors teaching and learning in students’ diverse life contexts;
- uses teams or interdependent group structures so students can learn from each other; and
- employs authentic assessment and multiple methods of assessing student achievement.

This general approach is not new. Philosophically, it can be traced to Dewey (1916), Montessori (1912), and to Freire (1962). Each of these innovative educational philosophers strongly advocated the view that learning is a very active process that must be linked to the world of the learner’s daily life. The evolution of the work of these pioneers has led to the continuing refinement of empirical research and educational practice based upon the so-called “constructivist theories” of learning advocated by

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<sup>1</sup> Project-based and designed-based were not included in the original definition. However, the authors of this petition have taken the liberty of including them in our presentation of the CT&L Partnership’s definition since these approaches completely conform to all of the relevant features of their definition. We speculate that these approaches were overlooked in 1997 because the literature that discusses these two approaches is only now beginning to move into the mainstream.

Piaget and Vygotsky. Obviously, the literature in this broad field is too expansive to be completely reviewed as a part of this petition. However, Dewey's concept of pragmatics, the cognitive theories of Vygotsky and Leontiev as well as recent research in neuroscience serve as the foundation of our approach. Therefore, each of these approaches will be briefly discussed below.

### **Philosophical Foundation**

In 1916, John Dewey described a method of knowing, one that he termed "pragmatic," as follows:

Its essential feature is to maintain the continuity of knowing with an activity which purposely modifies the environment. It holds that knowledge in its strict sense of something possessed consists of our intellectual resources – of all the habits that render our actions intelligent. Only that which has been organized into our dispositions so as to enable us to adapt the environment to our needs and to adapt our aims and desires to the situation in which we live is really knowledge. Knowledge is not just something which we are now conscious of, but consists of the dispositions we consciously use in understanding what now happens. Knowledge as an act is bringing some of our dispositions to consciousness with a view to straightening out a perplexity, by conceiving the connection between ourselves and the world in which we live.

Primarily on the basis of this concept of "knowing," Dewey argued that schools should be more like the rest of life – that they should be places where people learn by engaging in meaningful and purposeful activities rather than places where students rehearse abstract content transmitted by teachers and textbooks. Indeed, ever since he presented this argument, a comparatively small segment of educators have been developing opportunities for students to work together to learn information and solve problems.

### **Learning in Context**

For most of this century a number of educators have struggled in various ways with trying to make what children learn in school more accessible and useful in other contexts. Some students, parents, and employers perceive that schools do not teach content that is relevant to the rest of work and life in society. Others feel that "school learning" is too abstract and removed from the rest of life. Concerns such as these have led to the criticism that teachers and schools do not provide students with useful preparation for work and life.

Partially in response to these types of criticisms, the educational research community has seen a renewed interest in how learning in schools might be better contextualized or situated in meaningful settings so that the resultant knowledge is indeed more accessible and useful to students when they leave school. Much of this discussion about context is intertwined with new (or at least revisited) ideas about the nature of cognition and learning. Terms such as situated cognition, authentic activities, distributed cognition, and communities of practice are currently in vogue. All of these concepts are

attempts to acknowledge and address the role of context in learning. How, for example can we create in a student's formal educational experience contexts and experiences that will empower students to be life-long learners and problem-solvers?

### **Activity Theory**

The writers of this petition believe that we have identified one of the most promising theoretical and practical approaches for ensuring that the students of The School of Arts and Enterprise will be life-long learners and successful problem-solvers. We have decided to draw mostly upon the work of two scholars, who clearly participated in creating the foundation for what we today refer to as "contextual teaching and learning," to support our educational program. We will develop an educational framework closely aligned to the thinking of Vygotsky and Leontiev. These authors worked for many years and published extensively. Collectively, their work has come to be referred to as *Activity Theory* (see Wertsch, 1979). Unfortunately, because of the sheer volume of their original work and the subsequent research it has spawned, it is not possible to provide a comprehensive review as a part of this petition. However, we will briefly present a few of their more central ideas and follow that with a very brief discussion of some of the more recent research that has grown out of Activity Theory. Taken together, these ideas form the theoretical and empirical foundation for the integrated project-based learning approach that will be used at The School of Arts and Enterprise.

As early as 1928, these cognitive theorists suggested how we could overcome the problem of isolating the teaching of students from the work they will perform and the lives they will lead outside of school. Vygotsky proposed analyzing *activity* as a method of scientific human psychology. Specifically, Vygotsky introduced the concepts of "tooled (instrumental) operations, purposes, zone of proximal development and motivation. Of the four, motivation and zone of proximal development are most important and will be briefly discussed here. He conceptualized motivation as being socially constructed and extrinsic in origin. Later, through interacting with the world around them, certain motives become internalized by the individual. These motives then exist in what Vygotsky termed the "motivational sphere of consciousness."

Regarding the zone of proximal development Vygotsky proposed the notion that every psychological function in a child's cultural development appears first at the social level (inter psychologically); that is, children can perform certain tasks in social settings with the help of others. These teaching/learning interactions are characterized theoretically as taking place in a *zone of proximal development*. Later the same functions appear at the psychological level (intra psychologically) and can be independently activated by the individual children.

Specifically, the zone of proximal development (ZPD) is the area that comprises the next closest steps in cognitive development that, with the aid of outside support and/or guidance, students can achieve. For example, with many students the ZPD that follows basic phonics is whole word annunciation. With a small amount of outside help, most students are able to make that leap on their own and retain both the skill *and* the sense of personal accomplishment. It is the distance between student's actual development

level, as determined by independent problem solving done under guidance from a more experienced individual or group. The actual development level characterizes cognitive development retrospectively while the zone of proximal development characterizes cognitive development prospectively and also defines those functions that are about to mature.

Leontiev includes and expands upon most of these concepts in his broader conception of activity. As conceived by Leontiev, activity is a general name for the object oriented functioning of the human organism, including the physiological as well as the psychological (in whatever way these are to be distinguished). Activity, according to Leontiev, is non-existent without motive. Anything done, any activity participated in, will have a motive, directly or indirectly. Learning will take place when the motive and the activity are closely related.

Tied closely to the relationship between motive and activity are two other concepts identified by Leontiev that are the centerpiece of our approach, *objective world* and *psychic reflection*. These two concepts are simply based upon the idea that, like in activity, the human being must interact with the world. The world, however, exists both within and outside of our minds. As we develop and learn, the *psychic reflection* – the image of the world we hold inside – must come closer to the *objective world* – the world as it actually exists. This maturation process can also be thought of as the development of the skills of critical thinking and analysis. PBL, discussed in a later section, is a process that capitalizes on this understanding by creating opportunities for students to, through analysis and critical thinking, bring their understanding closer to the reality of the objective world. Now, however, since the modern propositions that cognition and learning are activities that are situated, social, and distributed are rooted in these earlier Vygotsky and Leontiev concepts and because of the implications of these concepts for classroom practice, we will briefly discuss each of them individually.

*The Situated Nature of Cognition.* Contemporary cognitive theorists are reconsidering the relationship between knowledge as it exists in the mind of the individual and the situations in which it is acquired and used (Brown, Collins, and Duguid 1989; Bruner 1990; Greeno, Collins, and Resnick 1996; Greeno and the Middle School Mathematics through Applications Project Group 1998).

Theories of situated cognition, which focus explicitly on this relationship, assume that knowledge is inseparable from the contexts and activities within which it develops. These theories posit that the physical and social context in which an activity takes place is an integral part of the activity and that the activity is an integral part of the learning that takes place within it. Thus, every cognitive act must be understood as a specific response to a specific set of circumstances (Resnick 1991). How a person learns a particular set of knowledge and skills and the situation in which a person learns become a fundamental part of what is learned. The "situatedness" of knowledge can be illustrated by the example of young street vendors who are able to perform sophisticated mental computations involving the items being sold but unable to perform

similar or simpler computational tasks using the arithmetic procedures taught in school (Carragher, Carragher, and Schliemann 1983). Another example is the tight connection that exists between the mathematics used by workers in a modern dairy and the physical environment in which various dairy items are organized for delivery (Scribner 1984).

The emergence of the situated perspective has prompted renewed consideration of *transfer*—an important educational concept with a long history of debate from both theoretical and practical perspectives. According to traditional cognitive theorists who focus on the transfer of *knowledge* across tasks, transfer can occur only when an individual has developed an abstract representation of the knowledge that can be applied to multiple situations (Anderson, Reder, and Simon 1996, 1997). From the situated perspective, in *contrast*, *participation* in activity systems is key and transfer is possible when key features promoting and hindering participation are similar across situations—whether those situations occur in the school, the community, or the workplace (Greeno 1997; Greeno et al. 1996).

An extensive discussion of transfer is beyond the scope of this petition. It is important to note, however, that ideas about the relationship between traditional cognitive theories and situated cognition are still being developed and that the question of how knowledge transfers to new contexts is currently being debated within the scholarly community. For the purposes of this petition we adopt the view that knowledge and learning are, at least to some extent, situated within specific contexts. When thinking of learning, knowing, and thinking as being situated in contexts, it is important to recognize that these contexts are largely *social*.

*The Social Nature of Cognition.* The impact of social influences on learning and the social contexts in which learning takes place have received increasing recognition in recent years. Learning—especially learning in school—has traditionally been considered a primarily individual activity in which students acquire, largely through repetition and practice, the knowledge and skills presented by teachers and textbooks. Even in some of the recent works written from a constructivist perspective, learning is regarded as a primarily individual, albeit active enterprise through which individuals make sense of the world by interpreting events through their existing knowledge and beliefs (Resnick 1991). The assumption that individuals actively construct knowledge is sometimes naively translated into a belief that powerful learning will take place through students' individual efforts to make sense of their experiences and a romantic pedagogical view that the teacher's role is simply one of facilitating students' explorations of the world (Cobb 1994a; Driver, Asoko, Leach, Mortimer, and Scott 1994; Prawat 1992).

Increasingly, however, psychologists and educators are recognizing that the role of others in the learning process goes beyond providing stimulation and encouragement for individual construction of knowledge (Resnick 1991). Rather, interactions with the people in one's environment are major determinants of both what is learned and how

learning takes place. This *sociocentric* perspective (Soltis 1981) represents a confluence of ideas from numerous disciplines, including philosophy, anthropology, sociology, psychology, linguistics, and literary theory. In psychology, much of the current emphasis on social aspects of learning and knowing has its basis in the work of Vygotsky (1978) and Leontiev (1978).

From this sociocentric perspective, what we take as knowledge and how we think and express ideas are the products of the interactions of groups of people over time (Soltis 1981). Individuals participate in numerous types of *discourse communities* (Fish 1980; Michaels and O'Connor 1990; Resnick 1991) ranging from scholarly disciplines such as science or history to groups of people sharing a common interest to various workplaces and professions. These discourse communities provide the cognitive tools—ideas, theories, and concepts—that individuals appropriate as their own through their personal efforts to make sense of experiences. An important part of what it means to become competent in a particular domain is to learn the forms of argument and discourse—the accepted ways of reasoning, acting, and valuing—within that disciplinary community. Learning science, for example, entails "entering into a different way of thinking about and explaining the natural world; becoming socialized to a greater or lesser extent into the practices of the scientific community with its particular purposes, ways of seeing, and ways of supporting its knowledge claims" (Driver et al. 1994, p. 8). Similarly, becoming a physician, an accountant, an artist, a chef or an entrepreneur entails learning to think like and with the professionals in the field. Thus, what we learn—what we take as knowledge—is fundamentally social.

The *process* of learning is also social. The role of other people, especially more knowledgeable others such as parents or teachers, varies across views of learning. In the implicit theories of learning that underlie much of traditional school practice, more knowledgeable others (i.e., teachers) typically are viewed as a source of the knowledge that is presented or transmitted to learners. From an individual constructivist perspective, interactions with other people are a source of dis-equilibration (Piaget 1985), the driving force for individual development. In contrast, sociocultural theorists conceptualize learning as participating more fully in the discourse and practices of a particular community while simultaneously contributing to the growth and change of that community (e.g., Cobb 1994b). From this view, learning is as much a matter of enculturation into a community's ways of thinking and dispositions as it is a result of explicit instruction in specific concepts, skills, and procedures (Driver et al. 1994; Resnick 1988; Schoenfeld 1992). Individuals learn by participating in the activities of a community along with more knowledgeable members, appropriating for themselves new understandings and ways of thinking. At the same time, these individuals influence the understandings and practices of the community. The image of teacher as presenter of information or stimulator of individual thinking is replaced by images of the teacher as coach, mentor, or master craftsperson working alongside an apprentice. The latter images underscore the fact that, in the world outside of school, thinking, knowing, and learning are often collaborative or, to put it another way, *distributed* across people and their environments.

*The Distributed Nature of Cognition.* Because intelligent activities are often collaborative rather than solo performances and because they often depend on resources beyond the individuals themselves (such as physical tools and notational systems), many researchers have focused on cognition as an activity that is distributed or "stretched over" the individual, other persons, and symbolic and physical environments (Lave 1988; Pea 1993).

The distributed nature of cognition has been illustrated by Hutchins (1990, 1991), who described the navigation of a U.S. Navy ship—a task so complex that no one individual involved in performing it had the knowledge and skills to complete it alone. Instead, six people with three different job descriptions were involved in piloting the ship out of the harbor. Two people on the deck took visual sightings. Two others relayed the readings to specialists on the bridge: one specialist recorded readings in a book while the other plotted the ship's position on a navigational chart and projected where it would be at the next sighting. The resultant information was used to decide what landmarks should be sighted next by the people on the deck. This distribution of cognition across people made it possible for the crew to accomplish cognitive tasks beyond the capabilities of any individual member.

It is important to note, however, that the team involved in navigating the ship did not possess all the knowledge essential to the navigational tasks at hand. Some of that knowledge was built into various sophisticated tools. As this example illustrates, cognition is sometimes distributed not only across persons but sometimes across persons and tools. Resnick (1987) focused on the changing distribution of knowledge between people and their tools by tracing the history of the compass. Before the invention of the compass, sailors navigated by the stars, locating constellations in the sky and performing complex geometric calculations to get their bearings. Simple magnetic compasses eliminated the need for some of these calculations, and as compasses became more sophisticated, additional computational work was eliminated. Today, essentially all needed computations are performed by gyrocompasses; most cognitive tasks involved in navigating have been shifted from sailors to their tools. As these examples from the domain of navigation illustrate, some tools do not merely enhance cognition, they transform it. Thus, as Pea (1993) has argued, the distribution of cognition across persons and tools should be seen as expansion rather than reallocation; by distributing cognition, we expand a system's capacity for innovation and invention.

The research on the situated, social, and distributed nature of cognition has important implications for classrooms and teachers. Viewing cognition as situated implies that students should learn knowledge and skills in meaningful contexts. The implication of the notion of cognition as a social activity is that students must be prepared to participate in various communities. The implication of research on the distributed nature of cognition is that classroom environments should be more reflective of the distributed cognitive activities that occur outside the school environment and prepare students to work with the people, tools, and technologies encountered in the modern workplace.

### **Curriculum Integration**

In general curriculum integration involves an effort by teachers to *bring together* the various disciplinary perspectives and focus them on the investigation of a theme, issue, or a problem. Specifically, Perkins (1990) has defined curriculum integration as “curriculum designed so that related concepts, generalizations, concepts and/or processes are brought together and organized for learners.”

A review of the literature on curriculum integration reveals that it is an important but largely underused element in the education of America’s children. For example, a study conducted by Jacobs (1989) suggests that integration prevents the fragmentation of curriculum. Additionally, Jacobs reports that when curriculum is integrated, students can see and understand the connections between academic subjects and how the learning is relevant to life. Also, students are more likely to make connections and transfer between contexts that seem quite separate.

Moving beyond research in classroom settings, neuroscience is beginning to make it clear to all of us that integrated curriculum approaches to educating our children is consistent with the way that the human brain prefers to function. Indeed, neuroscience is now telling us that the complexity that exists in our everyday surroundings is a very nice match for the way that our brains routinely work. Research conducted by Kotulak (1996) and Kuhl (1994) has shown that the human brain has a *plasticity* that allows it to grow and adapt to environmental stimuli. This plasticity means that human beings learn most what is most meaningful to us. Conversely, new material for which there is no connection is discarded. If an emotional connection is made in learning, that new material is reinforced. This conclusion is supported by Caine and Caine (1991) who report that the brain looks for meaning in experience by searching for common patterns and connections.

As a race, we humans are conditioned to remember things that are important to remember – don’t touch a hot stove, look both ways while crossing a street – and what is important to remember are the things that are discovered by us in situations where the content of the knowledge is coupled with experience. We may be told numerous times as children to pay attention in school, but it is only when we realize for ourselves through some event or series of events (hopefully before it is too late) that school is important that we actually do so. Logically, if this is the way that connections are made and retained within the human brain, then learning that is done in a complex, real-world, environment will be retained at a higher rate than learning that is discrete.

The simple concept outlined above clearly suggests that the tendencies of the brain to consider the entire experience, and to search for meaningful patterns, call for a thematic and/or integrated curriculum approach to instruction. This instruction must be both complex and functional. If we are to follow this new course then students must have hands-on experience with what they are expected to learn and the opportunity to engage in dialogue with other people.

### **Project-Based Learning (PBL)**

Semester-long projects provide the best opportunity to accomplish the benefits contained in the philosophy and research discussed above. It is the opinion of the designers of this charter school that from among the various “contextual teaching and learning approaches available to us, the project-based learning approach offers the most promise for achieving our educational objectives while working with the target population: mostly Latino students that will attend our school. This choice is supported both by published research and by our prior experience participating in the development of International Polytechnic High School.

A recent “Review of Research on Project-Based Learning” (Thomas, 2000) suggests this teaching and learning method may be especially adapted to serving disaffected and underachieving learners by making, for example, mathematics more relevant and accessible as a “dynamic, flexible” subject, rather than a “rule-bound” one of little practical use. The review shows special benefits to urban, disadvantaged youth in general and girls in particular, who tend to find conventional, textbook-based schooling and especially math to be “boring and tedious”.

This same review suggests that projects are a desirable way to engage the interest and attention of students and to facilitate students in actually learning more and more effectively than when they are taught within more traditional systems of education. Thomas reports several studies that indicate students also believe that project based learning is beneficial and effective as an instructional method. He goes on to report that researchers have identified several other benefits of PBL. For example;

- PBL contributes to enhanced professionalism and collaboration on the part of teachers and increased attendance, self-reliance, and improved attitudes towards learning on the part of students.
- PBL seems to be equivalent or slightly better than other models of instruction for producing gains in general academic achievement and for developing lower-level cognitive skills in traditional subject matter areas.
- PBL, in comparison to other instructional methods, has value for enhancing the *quality* of students learning in subject matter areas, leading to the tentative claim that learning higher-level cognitive skills via PBL is associated with increased capability on the part of students for applying those skills in novel, problem-solving contexts.
- PBL is an effective method for teaching students complex processes and procedures such as planning, communicating, problem solving, and decision making

Drawing on the research summarized by Thomas (2000) and literature on contextual teaching and learning, we developed an integrated curriculum project-based approach at International Polytechnic High School (I-Poly) and gave genesis to both an informal and a formal definition of a project. It will be useful to have at least the informal definition in mind as we briefly discuss our work at I-Poly (our formal definition will be

presented in a later section). Informally, an integrated curriculum *project* is thought of as a problem-solving environment that features (i.e., is planned and consciously developed and organized by teachers to have) a great deal of social interaction and social support for students.

While implementing the integrated project-based approach that reflected the above definitions the writers of this petition, collaborating with teachers and staff of I-Poly, learned that two features of the *project* motivate student participation and engagement in the academic work that must get done in the problem-solving environment. First, the intellectual work of the project is initiated by the necessity of answering a large/driving philosophical dilemma or solving a complex problem that encourages students to see the relationships between concepts and ideas from different subject areas. For example, this driving question might be “who am I,” “what is humankind’s place in the universe,” or “what is reality?” An example of a complex problem might be for student project groups to design a cost-effective mission to Mars that results in the establishment of a two hundred-person colony. The second motivating element is that each project culminates with the creation of a tangible product and a public exhibition of the student group’s answer to the philosophical dilemma or solution to the complex problem presented at the beginning of the semester. These projects adhere to state curriculum standards and frameworks; they also integrate academic content, require collaboration, encourage inquiry learning and incorporate the use of technology.

At I-Poly, students produce content through research, analysis and the production of creative project results. The majority of classroom time is spent in small project groups of three to five students under the supervision of teachers. Based on the curriculum development work that the writers of this petition carried out at International Polytechnic High School, it is expected that students at The School of Arts and Enterprise will thrive in this format. Our experience informs us that PBL invokes a form of instruction that may be native to the human species: engaging adolescents in purposefully structured group activity under the direction of older guides and mentors. This produces valuable social bonding and mutual understanding, as well as technical skills needed for the productive employment of the individual and the survival of the group.

The PBL approach is specially suited to preparing students for jobs in media production and other collaborative design arts, which are the leading growth areas of the L.A. Basin economy. Those students who may not feel they can be “artists” can nevertheless learn to be valuable members of creative project teams, where they may learn and demonstrate the “post industrial” skills that are needed, increasingly, for success in collaborative media, business and/or the knowledge-based world economy.

### **How Learning Best Occurs**

Our brief review of philosophy and research suggests that learning best occurs when several elements are effectively integrated. A successful educational model that we are proposing will include:

- Educational goals that are clear and concise.

- A school design that incorporates best practices that have already proven successful in a similar environment.
- An instructional approach that is thematically organized and engages the interest of students.
- Teaching and learning that is focused on a problem.
- Teaching and learning that fosters self-regulation.
- Teaching and learning that occurs in multiple settings or contexts.
- Teaching that anchors learning in students' diverse life contexts.
- Teaching and learning that uses teams or interdependent group structures so students can learn from each other.
- Classroom environments that are reflective of the distributed cognitive activities that occur outside the school environment and prepare students to work with the people, tools, and technologies encountered in the modern workplace.
- A school-wide commitment to high student achievement.
- Teachers who are motivated and fully engaged in the educational process.
- Parents and extended family who, regardless of their English language abilities, are involved in the educational process.
- Additional learning opportunities are offered through an extended day and extended year (to increase time for learning), and through support programs such as after school and Saturday school.
- Community partners are actively involved in the school environment and decision-making.
- All needs of the individual student are being met (i.e. physical, emotional, and mental).
- Teacher recognition and high expectations for professional growth.
- Teacher participation in governance and curriculum development.
- A nurturing educational setting (small school size/small class size) that will allow for more focused and individualized attention.
- Teacher expertise in providing academic support to second language learners (i.e. scaffolding and ELD strategies to access content).

The School of Arts and Enterprise will offer an educational program to support students in becoming self-motivated, competent, and help them be lifelong learners by creating a school environment wherein every student learns the specific knowledge and skills needed to advance to the next grade level, essentially creating the foundation for which knowledge can build upon knowledge.

### **Educational Program: Curriculum and Instruction**

The School of Arts and Enterprise will provide a strong academic experience for all students by making good use of what others have already found successful. The arts, including visual, performing, and musical will be a central part of each student's education. Creative arts professionals, artists, and musicians will all participate in the arts programs at The School of Arts and Enterprise. The arts will be taught three hours to five hours each week and will focus on the academics of art as well as hands on development in an integrated project based learning environment. There are four types

of learning strategies or modalities that will be used to address students' different learning styles. These include project based learning, direct instruction, after-school programs, and placement and internships.

The curriculum is academically rigorous, integrated and entirely project-based. The School of Arts and Enterprise will be organized under an independent charter and will be organized as a combined high school, production studio and business incubator. An existing Los Angeles County Office of Education model school, International Polytechnic High School, has proved to be highly qualified as an educational prototype and has influenced the instructional approach that will be implemented at this Charter School.

### **Curriculum and Curricular Standards**

The *Academic Content Standards for California Public Schools* and the *California Challenge Standards for Business Education* will provide the academic content for the instructional program of The School of Arts and Enterprise. Each semester, students will complete a significant project that achieves a comprehensive and sequential subset of the academic content standards for each subject area. The standards covered each semester will include science, fine arts, mathematics, business education/ entrepreneurship, language arts, and history/social science. Students will also complete two years each of foreign language and physical education. This academic portion of the high school's curriculum will be submitted for UC approval.

Additionally, the school's curriculum will include the implementation of powerful, "thinking and performance" content standards. This part of the curriculum will emphasize learning how to learn as well as how to think and communicate. Interpersonal skill development will be emphasized as well. Specifically, student growth will be assessed in the following essential skills areas: Life Long Learner, Critical Thinker, Creative Thinker, Community Citizen, Global Citizen, Effective Communicator, and Effective User of Technology.

To insure that the California State Content Standards are taught each semester, teachers will develop the instructional program [project-based learning] based on the standards that they must teach and students are expected to learn. The teacher teams responsible for delivering academic content will develop the projects using backward planning procedures (with Academic Content Standards as the starting point) and following specified guidelines that result in a rigorous academic program for all students. In other words, *all of the schools projects will be built on the "foundation" of California State Content Standards*. These same teacher teams that develop the projects will also have the responsibility for selecting and/or creating the instructional material that most effectively facilitate the teaching and learning of the content and skills specified by the state of California.

In addition to the strong emphasis on the core subjects and essential skills, the curriculum will provide students with the opportunity to learn "real world" ideas, theories, concepts and skills as they are being applied in context. Through project work students will be involved with city arts, music and cultural groups, which add both contextual

learning opportunities and enrichment to the school day. This extension of learning beyond the school walls will help The School of Arts and Enterprise students participate in workplace and professional “discourse communities” (see pg 9). Through this means our students will also accomplish the essential goals of learning the importance of tolerance, civility, orderliness, responsibility, hard work, and working towards the improvement of both their community and fellow human beings.

The School of Arts and Enterprise also plans to provide a technology rich environment, including a ratio of one computer for every two students and technology and Internet access availability not only to students but also to their families (within three years). Every teacher will have a laptop, which will help in lesson development and communications between staff and parents. The School of Arts and Enterprise plans to have an interactive telephone and Internet communication site so that parents will have immediate access to homework assignments, school events, and important school information.

The availability of this technology will allow the School of Arts and Enterprise to integrate technology throughout the curriculum. All students will have access to technology including computers, scanners, printers, and video cameras. Over their four years of attendance, project work will require students to demonstrate skills in data and information retrieval, use of various software, Internet and email competence, video conferencing, developing video and multi-media presentations. These skills will be acquired through the infusion of technology into actual core subject matter and use of technology for educational games and supportive activities. To sustain this drive on helping students develop strong competencies through the use of technology, most classrooms will be equipped with the resources needed.

The physical education program will provide a balance between physical fitness and body development. There will be units on dance, gymnastics, basic body conditioning, yoga, body health, and nutrition. Traditional sports such as soccer, baseball/softball, volleyball, and basketball will be offered in an effort to teach skills, sportsmanship, participation and team competition.

### **Instruction**

The instructional approach of the School of Arts and Enterprise will draw extensively from the literature representing the field of Contextual Teaching and Learning (as discussed above) and implement an integrated curriculum model of project-based learning. Arts, media and/or enterprise will provide the theme for all of the projects developed for the new school. All of our students will be involved in these challenging learning opportunities through the use of integrated projects. This, in turn, will enable school personnel to offer an expanded emphasis on providing support for addressing the academic needs and/or challenges of all students while at the same time engaging the special interests and capabilities that are underemployed in conventional high school curricula. These considerations reflect the research on the benefits of multiple intelligence (Gardner, 1983, 1993c & 1995) and emotional intelligence (Goleman, 1998).

This approach expects that with ongoing staff development opportunities and other manner of support, the administrators, teachers, and students will operate in teams and therefore operate differently than in a traditional school. Within this instructional approach, teachers are expected to be coaches, mentors and master craft persons working along with apprentices (the students). Teachers will also be expected to challenge students to competently complete their work and ultimately to demonstrate synthesis, application, and evaluation of what they have learned across all academic disciplines at the semester ending culminating presentations. Teachers will work toward acquiring content and instructional expertise to be adept within their own subject areas, however, many of the projects will require teachers to go beyond subjects they are familiar with and learn new but related material along with their students. Therefore, teachers will often become co-learners with the students and will learn the more in-depth, technical, real-life application of each project topic and theme.

Finally, a variety of supportive teaching strategies from foundational-to-advanced will be used to encourage students to construct meaning and go beyond content and teacher expectations. Research, inquiry and applied learning will be the norm at all levels for most subjects. This instructional approach is expected to engage and promote student responsibility and ownership of their own learning outcomes. The projects will be structured to provide ongoing opportunities for students to work collaboratively in teams, to develop and solve complex problems. To develop interpersonal skills, students will engage in self- and peer-assessment of their work in progress as well as final products.

### **Serving the Academic, Cultural, and Linguistic Needs of English Learners**

The SAE will comply with all federal, state, and judicial mandates for English learners. Student fluency will be measured using the California English Language Development Test (CELDT).

A significant number of The SAE students live in homes where English is not the primary language. Our faculty is dedicated to providing ELL students with an exceptional education, with an aim of transitioning them into English proficiency as soon as possible. We also recognize the importance of valuing students' native languages and cultures, and will reinforce an appreciation for the cultures, customs, and languages of all its students through the school's core curriculum.

Enrichment opportunities for ELL students will be offered at a variety of times outside of the traditional school day. Student progress will be monitored by teachers and qualified staff. Multiple qualitative and quantitative assessments will be used to monitor student progress and mastery of the curriculum. Additional assistance and interventions will be offered to ELL students when necessary.

Communication in the native languages of parents and guardians of students designated ELL will be routinely developed to increase parent involvement in all processes related to the English language development of their student.

To address the needs of English Language Learners (ELLs), the School of Arts and Enterprise will endeavor to educate the whole student to foster self-pride in his/her culture, language, and community. Ada (1993) states that “If teachers believe that every child should be given a chance to develop a strong sense of self, and that the benefits accruing from such self-esteem are considerable, they would do well to match their teaching to that conviction” (p.6). Leavell and Ramos-Machail (2000) concur with Ada: “Teachers are more effective when they value and understand children’s cultural knowledge” (p. 256).

To insure that our English learners receive a supportive program that encourages their academic development through in-class participation in Project-Based Learning and other enriched curricular activities, The School of Arts and Enterprise will work toward hiring BCLAD teachers who can utilize their bicultural training to assist ELLs in optimal ways. To assist our educational endeavors in educating English Language Learners, we propose to build on students’ prior experiences. Hiebert (1991) recommends an educational approach that values and acknowledges the students’ cultural background and makes use of prior experiences as the social foundations for learning. Also, we will approach the education of English learners from the theoretical perspective of Krashen and Terrell (1983) Natural Language Approach; specifically, *The Input Hypothesis* which specifies that comprehensible input is vital to the acquisition of a second language. They further expand on it thus: “To state the hypothesis a bit more formally, an acquirer can “move” from a stage  $i$  (where  $i$  is the acquirer’s level of competence) to a stage  $i+1$  (where  $i +1$  is the stage immediately following  $i$  along some natural order) by understanding language containing  $i+1$  (p. 32). Comprehensible input is obtained by the students by means of communicative approach activities that foster language acquisition in a more meaningful and natural manner. Furthermore, Krashen and Terrell assert that

The main trust of the Natural Approach is that one should first aim for communicative competence; significant grammatical competence will follow. We are thus not sacrificing accuracy for fluency. Rather, a focus on communicative facility entails greater participation in real communication, which in turn entails more comprehensible input, resulting in greater acquisition of grammar....When linguistic goals are set too high, we see neither linguistic nor communicative competence. When communicative goals are emphasized, we see both (p. 167).

In the early stages of English language development, Asher’s Total Physical Response (TPR) approach will provide effective techniques to support student involvement and comprehension. Our teachers will utilize many resources and strategies to decrease the affective filter to assist students who have had little exposure to the English language in order for them to understand academic content. Students’ high academic performance will evolve in great part through the project-based learning opportunities during the year and the ability of teachers to support the students’ Cognitive Academic Language Proficiencies (CALP). Through a repertoire of effective instructional strategies for English language learners, our teachers will be cognizant of the fact that it is easier

for students to develop Basic Interpersonal Communicative Skills (BICS) than CALP because it requires greater instructional support to understand the complexities of the written language, especially in expository text. With that understanding in mind, teachers at The School of Arts and Enterprise will be knowledgeable about implementing Specifically Designed Academic Instruction in English (SDAIE) to provide access to content area curriculum. Thematic teaching and the application of brain-based research will further assist our teachers in teaching our Latino/Hispanic Students in effective ways. Our teachers will receive ongoing professional support to acquire strong effective methods of teaching and assessing ELLs.

Through our collaboration with CSULA, Western University, Cal Poly Pomona, and on-site staff development, and on-site coaching, we will provide our teachers with many opportunities to acquire a greater understanding of multiculturalism, language acquisition stages, and effective instructional practices to accelerate student achievement. The teacher support program will be backed by sound, research-based approaches to explore effective educational practices for ELLs and will include becoming knowledgeable about the implementation of the English Language Development/English Language Arts (ELD/ELA) Standards and other California State Frameworks. WestEd states: “Make no mistake about it; ELD standards are the ‘onramp’ to the ELA standards as the ultimate objective....The intent is for EL students to progress through the ELD levels of language acquisition until they reach Early Advanced or Advanced and then receive instruction in a rigorous, grade-level ELA curriculum as well continued ELD instruction” (p.1). The instructional approach and educational opportunities we provide for our students will help in determining their success. Richard-Amato (1996) believes that “If we are to succeed in producing individuals who can function with maximum effectiveness in a pluralistic society, we must be concerned not only with their development of interpersonal skills but with their academic language skills as well.” To that end, continuous collaboration with the whole school community and ongoing professional support through research and staff training, will greatly assist The School of Arts and Enterprise to provide our students with the best educational opportunities to help in their global education.

The School of Arts and Enterprise will seek to establish on-going opportunities for teachers, students, parents, paraprofessionals, and administrators to form strong partnerships of continual support to assist our students’ development of academic competencies. Our staff will promote high parental participation in our school-related activities to foster a strong sense of community because we want to build on what the parents offer. Ada (1996) reports that “All parents have accumulated, over the course of their lives, meaningful life-experiences, problem-solving skills, and knowledge to share with their children...” (p. 13).

Snow (1994) posits that “...the goal of our [U.S.] system is to produce students who are proficient in English in all realms of use—for social academic needs, for use in the home, and in the job force” (p. 136).

## **Plan for Students Who are Academically Low-Achieving**

To meet our goals for ensuring equal access to academically low-achieving students and students underrepresented in college admissions, the staff is committed to the following:

- Enroll all students in a rigorous academic program that prepares them for success in post-secondary education, career and adult life without the need for remediation
- Provide a curriculum that values diversity and provides greater cultural contexts so students make valuable learning connections between course content and real-life experiences
- Lower class sizes to nationally recommended levels
- Require parent/guardian intervention for students who drop below a C average
- Support existing programs while developing additional programs to meet a variety of student needs and interests
- Expand on-site vocational and school-to-career opportunities to engage students who need alternatives to achieve success and demonstrate proficiency in state curricular content standards; build industry and community partnerships to assist in developing these programs
- Provide for flexible scheduling that targets interventions without taking away opportunities for all students to access the core curriculum
- Increase the number of available intervention programs in the 9<sup>th</sup> and 10<sup>th</sup> grades in order to lower the number of students repeating classes during the junior and senior year
- Increase the number of underrepresented students taking upper level mathematics and science courses
- Provide immediate intervention for students who need extra assistance in passing the CAHSEE
- Provide on-going professional development that helps teachers understand the needs of diverse learners, and empower departments to address these concerns.

The SAE will expand enrichment and intervention opportunities for students during this next charter term. After-school programs that target 9<sup>th</sup> and 10<sup>th</sup> grade students scoring

below the 30<sup>th</sup> percentile on state assessment tests will assist students in improving their math, reading comprehension, and vocabulary development. Tutorial periods and open tutorial centers will provide students opportunities to obtain necessary help in all core subjects.

Summer school programs will offer a range of options for students, allowing for both enrichment classes and subject area acceleration.

The SAE recognizes the fundamental role parents and guardians play in student achievement and will continue to improve parent and community relations. The SAE will consistently engage in dialogue with staff, students, and the community regarding student achievement and the achievement gap.

The School of Arts and Enterprise also recognizes that not all children perform academically at grade level. This will be addressed through several strategies. First, Project Based Learning provides both peer tutoring and role modeling. This is one of the successes of the approach. Second, regular assessments of students (as explained in the charter under the section addressing assessment) will provide early identification of students who are not at grade level so that teachers can plan and strategize effective interventions or tailor the PBL projects to address deficiencies. Third, there is a joint teacher planning time built into the schedule for this purpose. Fourth, SAE will have academically oriented after school programs in a safe environment for students to complete homework and receive tutoring.

The School of Arts and Enterprise will provide an array of supplementary programs that have proved effective in other charter schools. These include, an academically oriented after-school program and safe environment, extensive sports programs through collaboration with the YMCA, which is located across the street from the school (see YMCA letter in Appendix C) and Arts Colony community programs that already provides a culturally rich program of visual and performing arts. For example, the Latino Art Gallery has monthly openings and music performances, as does the Downtown Arts Association. Finally, we will seek funding for an academic summer camp such as those funded in other charter schools (The Accelerated School and View Park Preparatory Accelerated Charter School, to name two).

Supplemental programs will be funded through a combination of state funding (if available), foundation grants, and fees<sup>2</sup>. Because of the transportation issues for

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<sup>2</sup> Charter School's legislation prohibits charging students fees such as tuition. The school, however, may provide lunches to students who do not qualify for Federal Free or Reduced Lunch Program. In this case, the school reserves the right to charge for lunches. Also, The Haven Gallery, which is the Nonprofit Public Benefit Corporation that will have fiduciary responsibility for school, may choose to offer a separate after-school program or an academic summer camp as enrichment experiences available to families outside of the normal school day. Fees may be charged for these programs on a sliding scale and may be based on ability to pay.

charter schools, it is essential that we offer an after-school program to accommodate working parents.

### *I. After School Program*

The School of Arts and Enterprise will offer an After School Program five days a week. Experienced teachers, artists, University tutors, community mentors, and parents as appropriate will teach the program. There will be a number of workshops/internships and courses in the After School Program such as: Downtown Arts classes, studio internships, student exhibitions, community college classes (organized by the school), service learning, theater production, tutoring, supplemental English Language Learners programs, cross age teaching/mentoring programs at the YMCA for small children, clubs, etc.<sup>3</sup>

### *II. Summer School Enrichment Program*

The School of Arts and Enterprise will offer a summer school program. Again the program will be taught by experienced teachers, artists, University tutors, community mentors, and parents as appropriate focusing on academic skills (i.e., English language development, writing skills, and presentation skills), teamwork, and arts projects such as the Will Power to Youth Program (offered by the Shakespeare

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<sup>3</sup> The growth at the SAE over the previous three years has been phenomenal. Not only has the school created and implemented and rigorous, standards-based, core academic and arts curriculum, but concomitant with the development of the core program has been the ongoing development of our extra-curricular enrichment and acceleration programs.

The Acceleration Programs at the school began in the school's first year of operation; scheduling changes were made to accommodate the need for basic subject acceleration. The summer after the schools' first year of operation a full-scale academic summer school program was instituted. This summer school program was for SAE students who felt behind in knowledge and understanding, or who were behind in credits. After school tutoring courses were developed by the core academic teachers and regular tutoring continues at the school before and after school hours. The acceleration enrichment activities at the SAE allow students to be involved in academic work from 7:30 AM until 4:30 PM each week day. Summer Acceleration continues and is still available for any student who wishes to attend. Drop-in tutoring is also available to our students at the teen center at our partner, the YMCA.

The Extra-Curricular enrichment programs at the SAE began in the school's first year of operation. The following after school programs in the arts have been offered in the past 3 years:

- Photography
- Yearbook
- Mosaic Tile
- Sign-Making
- Metal-work
- Aerosol
- Silk-screening
- Printmaking
- Drama
- Dance
- Choral Music
- Jazz Lab
- Improv workshops
- Creative Writing
- Slam Poetry

Many arts enrichment programs are offered to our students through our partnership with Cal Poly Pomona. The after-school and summer arts programs available at the Cal Poly Downtown Center are open to our students, and many of them have taken advantage of the opportunities presented there.

Summer Enrichment Programs that are not aimed at accelerating the academic progress of students who are not competing at grade level is an ongoing project. Our goal of providing summer enrichment remains unchanged.

Our Community Service program has been incorporated into our Essential Skills (see "Goals" section of Element C). Twice each semester a community service work-day is built into the master calendar.

Alongside our academic and arts enrichment, through our YMCA partnership, we are able to provide students with competitive sports and leadership training.

Festival/LA). There will be a number of workshops Arts classes, studio internships, student exhibitions, theater production, tutoring, supplemental English Language Learners programs, cross age teaching/mentoring programs at the YMCA, clubs, and etc.

### *III. Community Service/ Service Learning*

Community service will be an essential component of The School of Arts and Enterprise curriculum and school philosophy. The promotion of social, political, and moral understanding and respect for others is fundamental to students' maturity. Students need to be made aware of problems and needs outside of their personal world. Exposure to such issues will help students to become conscientious contributors of their communities. Students will benefit from participation in community service activities, which will include:

- Internships with Arts Colony Artists and local businesses
- Neighborhood beautification.
- Performing in informational health programs for the community.

### **Plan for Students Who are High Achieving**

The School of Arts and Enterprise supports a gifted and talented program for all students, however, high achieving students may be eligible for additional enrichment activities. The School of Arts and Enterprise intends to take full advantage of existing programs for students offered by regional Arts' organizations. Field trips within the community (museums, exhibits, productions) are meaningful learning experiences. The Museum of Contemporary Art offers an in-depth program that teaches art and culture through the Contemporary Art Start Program. The Dorothy Chandler Music Center, Disney Concert Hall, Los Angeles Opera Association, and Los Angeles Philharmonic all have music programs in which The School of Arts and Enterprise students can be involved. Another arts partnership possibility includes the Fashion Institute of Design and Merchandising. The Children's Museum will also provide a wealth of educational opportunities for The School of Arts and Enterprise students.

The School of Arts and Enterprise will immerse students in the rich multicultural and historical institutions of Los Angeles through regular visits to The Latino Museum of History, Art and Culture, The Japanese American National Museum, El Pueblo Historic Park, and The Chinese Cultural Center, which all offer wonderful educational opportunities. A sense of civic duty will be enhanced by actual experiences with local government and history will come alive through the amazing educational possibilities local organizations provide. City Hall, The Central Library, Olvera Street, and the County Hall of Administration will all be integrated throughout the history and social studies curriculum.

### **Collaborations**

By choosing project based learning as the primary instructional approach of the high school we have also chosen to emphasize collaboration in our approach to education. "Collaborative Education" refers to 1) the collaborative processes of engaging the community in program development as well as 2) the collaborative processes in the

classroom and among staff and administrators. A third meaning derives from a daily habit of emphasis in the classroom on *context* and *integration* of content, and on attention to the responses and capabilities of others to foster high critical thinking skills and open-ended approaches during their collaboration.

Strong links to local community organizations and businesses will help establish strong local ties that are beneficial to students, parents, and the community at large. Collaborations between local community organizations, businesses, social service providers, and civic organizations, and effective integration of education, business, and community partnerships will support the educational goals and provide students access to support services (health care, sports, mentors) which influence academic growth and achievement. (See Attachment C for relevant letters of support.)

Business and community mentors will be paired with each student to nurture accountability, enthusiasm, and support. The School of Arts and Enterprise will pursue a mentor relationship with the local businesses particularly those in the Arts Colony that may include studios, galleries, media production enterprises and La Opinion. These partnerships will enable students to feel more successful by gaining first-hand experience in the Arts business world.

The School of Arts and Enterprise will further develop a university partnership with California State University Los Angeles. The Charter Schools Project at Cal State Los Angeles will provide school development, curricular and organizational strategies, guidance, and advice. Faculty at the Charter College of Education currently helped to found four successful charter schools in Southern California and serve as founding members on three charter school boards.

The School of Arts and Enterprise is networking with local community-based organizations, including the Pomona Arts Colony Association, the Central Business District Association of Pomona, the Pomona Community Redevelopment Agency, Western University of Health Sciences, the YMCA, the Cal Poly Downtown Center, and Cal State LA.

The location of The School of Arts and Enterprise in downtown Pomona provides an opportunity for a wide range of partnerships. Outside educators, student teachers, docents, and staff from local agencies will provide the core of the music and arts curriculum.

Local cultural and educational institutions will be approached for collaborations designed to enrich the curriculum. These institutions include The Latino Museum of History, Art and Culture, The Mexican Consulate, The Children's Museum, The Japanese Museum, The Dorothy Chandler Pavilion, The Museum of Contemporary Art, and the Richard Riordan Los Angeles Public Library.

## **Transferability of Courses**

*Governing Law: If the proposed school will serve high school pupils, a description of how the Charter School will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the Charter School that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements -- California Education Code Section 47605(b)(5)(A)(ii)*

The School of Arts and Enterprise will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements in the student/parent/staff handbook that is distributed annually to all students at the Charter School.

## Element B

### Measurable Student Outcomes

Governing Law: The measurable pupil outcomes identified for use by the Charter School. "Pupil outcomes," for purpose of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. --California Education Code Section 47605(b)(5)(B)

#### **Anticipated Outcomes:**

The School of Arts and Enterprise has set forth a series of expectations that are grounded on the California State Academic Standards for its graduates in both content area knowledge base and "essential skill" mastery. Each of these outcomes is assessed in a variety of different ways to ensure a holistic picture of student achievement. For further discussions on assessment, please see Element C: Methods of Measuring Student Outcomes.

#### **A. Academic Content Specific Outcomes:**

##### *I. Science:*

Each graduate from the School of Arts and Enterprise will:

- ★ Know the scientific method of inquiry and observation
- ★ Have a core understanding of the sciences of astronomy, physics, chemistry, and biology
- ★ Understand the language and conceptual patterns that are used throughout fields of scientific inquiry
- ★ Utilize problem solving approaches
- ★ Experience science: Science at The School of Arts and Enterprise is not to be treated as something to be taught, but as something that is an experience in itself.
- ★ See and understand science as it exists in everyday life experiences, using textbooks, projects, internet, and multiple research methods

##### *II. Math:*

Each graduate from the School of Arts and Enterprise will:

- ★ Be firmly grounded in the core knowledge and skills of mathematics through intermediate algebra
- ★ Utilize math as a method of comprehending the world around them
- ★ Apply math as a sense-making tool in their interactions with daily life
- ★ Formulate and express their thoughts and ideas mathematically
- ★ Use problem solving strategies
- ★ Reason both inductively and deductively

### *III. Social Science:*

Each graduate from the School of Arts and Enterprise will:

- ★ Understand the eras of discovery, colonization, industrialism and the current technological age
- ★ Know the history of the great struggle for human rights and national self-determination throughout history
- ★ Look critically at the world and their place within it
- ★ Follow and understand current national and international events and politics in both their current and historical contexts
- ★ Continue to read and pursue interests related to human studies and communication
- ★ Understand the impact and responsibility of being

### *IV. English*

Each graduate from the School of Arts and Enterprise will:

- ★ Be a highly skilled reader and writer
- ★ Read for pleasure a variety of genres
- ★ Have experience with some of the great writings in our world literary tradition

### *V. Arts*

Each graduate from the School of Arts and Enterprise will have:

- Competences in the arts of drawing, painting, and sculpting
- Familiarity with the arts of music, drama, and dance
- An appreciation of the visual arts
- The opportunity to learn computer graphics and animation
- An appreciation of music from classical to jazz, blues, and gospel
- The opportunity to sing in a choir
- The opportunity to learn a musical instrument
- An appreciation of dance and theatre
- The opportunity to perform in a dance recital and a dramatic production

### *VI. Business Education*

Each graduate from The School of Arts and Enterprise will:

- Understand the elements of a business plan and its effects on the success of a small business
- Understand the impact of global and domestic businesses, financial concepts and integrated business models

- Understand the theories and principles of managing a business
- Understand the history, structure and operations of the American legal system and the basic principles of law relevant to business operations in a global economy
- Understand the strategies and concepts of marketing with a global perspective.
- Understand the concepts and processes needed to obtain, develop, maintain and improve a product or service mix in response to market opportunities
- Understand the concepts and promotional strategies needed to communicate information about products, services, images and/or ideas
- Understand the nature, importance and strategies of sales in business
- Understand basic fundamentals for developing effective leadership skills
- Understand the factors essential to a productive workforce in a culturally diverse global environment
- Understand communications as applied to personal and professional situations, including the concepts, strategies, and systems needed to interact effectively with others
- Understand the career preparation and job acquisition skills required for employment, professional growth, and employment transitions in the field of business occupations

## **B. Essential Skills Outcomes:**

### *I. Critical Thinker:*

A School of Arts and Enterprise Graduate will be able to develop and pose questions, analyze, synthesize, and evaluate concepts/topics that vary in complexity. A graduate will have demonstrated a willingness to consistently work towards being a problem solver.

### *II. Effective Communicator:*

Each graduate from The School of Arts and Enterprise will send and receive verbal and non-verbal messages and ideas through reading, writing, listening, speaking, and other forms of self-expression. They will do so respectfully and appropriately.

### *III. Community Citizen:*

Each graduate from The School of Arts and Enterprise will assume responsibility for his/her actions. S/He will abide by the norms of their community. S/He will respect and acknowledge the rights and responsibilities of others. S/He will promote a positive environment and culture.

### *IV. Effective Team Member:*

Each graduate from The School of Arts and Enterprise will collaborate. S/He will contribute and cooperate with others and communicate effectively. A graduate is committed to group harmony, success, and peaceful and appropriate conflict resolution.

*V. Creative Thinker:*

Each graduate from The School of Arts and Enterprise will view problems as opportunities and challenges. S/He will invent and seek out unique solutions. S/He will express personal creativity and convey it effectively. S/He will recognize and appreciate his/her own talents, as well as the talents of others.

*VI. Effective User of Technology:*

Each graduate from The School of Arts and Enterprise will actively accept responsibility for developing knowledge and skills for technological literacy. S/He will be highly skilled in understanding, using and integrating information-age tools and resources.

*VII. World Citizen:*

Each graduate from The School of Arts and Enterprise will model respect for all human diversity (including his/her own). S/He will demonstrate understanding of historical and environmental trends and events and his/her global impact, including a working knowledge of the histories of the United States and the great civilizations of the world from the early civilizations of Mesopotamia, Kush, and the Ancient Hebrews, to Ancient China, India, Egypt, Greece, the Americas, and Rome to the West African Kingdoms of Mali and Ghana to the rise of the modern states of Europe.

**C. General Outcomes:**

Students graduating from The School of Arts and Enterprise in the 21st Century will learn the values of:

- Human life and its gifts
- Family and community
- Self-respect and honesty
- Tolerance and forgiveness
- Gender related issues
- Appreciation of cultures and languages

**Goals of The School of Arts and Enterprise and the School's Progress**

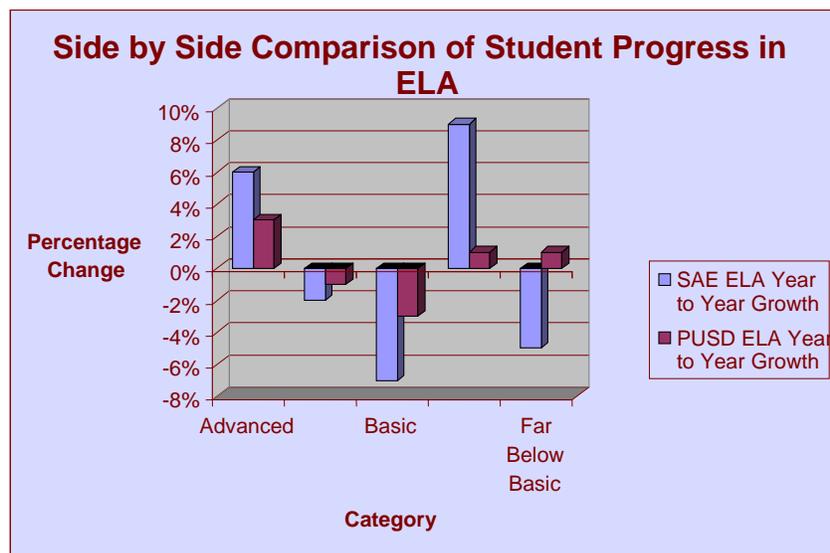
- Increase standardized test scores of all students to at least 10 percentile points above the district average.

PUSD average scores are not available to the SAE: *moreover*, there are only two years of useful data available for the SAE to compare to PUSD. Unfortunately, the two years of data that is available to the SAE does not provide a large enough data

set for a statistically reliable analysis. However, the following indications of progress towards this goal are available:

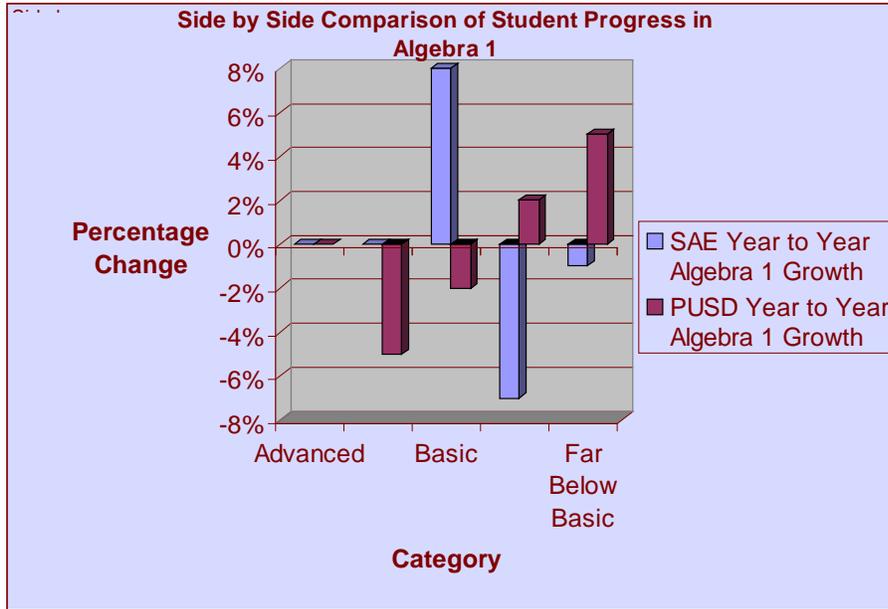
### ELA

- The Advanced Category (Students scoring in the 80<sup>th</sup> percentile or above) at the SAE in ELA showed a 6% growth over the 2 years for which data was available. PUSD showed a 3% growth in the Advanced Category.
- The Far Below Basic Category (Students scoring in the 20<sup>th</sup> percentile or lower) showed a 5% reduction at the SAE. This was offset by a 9% increase in students in the Below Basic Category (students scoring in the 20<sup>th</sup> to 40<sup>th</sup> percentile). PUSD showed a 1% increase in both the Far Below Basic and in the Below Basic categories.
- In 2005, the Mean Scaled Score for the Class of 2007 at the SAE was 314.1. The Mean Scaled Score for the Class of 2007 in PUSD was 313.1.



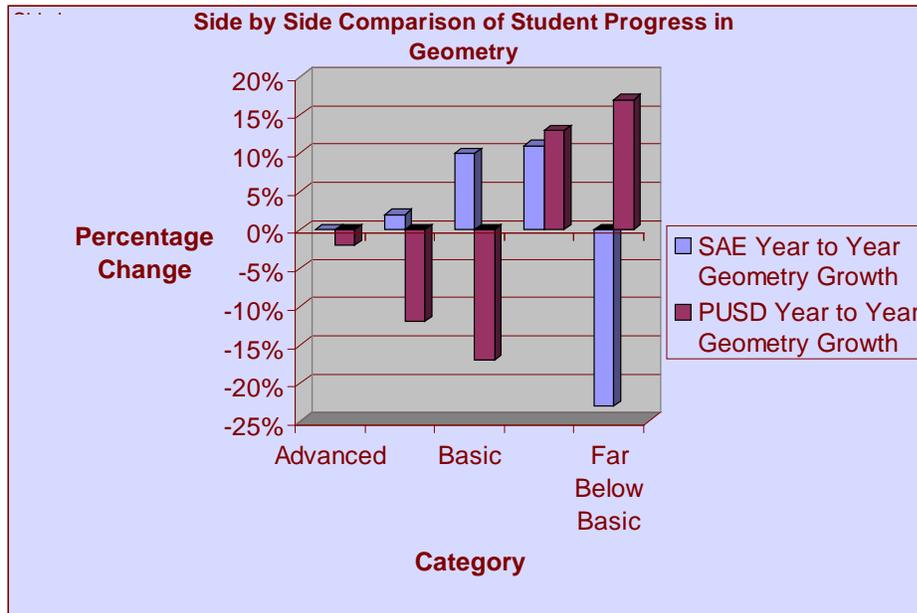
### Algebra 1

- The SAE shows an 8 percent decrease in students scoring in the Below Basic and the Far Below Basic Categories. This decrease is offset with a commensurate increase in students scoring in the Basic Category. PUSD shows a 7% increase in students scoring in the Below Basic and Far Below Basic categories with a commensurate decrease in students scoring in the Basic category.
- In 2005, the Mean Scaled Score for Class of 2007 in PUSD was 276.9. In 2005, the Mean Scaled Score for Class of 2007 at the SAE was 289.4, a 4.4% advantage.



**Geometry**

- The SAE shows a 23% decrease in students scoring in the Far Below Basic Category. This decrease is offset with a commensurate increase in students scoring in the Below Basic, Basic, and Proficient Categories. PUSD shows a 30% increase in students scoring in the Far Below Basic and Below Basic categories with a commensurate decrease in students scoring in the Advanced, Proficient, and Basic categories.



2. Increase standardized test scores of 50% of students above the 60% percentile statewide.

This goal was established based on the assumption of a 5 year probationary period rather than a 3 year probationary period. If 5 years had been granted, there would be 4 years of growth for study. As it is, only 2 years are available. In the school's 2<sup>nd</sup> year of operations, the Class of 2007 ranks, on average, in the 52 Percentile in ELA and in the 43 Percentile in Mathematics. Due to the lack of longitudinal information, it is impossible to demonstrate with any accuracy either positive or negative growth over time with the students who have been in attendance at the SAE and who were tested in 2004 and in 2005. Current statistics show a 0% growth rate, but that is based on a statistically insignificant sampling.

3. Increase standardized test scores of students who scored below the 25th percentile at the rate of 7-10% a year until graduation.

Once again, this goal was established based on the assumption of a 5 year probationary period rather than a 3 year probationary period. If 5 years had been granted, there would be 4 years of growth for study. As it is, only 2 years are available. There are the following demonstrations of progress towards this goal based on the available data:

#### **ELA**

- Students scoring in the Below Basic and Far Below Basic Categories in 2004 showed an average 2% overall benchmark gain in the following year.
- The students who scored in the Far Below Basic Category in 2004 showed a 6 Percentile Increase in 2005.

#### **Math**

- Students scoring in the Below Basic and Far Below Basic Categories in 2004 showed an average 1% overall benchmark gain in the following year.
- The students who scored in the Far Below Basic Category in 2004 showed a 3 Percentile Increase in 2005.

4. Ensure that at least 90% of students will demonstrate competency with reading, writing, and mathematics through passing the California High School Exit Exam.

Of last year's tenth graders, 79% of the SAE's pupils passed the English Language Arts portion of the California High School Exit Exam. Of last year's tenth graders, 59% of the SAE's pupils passed the Mathematics portion of the California High School Exit Exam. Students have been placed in additional tutorial sessions to improve test scores so that the SAE can achieve the 90% goal.

5. Every student will have completed a rigorous college prep curriculum.

This goal has been achieved.

6. Each parent will volunteer 20 hours per year.

We are in the process of creating a better data system for parent volunteer hours. From our hand-written sign in sheets this is our best approximation.

*Year One—80% of our parents completed 30% of their volunteer hours. 10% completed all of their volunteer hours.*

*Year Two—86% of our parents completed 30% of their volunteer hours. 15% completed all of their volunteer hours.*

7. Support the teacher's role in developing and implementing curriculum.

*Teacher Teams at each grade level are given common planning time so that curriculum can be effectively implemented and integrated.*

*All Teachers are paid for 3-4 weeks in the summer to develop curriculum.*

*The Master Schedule is designed to include 3 days at the end of the first semester for curriculum development and reflection.*

*Whole school reflection time on the Projects occurs as the curriculum is being developed and throughout the school year.*

8. Offer each student a minimum of 2 hours a week of visual or performing arts instruction.

*We have exceeded the original goal. The schedule currently provides 4 hours a week of visual or performing arts instruction for most students. Some students received additional instruction if they are in advanced performing groups. A few students receive less because of additional tutoring for the CAHSEE.*

9. Offer each student 1 hour a week of computer instruction

*Computer instruction has been integrated into the subject area classes. It averages 1 hour per week.*

10. Promote the universal values of trustworthiness, respect, responsibility, fairness caring, and citizenship.

*The Essential Skills are posted in classrooms and hallways. They are also Taught as a part of the projects. Yearly phrases are posted and used as a Reminder of a student's actions. e.g. "You are Responsible"*

11The Charter School shall strive to achieve its API growth target each year.

The Charter School achieved its API Growth Target this past year and is continuing to improve the quality of education so that it can continue to achieve these results.

## Element C

### **Method to Measure Student Outcomes**

*Governing Law:* *The method by which pupil progress in meeting those pupil outcomes is measured. --California Education Code Section 47605(b) (5) (C)*

The School of Arts and Enterprise uses an operational data system known as PowerSchool. The PowerSchool system enables us to comply with the department of education’s rules and obligations in our site’s operation vis-à-vis services provided to the students (i.e., student information, emergency information, grade reports, testing records, transcripts, graduation status, attendance, discipline, parent teacher/administrative conferences, etc). The cost of purchasing this system was approximately \$25,000.

#### **Assessment Tools to Measure Student Progress**

Student achievement in developing grade level content mastery in specific knowledge and critical thinking skills is assessed using a variety of assessment measures. Such assessments are necessary to map the school’s strengths and weaknesses and to hold students, parents, and teachers accountable. The School of Arts and Enterprise has clearly defined what students should know in each subject at each grade level. These measurable student outcomes are based on the content of the curriculum as well as requirements specified in the California State Standards; these serve as the basis to measure student outcome and address academic challenges for further support.

Student mastery/proficiency will be measured using a comprehensive assessment model that is formative, summative, individualized and standardized. The development of a truly holistic model of comprehensive assessment is an ongoing process. The approach is conducive to benchmarking students against themselves, evaluating groups of students (e.g., English language learners), and assessing the whole school from year to year. The comprehensive assessment plan is designed to improve learning and provide assurances of accountability.

Students are flexible enough to demonstrate mastery when measured against multiple measures. Student assessment will include, but not be limited to:

<b>Assessment</b>	<b>Administration</b>
Teacher assignments and assessments	Daily
Publisher-developed assignments and assessments (i.e. <i>Into English</i> )	Ongoing
Exhibits and Project Presentations	Ongoing and at the end of each semester
Achievement test battery (MDPT, ELM, EPT, Gates McGinnitie, & Etc)	September (entrance) June (exit)
Student progress report	October, December, March, June

State-mandated standardized test (CST)	Spring
Portfolios measured by a school-wide rubric <sup>4</sup>	Spring
Programmatic Audit/School Report Card	Spring

Ongoing assessment refers to the use of multiple assessment measures administered throughout the school year. Through ongoing assessment, we use multiple measures to gauge outcomes rather than a single measure such as grades or CST test scores. Student achievement in developing grade level content mastery in specific knowledge and critical thinking skills is being assessed using a variety of assessment measures. Such assessments are necessary to map the students' academic performance and address ways that the School can support students' academic achievement. The assessments provide indicators to hold students, parents, and teachers accountable.

Each of the assessments is weighted and combined into a comprehensive educational program assessment to set individual goals for student progress. Teachers prepare and provide a student progress report two times a year for parents. The faculty and parents have designed this progress report. The coding system is based on a nontraditional report card grading system with an "A" for excellent through "C" for average standard scale. Instead of "D" and "F" the system uses "CR" for credit and "NC" for no credit.

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<sup>4</sup> All specified assessments are occurring, documented, and ongoing with the exception of the school-wide portfolio. The school-wide portfolio concept, while popular in 2000/2001 when this section was written has since been revealed to be a measure of student progress that is insufficient when held against the amount of work on the part of school and student involved in creating, maintaining and assessing it. These findings, along with the findings that student achievement was unaffected by the use of portfolios, led the school to conclude that school-wide portfolio assessment was a situation where the benefits were outweighed by the costs. The school has since made the decision to go with subject matter specific portfolios in the arts and in English. Students, in 2006, will be participating in Portfolio Day, an annual series of portfolio exhibitions where students show their work to admissions counselors from all the major arts schools in Southern California

The school is in the process of developing a student resume website on which student accomplishments from their four years are listed, along with an assessment of the life, academic, and job skills acquired during their high school career.

Sources:

[http://www2.edc.org/asap/class\\_resource.asp?pkTheme=9&pkResource=158&parent=35](http://www2.edc.org/asap/class_resource.asp?pkTheme=9&pkResource=158&parent=35)

<http://www3.interscience.wiley.com/cgi-bin/abstract/45475/ABSTRACT>

Part of the educational mission is to create a school culture wherein students are constantly able to demonstrate academic achievement and growth. While school wide educational contests such as science fairs, speech and poetry contests, and math quiz bowls are still to be a part of The School of Arts and Enterprise experience, the short-term focus has been on project-based and classroom achievement. Factors that influence academic achievement and growth are being evaluated, such as professional development and effective teacher practices, student attendance and conduct, parent engagement, and stakeholder (teachers, parents, community, businesses) satisfaction assessed through surveys that include suggestions on how to strengthen the partnership with the entire school community.

The School of Arts and Enterprise meets all statewide standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other mandatory statewide standards authorized in statute or student assessments applicable to students in non-charter public schools. Currently, the state-mandated standardized test is the CST. The purpose of the CST is to help measure how well students are learning basic academic skills. Each student at The School of Arts and Enterprise who has been continuously enrolled for at least two years, and has participated in at least one year of prior testing will improve performance on the state-mandated standardized test by no less than four (4) percentage points each year until norm is reached, at which point students will improve performance by at least three (3) percentage points each year on average.<sup>5</sup>

In addition to assessing general knowledge and achievement through the CST, each student will demonstrate grade-level competency and continue higher levels of proficiency on an achievement test that is a comprehensive assessment adapted directly from the content of the curriculum. In the senior year, each student will take a mastery exam in one academic content area and in one artistic focus. These content exams will involve material from throughout the department curriculum and will ask the student to demonstrate an applied understanding of their learning. The exams will be presented through written, oral, and practical demonstrations by the student and will be assessed by the concerned content specialist department. If a student does not pass the minimum number of required exams, they will not be eligible to receive an SAE Mastery Diploma and will, instead, be awarded the State Graduation Diploma. Students will have several opportunities to pass the exam.

Performance-based assessments are being developed for use in monitoring academic, social, extracurricular, and athletic development. Each student will maintain a portfolio measured by an internally developed school-wide rubric. The rubric will be developed in collaboration between the administration of the charter school and the teachers. It

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<sup>5</sup> This goal was established based on the assumption of a 5 year probationary period rather than a 3 year probationary period. If 5 years had been granted, there would be 4 years of growth for study. As it is, only 2 years are available. In the school's 2<sup>nd</sup> year of operations, the Class of 2007 ranks, on average, in the 52 Percentile in ELA and in the 43 Percentile in Mathematics. Due to the lack of longitudinal information, it is impossible to demonstrate with any accuracy either positive or negative growth over time with the students who have been in attendance at the SAE and who were tested in 2004 and in 2005.

will be based on the global school mission, vision, and goals. The portfolio will travel with the student from one grade level to the next to document special achievements and provide teachers with a holistic overview of the students' abilities.<sup>6</sup>

Goal	Assessment Tool	Expected Outcome	Progress
Students will acquire proficiency and literacy in English	<ul style="list-style-type: none"> <li>- Written assignments scored with rubrics aligned to state standards</li> <li>- Oral presentations, multimedia projects scored with rubrics aligned to state standards</li> </ul>	<ul style="list-style-type: none"> <li>- Of the students who have attended for four full years, at least 90% will acquire proficiency and literacy in English</li> <li>- Of the students who have attended for four full years, 80% will meet the writing standards of the state of California.</li> </ul>	<p>After 2 years of operation, the SAE has the following evidence of progress towards this goal:</p> <ul style="list-style-type: none"> <li>- 79% of 10<sup>th</sup> grade students passed the ELA portion of the CaHSEE on the first attempt.</li> <li>- 50% of 10<sup>th</sup> grade students scored Basic or above on the English/Language Arts portion of the CST.</li> </ul>
Demonstrated student improvement on state-mandated standardized tests	<ul style="list-style-type: none"> <li>- CST</li> <li>- California Standards Test</li> </ul>	<ul style="list-style-type: none"> <li>- Students who are continuously enrolled for at least two years, and have at least one year of prior testing will improve performance by no less than four (4) percentage points each year until norm is reached, at which point students will improve at least by three (3) percentage points each year.</li> </ul>	<p>This goal was established based on the assumption of a 5 year probationary period rather than a 3 year probationary period. If 5 years had been granted, there would be 4 years of growth for study. As it is, only 2 years are available. There are the following demonstrations of progress towards this goal based on the available data:</p> <p><b>ELA</b></p> <ul style="list-style-type: none"> <li>• Students scoring in the Below Basic and Far Below Basic Categories in 2004 showed an average 2% overall benchmark gain in the following year.</li> <li>• The students who scored in the Far Below Basic Category in 2004 showed a 6 Percentile Increase in 2005.</li> </ul> <p><b>Math</b></p> <ul style="list-style-type: none"> <li>• Students scoring in the Below Basic and Far Below Basic Categories in 2004 showed an average</li> </ul>

<sup>6</sup> Please see previous footnote about portfolio assessment.

			<p>1% overall benchmark gain in the following year.</p> <ul style="list-style-type: none"> <li>The students who scored in the Far Below Basic Category in 2004 showed a 3 Percentile Increase in 2005.</li> </ul>
Grade-level academic competency and continuing higher levels of proficiency.	<ul style="list-style-type: none"> <li>Standardized Achievement Test</li> </ul>	<ul style="list-style-type: none"> <li>Students who are continuously enrolled for at least two years, and have at least one year of prior testing will improve performance by no less than four (4) percentage points each year until grade level competency (60%+) is reached, at which point students will improve at least by three (3) percentage points each year.</li> </ul>	<p>This goal was established based on the assumption of a 5 year probationary period rather than a 3 year probationary period. If 5 years had been granted, there would be 4 years of growth for study. As it is, only 2 years are available. In the school's 2<sup>nd</sup> year of operations, the Class of 2007 ranks, on average, in the 52 Percentile in ELA and in the 43 Percentile in Mathematics. Due to the lack of longitudinal information, it is impossible to demonstrate with any accuracy either positive or negative growth over time with the students who have been in attendance at the SAE and who were tested in 2004 and in 2005. Current statistics show a 0% growth rate, but that is based on a statistically insignificant sampling.</p>
Students will learn the importance of tolerance, civility, responsibility, and hard work. Students will work towards the improvement of their community and fellow human beings.	<ul style="list-style-type: none"> <li>Community service logs and student journals</li> <li>Character, Classroom and Campus Cleaness Assessments</li> <li>Evaluations/surveys/questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>Every student will engage in at least one service learning opportunity each semester</li> <li>Students from the school will serve the community at least twice a month</li> <li>Student engagement will be rated by teachers and external evaluations as satisfactory for the majority of the student body</li> </ul>	<ul style="list-style-type: none"> <li>The SAE has adopted Essential Skills that are aimed at fostering attitudes of tolerance, civility, responsibility and hard work.</li> <li>Issues and Events, weekly school-wide discussions of current events, has focused extensively on issues of ethics and personal responsibility.</li> <li>2 times each semester, the school hosts a community involvement/community clean-up event which</li> </ul>

			students and their families are strongly encouraged to attend.
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### Assessing the Project

The School of Arts and Enterprise has implemented an integrated curriculum project model that is strongly supported by the work of Vygotsky (1978) and Leontiev (1978). On the basis of their theoretical work, we present the following operational definition:

An integrated curriculum project is an *activity system*, involving *multiple zones of proximal development* that requires students to *apply specified knowledge and skills* in order to *create or assemble* and then display a specified *product* at an *exhibition* of that product.

The value of thinking about a project in this manner is that it provides us with the *theoretical guidelines* that are necessary for designing effective projects and for developing and carrying out *authentic* project based assessment procedures. Generally, this definition provides an operational basis for actually *assessing* and *evaluating* both the *nature* and *quality* of student learning, interpersonal performance and group production that occurs within the *context* of the integrated curriculum project. Specifically, this definition makes it possible for us to assess a range of behaviors involved in the “essential skills” portion of our curriculum as well as the *application* of particular knowledge and skills established by the California State Content Standards and the California Challenge Standards for Business Education.

In regard to project based learning, we use authentic assessment including the action research method to draw us closer to authentically assessing every major aspect of the students’ academic projects. A summary of our overall project assessment plan follows:

### Assessing the Project

Element of Project Definition	What is assessed	Methods & Strategies	Tools	Notes on Methodology for Assessment Tool Development
<i>Activity System</i>	<b>Essential Skills:</b> <i>Creative Thinker &amp; Critical Thinker</i> Evaluate degree of accuracy in reflecting or recounting the object or objective (i.e. product/ exhibition/ <i>real world</i> relationship). The objective here is to capture the student’s perception (reflection) of the learning	Synthesis Journals	General Rubric Analytic Scoring	Used to encourage students to reflect on the overall activity system. Students are asked to reflect on the goals assigned to them as well as alternative goals they develop that have become a part of the activity system or those that could have

<b>Element of Project Definition</b>	<b>What is assessed</b>	<b>Methods &amp; Strategies</b>	<b>Tools</b>	<b>Notes on Methodology for Assessment Tool Development</b>
	<p>task and its components. We will focus on student self-reports that are presented in writing, or orally. One criterion is how closely do student self-reports align with teacher observations and conclusions.) Other criteria are discussed in the "methodology" cell to the right.</p>			<p>been designed into the project in the first place. This should be considered as an exercise in the critical analysis of goal formation, goals as embedded aspects of motives and the role of goals in the process of production.</p> <p>Do students perceive (and grasp):</p> <ul style="list-style-type: none"> <li>• Integration</li> <li>• Relationships</li> <li>• Connections</li> <li>• The "whole task"</li> </ul>

Element of Project Definition	What is assessed	Methods & Strategies	Tools	Notes on Methodology for Assessment Tool Development
<p><b>Multiple Zones of Proximal Development</b></p>	<p><b>Academic Content</b>  <b>Standards:</b> <i>Core Subjects</i>  <b>Essential Skills:</b> <i>Effective Communicator, Effective Team Member, Creative Thinker, Critical Thinker, &amp; Lifelong Learner</i>            Change/growth over time and students as coach/facilitators. The teaching/learning interactions that occur between and among students will be evaluated. Specifically, teachers will use selected elements of the above listed Essential Skills Standards to assess student learning and growth over time in their ability to create and maintain a <i>zone of proximal development</i> where they <i>apply</i> the knowledge and skills representing the academic content standards to facilitate the learning of fellow students as they interact within this important aspect of project work.</p>	<p><i>Performance-Based</i></p>	<p>General Rubric Analytic Scoring</p>	<p><b>Action Research</b> that leads to the development and use of an <i>analytic rubric</i> is being done. Teachers conduct observation of student interactions (both actions and speech acts) during project work. The objective is to develop a general analytic rubric that can be used to assess the dynamic process of knowledge/skill acquisition and application in the PBL environment across tasks and across projects.</p> <p>The assumption here is that both students and teachers teach students. We want to focus on who teaches what and how they teach it. By focusing on what students teach to other students and how they teach it we can gain insight into what students are <i>learning</i> and what they have already <i>learned</i> and how they <i>apply</i> it.</p>

## Assessing the Project

*Continued*

<b>Element of Project Definition</b>	<b>What is assessed</b>	<b>Methods &amp; Strategies</b>	<b>Tools</b>	<b>Notes on Methodology for Assessment Tool Development</b>
<i>Specific Knowledge</i>	<p><b>Academic Content Standards:</b> <i>Core Subjects</i> Change/growth over time and mastery of appropriate Content Standards. Performance-based assessment of the <i>quality of application/use</i> of acquired knowledge to complete the final tangible product and/or one or more of its components. Traditional assessment of acquired knowledge and skills (e.g. paper and pencil tests).</p>	Traditional & Authentic Performance-Based	<ul style="list-style-type: none"> <li>• Homework</li> <li>• Quizzes</li> <li>• Exams</li> <li>• Papers</li> <li>• Project's final concrete product</li> </ul>	
<i>Specific Skills</i>	<p><b>Academic Content Standards:</b> <i>Core Subjects</i> Change/growth over time and mastery of appropriate Content Standards. <i>Performance-based</i> assessment of <i>quality of application/use</i> of acquired skills to complete one or more of the project's components and/or the final product. Traditional assessment of acquired skills.</p>	Traditional & Authentic Performance-Based	<ul style="list-style-type: none"> <li>• Homework</li> <li>• Quizzes</li> <li>• Exams</li> <li>• Papers</li> <li>• Project's final concrete product</li> </ul>	
<i>Assemble</i>	<p><b>Academic Content Standards:</b> <i>Relevant Core Subjects</i> <b>Essential Skills:</b> <i>Effective Team Member, Creative Thinker &amp; Critical Thinker</i> Evaluate coordination of individual effort (focus on sign systems), evaluate workload distribution (and the process of defining and assigning it), etc.</p>	Authentic Performance-Based	General Rubric Analytic Scoring	<p><i>Action Research</i> is being done that will to the development and use of an analytic rubric. Teachers will conduct observation of student interactions during project work. The objective is to develop a general analytic rubric that can be used to assess the dynamic process of product (or artistic performance) development and completion that can be used across projects</p>

## Assessing the Project

*Continued*

Element of Project Definition	What is assessed	Methods & Strategies	Tools	Notes on Methodology for Assessment Tool Development
<b>Create</b>	<p><b>Academic Content Standards:</b> Relevant Core Subjects  <b>Essential Skills:</b> Effective Team Member, Creative Thinker &amp; Critical Thinker Evaluate coordination of individual effort (focus on sign systems), evaluate work load distribution (and the process of defining and assigning it), etc.</p>	Authentic Performance-Based	General Rubric Analytic Scoring	<p><b>Focus of Observation</b></p> <ul style="list-style-type: none"> <li>▪ <b>Speech Acts</b></li> <li>▪ <b>Particular types of ZOPD's</b></li> <li>▪ <b>Nature of Division of labor</b></li> <li>▪ <b>Behavior (actions and operations)</b></li> </ul>
<b>Product</b>	<p><b>Academic Content Standards:</b> <i>Core Subjects</i>            The quality of the tangible product/outcome of the activity system will be evaluated. Teacher assessment will include to what extent (i.e. how much) as well as how thoroughly subject matter from the various subject areas (e.g. math, science, language arts etc.) has been <i>used</i> (instrumentally deployed) to complete the product.</p>	<i>Authentic Performance-Based</i>	<i>Analytic Scoring</i>	
<b>Exhibition</b>	<p><b>Academic Content Standards:</b> <i>Core Subjects</i>  <b>Essential Skill:</b> <i>Effective Communicator</i>  <b>The exhibition as an academic content product will be evaluated, specifically teachers will assess both the quality of academic content and visual aids presented:</b></p> <ul style="list-style-type: none"> <li>• Organization</li> <li>• Presentation of Facts</li> <li>• Clarity of Message</li> <li>• Knowledge of Topic</li> <li>• Depth of Research</li> <li>• Aesthetics of display</li> <li>• Accuracy/appropriateness of application of academic content standards</li> </ul>	Authentic Performance-Based	Task Specific Rubric Analytic Scoring	Individual teacher developed course rubrics in conjunction with school wide course rubrics which is currently under construction.

Exhibition	<p><b>Essential Skill:</b> <i>Effective Communicator</i>  <b>Standards/Criteria:</b> <i>Public Speaking</i>          The exhibition as a <i>process</i> of public presentation will be evaluated, specifically teachers will assess the quality of oral presentation skills:</p> <ul style="list-style-type: none"> <li>• Volume •</li> <li>• Rate •</li> <li>• Pitch •</li> <li>• Enunciation •</li> </ul>	Authentic Performance-Based	General Rubric Analytic Scoring	Existing teacher developed rubric [action research will also be used to further refine and evolve the rubric].
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### Factors that Influence Higher Academic Achievement

Measurable Outcomes	Expected Outcomes	Assessment Tools	Results
Student Conduct	<ul style="list-style-type: none"> <li>- Average daily attendance rate of 95% or better</li> <li>- Tardies will decrease by 3% in the initial years</li> <li>- Suspensions/expulsions will decrease by 2% in the initial years</li> <li>- Mediation referrals will decrease each year by 3%</li> </ul>	<ul style="list-style-type: none"> <li>- Student Records</li> </ul>	<ul style="list-style-type: none"> <li>- 2003/04 93.6% attendance</li> <li>- 2004/05 97.1% attendance</li> <li>- School-wide tardy tracking is unavailable at this time.</li> <li>- Discipline incidents are more numerous than expected. Our initial goal of a reduction by 2% each year is not achievable at this time.</li> <li>- The goal of reducing mediations has been met and exceeded.</li> </ul>
Parent Involvement	<ul style="list-style-type: none"> <li>- 90% will attend ongoing parent-teacher conferences during the year</li> <li>- 90% will attend at least three parent workshops during the academic year</li> <li>- Parent attendance at arts events, festivals, and forums will grow by 10% yearly</li> </ul>	<ul style="list-style-type: none"> <li>- Running Records</li> </ul>	<ul style="list-style-type: none"> <li>- School/Home communications, in the form of parent conferences, after school events, pot-lucks, and evening workshops are a regular part of the school year. Parent Conference attendance is anecdotally close to 100% and attendance at workshops and activities is rising each year.</li> </ul>
Professional	<ul style="list-style-type: none"> <li>- 100% attendance at the</li> </ul>	<ul style="list-style-type: none"> <li>- Running</li> </ul>	<ul style="list-style-type: none"> <li>- 100% attendance has been</li> </ul>

Development	annual one-week retreat prior to school opening	Records	- achieved for each of the three years of operation.
Teacher Performance	- Knowledge of curriculum - Competence in pedagogy - Professional attitude - Effective teaching strategies	- Student Test Scores - Annual director/Academic Review Board Evaluations - Parent/Student Surveys - Adherence to terms of contract	- Teacher Performance Assessment methodology is under development as part of the Academic Integrity Cadre. The cadre system allows for all stakeholders in the assessment to have a say in how it is developed and implemented. The full scale, approved, methodology will be implemented in September, 2006.  Currently the SAE uses a combination of traditional performance review, and a mentor teacher system to guide and coach new and returning faculty.
Financial Solvency	- No deficit in the operation budget after the initial two years of operation (time frame allows for start-up costs)	- Annual Audit - Forecast/Budget	- Met 2 years audited financials with no deficit.

**Overall Success of Charter**

The overall success of The School of Arts and Enterprise is to be assessed through the Academic Performance Index (API), graduation rates, and the college going rate. The purpose of the API is to measure the academic performance and growth of schools. A school's score or placement on the API is an indicator of a school's performance level, and growth is measured by how well the school is moving toward scoring goals. The School of Arts and Enterprise has met the eligibility criteria for the Governor's Performance Awards (GPA):

- Annual API will meet or exceed the state assigned growth target.
  - *The SAE exceeded its API growth target in 2005, improving by 89 points to an overall API of 627.*
- All subgroups will make 80% of school target.
  - This target was met.
- The CST participation rate will be 95%.
  - The CST participation rate was 98%

The School of Arts and Enterprise still intends to contract with an outside evaluator to prepare an annual programmatic consultation. Stakeholder (staff, parents, students, community members, etc.) surveys and interviews will also be administered annually to be composed into a report, published, and distributed to the entire school community and interested members of the community at large. The aforementioned documents will

be used to determine if the programs and operations of The School of Arts and Enterprise are consistent with the charter.

To track long-term success, a longitudinal study will be conducted. Students who attend The School of Arts and Enterprise for at least four consecutive years, and complete twelfth grade, will be tracked to determine the percentage that attend college, start their own business, enter the workforce within the field they expect to pursue their career. Through alumni clubs and reunions, graduate students will be encouraged to network with the school and its benefactors to receive continued support. The caliber of colleges and universities graduates attend will also be monitored.

## Element D

### Governance Structure

*Governing Law: The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement—California Education Code Section 47605(b)(5)(D)*

#### **Governance and management structures:**

The School is governed by the Board of Directors of The Haven in all legal, fiduciary, and personnel matters. The Haven is a non-profit 501(c)3 that has been established to promote arts-related projects and development within the city of Pomona and particularly, the Arts Colony in Pomona. Headed by Edward Tessier, The Haven has successfully managed numerous projects in developing the Art Colony downtown area. Edward Tessier is the primary urban planner behind the reclamation of downtown Pomona. The non-profit group would use its fiscal management capacity for managing the school, including the business operations of the school, as well as the long-term oversight. It would be responsible for ensuring that audit statements are prepared and accurate, and that the school stays within its budget. Simeon Slovacek, who will also serve on the board, has chaired the fiscal committee for five years of The Accelerated School's Board of Trustees. The School has had clean audits for the seven years of its operation since it opened.

The Haven's mission is to facilitate cooperation among business, education, government and local communities in:

- a. integrating education, particularly at the high school level, with real community needs and future jobs, helping develop *market driven* curricula and programs;
- b. helping establish collaborative models of education, utilizing *production of content* by creative teams of teachers and students (while also including others as clients and consultants) rather than *delivery of content* from teachers to students; and
- c. supporting new models of community economic development with education as a motivator and young people as enterprising participants, producers and partners.

The mission and bylaws of the Haven Galleries (See Attachment D) are very consistent with the charter School of Arts and Enterprise initiative, since the school is an Arts Colony based project. According to Article IV in our initial bylaws, the board size was limited to 5. In order to change the membership to better reflect the School's constituencies, Article IV was amended to meet the anticipated increase in the number of Directors. The Planning Board of the School voted in a new Board of Directors once the charter was approved. Upon advice from our legal council we are in the process of

amending our bylaws to make expressly clear that compliance with the Brown Act is required. Although the school is already following the Brown Act, the current bylaws do not yet align with our commitment to comply.

In order to better reflect the constituents of The School of Arts and Enterprise, the reconstituted Board of Directors of the Haven Galleries is expected to be comprised of the following members or representatives:

- Edward Tessier, Board President
- Lucille Berger or current Director of the School of Arts and Enterprise (an ex officio, non-voting member)
- Simeon Slovacek or a representative from California State University, Los Angeles
- Betty Ortiz, First Lady, Cal Poly Pomona
- George Charney, Provost Academic Affairs (Retired), Western University
- Graciela Nardi, Director, Latino Art Museum
- Debbie Balzer, Charter School Advocate
- Ken Bencomo, Teacher, St. Lucy's High School
- Mark M. Skvarna, Superintendent, Baldwin Park Unified School District
- Rita Uribe-Kannell, Adjunct Professor, Cal State LA

The voting members of the Board are not employees of the school. In keeping with our intent, we have included two K12 educators (not from the SAE) on our board.

The School utilizes the Accelerated Schools Model to partner parents, teachers, and administrators together for the success of all students. Parents, teachers, and administrators work together on committees with specific tasks (student discipline, fundraisers). For example, no teacher can be hired without the consensus of the parents and the teachers on the personnel committee. With action items for the adoption of school wide programs (such as fundraising initiatives, changes to the family/school contract), working committees (called cadres) must perform extensive research and then report findings and recommendations to one of four initial cadres (Family Contracts, Curriculum, Logistics, and Volunteer Cadre). Once there is consensus in the Cadre, the item for action must pass through the Steering Committee –Site Council (composed of teachers, parents, community representatives, and administrators) in order to come before the School As a Whole. No major changes to school culture can occur without the consensus of the School As a Whole.

### **Incorporating the Accelerated School Governance Model:**

The School has contracted with the Los Angeles Accelerated Schools Center to launch the School as an Accelerated School, to train the staff, and to provide coaching and follow-up to ensure the School fully implements the model. The governance of the school at the site is modeled after The Accelerated School's governance structure. We

define "governance" as the communication and decision-making process in which the whole school community sets an agenda and makes decisions together.

The overall decision-making body is the SAW (school as a whole), which consists of all school administrators, all staff including teachers and classified staff, parents who wish to have a voice, and a representative number of students. The main work of the school, however, is done by a structure of working groups called cadres, which follow an inquiry process and address the main challenges of the school. These are established through a taking-stock process at the beginning of each year, and a reflection process at the end of each year, to make sure that the governance structure is aligned with the most pressing needs of the school. The cadres (see below) address areas of focus like curriculum, student achievement, and parent involvement. The work of the cadres is managed by a steering committee which coordinates their work, has a representative from each cadre, as well the head of the school, parent reps, and cadre reps. When it feels an action plan has been developed and is sufficiently researched by a cadre, it presents that to the school as a whole for a vote. This way the whole school gets some say in the action plan and the plan to move forward on the various fronts identified as high priorities, which the cadres are addressing.

One of the major advantages of The Accelerated School's governance structure is that it provides an opportunity for all members of the school community to have a voice on school issues and a vote on all of the major decisions the school makes and for all the major actions that the school takes. One of the strengths of this process is that participation and the ability to participate in this decision-making structure engenders a broad base of "buy-in" which is very important for a charter school, and it also engenders consensus. This governance has been tested and works extremely well in two other high-performing charter schools in California: The Accelerated School and View Park Preparatory Accelerated Charter School.

### **Objectives of the Governance Structure**

1. The governance structure is designed so as to: assure that every member of the staff shares decision-making responsibility; include parents in the process of decision-making; avoid domination by any select individual or group; develop increased organizational capacity; and assure the viability of local school control and accountability.
2. Cadres address priority areas of concern, then investigate and suggest solutions to the full staff. The number and composition will change as needs indicate.
3. The Steering committee facilitates communication and team-building as well as acts as negotiator for disagreements.
4. The above governance structure and function of the steering committee can be revised based upon the needs of the school as determined by a three-fourths majority of the School as a Whole present at a designated SAW meeting.

**CADRES:**

Cadres are small work groups that use the inquiry process to address areas of concern and suggest solutions to the full staff. Cadres do not have decision-making power, however their suggestions are weighed by the School As a Whole and voted upon. Cadres are comprised of members from the school community: teachers, support staff, administrator(s), parents, students, and those community members who are active participants in the school. The cadres are formed after the School As a Whole (SAW) creates its vision, takes stock of its strengths and challenges, and sets priorities. Below are examples of typical cadres in an Accelerated School.

CADRE	DUTIES	COMPOSITION
Curriculum	Recommend strategies to implement a powerful curriculum. Coordinate peer assistance and evaluation. Provide for appropriate staff development. Recommend action plans for subject areas.	51% teachers
Parent Involvement	Solicit parent/family participation in school activities. Recruit volunteers, act as support group for family involvement. Design home-school contracts. Recommend plan for implementation of after-school activities.	51% parents
Personnel	Recruit and select personnel Suggest grade/room assignments Develop employee contracts Resolve conflicts and personnel problems	51% teachers
Accountability and Assessment	Monitor progress of Charter Conduct self-evaluation Coordinate student assessment Review student/school outcomes	51% teachers
Budget and Fund Development	Plan yearly budget Monitor expenditures Monitor ADA and revenues Apply for grants and funds Develop and annually evaluate salary schedule.	50% teachers

Logistics/  
Scheduling

Coordinate master schedule  
Organize classes  
Coordinate public relations activities

51% teachers

1. Cadres will be formed as needed and reconfigured after their work is complete (when the school has successfully addressed the challenge area).
2. School staff, parents, and community members may serve on any cadre.
3. School staff, parents, and community members will self-select a cadre.
4. Cadres will follow the Accelerated Schools Model regarding selecting a chairperson and other roles and responsibilities.
5. All school staff (teachers, administrator(s), support personnel) are required to serve on a cadre and to attend School as a Whole (SAW) meetings.
6. Minimum frequency of cadre meetings will be decided at initial SAW meeting; however, needs of the individual cadres may necessitate more frequent meetings.

#### STEERING COMMITTEE (School Site Leadership Council):

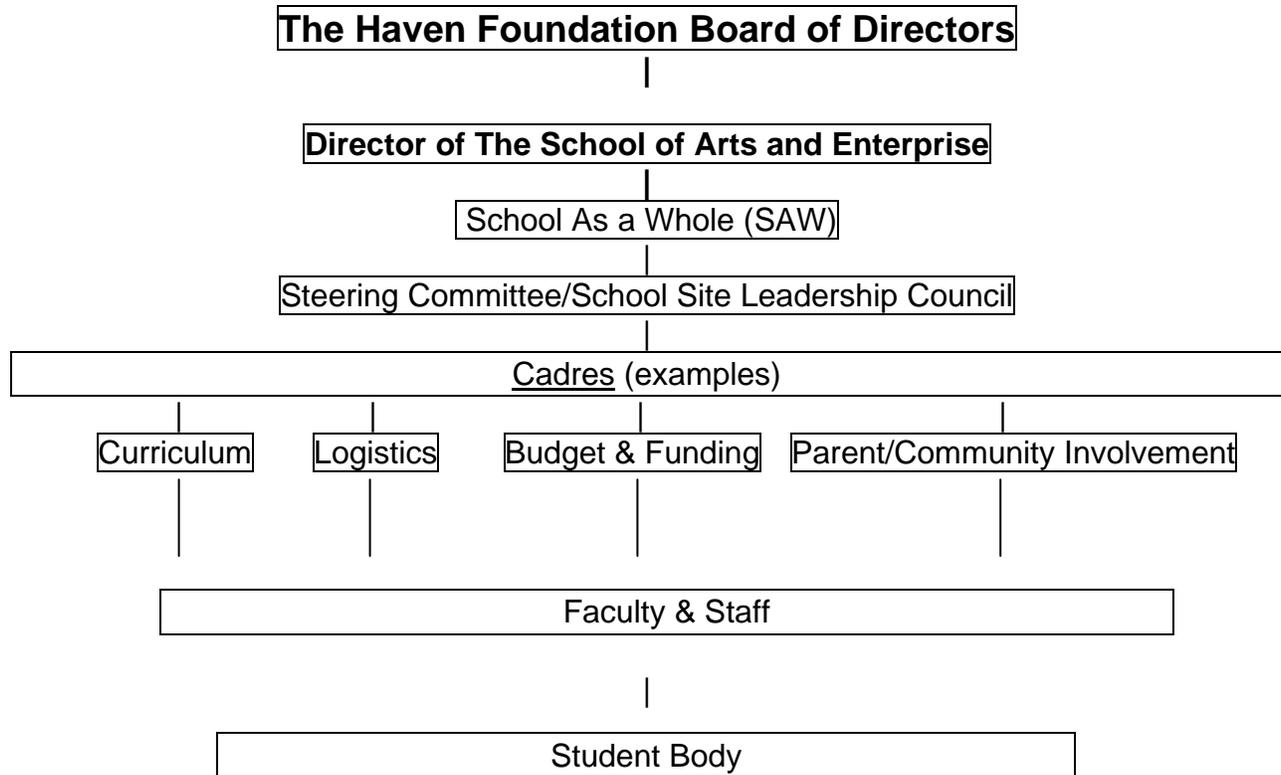
The steering committee consists of cadre representatives, administrator(s), representative support staff, students, parents, community members, and any other group that the School staff feels should be represented. The composition of the Steering Committee may change as the School reevaluates and revises its needs. The Steering Committee functions in the following manner:

1. Ensure that cadres and the entire school are moving in the direction of the school vision.
2. Serve as a clearinghouse for information to facilitate communication between cadres and SAW.
3. Monitor cadres to ensure progress toward goals and accomplishment of duties.
4. Assist cadres in developing and refining recommendations for consideration by the SAW.
5. Assist Administration in dealing with incoming information to the school and disseminating information to cadre members.

#### SCHOOL AS A WHOLE:

The School as a Whole (SAW) refers to all teachers, all support staff, and parent, student, central office, and community representatives. The SAW is required to approve all decisions that have implications for the entire school. The SAW must approve decisions before cadres begin implementation of pilot programs. SAW meetings will be regularly scheduled at an hour that is conducive to parent participation.

## Governance Flow Chart



Note: it is understood (as mandated in California State Law AB544) that the sponsoring district or authorizer is entitled but not required to nominate a candidate of its choosing as a voting member to the Board of Directors of the Non-Profit Agency operating a charter school.

### **Process for Adoption and Modification of Policies:**

The School of Arts and Enterprise will follow the Accelerated Schools Model regarding the adoption and modification of policies, which is:

1. Cadres will identify areas of need and generate a list of suggested policies or modifications.
2. Cadres will present the list of suggestions to the Steering Committee for refining prior to presentation to the School as a Whole.
3. Cadres will present suggestions at the next SAW meeting for discussion.
4. Suggestion(s) will be voted upon: each person present will have one vote, a two-thirds majority will allow the policy or modification to be implemented.

5. If a two-thirds majority cannot be reached, the suggestion will be returned to the cadre for further investigation.

### **CONFLICT RESOLUTION:**

1. Governance concerns will first be brought to the appropriate cadre for resolution.
2. The matter will then be referred to the Steering Committee for negotiation.
3. If the matter is still not resolved, an outside arbitrator will be requested. The decision of the arbitrator will be final. The arbitrator will be appointed by the Board of Directors.

### **LIABILITIES:**

The School will agree to provide the required levels of liability insurance and documentation of liability to the authorizing agency. This includes at minimum basic liability coverage and basic fire coverage. In addition, the School has purchased insurance for injury to persons/property, fire, fidelity bond, and worker's compensation.

### **Public Operating Principles**

The School of Arts and Enterprise will be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any student on the basis of ethnicity, national origin, gender, disability, or sexual orientation.

### **Board of Directors**

The Haven Board of Directors ("Board") will have a legal and fiduciary responsibility for the well-being of The School of Arts and Enterprise. The Board will be responsible for providing fiscal accountability by approving and monitoring the budget. The Board will also help ensure effective organizational planning by approving long-range goals and annual objectives, monitoring the general policies such as health and safety, use and maintenance of facilities, and fundraising, and overseeing that school resources are managed effectively. This goal will be accomplished primarily through hiring, supporting, reviewing the performance of, and if necessary dismissing the director.

Board member selection, terms of service, and number of members will be regulated in accordance with the bylaws. The Board will have a minimum of nine members which will include at least one teacher representative, at least one parent representative, at least one community representative, the school director, a faculty representative from the Charter College of Education at CSULA, and a representative from Western University.

The composition of the Board will initially be designated by The School of Arts and Enterprise development team. Subsequent board members will always include at least one parent representative and one community representative, will be nominated by any member of the community and will be elected by a simple majority of current board members.

**Director**

All management powers not specifically designated to the Board are delegated to the director, who will answer directly to the Board. The director will:

- Facilitate communication between the Steering Committee and the Board of Directors by bringing concerns of the Steering Committee up to the Board.
- Have the shared responsibility of hiring faculty and staff and firing any employee who failed to abide by the mission, philosophy, and obligations of the school as spelled out in the charter.
- Oversee the day-to-day operations of the school.
- Prepare credentialing paperwork and monitor processing.
- Oversee lead teacher workshops and in-service.
- Oversee business mentor program.
- Schedule teacher common planning time.
- Assist with student discipline.
- Report to the Board of Directors on the progress of the school in achieving educational success.
- Be a liaison to school partners.
- Represent the school at meetings/forums.
- Call needed meetings.
- Open and close campus.
- Assist in writing grants, facilitating fundraising, and/or obtaining loans.
- Help parents organize parent support center and meetings.
- Develop an annual proposal for salaries, benefits for Board approval.
- Welcome visitors and potential donors

**Steering Committee/School Site Leadership Council**

In addition to the Board of Directors, an on-site governing structure will be the School Site Leadership Council. The council will initially consist of the director of the school, four teachers (one from each grade level), and two parents of students at The School of Arts and Enterprise who will be elected at large, two students and one classified staff member. The responsibilities of the School Site Leadership Council will include:

- Overseeing and coordinating the work of the cadres.
- Adoption and planning of curriculum.
- Review and selection of the curriculum materials and activities that are recommended by the director, teachers, and parents.
- Adoption of the school calendar.
- Hiring of classified personnel.
- Planning and implementation of school events and contests.
- Development of monthly parent training and involvement days.
- Small scale fund raising.
- The operation of the community center (including managing assemblies, incorporating student plays, skits, multimedia projects, and musical groups).

- Suggestions and recommendations to the Board of Directors on budgeting, school policy, physical site and maintenance, and the general direction of the School of Arts and Enterprise.

The concept of creating a seamless curriculum will be extended in application to creating a seamless school community. The School of Arts and Enterprise is committed to fostering a community wherein all stakeholders including classified staff, students, and community stakeholders (those who live and work in the community) have a voice. Classified staff, student council leaders, and community representatives will be invited to address concerns to the School Site Leadership Council in a non-voting capacity.

### **Business and Operations Management**

The School of Arts and Enterprise will contract with outside vendors, to the extent possible to provide necessary non-education related services. This will enable the staff to focus their energies in areas of their expertise, allowing sufficient time for reflection on instructional and curricular issues. An educational management company will provide services such as budgeting/forecasting, accounts set-up (insurance/benefits/attendance tracking), payroll, compliance/required reporting, service vendor contract negotiations and management, and purchasing.

The School of Arts and Enterprise contracts with Excellent Education Development (EXED) to handle its business operations. ExED is a non-profit organization specializing in supplying business services to developing and operational charter schools. ExED currently works with 26 schools in Southern California. SAE reviews its contract with EXED on a yearly basis. When necessary, other measures may be explored to effectively manage the school's business operations and monitor its adherence to charter schools laws. SAE retains the right to make alternative arrangements for business services at any time.

EXED manages the financial affairs of the School by acting as the school's business manager and participates in the daily operations of the school. EXED provides the following services for The School of Arts and Enterprise: 1) develops the annual budget and monthly forecast 2) reviews and summarize county reports 3) serves as the financial liaison with the SBE 4) manages the payroll system 5) completes and submits state and federal required reports, and 6) manages vendor relationships.

EXED is also responsible for coordinating, collecting and providing the auditors with all necessary financial records including but not limited to: a general ledger with related statement of activities, functional expenses, year end cash flow, systems documentation, cash receipts journal, cash disbursement journal, payroll journal, bank statements copies of operating and capital leases, loan agreements, securities, copies of all board of directors minutes, and payroll tax returns.

EXED monitors the school's daily attendance tracking and completes the P-1, P-2, and Annual attendance reports required by the State. When necessary, ExED trains school site staff on proper attendance accounting procedures.

The annual audit will review actual attendance accounting records and practices to ensure compliance. The attendance accounting practices will be in conformance with the Charter School Act and the California Administrative Code sections defining the Charter School Average Daily Attendance accounting. ADA will be computed by dividing the actual number of days of student attendance by the number of calendar days of instruction by the school. The school's instructional calendar will provide the equivalent of 190 days of instruction to avoid the fiscal penalty for providing fewer than 175 days of instruction as provided by law. Additionally, the school will comply with all laws establishing minimum age for public school attendance.

#### DETAILED SERVICES TO BE PERFORMED BY EXED:

##### Financial Reporting:

1. Build a dynamic budget model for the charter school that incorporates an annual budget, monthly cash flows, economic modeling sensitivities, and a three- year forecast. Provide quarterly updates and on-site reviews of the annual budget to reflect actual and projected expenses.
2. Reconcile the county general ledger and the School's private funds checking account.
3. Prepare monthly financial statements that consist of a statement of revenue and expenditures, a balance sheet, and all general ledger detail.
4. Perform financial analysis on a monthly basis and inform the administrators and board of directors via a monthly memo that explains any unforeseen expenses and variances of actual revenue and expense to the budget.
5. Assist school administration in timely responses to audit exceptions, if applicable.

##### Payroll:

1. Set up county payroll records and input employee information.
2. Complete and submit Federal and State tax deposits, file quarterly and annual tax reports, and review and distribute W-2s and 1099s.
3. Develop and execute certificated staff tracking reports for vacation, excused, and sick days. Train staff on completing tracking reports.
4. Develop and execute classified tracking report for hours worked, vacation, excused, and sick days. Train staff on completing tracking reports.
5. Develop and execute substitute tracking report. Train office staff on completing the tracking report.
6. Distribute payroll warrants to school site on pay day.

#### Compliance Reporting:

1. Train staff on completing attendance tracking reports.
2. Assist school staff in summarizing daily attendance reports into monthly summary reports.
3. Complete interim and annual state reports including attendance reports three times a year, the first and second interim reports, unaudited actual financial report and the budget report.
4. Complete all funding program applications including the consolidated application, SB740, and new funding that may become available.

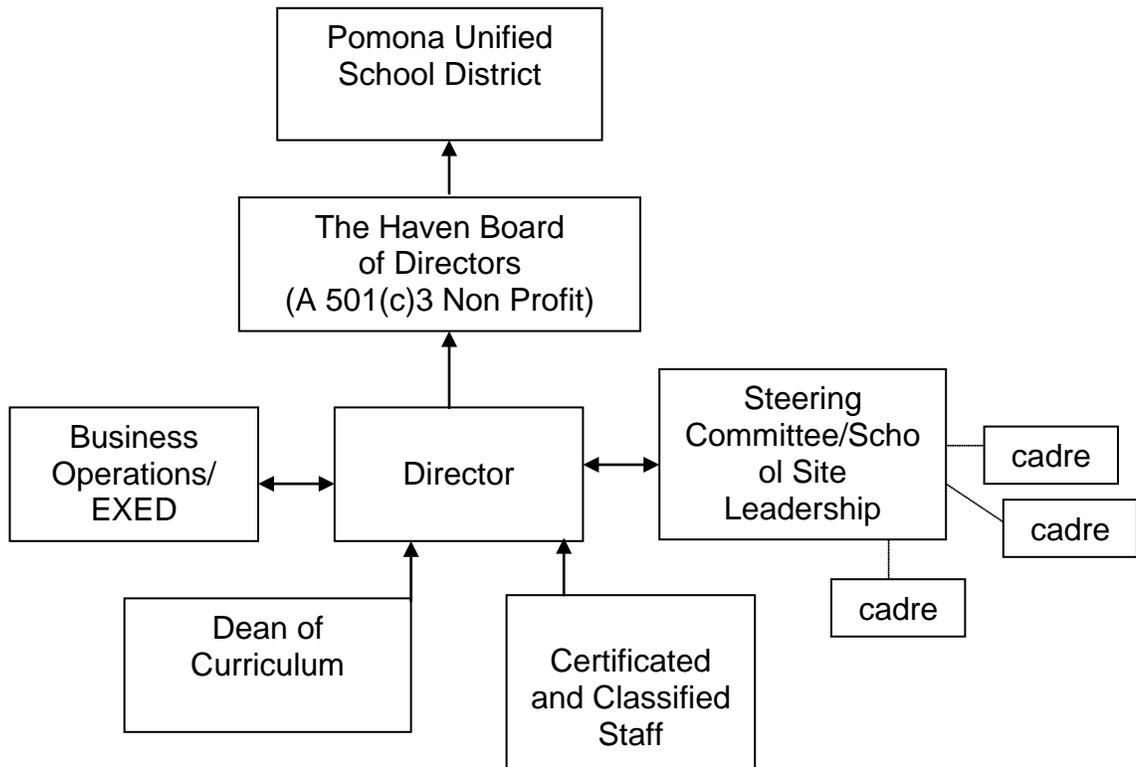
#### Vendor Management:

1. Assist school staff to identify and establish accounts and/or service with selected vendors for purchasing textbooks, office supplies, janitorial supplies and equipment supplies.
2. Assist school staff to access needs for insurance, banking, utilities and telecommunications.
3. Assist school staff to access needs for regular purchasing (equipment, furniture) and service (food service, plant operations, and grounds-keeping) vendors.

#### Accounts Payable:

1. Assist school in processing vendor invoices and bill payments.
2. Reconcile bill payment amounts, log appropriate accounting entries, and verify check security.

## Organizational Chart



## Charter Development Team (and Board of Directors)

**Summary Biographical Statements of Charter Development Team and School Founders:** Planning which aligns the school's vision with an innovative educational model will be organized by six core developers who are the school's founders. These founders represent a broad spectrum of skills necessary for planning the school as well as providing the leadership and background necessary to focus the curricula, install performance based assessment mechanisms, and assure quality management for the long-term as well as daily operations. The School is a project of the non-profit organization "The Haven".

1. **Lucille H. Berger**, Director of the School of Arts and Enterprise. She was formerly Assistant Principal at International Polytechnic High School, a leading creator of the school's academically rigorous curriculum and supportive community structure. Luci is a graduate of Cal State University, L.A. with a B.A. in English and M.A. in Secondary Education, and holds an M.A. in Counseling and Guidance from Point Loma University. She also holds a Preliminary Administrative Services Credential. She taught English and Art for 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grades in Arcadia for 15 years prior to her 14 years as a counselor and director of counseling at Arcadia High School, an academic leader among large secondary schools of Southern California. She was a leading innovator there in alternative education, site-based management, peer

*counseling and offsite collaboration with other Los Angeles basin schools. She served as Chair of the Founding Board.*

2. **Alonzo B. Anderson, Ph.D.**, Chief Academic Officer of OneLight International Inc. and Executive Director of its Institute for Collaboration in Education. He previously served as Senior Lecturer, College of Education and Integrative Studies, California State Polytechnic University, Pomona and consultant to International Polytechnic High School on curriculum, instruction, performance-based assessment and research support. He has also served as Clinical Professor, School of Education at the University of Southern California and as Assoc. Professor and Director of the Literacy Research Group, Dept. of Psychology at the University of California, San Diego. He also held administrative positions in instructional support services and cultural services at both UCSD and USC. He received a B.A. in Psychology from California Lutheran University and M.A. and Ph.D. degrees from Michigan State University in Social and Organizational Psychology, and did post-doctoral research at Stanford University. He has published widely and given numerous conference papers on related subjects, and is currently engaged as a consultant to Eastern Washington University on educational programs. He serves as Founding Board Member and Dean of Curriculum for The School of Arts and Enterprise.
3. **Simeon P. Slovacek, Ph.D.**, Professor and Co-Director of The Los Angeles Accelerated Schools Center in the Charter College of Education, California State University, Los Angeles. He earned his Masters and Doctorate from Cornell University in the fields of educational research and evaluation methodology. He also serves as Co-director of the Program Evaluation and Research Collaborative and heads a charter school project. His research and publication interests are in the areas of school reform as well as educational assessment, research and evaluation methodology. He has been instrumental in restructuring K-12 schools through the Charter Schools and the Accelerated Schools reform models. He currently serves as a founding board of trustee member for two highly successful start-up charter schools in Los Angeles: The Accelerated School and View Park Preparatory Accelerated Charter School. Professor Slovacek has been an invited speaker at a number of charter schools conferences including the California Charter Schools Association conferences and the US Department of Education Charter Schools Conferences. He will serve as an experienced expert advisor and Founding Board Member.
4. **Ed Tessier**, Pomona Business Leader. His family owns Jeved Management Company. Jeved, an urban planning/developer company controls 300,000 square feet of commercial space in Downtown Pomona. The property is dedicated to arts-related uses such as galleries, artist lofts, and media production businesses. Ed Tessier is the primary founder of the Arts Colony and will provide physical space for the new school, including access to 30,000 square feet now dedicated to public service and education. Ed is a graduate of Pomona College in urban sociology and now serves as a planner, strategist and leader of private initiatives in

*community-based enterprises. He regards downtown Pomona as an exemplary prototype for community development, with education in a potentially leading role as an “economic engine”. Ed has been a leader in national disability rights issues and legislation and is currently an instructor at the Center for Disability Issues in Health Professions at Western University. He will serve as chief urban planner and facilities developer for Board Member for developing the School as well as key advisor on the provision of disability support services.*

5. **Manuel Ortega**, Director of the Cal Poly Pomona Downtown Center under the College of Letters, Arts and Social Sciences (CLASS). He attended the L.A. County High School for the Arts at Cal State University, L.A. (I-Poly’s sister school under the L.A. County Office of Education). He was a leading co-developer with Ed Tessier of the predecessor concept for a Downtown Pomona arts academy with the local district, as expressed in the prior proposal “arts, downtown and education”. He is an accomplished painter and arts entrepreneur, and is responsible for all facilities and programs of the Center. He will serve as a lead advisor on Arts Education for the School of Arts and Enterprise.
6. **Rita Uribe-Kanell, Ed.D.**, Co-Site Director of International Social Studies University/K-12 Exploration Series (ISSUES): A California International Studies Project at the Charter School of Education at California State University, Los Angeles. She received her B.A. in Liberal Studies and M.Ed. in Reading from Loyola Marymount University in Los Angeles; she earned her Doctorate in International and Multicultural Studies from the University of San Francisco. She has worked extensively and successfully in the area of second language acquisition and English Language development for Latino students. She served as a Bilingual Coordinator for five years. Dr. Uribe-Kanell has been very involved in the area of teacher education. She has taught language development and children’s literature courses at CSULA. In addition to being a Master Teacher and Mentor Teacher at The Accelerated School (Time Magazine’s “School of the Year, 2001”), she has presented widely on various educational topics on a national and international level. Presently, she works on the ISSUES project – a California Subject Matter Project - to support low-performing schools through an array of staff development opportunities and teaches two education courses at Loyola Marymount University.
7. **Constantine J. Singer**, 11<sup>th</sup> Grade English and social science teacher at I-Poly High School, co-creator of the innovative, integrated, project-based curriculum cycle for the 11<sup>th</sup> Grade. Constantine has helped develop the curriculum development and training program for International Polytechnic High School and has been a presenter on standards integrated project based education. Constantine has a BA in history, with a minor in Greek classics from Earlham College in Richmond, Indiana, and a Masters in Teaching from Seattle University in Seattle, Washington. He has taught English, social science, and integrated humanities, and has also coached winning mock trial teams in state and national competition.

### **Ensuring Parent Involvement**

One of the primary predictors of student success is parent involvement. Parents of the School of Arts and Enterprise students will be encouraged and expected to participate in the educational process of their child(ren). Parents will participate in school governance, as well as support their child's educational development.

The School of Arts and Enterprise will convene a Parent Involvement Cadre. In addition to issues regarding parent/teacher/student relations, the Parent Cadre will develop family events, support groups, and interest groups.

Every parent and student at The School of Arts and Enterprise will be requested to sign a non-binding parent/student contract. Parents, as partners, agree to sign a contract, confirming the commitment they will make to enhance the academic success of their child, which includes:

- Volunteering at least 10 hours per semester at the school campus either in the classroom or on after school and weekend beautification.
- Working with the child at home with homework, projects, etc.
- Maintaining positive and effective communication with the teacher and staff.
- Ensuring that their child attends school daily during the school calendar and arrives and is picked up on time.
- Enforcing the school Code of Conduct with their child.
- Enrolling their child in academic enrichment programs (After School Institutes, Saturday classes, etc.) if the school deems it necessary to offer extended academic support.
- Attending at least two parent workshops during the school year.

Students are also expected to sign the contract accepting personal responsibility for the ongoing improvement of their academic performance. The student agrees to:

- Attend school on a regular basis and arrive on time.
- Complete homework assignments thoroughly and in a timely manner.
- Participate in support programs [i.e. After School enrichment program, tutoring and conflict resolution workshops as needed.
- Complete community service hours.
- Follow the school Code of Conduct.
- Bring supplies and be prepared to learn.

Additional activities for parent involvement will include, but not be limited to:

- Meetings at the individual classroom level (Back To School Night and Open House). Classroom teachers will meet with the parents to discuss grade level goals, expectations, classroom rules, and assessment tools. Examples during these meetings will be presented to the parent (i.e. through slides, displays of work, portfolios, etc.). Preferably, these meetings will take place in the evening or at a time that is convenient for the majority of families. The agenda will be agreed on and parents notified well in advance. This type of meeting will be offered at least twice a year.

- Individual parent-teacher conferences.  
Conferences will be held with parents to review the educational progress of their children. During these meetings, teachers will offer practice suggestions on how the parents can assist their child at home to improve academically and socially.
- Parent Training.  
Sessions will be tailored to increase everybody's knowledge of problems or issues of common interest.
- Saturday Beautification.  
These days will be concrete opportunities to contribute to the improvement of the school. Parents and staff members will come together to build furnishings and equipment, rearrange the educational space, improve the schoolyard, prepare and sell food for school events and fundraisers, and maintain classroom materials.
- Community Events.  
The school will host events relevant to the community at large, such as career day, health fairs and arts events.

## Element E

### Qualifications for School Employees

*Governing Law: The qualifications to be met by individuals to be employed by the School— California Education Code Section 47605(b)(5)(E)*

The School of Arts and Enterprise is an at will employer. The School of Arts and Enterprise will not discriminate against any employee on the basis of race, color, creed, age, sex, national origin, disability, sexual orientation, or marital status.

The School of Arts and Enterprise will adhere to the existing State of California laws regarding fingerprinting and drug testing of employees. The School of Arts and Enterprise will adhere to school policy pertaining to the safety and health of all employees and students. Prior to the first day of work for every employee, The School of Arts and Enterprise will process all background checks through LiveScan, administered by the Department of Justice.

Teachers will meet the requirements for employment as stipulated by the California Education Code section 47605(l). Primary teachers of core, college preparatory subjects (i.e., English language arts, math, science, history/social science,) will hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. In addition to helping teachers to achieve certification grades, The School of Arts and Enterprise will also provide strong support to teachers to help them develop professional expertise and leadership in their core areas.

All employees must furnish or be able to provide:

- Medical clearance including proof of medical exam and tuberculosis (TB) testing.
- Fingerprinting and the service fee to the Department of Justice for criminal record check. Applicants will be required to provide a full disclosure statement regarding prior criminal record.
- Documents establishing legal status.

All personnel must commit to the mission and vision and instructional goals of the School of Arts and Enterprise. Employees' job descriptions, work schedules will be reviewed and modified as necessary to better meet the needs of students and its school community. The job descriptions will be based on the job duties and work basis as outlined in the charter.

#### **Director(s)**

The director will be selected and appointed by the Board of Directors of the School. Selection of the director will be based on proven experience in educational leadership, educational vision for and experience with low-income and/or minority children, as well

as demonstrated ability in program design and/or development, entrepreneurial skills, and interest and commitment to educational reform.

### **Teachers**

Teachers will be selected by the Director and designated personnel committee based on an application, interview basis and a collaborative 2<sup>nd</sup> interview during which the applicant will work with their potential team. Selection of teachers will be based on their teaching experience, the degree of subject matter expertise, and their ability to demonstrate classroom instructional capabilities. Inexperienced credentialed teachers will be hired on (1) educational experiences as demonstrated by presenting a lesson to be evaluated by the director to assess teaching competencies: being a former paraprofessional, school volunteer, child care, and so on, (2) work experiences found beneficial to education, and (3) resumes with excellent references. Teachers will receive ongoing support to:

- Provide a quality, enriched and powerful curriculum.
- Provide continual assessment of student progress and maintain records.
- Continually evaluate classroom performance to meet the needs of the students.
- Provide an effective room environment that reflects and facilitates the academic program.
- Provide peer assistance to fellow teachers.
- Continue to work on professional growth.
- Actively strive for continuous and open communication with parents and community members.
- Maintain regular, punctual attendance.
- Develop expertise and leadership in academic areas.

Lead teachers will be responsible for one or more of the following:

- Be held responsible for the aforementioned duties of a teacher.
- Observe and assist new teachers one day a month during release time.
- Meet weekly with assigned new teacher for one hour for curriculum support and classroom management.
- Membership in Steering Committee.
- Direct one staff development workshop each year.
- Share relevant research during staff meetings to sustain students' academic achievement.

### **Other Certificated Staff**

A pool of day-to-day substitutes has been established and a list of qualified substitutes is maintained by the office staff.

### **Office Personnel**

Office personnel will be selected by the director and/or Academic Review Board on an application and interview basis. Selection will be based on the ability to perform the job duties for that position. Office personnel duties will include, but not be limited to:

- Answering telephones.

- Filing reports.
- Enrolling students.
- Managing/monitoring office operations.
- Ordering and purchasing office and classroom supplies and vendor management.
- Developing and implementing clerical and administrative procedures for daily school operations.
- Preparing correspondence, reports, bulletins, files, forms, memorandums, and performing other clerical and administrative duties as assigned.
- Bilingual translation and communication with parents and community.

### **Classified Staff**

Classified and other personnel will be selected by the director and/or Academic Review Board on an application and interview basis. Selection will be based on the ability to perform the job duties for that position. Classified personnel will perform duties suitable for their job positions. There will be one part-time clerk employed by EXED who will operate from the School site. The School shall ensure that any employee of EXED who will come into contact with pupils will meet all fingerprinting and background clearance requirements under the law. Also, the administrative staff of EXED will supervise all business operations.

### **Evaluations**

Evaluations will be performed annually. Performance measures will be used to evaluate all school personnel.

The director will be evaluated by the Board on:

- Maintaining a fiscally sound charter school including a balanced budget.
- Overall successful school academic program and achievement of educational goals.
- High parental and community involvement.
- Completion of required job duties.
- Creation of a school atmosphere of enthusiasm, warmth, and cooperation among all parties.

Teachers and lead teachers will be evaluated by the director and the Board on:

- Performance of job duties.
- Student progress as referenced from assessment measures.
- Effectiveness of teaching strategies as evaluated by the director and lead/mentor teacher, through classroom visitations and a professional portfolio.
- Performance of job duties.
- Knowledge of curriculum.

Classified and other personnel will be evaluated by the director based upon completion of assigned job duties and regular, punctual attendance.

Good performance will be acknowledged and honored at a yearly end-of-the-year luncheon. Unsatisfactory performance may result in discipline up to and including

termination of the at will employment relationship. The SAE's imposition of discipline serves as an expectation of improved performance and in no way impacts the at will nature of an employee's employment.

If an employee disagrees with an evaluation, a written objection with supportive documentation may be appended to the review.

## Element F

### ***Health and Safety Procedures for students and staff, Liability and Indemnity***

*Governing Law:* *The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school record summary as described in Section 44237—California Education Code Section 47605(b)(5)(F)*

The School of Arts and Enterprise has adopted and implemented a comprehensive set of health, safety, and risk management policies that are contained in the school's Employment Handbook and Student Handbook. These policies were developed in consultation with the school's insurance carriers and address the following topics:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools. Records of student immunizations shall be maintained, and staff shall honor County requirements for periodic Tuberculosis (TB) tests. In addition, SAE will provide appropriate screening for students' health equivalent to that provided by other state high schools, including vision, hearing and scoliosis.
- Policies and procedures for response to natural disasters and emergencies, including fires and earthquakes.
- A policy requiring that instructional and administrative staff receive training in emergency response, including appropriate "first responder" training or its equivalent.
- Policies relating to the administration of prescription drugs and other medicines.
- A policy that the school will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard. Periodic inspections shall be undertaken, as necessary, to ensure such safety standards are met.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.
- A requirement that each employee of the school submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237.
- A policy for reporting child abuse, acts of violence, and other improprieties as mandated by federal, state, and local agencies.
- Compliance with all health and safety laws and regulations that apply to non-charter public schools, including those required by CAL/OSHA, the California Health and Safety Code, and EPA.

These policies will be incorporated as appropriate into the school's student and staff handbooks and will be reviewed on an ongoing basis in the school's staff development efforts and governing board policies.

### **Safe School Plan**

The School of the Arts and Enterprise will adopt and implement a comprehensive set of health safety and risk management policies to ensure the safety of students at all times. These policies were adopted in consultation with the school's insurance carriers and address topics of student safety on campus and at mentoring sites. They are contained in the School's Employment Handbook and Student Handbook.

All mentoring sites will be required to provide a full disclosure statement of its employees regarding prior criminal records in accordance with the procedures set forth in Education Code Section 45125.1 regarding the fingerprinting of employees of an entity providing services to a school district. In addition, all employees of The School of Arts and Enterprise will be required to undergo a background check by submitting fingerprints through Livescan to the Department of Justice. Results from the Department of Justice will be reviewed by the Director and full clearance must be given by the Director prior to the first scheduled work day. All mentorship opportunities will take place in facilities that have met local building and fire codes. Mentoring sites will be required to ensure that while students are present, all employees at the mentoring site will comply with all applicable health and safety policies of the School.

These mentoring opportunities are not intended to provide free labor to mentoring sites, but instead are intended to operate as a unique opportunity for students on a regular basis to immerse themselves in the practical reality of their field of study. Thus, the health and safety policies of the School shall address the monitoring of mentoring sites to ensure that no violations of child labor laws exist and to ensure that all students are in a safe positive environment. These policies shall include but will not be limited to unannounced visits to mentoring sites and regular requests for student feedback regarding the experience they are having at each mentoring site. The School will seek examples of other school district and charter school policies and procedures regarding work experience programs for ideas and samples on how to most safely implement its mentoring program.

Furthermore, we plan to explore and adopt the arrangements made in the district's own ROP programs, if applicable. Members of the School of Arts and Enterprise Planning Board have already contacted the *High School for the Arts* and *Cal State L.A.* campus to share these experiences and advice on this issue.

### **Vision/Hearing/Scoliosis**

The Charter School shall adhere to Education Code Section 49450 et. seq. as applicable to the grade levels served by the School.

### **Procedures For Background Checks**

The Charter School will comply with the provisions of Education Code Section 44237 and 45125.1 regarding the fingerprinting and background clearance of employees, contractors and volunteers prior to employment and/or any one-on-one contact with pupils of the Charter School.

### **Role Of Staff As Mandated Child Abuse Reporters**

All classified and certificated staff (including teachers in any non-core, non-college preparatory courses), as well as short-term employees and independent contractors, will be mandated child abuse reporters and will follow all applicable reporting laws.

### **TB Testing**

The Charter School will follow the requirement of Education Code Section 49406 in requiring tuberculosis testing of all employees.

### **Immunizations**

The Charter School will adhere to all law related to legally required immunizations for entering students pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.

### **CPR /First Aid Training**

All employees should be CPR/First Aid trained before the end of their 1<sup>st</sup> year of employment.

### **Prescription Medications**

Parents must bring medication to the office in the original containers, with the name of the prescribing physician, the name of the student, and dispensing instructions. Parents will complete the appropriate form authorizing school staff to administer medication. Designated staff will put medications in a locked cabinet or refrigerator as needed for medications requiring refrigeration. Designated staff will log times for administering medications for each student and will establish a tickler system to ensure that medications are dispensed at the appropriate times. Designated staff will call students to receive medications at the appropriate times. In cases where medications are long-term prescriptions, designated staff will provide parents with one week's notice to alert them that additional medications is needed.

### **Fire Drills**

Fire drills will be held at least twice a semester. Office personnel will maintain a record of fire drills held and total required time for complete evacuation. When the fire drill

signal sounds, teachers will lead the students in their room along the route indicated on the evacuation map posted for that purpose. Before leaving the room, teachers will see that all windows and doors are closed and that they have their class attendance roster with them. Students who are not in a classroom at the time the fire drill signal is given will attach themselves to the nearest teacher exiting the building for purposes of getting to the designated evacuation site.

Once at the designated evacuation site, teachers, other staff and parent volunteers (if present), will ensure that all students find their respective teachers. Teachers will then take roll to ensure that all students are accounted for. The names of any missing students will be given to the office personnel and the administrative staff will attempt to locate missing students.

Students will remain with their teachers at the designated evacuation site until the administrative staff gives the “all clear” signal.

### **Disaster Drills (i.e. earthquake)**

Disaster drills will be conducted at least once every two months. Students will be made familiar with the “duck and cover” routine. A disaster drill commencing with the “duck and cover” routine will be initiated by an announcement over the intercom. Staff and students will hear “This is an emergency drill. Duck and cover.” During the “duck and cover” routine in the classroom, teachers will turn off the lights and have students get under a desk or table or against the wall away from the windows. Students must remain quiet and orderly so they will be able to hear additional instructions when given. All drills will be concluded with an “all clear” announcement on the intercom, or a visible signal from the administrative staff.

In the case of a real earthquake, everyone must engage in the “duck and cover” routine immediately and remain in position until the teacher determines that it is safe to leave the building. If remaining in the room becomes dangerous, or when the shaking stops, teachers will proceed with their students to the evacuation site or another safety zone. If students are in an outdoor area when a disaster drill is called or during an actual earthquake, students are to drop immediately to the ground, away from trees and power lines, and cover their heads with their hands. They are to remain in that position until given additional instructions to proceed in the safest manner.

In the case of disasters other than earthquakes, the administrative staff will contact each room, advise staff of potential dangers, and give further directions or orders. Teachers and students will remain in their classrooms until instructions are received for an all clear or an evacuation. For safety purposes, no one is to leave the rooms. If there has been a chemical spill, the teacher must make sure that all doors, windows, and vents remain closed. The school site maintenance staff will turn off the gas. All unassigned staff will report to the office for assignments such as searching offices, bathrooms, and all other common areas, including outdoor facilities.

Teachers will stay with their classes for the duration of the emergency. In the event of an earthquake or other national disaster, all school employees are immediately designated “Civil Defense Workers” and are not allowed to leave school until they are given official clearance to do so by the administrative staff.

### **Bomb Threats**

The person receiving the call or letter will note the time of day, wording of the message, background noises, and quality of the voice to try to determine if it is a young child or an adult. This person will delay the caller as long as possible, while they alert another adult to the crisis. That adult will immediately notify the telephone company to trace the call and immediately thereafter, notify the police using 911.

Based on the information at hand, the administrative staff will make a decision whether an immediate evacuation is warranted. If so, the evacuation code word “safe school drill” will be given over the intercom and evacuation procedures will be followed. The office personnel will coordinate information requests to and/or from law enforcement, the telephone company, and parents.

If an immediate evacuation is not warranted, the administrative staff will notify teachers to inspect their room for any suspicious materials or unknown packages, without alarming students. All unassigned staff will report to the office for assignments such as searching offices, bathrooms, and all other common areas, including outdoor facilities.

### **Evacuation Plan**

A disaster of a significant nature may require the evacuation of the school. Immediately upon notification by outside authorities that the school must be evacuated, the administrative staff will verify the name and position of the person placing the alert. Once the source is confirmed, the administrative staff will give the evacuation code word “safe school drill” over the intercom. Teachers will proceed with their students to the nearest school exit indicated on the evacuation map posted for this purpose. Before leaving the room, teachers will make sure they have their class attendance roster with them. Students who are not in a classroom at the time the intercom signal is given will attach themselves to the nearest teacher exiting the building for purposes of getting to the designated evacuation site.

Prior to evacuation, offices, bathrooms, and all other common areas, including outdoor facilities will be searched by unassigned staff members designated by the administrative staff.

Once at the designated evacuation site, teachers and other staff will ensure that all students find their respective teachers. Teachers will then take roll to ensure that all students are accounted for. The names of any missing students will be given to the office personnel and an individual will be assigned the task of finding any missing students. Teachers will work together to take care of students with injuries, respiratory problems, or other medical conditions.

Teachers will stay with their classes for the duration of the emergency. In the event of an evacuation, all school employees are immediately designated “Civil Defense Workers” and are not allowed to leave school until they are given official clearance to do so by the administrative staff.

Students will remain with their teachers at the designated evacuation site until the administrative staff gives the “all clear” signal. In the event students cannot return to the school site, the administrative staff will notify parents and/or the media as to where students can be picked up. The office personnel will sign out students as they are being picked up by a parent or other adult listed on the emergency information card. Parents will be asked to remain in a designated area, and students will be escorted to the designated area for release.

### **Integrated Complaint and Investigation Procedure:**

The Charter School has developed a comprehensive complaint and investigation procedure to centralize all complaints and concerns coming into the Charter School. Under the direction of the Charter School Board the Principal shall be responsible for investigation, remediation, and follow-up on matters submitted to the Charter School through this procedure.

### **Comprehensive Sexual Harassment Policies and Procedures**

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has developed a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at the School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School policy.

### **Liability and Indemnity**

To the fullest extent of the law, the School of Arts and Enterprise will be deemed to be a “school district” for purposes of Section 41302.5 and Sections 8 and 8.5 Article XVI of the California Constitution.

The Board, the school director, and their respective representatives will be solely responsible for all aspects of the day-to-day operations of the School of Arts and Enterprise, including, but not limited to, making necessary provisions for accounting, budgeting, payroll, purchasing, liability, insurance, and the like.

The School of Arts and Enterprise will secure and maintain appropriate workers compensation, as well as liability coverage, bond coverage, and insurance coverage, providing for, among other things, insurance for operation and procedures, personal injury, and property, fire, and theft.

The School of Arts and Enterprise will hold harmless and indemnify the Board and school management from every liability, claim, or demand that may be made by reason of:

- Any injury to person or property sustained by the School of Arts and Enterprise’s officers or employees, or by any person, firm, or corporation employed directly or indirectly by the charter school.
- Any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of The School of Arts and Enterprise, its officers, employees, or agents.
- The furnishing or use of any copyrighted or un-copyrighted composition, or patented or unpatented invention.

The School of Arts and Enterprise, at its own expense and risk, will defend all legal proceedings on any such liability, claim, or demand that may be brought against it and/or the Board of Directors or their officers and employees. In the event of a major liability or claim, the school would be able to tap into its reserve fund to pay for legal fees. In addition, the School of Arts and Enterprise will satisfy any resulting judgments that may be rendered as the result of any such liability, claim, or demand, whether or not such liability, claim, or demand was actually or allegedly caused wholly or in part through the negligence or other tortuous conduct of the School of Arts and Enterprise, the Board of Directors or their officers and employees.

The Haven Gallery, which will hold the charter for the School of Arts and Enterprise and have fiduciary responsibility for its affairs, is legally a recognized 501(c)(3) nonprofit public benefit corporation. The Haven Gallery is a separate legal entity from the Pomona Unified School District (“District”). The charter school has complete liability for all actions of the school and its employees in the performance of their duties. The School of Arts and Enterprise further indemnifies and holds harmless the District of any present or future liability for the charter school’s actions. In the event that the charter school is dissolved, all remaining assets will be liquidated and all creditors will be paid first. Any capital assets owned by the charter school, such as facility or property, purchased in whole or in part with public funds will be distributed to a public agency organized for educational purposes at the discretion of the Board of Directors. Any remaining asset will be donated to a nonprofit public entity at the discretion of the Board of Directors.

In order to mitigate both the potential legal and fiscal liabilities of the charter school, the School of Arts and Enterprise will have in force at all times prepaid liability insurance. The District will be named as “other named insured.” Supplementary coverage will

cover the after-hours and weekend activities of the School of Arts and Enterprise programs.

At minimum, coverage will include:

- Workers' Compensation with limits of \$1,000,000 per accident as required by the Labor Code of the State of California and Employers' Liability.
- Comprehensive Bodily Injury and Property Damage Liability for the combined single limit coverage of not less than \$1,000,000 per single occurrence and \$5,000,000 aggregate. Coverage shall be maintained with no self-insured retention.
- Commercial Crime including Fidelity Bond coverage for blanket employee theft, disappearance, destruction, and dishonesty in the amount of at least \$1,000,000 per occurrence, with no self-insured retention.

The District will be furnished with certificates of such insurance signed by an authorized representative of the insurance carrier. Certificates will be endorsed to say:

“The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to The State Board of Education.”

The District has the right to require complete certified copies of the required insurance policies.

The School of Arts and Enterprise may also purchase coverage for the following:

- Directors and Officers (D & O) for wrongful acts (including coverage for employment practices) of at least \$1,000,000 each claim with an extended reporting period of not less than one year following termination of the charter with \$5,000,000 in aggregate.
- Professional Liability (E & O) for defense and damages for errors and omissions with a limit of \$1,000,000 each incident of health care services such as medical, nursing, and/or counseling are provided to students. The policy shall have an extended reporting period of not less than one year following termination of the charter endorsed into the policy.
- Business Automobile Liability covering owned, non-owned and hired vehicles with a combined single limit of at least \$5,000,000 if vehicles are used in the performance of The School of Arts and Enterprise transactions.
- Commercial All Risk Property for buildings and contents for full replacement cost.
- Student Accident Insurance with a limit of no less than \$10,000 per accident and a zero deductible.

Additionally, the School of Arts and Enterprise will, at all times, maintain a fund balance (reserve) of its expenditures as required by the Section 15443, Title 5 of the California Code of Regulations. Currently, the reserve required to be maintained is 5% of total operational expenditures.

Our Charter School has obtained insurance through the California Charter Schools Association. We will arrange to name the Pomona Unified School District as an additional insured on all liability coverage if the charter is renewed by the District rather than the SBE.

## Element G

### ***Racial and Ethnic Balance***

*Governing Law: The means by which the school will achieve racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted—California Education Code Section 47605 (b)(5)(G)*

The School of Arts and Enterprise will make every effort to recruit students of various racial and ethnic groups so as to achieve a balance that is reflective of the general population residing within the territorial jurisdiction of Pomona Unified School District. Recruitment efforts will include, but are not necessarily limited to:

- An enrollment process that is scheduled to include a timeline that allows for a broad-based recruiting process.
- The development of promotional and informational material (i.e. a school brochure, flyers, a website, and advertisements for local media) that is easily transmittable to all of the various racial and ethnic groups represented in the district.
- The appropriate development of promotional and informational materials in languages other than English to appeal to limited English proficient populations.
- The distribution of promotional and informational materials to a broad variety of community groups, agencies, neighborhood youth organizations, social service providers, churches, grocery stores, public libraries, and legislators that serve the various racial, ethnic, and interest groups represented in the district.
- Outreach meetings in several areas of the district to reach prospective students and parents.
- Hosting open houses, orientations, and school tours on a regularly scheduled basis.
- Publicizing the instructional program.

**Demographics about students**

Students who will enroll in the School of Arts and Enterprise are expected to represent an ethnic and economic cross section of high school-age students of Pomona and perhaps surrounding communities. In our recruiting efforts, we shall seek to attract an ethnic mix of students that are representative of the community. The estimated ethnic distribution of the School of Arts and Enterprise is summarized in the table below.

<b>Ethnicity</b>	<b>%</b>	<b>Ethnicity</b>	<b>%</b>
Hispanic	61	Filipino	<1
White	14	Pacific Islander	<1
African American	13	American Indian/ Alaska Native	<1
Asian	<1	Other	11

## Element H

### **Admissions Requirements**

Governing Law: Admission Requirements, if applicable-Education Code Section 47605(b)(5)(H)

Admission to the School of Arts and Enterprise is open to any resident of the State of California. The School of Arts and Enterprise will not charge students tuition and will not discriminate against any student on the basis of race, ethnicity, national origin, gender disability, fluency in English, parent income/education level, or sexual orientation. Admission to the School of Arts and Enterprise will not be determined according to the place of residence of the student, or of the student's parent or guardian, within California. However, an effort will be made to recruit students reflecting the composition of the Pomona Unified School District.

Applications will be accepted during a publicly advertised open enrollment period each spring for enrollment in the following school year. If the number of students applying for admission at any grade level exceeds capacity of the School of Arts and Enterprise, attendance, except for existing students of the charter school, will be determined by a public random drawing. Preference will be extended to the siblings of students currently attending the School of Arts and Enterprise and students who reside in the Pomona Unified School District.

The School of Arts and Enterprise will adhere to all laws establishing minimum age for public school attendance, and any student over 19 years of age who is admitted shall be continuously enrolled in public school and making satisfactory progress towards high school diploma requirements.

#### **Confidentiality of Records**

The School of Arts and Enterprise will adhere to all procedures related to confidentiality and privacy of records. In the event that a child enters the School of Arts and Enterprise upon transfer from an existing district school, the child's records (cumulative, bilingual, etc.) will be requested from the respective district. Upon exit from The School of Arts and Enterprise, the child's cumulative records will be sent to the district upon request.

#### **Transportation**

Transportation is the parental responsibility for families who choose to attend the School of Arts and Enterprise. The School of Arts and Enterprise will not provide transportation for students from home to school or school to home, except in instances of compliance with the American with Disabilities Act. For extracurricular activities, such as field trips, the School of Arts and Enterprise will contract for transportation with a licensed contractor.

## Element I

### ***Financial Audit***

*Governing Law:* *The manner in which an annual, independent financial audit shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority—California Education Code Section 47605(b)(5)(I)*

Each fiscal year an independent auditor will conduct an audit of the financial affairs of the School of Arts and Enterprise to verify the accuracy of the school's financial statements, attendance and enrollment accounting practices, and to review the school's internal controls. The School of Arts and Enterprise will retain auditors to conduct independent financial audits, which will employ generally accepted auditing principles and comply with applicable provisions of the K-12 audit guide and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Controller General of the United States. All auditors will report directly to the School of Arts and Enterprise Board of Directors. EXED will assist with preparing necessary accounting information and reports for the auditors. EXED will work directly with the auditors to resolve and answer exceptions and deficiencies identified through the audit process. EXED will also work collaboratively with the School of Arts and Enterprise to answer any inquiries from the District, County Superintendent of Schools, State Superintendent of Public Instruction or State Board of Education as appropriate. In particular, EXED will be responsible for coordinating, collecting and providing the auditors with all necessary financial records including but not limited to: a general ledger with related statement of activities, functional expenses, year end cash flow, systems documentation, cash receipts journal, cash disbursement journal, payroll journal, bank statements copies of operating and capital leases, loan agreements, securities, copies of all board of directors minutes, and tax returns. Annually, EXED and The School of Arts and Enterprise sign and execute a formal Management Agreement. The School retains the right to hire a vendor other than EXED to provide the services identified above, and to renew such contracts annually.

To the extent required under applicable federal laws for audits of major federal programs, the audit scope will expand to be in compliance with the requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133, audits of states, local governments, and nonprofit organizations. Should OMB Circular A-133 be rescinded, audits of major federal programs will be conducted in compliance with standards and provisions approved by OMB.

The financial audits will be conducted by a qualified Certified Public Accountant familiar with school finances and operations. The audits will assure that the school's money is being handled responsibly and that its financial statements conform to the Government Auditing Standards. Audit exceptions and deficiencies shall be resolved in conference

with the auditor to the satisfaction of the auditing agency. The School of Arts and Enterprise agrees to resolve outstanding issues from the audit prior to the completion of the auditor's final report. The School of Arts and Enterprise will provide the District, the County Superintendent of Schools, and the California Department of Education with the final audit results within 60 days of completion and/or by December 15 of each year in accordance with the law. Audit exceptions and deficiencies will be resolved to the satisfaction of the District.

## Element J

### ***Suspension and Expulsion Procedures***

Governing Law: *The procedures by which pupils can be suspended or expelled—  
California Education Code Section 47605 (b)(5)(J)*

#### **A. Grounds for Suspension and Expulsion of Students**

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at the School or at any other school or a School sponsored event at anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

#### **B. Enumerated Offenses**

Students may be suspended or expelled for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force of violence upon the person of another, except self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal/Administrator or designee's concurrence.
3. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.

6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in or attempted to engage in hazing of another.
18. Aiding or abetting as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
19. Made terrorist threats against school officials and/or school property.
20. Committed sexual harassment.

21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
22. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment.

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Principal. The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

#### 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following

suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of Placement/Expulsion by the Principal or Principal's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Principal or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

**D. Authority to Expel**

A student may be expelled either by the Board following a hearing before it or by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the School's governing board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

**E. Expulsion Procedures**

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing.

Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

**F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses**

The School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the School, Panel Chair or the hearing officer in the expulsion. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent,

- guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
  3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
  4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
  5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
  6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
  7. If one or both of the support persons is also a witness, the School must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
  8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
  9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten

serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

#### **G. Students With Disabilities**

A pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. The Charter School will follow the IDEIA, Section 504, and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils.

#### **H. Zero Tolerance Policy**

The Charter School must recommend expulsion for the following behaviors, even though the student may have no prior discipline history.

1. Possession, selling or otherwise furnishing a firearm, except in instances where the student obtained prior written permission to possess the firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault.
5. Possession of an explosive.

In addition to the Executive Director's recommendation for expulsion in all of the above areas, local law enforcement agencies will be notified and the student will be responsible to the adult or juvenile justice system for their actions.

**I. Record of Hearing**

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

**J. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay and sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing. The Decision of the Board is final.

If the expulsion hearing panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

**K. Written Notice to Expel**

The Principal or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Principal or designee shall send a copy of the written notice of the decision to expel to the District.

This notice shall include the following:

- a) The student's name
- b) The specific expellable offense committed by the student

The Board's decision to expel shall be final.

**L. Disciplinary Records**

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available to the District upon request.

**M. Expelled Pupils/Alternative Education**

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

**N. Rehabilitation Plans**

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the School for readmission.

**O. Readmission**

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a

recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

## Element K

### ***Employees' Benefits/Retirement System***

Governing Law: *The manner by which staff members of the Charter Schools will be covered by the State Teachers' Retirement System, the Public Employee's Retirement System, or federal social security—California Education Code Section 47605(b)(5)(K)*

#### **Work Basis**

The director will work for the calendar year with appropriate vacation time as determined in the individual employee contract. All teachers will work a calendar year of 10.25 months, including 190 instructional days and 5-15 days of professional development training. Office and maintenance will work a calendar year of 12 months with appropriate vacation time as determined in their individual employment agreement.

Employee hours per week will be based on individual employment agreements. The standard week for administrative and operational staff and lead teachers is 40 hours per week. The standard week for beginning teachers is 40 hours per week, including instructional hours, meetings, and professional development. Beginning teachers may work beyond 40-hour work weeks for evening parent conferences and additional staff development.

#### **Benefits**

Release days will be provided for each full-time employee to the extent of 10 paid release days per year (illness, personal necessity, etc.) Employees will earn release days at the rate of one-half day per bi-weekly pay period. Part-time personnel will be provided with a portion of the release days which corresponds to the number of hours worked. The unused release days unused may be banked and rolled over at the end of each year.

Each full-time employee will be provided with three bereavement days (within California) or five bereavement days (outside of California) for immediate family members, not to exceed five days per year. Family members will be defined as members of the employee's or spouse's/registered domestic partner's immediate family, which means the parents, grandparents, child, or grandchild, brother, sister (step or foster) or any other relative living in the immediate household of the employee.

Mandatory benefits, such as workers' compensation, unemployment insurance, Medicare, and Social Security (for non-STRS members) will be provided by The School of Arts and Enterprise. Life, health, and related benefits will also be available to all full-time employees. Employees on charter school leave from their local district will elect to give up district-offered coverage during the term of their employment with the School of Arts and Enterprise.

## **Retirement**

### **I) STRS**

All full-time certificated employees who are eligible will participate in the State Teachers Retirement System (STRS). Employees will contribute the required percentage (currently 8.0% of salary), and The School of Arts and Enterprise will contribute the employer's portion (currently 8.25%) required by STRS. All withholdings from employees and the charter school will be forwarded to the STRS Fund as required. Employees will accumulate service credit years in the same manner as all other members of STRS.

### **II) PERS**

The School of Arts and Enterprise classified employees who are eligible will participate in the Public Employees Retirement System (PERS). Employees will contribute the required percentage as designated by PERS, and the School of Arts and Enterprise will contribute the employer's portion as required by PERS. All withholdings from employees and the charter school will be forwarded to the PERS Fund as required. Employees will accumulate service credit years in the same manner as all other members of PERS. Social Security payments will be contributed for all qualifying PERS members.

### **III) PARS and Others**

The School of Arts and Enterprise will participate in the Public Agency Retirement System for non-PERS/STRS eligible part-time employees.

The School of Arts and Enterprise Board of Directors retains the option to consider any other public or private retirement plans and to coordinate such participation with existing programs, as it deems appropriate.

## Element L

### ***Public School Attendance Alternatives***

*The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. - Education Code Section 47605(b)(5)(L)*

#### **Public School Attendance Alternatives**

School of Arts and Enterprise is a school of choice. No student is required to attend, and no employee is required to work at the charter school. Pomona students living within the attendance area of the Pomona Unified School District (PUSD) who do not desire to attend the charter school may attend another school in PUSD. Alternatives to The School of Arts and Enterprise for these students living within the PUSD attendance area who opt not to attend the charter school will be the same as those offered to all other students currently residing in the district. These students may attend other district schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of the district or county of residence. The parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school or program of any local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.

## Element M

### ***Employee Rights, Return Rights and Educational Employment Relations Act***

*Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. – Education Code Section 47605(b)(5)(M)*

#### **At-Will Employment**

All employees are at-will employees and may be terminated with or without cause or advance notice within the sole discretion of the Board of Directors.

#### **Hiring Employees**

Job applicants for positions at the School of Arts and Enterprise will be considered through an open process, and if hired, will enter into a written employment agreement with the school. Any PUSD union employee who is offered employment and chooses to work at The School of Arts and Enterprise will not be covered by his or her respective collective bargaining unit agreement, although The School of Arts and Enterprise may, at its sole discretion, extend the same protections and benefits in individual employment agreements.

An employee of the charter school shall have the following rights: (1) any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify; (2) any rights of return to employment of an LEA after employment in the charter school as the LEA may specify; (3) any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school. All provisions pertaining to leave and return rights for PUSD union employees will be in accordance with current collective bargaining agreements. Currently, PUSD union employees who are offered employment and who choose to work at The School of Arts and Enterprise will be given unpaid charter school leave from their districts with return rights for the duration of the initially approved charter. This is subject to change per changes in the collective bargaining agreement.

Unless the employees elect to be represented by an organization for bargaining purposes, all employees will be employed with salaries that are at a level competitive to the Pomona Unified School District's salary schedules. The individual employment agreement will address, among other issues, salary, health and welfare benefits, work schedules and responsibilities, accountability measurements, and standards for performance evaluations. Employees are hired on an at will basis, unless otherwise agreed to in writing and approved by the Board.

## Element N

### **Charter School/Chartering Authority Dispute Resolution**

*Governing Law: The procedures to be followed by the Charter School and the entity granting the charter to resolve disputes relating to provisions of the charter—California Education Code Section 47605(b)(5)(N)*

The intent of this dispute resolution process is to:

- Resolve disputes within the School of Arts and Enterprise pursuant to the school's policies.
- Ensure a fair and timely resolution to disputes.
- Frame a charter renewal process and timeline so as to avoid disputes regarding renewal matters.

#### **Disputes Arising Within School of Arts and Enterprise**

Disputes arising from within the School of Arts and Enterprise, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and the Board of Directors of The Haven Gallery, will be resolved pursuant to policies and processes developed by the school.

The PUSD will not intervene in any such internal disputes-(any disagreement among teachers, staff, parents, students, and administrators at the School of Arts and Enterprise) without the first consulting the Board of Directors of The Haven Gallery, and will try to refer any complaints or reports regarding such disputes to the Board of Directors of The Haven Gallery for resolution pursuant to the school's policies. The PUSD agrees not to intervene or become involved in the dispute unless the dispute has given PUSD reasonable cause to believe that a violation of this charter or related laws or agreements has occurred, or unless the board of the School of Arts and Enterprise has requested the PUSD to intervene in the dispute.

#### **Disputes between The School of Arts and Enterprise and the SBE**

The staff and the Board of Directors of The Haven Gallery and PUSD agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

In the event that the PUSD believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in writing.

The director of the School of Arts and Enterprise and the PUSD charter school designee administrator will informally meet and confer within four weeks of delivery of the written documentation of the issue, to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties will notify the Board of

Directors of The Haven Gallery who will jointly meet with the PUSD charter school designee and Director of The School of Arts and Enterprise within four weeks of the original meeting, and attempt to resolve the dispute.

### **Charter Petition Revocation**

The granted charter, pursuant to this Petition, may be revoked by the PUSD if it finds that the School of Arts and Enterprise did any of the following:

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

Prior to revocation, the PUSD will notify The School of Arts and Enterprise of any violation (as set forth above) in writing, noting the specific reasons for which the charter may be revoked, and give the school a reasonable opportunity to amend the violation, unless the PUSD determines, in writing, that the violation constitutes a severe and imminent threat to the health and safety of the students.

### **Term and Renewal**

This charter for The School of Arts and Enterprise will be for the term of five years. The term will begin on July 1, 2006 and expire June 30, 2011. The charter may be renewed for subsequent five-year terms by the PUSD. Prior to the renewal, the School of Arts and Enterprise will submit a request for renewal no later than January 1, 2011. At the time the charter renewal is submitted, the School of Arts and Enterprise and the PUSD will establish a mutually agreeable timeline to complete the renewal process.

### **Amendments and Severability**

Any amendments to this charter will be made by the mutual agreement of the governing boards of The School of Arts and Enterprise and the PUSD. Material revisions and amendments shall be made pursuant to the standards, criteria, and timelines in Education Code Section 47605.

The terms of this charter contract are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the PUSD and the School of Arts and Enterprise. They agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

### **Sponsoring Authorizing Agency**

With the exception of services performed by the PUSD in providing general fiscal oversight and charter granting and renewal to the School of Arts and Enterprise, the

PUSD will not provide services to SAE. The School of Arts and Enterprise reserves the right to outsource many of the specialized services.

Expenses which the local district incurs as a result of the charter school law (SB 1448), subsequent charter school legislation or CDE interpretations of these laws, are not the responsibility of the School of Arts and Enterprise, and should be addressed through the State's Mandated Cost Reimbursement Program (MCR).

A supervisorial fee of up to 1% of charter school revenues will be paid to authorizing agency for actual costs of oversight not covered under the mandated Cost Reimbursement program.

If available, services the School of Arts and Enterprise may request on a fee-for-service basis from neighboring school districts are:

- School police (including filing theft reports, alarm monitoring, and support during times of emergencies).
- Student health and human services (including access to school mental health and suicide prevention services, support from crisis team, and access to audiology services).
- General counsel (assistance with CCR reviews).
- Services related to state/federal mandated reporting requirements.
- Fingerprinting and criminal record processing.
- Processing of emergency credentials.
- Bilingual fluency testing.
- Non-stock requisition processing.
- Rubbish disposal.
- District purchasing contracts.
- Environmental health /safety consultation.
- Field trip transportation.
- School mail.
- Student information system.
- Food services.
- Special Education Services.

## Element O

### Charter School Educational Employment

Governing Law: A declaration whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act. —California Education Code Section 47605(b)(5)(O)

#### **Educational Employment Relations Act**

The School of Arts and Enterprise will be the exclusive public employer of all employees of the charter school for collective bargaining purposes. As such, The School of Arts and Enterprise will comply with all provisions of the Educational Employment Relations Act (“EERA”), and will act independently from the PUSD for bargaining purposes. However, unless the employees elect to be represented by an organization for bargaining purposes, all employees will be individually contracted.

## Element P

### SCHOOL CLOSURE PROCEDURES

Governing Law: *A description of the procedures to be used if the charter school closes- Education Code Section 47605(b)(5)(p)*

The following procedures shall apply in the event the School of Arts and Enterprise closes. The following procedures apply regardless of the reason for closure.

Closure of the School of Arts and Enterprise will be documented by official action of the Board. The action will identify the reason for closure.

The Board will promptly notify the District/State of the closure and of the effective date of the closure.

The Board will ensure notification to the parents and students of the School of Arts and Enterprise of the closure and to provide information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the School Board's decision to close the School of Arts and Enterprise.

As applicable, the School of Arts and Enterprise will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in

compliance with the Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. § 1232g. The School of Arts and Enterprise will ask the District to store original records of charter school students. All records of the charter school shall be transferred to the District upon school closure.

As soon as reasonably practical, The School of Arts and Enterprise will prepare final financial records. The school will also have an independent audit completed as soon as reasonably practical, which period is generally no more than six months after closure. The School of Arts and Enterprise will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the school and will be provided to the District promptly upon its completion.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the charter school and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the nonprofit public benefit corporation. On closure, the charter school shall remain solely responsible for all liabilities arising from the operation of the charter school.

As the Charter School is organized as a nonprofit public benefit corporation, the charter school’s Board will follow the procedures set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

## **Element Q**

### **Business, Facilities, and Special Education Plans**

#### **Business Plan**

##### **Financial Plan**

The School of Arts and Enterprise financial business plan contains a budget and forecast for the next five years of operation. Although the budget represents the plan of the charter school at this time, the charter school reserves the right to amend the budgets to reflect changes in funding levels, enrollment and costs. The budget is based on expected state and federal entitlement revenue and conservatively excludes gifts, donations and grants not yet received. Revenue entitlements are calculated by identifying all federal, state, and local funding typically available to a district-sponsored charter school based on characteristics of the school’s programs and student make-up. Estimated expenditures are reflective of the school design provided by The School of Arts and Enterprise developers and the research for outsourcing (vendors, insurance, and maintenance, etc.). The School of the Arts and Enterprise’s proposed budgets for the next five fiscal years are in Attachment B.

## **Fiscal Policy**

A copy of Fiscal Control Policies for the Charter School is enclosed as Attachment F for review. All financial policies and procedures will be finalized upon the approval of the charter petition.

EXED will require request for proposals (RFP's) for any purchases greater than \$5,000. Selection of a vendor will be based upon the company's service fee, background and experience, track record and solvency. Bids will be returned in sealed envelopes and evaluated by the school director and EXED. The board of directors will also adopt a conflict of interest policy that will call for all board members and staff to fully disclose any relations to potential vendors and will be required to recuse themselves from voting should a conflict arise.

The School of Arts and Enterprise shall be cognizant of any vendors who will come into contact with pupils and that it will need to ensure that such individuals are fingerprinted and background checked prior to any contact with students.

## **Direct Funding**

The School of Arts and Enterprise will elect to receive direct funding from the State Fund to be deposited into its own account at the Los Angeles County Treasury. All revenue generated by the School of Arts and Enterprise will be deposited in the Los Angeles County Treasury until an endowment is created. The endowment may reside with a bank or other appropriate endowment manager. All payments (including payroll) will be drawn on the County Treasury, which enables the County PBAS (Program Budgeting and Accounting System) to account for all revenue and expenditures. Two revolving accounts with a local financial institution will be maintained for day-to-day expenditures from the General Fund and from Food Services (if applicable).

In consideration of the services rendered by The School of Arts and Enterprise pursuant to this charter, the charter school will receive full and equitable funding pursuant to the Charter School Funding Model for all funds included in the funding model. This includes, but is not limited to, revenue limit apportionment, categorical block grant, economic impact aid, and state lottery funds. The School of Arts and Enterprise will receive revenue payments based on student attendance (ADA) records and eligibility requirements.

The School of Arts and Enterprise will apply directly for funds not included in the charter school categorical block grant, but for which charter schools can apply directly.

Pursuant to section 15417 of Chapter 14 of Division 1 of Title 5, for programs which the School of Arts and Enterprise cannot apply for directly and which are not included in the categorical block grant, The School of Arts and Enterprise will engage the local district or the State in securing its equitable share, based on its student population and program eligibility of program funds. These funds may include, but are not limited to,

integration, transportation, forest reserve, sales and use taxes, parcel taxes, ad valorem taxes, and property taxes. Per section 47635 (a) of the Education Code, the local district will transfer the appropriate percentage of funding in lieu of local property taxes to the charter school by the 15<sup>th</sup> of the month.

### **Integration Funds**

When accepting Integration funds, The School of Arts and Enterprise will comply with appropriate policies and laws.

After the School of Arts and Enterprise submits the ethnic survey information, the type of class size reduction will be determined during the first year of operation. If Integration funding is appropriate, either Predominantly Hispanic, Black, Asian, and Other Non-Anglo (PHBAO) or Desegregated/Receiver school teacher to pupil norming ratio would be approved for the first year of operation. Since the School of Arts and Enterprise wishes to reduce class size to a lower ratio, a funding source will be identified to supplement the capped Integration funds available. The School of Arts and Enterprise will use block grant funds to reduce class size where available. The school should be eligible for integration reimbursement funds from PHBAO.

Additionally, as documentation for initial and yearly funding, the following information will be made available:

- Norm Day Classification
- Total School Enrollment
- Number of Students by Grade Levels
- Number of Students by Ethnicities and Grade Levels
- List of Certified Teachers in the Classrooms
- List of All Certificated Personnel
- Unfilled Classroom Teacher Positions
- Fiscal Year-End Financial Report
- Number of Students Living Outside the Local District Attendance Area

Integration compliance will also include appropriate record keeping within the school's budget line items to ensure that the Integration funds are used specifically as designated, i.e. number and cost of class-size reduction positions. The funds of the various entities involved in the management and operation of the school will not be commingled. The School of Arts and Enterprise will provide to SBE all requested information, including the Ethnic Survey and Parent Conferences Program documentation.

### **Apportionment Funding**

In accordance with applicable law, California's Superintendent of Public Instruction is authorized to make payments and/or apportionment directly to the charter school, or to an account held in the name of the School of Arts and Enterprise. The charter school will notify the superintendent of schools of the county in the affected year. Funds transferred directly from the State Fund to the School of Arts and Enterprise will be

transferred to the schools' account in the most expeditious manner possible. Any charter school funds still flowing through the PUSD will be transferred via journal voucher entry to the charter school account by the PUSD within 10 working days of the district receiving its funds.

### **Taxes**

The School of Arts and Enterprise will report to federal and state taxing authorities as required by law. The charter school is responsible for payment of Social Security and all other applicable taxes.

### **Charter School Revolving Loan Fund**

In its first year of operations, The School of Arts and Enterprise received funding from the Charter School Revolving Loan, in accordance with applicable law. The loan matures on May 31, 2006 and has already been 50% repaid

### **Attendance Accounting**

The School of Arts and Enterprise will utilize reporting procedures similar to those used by Pomona Unified School District. Attendance accounting procedures will satisfy requirements stipulated by local and State agencies. Daily attendance will be recorded on attendance cards by classroom teachers. Absence notes will be required from parents upon absence of a child from school. State school registers will be completed on a monthly basis documenting the month's attendance. Required reports will be completed regarding daily attendance and submitted to the requesting agencies, including reporting enrollment and attendance on a monthly basis. The School of Arts and Enterprise will comply with all laws establishing minimum age for public school attendance.

The School of Arts and Enterprise will utilize the Student Accountability Information System to include the following features:

- Demographic information regarding students.
- State standardized test results.
- Class registration information.
- Staff information.
- School survey programs.
- Student schedules.
- Extract capabilities.
- Transfer and cumulative record information.

The daily attendance is recorded in Powerschool ExED completes required reports regarding daily attendance and submits to the requesting agencies.

The annual audit will review actual attendance accounting records and practices to ensure compliance. The attendance accounting practices will be in conformance with the Charter Schools Act and the California Administrative Code sections defining the Charter School Average Daily Attendance accounting. ADA will be computed by

dividing the actual number of days of student attendance by the number of calendar days of instruction by the school. The State requires 64,800 minutes per year of instructional time. Most schools have a 180-182 day school year. At 182 days per year, the instructional minutes per day would be approximately 363 minutes which would amount to 66,066 in total minutes. It is proposed that the School of Arts and Enterprise will have **190 days** or approximately 68,970 minutes in their school year. This is well above the required minimum. Additionally, the school will comply with all laws establishing minimum age for public school attendance.

#### Procedures:

1. Attendance forms listing each student enrolled in the class on the first day of the school year, or the last day of the previous month, are distributed to each teacher.
2. Classroom teachers will take attendance at a specified time during the day.
3. Attendance sheets will be collected at the end of the specified period and returned to the attendance clerk.
4. Attendance clerk will verify absences, tardies, suspensions and transfers. Once all entries are verified, the clerk will input data on a daily basis on a computer database.
5. Upon the last day of the month, the attendance clerk will provide EXED files and copies of all registers to be audited internally.
6. EXED will present summaries and registers for review to the Director of for approval. Once approved, they will be forwarded to the appropriate county representative in a timely manner.

#### **Food Service Program**

SAE has applied for the federal and state child nutrition program and has received verbal approval but has yet to receive its formal approval letter and package with reimbursement forms. The projected number of students eligible for meals for free or at a reduced rate, according to the Federal Lunch Act, is anticipated to be approximately 40%. The School of Arts and Enterprise may determine to provide meals to all students for free if appropriate and cost effective. All meal arrangements will be reviewed each year. The School retains the option to contract or change other meal service providers if it chooses.

The School of Arts and Enterprise may be willing to enter into an annual contract on a fee-for-service basis with PUSD as the food service provider. The School of Arts and Enterprise plans to work with a provider to set up a contract and delivery arrangement in accordance with state and federal guidelines.

The School of Arts and Enterprise will annually re-evaluate the food service program.

## Facilities Plan

**Governing Law:** *The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. (Education Code Section 47605.6(b)(5)(D))*

### **Facilities**

The site identified by the School of Arts and Enterprise will comply with either the Field Act of all building code standards and regulations adopted by the City of Pomona. These code requirements will also apply to the construction, reconstruction, alteration of, or addition to any building housing the School of Arts and Enterprise students and staff. SBE will be provided with a Certificate of Occupancy from the city allowing the School of Arts and Enterprise to use and occupy the site. Should the School of Arts and Enterprise be sited by any agency (i.e. Cal OSHA or the Fire Marshal) for failure to comply with regulations, the State Board of Education (SBE) will be notified immediately.



### **FACILITIES PLAN**

The School has made huge strides in its facility plan since its initial charter petition. When the school opened its doors to its first class of students, it did so in a leased building that was shared with one of its university partners, Cal Poly Pomona. Today, the school operates in a completely transformed, unique facility that was acquired from another of its university partners, Western University of Health Sciences.



The design of the school was carefully planned so that students feel that they are walking into an artistic design company rather than a typical high school. The facility sits on an entire city block over 24,000 square feet and houses 15 academic classrooms, a library, lab, outdoor art yard, music room,



planned so into an typical high block with core computer dance

room, several student quads, and administration offices. by all who drive by because of its visually impressive and uniquely designed wrought iron fence (see pictures).



It is admired architecture

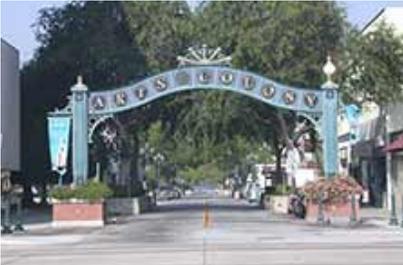
The facility renovation and construction is viewed as one most impressive city revitalization projects. It happens to sit in the corner of one of downtown Pomona's busiest intersections (on Garey Ave & Monterey), across the street from the YMCA's large historical building, which is where our students take their physical education classes.

of Pomona's sit in the

To start the construction as quickly as possible, temporary financing was acquired; however, before the final construction was completed long-term financing was arranged. We are pleased to have secured permanent facility funding this past summer from the Local Initiatives Support Corporation (LISC) for all of the facility costs (including facility purchase and renovation/construction). In addition to facility loans, The School of Arts and Enterprise received a significant donation from The Ahmanson Foundation toward the completion of its construction.



This new facility is home for three grade levels (9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>) and 370 students. Phase I (9<sup>th</sup> grade) building was completed in late August, 2004 and Phase II and III (grades 10 and 11) were completed in late July, 2005. In the 2006-2007 academic year, the school will add another 130-150 students and will have a 12<sup>th</sup> grade class that will be housed in the originally leased building located at 300 W. Second Street. The goal is that the senior class will have closer access to local art galleries and art related businesses for internships and hands-on class work.



The School of Arts and Enterprise will not operate satellite schools or campuses without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.

## **Special Education Plan**

### **Special Education**

The School of Arts and Enterprise is a member of the East San Gabriel Valley Special Education Local Plan Area (SELPA). We have been deemed a Local Education Agency (LEA) and sit on the council. We currently have a caseload representing 10% of our student population. To provide the necessary special education services to these students, we contract with Total Education Solutions (TRS), a well-known and well-respected company out of South Pasadena. The SAE annually reviews its contract with TES. We currently offer resource specialist services at The SAE in a collaborative model. Our staff benefits from quarterly staff development activities centered on special education. We remain in compliance with all State and Federal regulations pertaining to students with disabilities.

### **Caseload**

Currently our special education caseload consists of thirty-three students in the Resource Specialist Program (RSP). This number constitutes about ten percent of our student population. We estimate that this number will remain consistent as our student population grows to approximately 480. This would put our special education caseload at 48-50 students.

### **Staffing**

In order to provide a Free and Appropriate Public Education (FAPE), staffing will need to increase as The SAE's special education population grows. Our estimate of 48-50 students will necessitate two RSP providers to keep the caseloads at a reasonable level. Caseloads typically have 25-28 students. TES's contract is reviewed annually to see if it is more cost effective to continue to contract through them, through the SELPA, or to hire permanent special education staff. TES also provides a qualified school psychologist, school nurse, speech therapist, and adapted physical education teacher as needed.

### **Services**

Students' special needs are met in compliance with the Individualized Education Plan (IEP) through collaboration and consultation with the general education teacher and the RSP provider. A study skills class for each grade level will be developed during the 2005-2006 school year where goals can be worked toward and academic progress can be monitored by the respective case carrier.

### **Staff Development**

Quarterly professional development opportunities will be provided to all instructional staff and paraprofessionals through the special education staff and our SELPA office. Staff will receive ongoing access to training specifically focused on linking instruction,

curriculum, and the school's mission to the individual needs of students. Staff will continue to be involved in the planning of their own professional development programs.

Our school board members and other volunteers will be appropriately included in professional development opportunities. They will benefit from focused, ongoing training in our responsibilities for students with disabilities as well as educational management issues.

Given our strong school focus on parental involvement, we find it is important to reach out to parents and family members of students with disabilities to ensure they are part of the activities that involve all parents and meet their needs for information. We will continue to inform parents and family members of ongoing school site and SELPA meetings regarding issues related to their students.

## **X. CONCLUSION**

By approving this charter renewal, the Pomona Unified School District/State Board of Education will be fulfilling the intent of the Charter Schools Act to increase learning opportunities for all pupils; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The petitioners are eager to work together with the District/State Board of Education to set the highest standard for what an high school should and can be. Renewal of the charter shall be governed by the standards and criteria in Education Code Section 47605 and/or applicable law.

**Attachment A**  
**Charter Petition Signatures**

**Attachment B**  
**Budget**

**Attachment C**  
**Support Letters**

**Attachment D**  
**Articles of Incorporation and Bylaws**

**Attachment E**  
**Management Agreement with EXED**

**Attachment F**  
**Fiscal Control Policies for the Charter School (from EXED)**

**Attachment G**  
**Minutes of East San Gabriel Valley SELPA**

**Attachment H**  
**Evidence of California Charter Schools Association Insurance**



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Regional Occupational Program or Center: Action on Request by San Joaquin County Office of Education to Establish a Second Regional Occupational Program or Center with Conditions	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request by the San Joaquin County Office of Education (COE) to establish a second Regional Occupational Program (ROP) with conditions (Attachment 1).

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

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The topic of developing proposed conditions for the SBE to evaluate requests to form a second ROP was initially presented as an August 2005, information memorandum.

A request to establish a second ROP was considered at the September 7, 2005, SBE meeting. Discussion ensued; however, no action was taken by the SBE on the request. The SBE requested the CDE staff to prepare proposed regulations to assist the SBE in evaluating requests by COEs to establish a second ROP.

The SBE considered the proposed regulations at the November 9, 2005, meeting but took no action. The SBE requested CDE staff to develop legislation to resolve the issue. Proposed legislation has been developed to delete the wording in current law authorizing COEs to establish and maintain a second Regional Occupational Center or Program (ROCP). This proposal is under consideration by CDE Governmental Affairs Office.

### SUMMARY OF KEY ISSUES

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The San Joaquin COE submitted a letter dated August 1, 2005, (Attachment 2), requesting that the SBE approve the establishment of a second ROP.

California *Education Code (EC)* Section 52301(a) permits a COE to establish and maintain at least one ROCP with consent of the SBE.

## **SUMMARY OF KEY ISSUES (Cont.)**

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Until recently, there has not been a request from a COE in California to establish a second ROCP within the same county.

Currently, there are 74 ROCPs in California. Nearly all COEs in California operate a single, countywide ROCP. Two COEs are organized for administrative purposes into "north" and "south" arrangements, but each is technically a single ROCP. They are Santa Barbara County North and Santa Barbara County South and Santa Clara County North and Santa Clara County South. The north and south offices have separate administrative directors; but for accountability and fiscal purposes (such as for the federal Carl D. Perkins Act and for the state principal apportionment), each COE's ROCP is considered a single entity.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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ROCPs are funded under Proposition 98 through the annual Budget Act Item 6110-105-0001. The 2005-06 appropriation is approximately \$421 million. This is a fixed amount that is currently fully allocated to all ROCPs based on a revenue limit unique to each ROCP and a limit (cap) on the number of average daily attendance (a.d.a.) that can be funded in each ROCP.

These conditions are fiscally neutral from an overall Budget Act perspective because the funding for the ROCP apportionment is capped. However, in a practical sense, it is not fiscally neutral to the ROCPs within the state system. In effect, funding to establish the new ROCP will be taken off the top of the total state appropriation available for all ROCPs, and this could potentially cause a system wide deficit.

The proposed conditions fund a second ROCP using the necessary small ROCP funding formula. The statutory provision authorizing necessary small ROCPs is found in *EC* Section 52324.6. A necessary small ROCP is one with 350 a.d.a. or less. The funding formula for a necessary small ROCP is based upon the number of a.d.a. and the number of full-time equivalent teachers. (Attachment 3)

The fiscal impact of these conditions depends upon each specific case. To illustrate the potential fiscal effect of this proposal, consider an example where the a.d.a. for the second COE ROCP is 90. From the attached funding chart, the necessary small ROCP formula would allocate \$49,839 to the COE provided they employ a full-time equivalent of 0.83 teachers.

Implementation of this proposal would not result in additional state operations costs to the CDE.

**ATTACHMENT(S)**

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Attachment 1: Conditions for Consideration of Second County-Operated Regional Occupational Center or Program (1 Page)

Attachment 2: Letter to Ruth E. Green, President, SBE, from Fredrick A. Wentworth, San Joaquin County Superintendent of Schools, dated August 1, 2005. (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.) (4 pages)

Attachment 3: California Department of Education, School Fiscal Services Division, Form R.1, Page 3 (1 Page)



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

1430 N STREET  
SACRAMENTO, CA  
95814-5901

**JACK O'CONNELL**  
State Superintendent of  
Public Instruction  
PHONE: (916) 319-0800

## **Conditions for Consideration of Second County-Operated Regional Occupational Center or Program**

### *Education Code (EC) Section 52300*

The County Superintendent shall submit a written letter requesting the California State Board of Education (SBE) to grant consent to establish a second Regional Occupational Center or Program (ROCP) operated by a single County Office of Education (COE) (*EC* Section 52301 [a]) and shall document compliance and provide supporting data regarding the following conditions:

1. The COE shall give first priority to high school aged students to enroll in ROCP courses, as demonstrated by adult enrollment limited to no more than 10 percent of the ROCPs total base apportionment. (*EC* 52300)
2. The proposed second ROCP will serve students from multiple schools and districts. (*EC* 52300)
3. The school or schools to be served by the second ROCP must be organized as Charter Schools.
4. The Charter school must be located in high poverty, low-achieving areas of the state where there is a strong need for high quality career technical education. These are areas in which there is a high number of Program Improvement Schools or High Priority Grant Schools. Targeted student population must be at-risk, low socio-economic status, or low-performing student populations.
5. The proposed second ROCP will use the necessary small ROCP funding formula to operate ROCP occupational training programs. (*EC* 52324.6)
6. The Charter school must provide high quality, rigorous CTE programs with written articulation agreements with postsecondary educational institutions, and established career pathway programs and career ladders leading to advanced training or direct entry into the labor market.
7. The proposed second ROCP will operate as a conditional program for two years and shall meet all of the conditions for ROCPs as contained in Education Code and Title V. A report must be submitted to the SBE and the State Superintendent of Public Instruction no later than two years after the school opens for instruction showing academic achievement on STAR, CAHSEE passage, other indicators of academic success, decreased drop out rate, matriculation into programs at community colleges, etc. If the second ROCP is in full compliance with the *EC* and demonstrates academic progress for students, then full consent of the SBE will be granted. (*EC* 52300)

CALIFORNIA DEPARTMENT OF EDUCATION  
School Fiscal Services Division  
Form R.1 (Rev. 10/04)

2004-05  P-1  P-2  AN

County \_\_\_\_\_ ROC/P Name \_\_\_\_\_

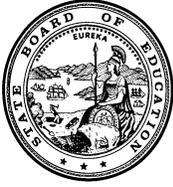
L. Small High School Service Allocation

School #1      School #2      Total

1. Name of small high school for 2004-05 (School in Grades 9-12 with 350 or less ADA).....			
2. 2004-05 ADA for grades 9-12 in the small high school.....			
3. 2003-04 concurrently enrolled annual ROC/P ADA in the small high school.....			
4. 2004-05 concurrently enrolled ROC/P ADA in the small high school.....			
5. 2004-05 Full-time equivalent certified ROC/P employees in small high school.....			
6. Full-time equivalent certificated ROC/P employees require for full funding*.....			
7. Employee proration (If Line 5 equals or exceeds Line 6, enter 1, otherwise divide Line 5 by Line 6) (Calculate to 4 decimals).....			
8. Small high school service allocation for ADA on Line L-2**.....			
9. Prorated small high school service allocation (Line 7 time Line 8) (Round to a whole number).....			

Service Allocation Schedule

ADA Grades 9-12	* Required FTE	** Service Allocation
0-50	0.50	\$30,022
51-100	0.83	49,837
101-150	1.00	60,044
151-200	1.17	70,251
201-250	1.33	79,859
251-300	1.50	90,066
301-350	1.67	100,273



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Before and After School Programs: Confirm a California Department of Education Staff Member to Serve as Consultant to the Advisory Committee on Before and After School Programs.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) confirm the candidate nominated by the Advisory Committee on Before and After School to serve as consultant to the Committee, and liaison between the Committee and the CDE; and direct staff to provide regular program updates to the SBE.

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

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There was no previous discussion or action on this issue.

### SUMMARY OF KEY ISSUES

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Senate Bill 854 (Ashburn), chaptered October 5, 2005, added to California *Education Code* Section 8484.9 the establishment of an Advisory Committee on Before and After School Programs. The Advisory Committee shall nominate, and the SBE shall confirm, a CDE staff member to serve as consultant to the Advisory Committee. In December 2005, interviews were held for this consultant position. The name of the selected nominee was forwarded to the Advisory Committee for consideration at its first meeting, held on March 16, 2006. At that meeting the Advisory Committee nominated the candidate, Frank Pisi, to serve as staff consultant. The following are a few of his many qualifications:

1. He served as the lead analyst of the after school related legislation for the After School Partnerships Office and was responsible for evaluating proposed legislation and offering proposals for amendments.
2. He was the Chief Reader for the 2001 Before and After School, Learning and Safe Neighborhoods Partnerships program readers conference where he:
  - a) Developed a training module for readers and table leaders.
  - b) Directed the reading process of \$50.7 million in grant applications.
  - c) Reviewed all scores and readers' comments.

### **SUMMARY OF KEY ISSUES (Cont.)**

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3. He developed and managed after school programs for a diverse student body at Elk Grove Unified School District.
4. He developed and delivered training on aligning after school programs to SBE adopted standards.
5. He created the Regional System of District and School Support (RSDSS) and was responsible for convening monthly meetings of the CDE and RSDSS to clarify federal and state mandates and conduct professional development.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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The CDE received an appropriation in the 2005-06 budget that will support this position.

### **ATTACHMENT(S)**

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None



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
California Fresh Start (CFS) Pilot Program, Senate Bill (SB) 281 (Maldonado) Regulations - 1) Adopt Proposed Amendments to Regulations, and 2) Approve Commencement of 15-Day Comment Period.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations;
- Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no objections to the revisions are received during the 15-day public comment period, the CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval; and
- If substantive objections to the revisions are received during the 15-day public comment period, the CDE shall place the amended regulations on the SBE's July 2006 agenda for action following consideration of the comments received.

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

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In March 2006, the SBE approved the emergency regulations, Initial Statement of Reasons, Notice of Proposed Rulemaking, and the commencement of the regulatory process for the permanent regulations for the California Fresh Start (CFS) Pilot Program and directed staff to begin the 45-day public comment period.

### SUMMARY OF KEY ISSUES

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The CFS regulations serve to guide districts and schools in the administration of the CFS Pilot Program. The purposes of the current regulations are to: 1) clarify some of the Bill's language, most specifically, what constitutes a "nutritious" fruit or vegetable eligible for purposes of reimbursement through the CFS Pilot Program and to implement the CFS Pilot Program; 2) add definitions; and, 3) specify requirements for participation.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The Economic and Fiscal Analysis concluded that the proposed regulations would impose no additional costs upon the State and have no impact on federal funding or State programs.

## **ATTACHMENT(S)**

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Attachment 1: Finding of Emergency, California Fresh Start Pilot Program (3 pages)

Attachment 2: Notice of Proposed Rulemaking Amendment To Title 5, California Code of Regulations Regarding Food Sales, Food Service, Nutrition Education and the California Fresh Start Pilot Program (4 pages)

Attachment 3: TITLE 5. Education, Division 1. California Department of Education Chapter 15. Child Nutrition Programs, Subchapter 1. Food Sales, Food Service, Nutrition Education. Article 5. California Fresh Start Pilot Program (5 pages)

Attachment 4: Initial Statement of Reasons California Fresh Start Pilot Program (2 pages)

Attachment 5: Economic and Fiscal Impact Statement (PDF File) (5 pages)  
(This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

A last minute memorandum will be provided containing the proposed amended regulations.

## **FINDING OF EMERGENCY**

### **California Fresh Start Pilot Program**

The State Board of Education (SBE) finds that an emergency exists, and as required by *Education Code* Section 49656.8, the emergency regulations adopted are necessary for the immediate preservation of the public peace, health and safety, or general welfare.

#### **SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION**

On September 15, 2005, Senate Bill (SB) 281 (Maldonado) was signed into law as an urgency measure. The SB 281 added Article 11.5 (commencing with Section 49565) to the California *Education Code* and establishes the California Fresh Start (CFS) Pilot Program. The California Department of Education (CDE) will administer the CFS Pilot Program in consultation with the California Department of Food and Agriculture (CDFA) and the California Department of Health Services (DHS).

The goal of the CFS Pilot Program is to promote the consumption of fresh fruits and vegetables among school age children by providing a total of \$18.2 million in funding with \$17.8 million dedicated to School Breakfast Programs (SBP). The law encourages public schools maintaining kindergarten or any grades one to twelve, inclusive, to provide fruits and vegetables that are not juice or have not been deep-fried to pupils in order to enhance the fruits and vegetables served in a SBP.

SB 281 further requires that a school districts/charter schools give priority to the purchase of fresh fruits and vegetables from California producers, when commercially available. Reimbursement for this program is ten cents (\$0.10) per meal to be paid in quarterly installments by the CDE to supplement, but not supplant, a SBP. Funds must be deposited into the nonprofit food service account of the school district or charter school.

There are no current regulations for this program because it is a new program. These regulations are necessary in order to implement the CFS Pilot Program in a timely manner and allow school districts and charter schools to participate in the CFS Pilot Program to provide public school pupils nutritious fruits and vegetables, and be able to seek reimbursement for such servings (School Year 2005-06).

In addition to the facts listed above, this is a statutory emergency under SB 281, *Education Code* Section 49565.8 which requires the CDE to develop emergency regulations as CDE deems necessary to implement the program.

#### **REQUIRED CONSULTATION**

These regulations were developed by CDE in consultation with staff from the CDFA, staff from the DHS, and the SBE in accordance with the requirements of *Education Code* Section 49565.8.

## **AUTHORITY AND REFERENCE**

Authority: Sections 33031 and 49565.8, *Education Code*.

Reference: Sections 49565, 49565.1, 49565.2, 49565.3, 49565.4, 49565.5, 49565.6, 49565.7 and 49565.8, *Education Code*.

## **INCORPORATION BY REFERENCE**

Section 2 of the United States Department of Agriculture *Food Buying Guide for Child Nutrition Programs (Guide)*, 2001 edition, is incorporated by reference. The Section is available via the Regulations Coordinator. Charts 2A and 2B are also incorporated by reference and a copy can be obtained by contacting the Regulations Coordinator.

## **INFORMATIVE DIGEST**

SB 281 requires the CDE to administer the CFS in consultation with the CDFA and DHS to encourage public schools to provide fruits and vegetables to public school pupils and to promote the consumption of fresh fruits and vegetables by school age children.

The purpose of these regulations is to facilitate implementation of SB 281 by providing clear, consistent procedures for the CFS Pilot Program.

### **Article 5. California Fresh Start Pilot Program.**

This Article is added in order to establish the requirements for participation in the CFS Pilot Program as set forth in SB 281.

#### **Section 15566. Purpose and Scope.**

This regulation is added to clarify the purpose and scope of the CFS Pilot Program.

#### **Section 15567. Definitions.**

This regulation is added to provide definitions for the terms used in SB 281 and these regulations.

#### **Section 15568. Requirements for Participation.**

This regulation is added to include specific participation requirements for school districts and charter schools in accordance with the requirements of SB 281.

**Section 15569. Strategies.**

This regulation is added to specify how the CFS Pilot Program funds may be used by school districts and charter schools in accordance with the requirements of SB 281.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICT**

The SBE has determined that the proposed emergency regulations do not impose a mandate on local agencies or school districts because the CFS Pilot Program is voluntary.

**COST ESTIMATE**

The SBE has determined that the regulation will involve no costs or savings to any State agency, 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.

## CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111  
Sacramento, California 95814



### **NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING FOOD SALES, FOOD SERVICE, NUTRITION EDUCATION, AND THE CALIFORNIA FRESH START PILOT PROGRAM**

**[Notice published March 17, 2006]**

**NOTICE IS HEREBY GIVEN** that the State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### **PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the State Board, will hold a public hearing beginning at **10:00 a.m. on May 2, 2006**, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to [regulations@cde.ca.gov](mailto:regulations@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on May 2, 2006**.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

## **AUTHORITY AND REFERENCE**

Authority: Section 33031 and 49565.8, *Education Code*.

Reference: Sections 8482.3, 38080, 49434, 49565, 49565.1, 49565.2, 49565.3, 49565.4, 49565.5, 49565.6, 49565.8, *Education Code*; Title 7 CFR Parts 210 and 220; Child Nutrition and WIC Reauthorization Act of 2004, P.L. 108-265; Child Nutrition Act of 1966 as amended by P.L. 108-265.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

SB 281 requires the CDE to administer the California Fresh Start (CFS) Pilot Program in consultation with the California Department of Food and Agriculture and the Department of Health Services to encourage public schools to provide fruits and vegetables to pupils with priority given to fresh fruits and vegetables from California producers.

The purpose of these regulations is to facilitate implementation of SB 281 by providing clear, consistent procedures for the CFS Pilot Program.

## **INCORPORATION BY REFERENCE**

The United States Department of Agriculture *Food Buying Guide for Child Nutrition Programs (Guide)*, 2005 edition, is incorporated by reference because it would be cumbersome and impractical to publish it in the regulations. The *Guide* is available via the Regulations Coordinator.

## **DISCLOSURES REGARDING THE PROPOSED REGULATION**

*The State Board has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of division 4 of the Government Code: None

Other non-discretionary 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 may 1) create or eliminate jobs within California; 2) create new businesses within California; or 3) cause the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and not to small business practices.

## **CONSIDERATION OF ALTERNATIVES**

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

## **CONTACT PERSON**

Inquiries concerning the content of this regulation may be directed to:

Phyllis Bramson-Paul, Director  
Nutrition Services Division  
California Department of Education  
560 J Street, Room 270  
Sacramento, California 95814  
Telephone: (916) 445-0850

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the regulation is based.

## **TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's web site at: <http://www.cde.ca.gov/re/lr/rr>.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jeffrey Cohen, Professional Development and Curriculum Support Division, 1430 N Street, Room 4309, Sacramento, California 95814; telephone, (916) 323-6440; fax, (916) 323-2806. It is recommended that assistance be requested at least two weeks prior to the hearing.



1 (i) "Grab and Go" means food that is packaged in a bag, box, or other container that  
2 can be picked up quickly and eaten "on the go."

3 (j) "Juice" means the extractable liquid that is contained in fruits or vegetables. Any  
4 liquid or frozen product labeled "juice," "full-strength juice," "100% juice," "single-  
5 strength juice," or "reconstituted juice" is included in this definition.

6 (k) "Meal" means breakfast, as defined in 7 CFR Part 220.2(b).

7 (l) "Minimally processed" means fruits and vegetables prepared and handled to  
8 maintain their fresh nature while providing convenience to the user by pre-cleaning,  
9 washing, trimming, coring, slicing, shredding, and other similar actions. Other terms  
10 used to refer to minimally processed products are "lightly processed," "partially  
11 processed," "fresh processed," and "prepared."

12 (m) "Nonprofit [school] food service" means all food service operations conducted  
13 by the School Food Authority principally for the benefit of school children, all of the  
14 revenue from which is used solely for the operation or improvement of such food  
15 service.

16 (n) "Nutrition education" means a broad range of activities that promote and enable  
17 healthy eating behaviors.

18 (o) "Nutritious fruits or vegetables" means fruits or vegetables that are fresh, or that  
19 are canned, dried, or frozen. Fruits or vegetables that are canned, dried or frozen shall  
20 meet the specifications established in *Section 2* of the United States Department of  
21 Agriculture (USDA) *Food Buying Guide for Child Nutrition Programs* (2001 edition),  
22 which is incorporated by reference.

23 (p) "School Breakfast Program" (SBP) means the federal program operated  
24 pursuant to 7 CFR Part 220.

25 (q) "Serving" means an amount of fruit(s) and/or vegetable(s), equal to one  
26 half (1/2) cup or as referenced in Charts 2A and B of the USDA *Food Buying Guide for*  
27 *Child Nutrition Programs* (2001 edition), which is incorporated by reference.

28 (r) "Site" means a public elementary school, middle school, junior high school, or  
29 high school, including a charter school, in California, operating classes for pupils in a  
30 single building or complex of buildings, or any public classes of preprimary grade when  
31

1 they are conducted in the aforementioned school that participate in the School  
2 Breakfast Program.

3 (s) "Supplant" means "to substitute for" and/or "take the place of."

4 (t) "Supplement" means (1) an additional serving to the number of fruit or vegetable  
5 servings provided in the SBP prior to claiming CFS Pilot Program reimbursement, or (2)  
6 increasing, by no less than 90 percent of the CFS Pilot Program reimbursement, the  
7 total expenditure for nutritious fruits or vegetables served as part of a SBP.

8 (u) "Tasting and Sampling" means offering a taste or small portion of fresh fruits  
9 and/or vegetables to pupils not as part of the SBP or NSLP.

10 (v) "Universal classroom breakfast" means providing all children breakfast in the  
11 classroom at no charge.

12 (w) "Vegetable" means a plant cultivated for an edible part, such as the root, stem,  
13 leaf, or flower, such as spinach, broccoli or carrot.

14 NOTE: Authority cited: *Sections 33031 and 49565.8, Education Code*. Reference:  
15 *Sections 49534 and 49565, Education Code*; Title 7 CFR Parts 220.

16

17 **§ 15568. Requirements for Participation.**

18 All school districts and charter schools that operate a SBP are eligible to participate  
19 in the CFS Pilot Program. To receive reimbursement, the school district or charter  
20 school shall:

21 (a)(1) Provide one or more supplemental servings of nutritious fruits or vegetables,  
22 or both, at breakfast, at no additional charge to a pupil and give priority to serving fresh  
23 fruits or vegetables;

24 (2) If already serving two nutritious fruits and/or vegetables at a site during  
25 breakfast, the district or charter school may provide one to two servings of nutritious  
26 fruits and vegetables for after school snacks. Such snacks do not need to be provided  
27 through the National School Lunch Program (NSLP), but if they are, serving size  
28 requirements may differ from the one-half (1/2) cup required for the CFS Pilot Program.

29 (b) Spend at least 90 percent of the CFS Pilot Program funding received on the  
30 direct purchase of nutritious fruits or vegetables, or both, and give priority to purchasing  
31 California-produced fresh fruits or vegetables.

1 (c) Not spend any of the funding for the purchase of juice or for the provision of  
2 fruits and vegetables that have been deep fried.

3 (d) Provide data as required by the independent evaluator pursuant to *Education*  
4 *Code Section 49565.7(b)*.

5 (e) Deposit all reimbursements in the nonprofit food service account of the school  
6 district or charter school.

7 (f) Use the reimbursement to supplement, but not to supplant, state and federal  
8 funding used to support the SBP.

9 (g) Expend the CFS Pilot Program reimbursement funds only for the benefit of  
10 participating school sites.

11 (h) Claim reimbursement only for meals that provide at least one serving of a  
12 nutritious fruit and/or vegetable that is not juice or a fruit or vegetable that has been  
13 deep fried. Reimbursement can be claimed for meals served on all or some school  
14 days.

15 (i) Include tasting and sampling of nutritious fruits and vegetables as part of  
16 nutrition education at school sites participating in the CFS Pilot Program. Strategies for  
17 nutrition education that include tasting and sampling of nutritious fruits or vegetables, or  
18 both, may include, but are not limited to:

19 (1) Educational sampling and tasting supported with nutrition education.

20 (2) An offering of fruits or vegetables in the classroom that is reinforced with  
21 nutrition and agricultural bulletins.

22 (3) A monthly school campus farmers' market that highlights California fruits and  
23 vegetables for the student body to sample and taste, including:

24 (A) Demonstration markets that allow students or school-sponsored organizations to  
25 sell and offer samples of California's fruits and vegetables, obtained by the school,  
26 school district, or school organization directly from farmers to students.

27 (B) Certified farmers' markets operated by, or in coordination with, students or  
28 school-sponsored organizations, on school grounds, in compliance with applicable  
29 state statutes and regulations.

30 (4) A produce sampling program that supports a school garden's harvest through  
31 additional purchases of local, in-season fruits or vegetables to be used for a sampling

1 and tasting program for the school campus featuring what is growing in the school  
2 garden.

3 NOTE: Authority cited: *Sections 33031 and 49565.8, Education Code*. Reference:  
4 *Sections 49565, 49565.1, 49565.2, 49565.3, 49565.4, and 49565.6, Education Code*.

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**Initial Statement of Reasons**  
California Fresh Start Pilot Program

**SECTION 15566. PURPOSE AND SCOPE**  
**SECTION 15567. DEFINITIONS**  
**SECTION 15568. REQUIREMENTS FOR PARTICIPATION**  
**SECTION 15569. STRATEGIES**

**SPECIFIC PURPOSE OF THE REGULATION**

The proposed regulations specify the policies and regulations necessary to establish the California Fresh Start (CFS) Pilot Program in order to promote the consumption of fresh fruits and vegetables by public and charter school pupils, as well as clarify and define the procedures for participation.

**NECESSITY/RATIONALE**

The Legislature established the CFS Pilot Program (*Education Code Section 49865 – 49865.8*) to promote the provision of fresh fruits and vegetables to public and charter school pupils and to provide supplemental State reimbursement per breakfast meal served that meets the fruit and vegetables requirements of the CFS Pilot Program. These regulations are proposed in order to implement the CFS Pilot Program.

Specifically, regulations are proposed in order to:

- Guide the distribution of \$17.8 million in funding to be allocated beginning in January 2006.
- Implement *Education Code Section 49565.8* which requires the department, in consultation with the Departments of Food and Agriculture and Health Services, and the State Board of Education, to develop emergency regulations as it deems necessary, to implement the CFS Pilot Program.
- Clarify the definitions and participation requirements in *Education Code Section 49565.5, 49565.2, 49565.3, 49565.4, 49565.5, 49565.6, 49565.7 and 49565.8*.
- Ensure the consistency of participation and the usage of terms.
- Clarify and define the procedures of requirements of participation in order to receive funding.

The proposed regulations, *Sections 15566, 15567, 15568 and 15569*, clarify the purpose and scope of the CFS Pilot Program, define the terms, specify participation requirements for school districts and charter schools, and clarify the strategies that are authorized for specific purposes.

### **INCORPORATION BY REFERENCE**

*Section 2* of the United States Department of Agriculture *Food Buying Guide for Child Nutrition Programs (Guide)*, 2001 edition, is incorporated by reference. The section is available via the Regulations Coordinator. Charts 2A and 2B are also incorporated by reference and a copy can be obtained by contacting the Regulations Coordinator.

### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS**

The State Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of the regulation.

### **REASONABLE ALTERNATIVE 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 because the regulations only apply to local educational agencies.

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** May 5, 2006

**TO:** **MEMBERS, STATE BOARD OF EDUCATION**

**FROM:** Dr. William Ellerbee, Deputy Superintendent  
School District and Branch Operations

**RE:** Item No. 37

**SUBJECT:** California Fresh Start (CFS) Pilot Program, Senate Bill (SB) 281 (Maldonado) Regulations – 1) Adopt Proposed Amendments to Regulations, and 2) Approve Commencement of 15-Day Comment Period.

## Recommendation

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations;
- Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no objections to the revisions are received during the 15-day public comment period, CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval; and
- If substantive objections to the revisions are received during the 15-day public comment period, CDE shall place the amended regulations on the State Board's July 2006 agenda for action following consideration of the comments received.

Attachment 1: Final Statement of Reasons (6 pages)

Attachment 2: California Fresh Start (CFS) Pilot Program, Senate Bill (SB) 281 (Maldonado) Regulations Proposed Amendments (5 pages)

## **FINAL STATEMENT OF REASONS**

### **UPDATE OF INITIAL STATEMENT OF REASONS**

The purpose of the emergency regulations is to implement the California Fresh Start (CFS) Pilot Program and to clarify what constitutes a “nutritious” fruit or vegetable eligible for purposes of reimbursement through the CFS Pilot Program.

The emergency regulations were adopted by the Office of Administrative Law on March 17, 2006. The 45-day public comment period began on March 17, 2006 and ended on May 2, 2006. Several comments were received which are incorporated into the attached chart. California Department of Education (CDE) staff responded to those comments by recommending the following revisions to the regulations:

#### **Section 15567(e), (j), (o) and (u). Definitions.**

**(e)** “Fresh fruits and vegetables” was changed to “Fresh fruits or vegetables” in order to be consistent with the statute.

**(j)** The symbol for percent (%) has been removed, and has been spelled out for consistency.

**(o)** “Nutritious fruits or vegetables” – The definition for nutritious fruits or vegetables has been revised to reflect that canned, dried, or frozen fruits should contain no added sweetener other than 100 percent fruit juice.

**(u)** “NSLP” was spelled out (National School Lunch Program) for clarity.

#### **Section 15568(a)(2), (b), (e), and (f). Requirements for Participation.**

**(a)(2)** – The initials “NSLP” were used and National School Lunch Program was deleted because it had been referenced in an earlier subdivision.

**(b)** “California-produced” has been deleted and “while adhering to state and federal procurement requirements” has been added to respond to a comment received from the U.S. Department of Agriculture.

**Section 15668(e) and (f):** Both subdivisions were deleted because they are not conditions for reimbursement and are duplicative of the statute.

#### **Section 15669. Strategies.**

Section 15669 was removed from the regulations because it is duplicative of the statute.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 17, 2006 THROUGH MAY 2, 2006.**

The text was made available to the public from March 17, 2006, through May 2, 2006. The State Board received comments that are addressed in the attached chart (pages 3 - 6).

**ALTERNATIVES DETERMINATION**

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

**LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

SUBMITTED BY	COMMENT	CDE RESPONSE
<b>Section 15567(h). Give priority to...</b>		
Ann Aguilar, Child Nutrition Director, Yucaipa-Calimesa Joint Unified School District, submitted via e-mail	Commenter states: "serious consideration needs to be made to place serving fresh fruit that is California produced as a high priority and follow through with strong regulation language."	Federal procurement regulations limit the use of statutorily or administratively imposed in-State or local geographic preferences.
Pam Sampson, Public Health Nutritionist, Department of Public Health-Nutrition, San Bernardino, submitted via e-mail	Commenter recommends that the definition of "Give priority to" be changed to reflect "California-produced fresh fruits or vegetables".	Federal procurement regulations limit the use of statutorily or administratively imposed in-State or local geographic preferences.
Caryl Burns, M.P.H., R.D., Health Information Specialist	Commenter states: "Registered dietitians recommend defining 'Give priority' to mean that the school district or charter school will purchase California-produced fresh fruits and vegetables unless they are not commercially available. In that case, the school district or charter school will purchase fresh fruits and vegetables, regardless of their origin, unless they are not commercially available. In that case, the school district or charter school may purchase any nutritious fruits and vegetables."	Federal procurement regulations limit the use of statutorily or administratively imposed in-State or local geographic preferences.
<b>Section 15567(o). Definition of Nutritious</b>		
Ann Aguilar, Child Nutrition Director, Yucaipa-Calimesa Joint Unified School District, submitted via e-mail	Commenter states: "I am against the inclusion of canned fruits in heavy syrup in the definition of nutritious fruits. I support the definition of 'nutritious fruits and vegetables' to be 'fruits or vegetables, that are fresh, or that are canned, dried or frozen which contain no added sweeteners other than juice'".	CDE concurs with this recommendation and recommends amending the definition to say "shall contain no added sweeteners other than 100 percent fruit juice."
Pam Sampson, Public Health Nutritionist, Department of Public Health-Nutrition, San Bernardino	Commenter recommends that "which contain no added sweeteners other than juice and no added sodium" be added to the definition of nutritious.	CDE concurs with this recommendation in regards to added sweeteners and recommends amending the definition to say "shall contain no added sweeteners other than 100 percent fruit juice." CDE believes that

Bernardino, submitted via e-mail		"no added sodium" would be prohibitive for participation in the pilot program since added sodium is commonly used as a preservative.
Leslie G. Sarasin, President and Chief Executive Officer, American Frozen Food Institute	Commenter states: "We believe that explicit inclusion of frozen fruits and vegetables in the definition of 'nutritious fruits or vegetables' for eligibility for the CFS program as the Department has proposed represents sound public policy."	No response required.
Caryl Burns, M.P.H., R.D., Health Information Specialist	Commenter states: "'Nutritious' does not include canned fruits and vegetables packed in sugar syrup. Canned fruits and vegetables containing added sugar (as corn syrup, sugar, etc.) should not be used in this program. Canned fruits and vegetables should not be used if any other fresh, frozen or dried fruits and vegetables are available."	CDE concurs with this comment and recommends amending the definition to say "shall contain no added sweeteners other than 100 percent fruit juice."
Richard A. Greene, Chair, Child Nutrition Advisory Council	<p>Commenter states: "The Council agreed that if canned fruits or vegetables were to be allowed under the interpretation of 'nutritious fruits and vegetables' that canned should be allowed only when the fruit and vegetable processing takes place without any added sweeteners other than 100% fruit juice."</p> <p>Commenter further states: "The USDA reference material is inconsistent with the consensus of the Council and therefore should be eliminated from the text of the requirements for participation in paragraph (o) of 15567 definitions."</p>	CDE concurs with the comment and recommends amending the definition to say "shall contain no added sweeteners other than 100 percent fruit juice."
A.G. Kawamura, Secretary, California Department of Food & Agriculture	Commenter states: "By including all forms of fruits and vegetables, school food service directors will not be forced to purchase non-Californian or non-domestic product during seasons when fresh product is not available within program funds."	No response required.

<p>Susan Foerster, Chief, Hope Wilson, M.P.H, R.D. California Department of Health Services, Cancer Prevention and Nutrition Section (CPNS)</p>	<p>Commenter states: "in the event that schools do purchase processed fruits or vegetables, CPNS strongly recommends that Section 15667, Definitions, the Proposed Regulations be amended – on page 2, line 16 after 'shall', insert 'contain no added sugars and' on page 2, line 17, strike out 'the specifications' and insert 'other specifications'".</p>	<p>CDE concurs with the comment and recommends amending the definition to say "shall contain no added sweeteners other than 100 percent fruit juice."</p>
<p><b>Section 15567(q). "Serving"...</b></p>		
<p>Richard A. Greene, Chair, Child Nutrition Advisory Council</p>	<p>Commenter states: "The USDA Food Buying Guide for Child Nutrition Programs (2001 edition) is pertinent in relation to delineating serving sizes and should therefore remain in paragraph (q) of 15567 Definitions."</p>	<p>CDE agrees with this recommendation.</p>
<p><b>Section 15568(b). Requirements for Participation</b></p>		
<p>Allen Ng, Regional Administrator, United States Department of Agriculture</p>	<p>Commenter objected to CFS statute because "...purchase made by SFA for any purpose and using the nonprofit school food service funds must be made in accordance with 7 CFR 3016.60(c), which prohibits geographic preferences in evaluating bids or proposals."</p>	<p>In section 15568(b), "California produced" has been deleted and "while adhering to state and federal procurement requirements" has been added in response to this comment.</p>
<p><b>General Comments</b></p>		
<p>Ed Yates, President/CEO, California League of Food Processors (CLFP)</p>	<p>Commenter states: "The CLFP respectfully requests members of the State Board of Education to approve this California Fresh Start Pilot Program regulation package."</p>	<p>No response required.</p>
<p>Doug Robertson, Manager, Government Affairs, The Grocery Manufacturers Association (GMA)</p>	<p>Commenter states: "GMA hopes the Board will continue to treat fresh and processed fruits and vegetables equitably as defined in the emergency and proposed regulations for the California Fresh Start Pilot Program."</p>	<p>No response required.</p>

William W. Marshall, Nurse-Consultant, Santa Rita Union School District	Commenter states: "I speak in favor of this bill for increasing the consumption of FRESH fruit and vegetables by our school children."	No response required.
Ken Hecht, California Food Policy Advocates	Commenter states: "No reference to start-up funds is made in the regulations; a cross-reference should be included."	This comment does not relate to the regulations up for public comment. No response required.
Ken Hecht, California Food Policy Advocates	Commenter states: "We support the SB 281 Fresh Start regulations as written today. Changes can be made after the program has been operating for some time if needed."	No response required.
Patrick Leathers, Gualco Group, representing the Agricultural Council	Commenter states: "We support the regulations as written and would like to see the program implemented."	No response required.

1 **Title 5. EDUCATION**

2 **Division 1. California Department of Education**

3 **Chapter 15. Child Nutrition Programs**

4 **Subchapter 1. Food Sales, Food Service, Nutrition Education**

5 **Article 5. California Fresh Start Pilot Program**

6

7 **§ 15566. Purpose and Scope.**

8 This article specifies the policies and requirements of the California Fresh Start  
9 (CFS) Pilot Program to promote the consumption of fresh fruits and vegetables by  
10 schoolage children and to provide supplemental State reimbursement for breakfast  
11 meals served that meet the requirements of the CFS Pilot Program.

12 NOTE: Authority cited: Sections 33031 and 49565.8, Education Code. Reference:  
13 Section 49565, Education Code

14

15 **§ 15567. Definitions.**

16 As used in this article and the CFS Pilot Program, the term:

17 (a) "After school" means following the end of the school day. For kindergarten  
18 pupils, "after school" means following the end of a morning or afternoon session.

19 (b) "Deep-fried" means any fruit or vegetable cooked by total submersion in oil or  
20 fat.

21 (c) "Department" means the California Department of Education.

22 (d) "Funds" means program reimbursement provided by the Department pursuant to  
23 provisions of the CFS Pilot Program.

24 (e) "Fresh fruits ~~and~~ or vegetables" means whole or portioned fruits ~~and~~ or  
25 vegetables, including, but not limited to, those that are minimally processed.

26 (f) "Fruit" means ripened seed-bearing part of a plant developed from a flower,  
27 usually considered to be sweet and fleshy, as in apples, oranges, plums or strawberries.

28 (g) "Fruit bar" means a self-service counter featuring an array of fruits.

29 (h) "Give priority to" means that fresh fruits or vegetables shall be served unless  
30 they are not reasonably available on a commercial basis within program funds.

1 (i) "Grab and Go" means food that is packaged in a bag, box, or other container that  
2 can be picked up quickly and eaten "on the go."

3 (j) "Juice" means the extractable liquid that is contained in fruits or vegetables. Any  
4 liquid or frozen product labeled "juice," "full-strength juice," "100% percent juice,"  
5 "single-strength juice," or "reconstituted juice" is included in this definition.

6 (k) "Meal" means breakfast, as defined in 7 CFR 220.2(b).

7 (l) "Minimally processed" means fruits and vegetables prepared and handled to  
8 maintain their fresh nature while providing convenience to the user by pre-cleaning,  
9 washing, trimming, coring, slicing, shredding, and other similar actions. Other terms  
10 used to refer to minimally processed products are "lightly processed," "partially  
11 processed," "fresh processed," and "prepared."

12 (m) "Nonprofit [school] food service" means all food service operations conducted  
13 by the School Food Authority principally for the benefit of school children, all of the  
14 revenue from which is used solely for the operation or improvement of such food  
15 service.

16 (n) "Nutrition education" means a broad range of activities that promote and enable  
17 healthy eating behaviors.

18 (o) "Nutritious fruits or vegetables" means fruits or vegetables that are fresh, or that  
19 are canned, dried, or frozen. Fruits or vegetables that are canned, dried or frozen shall  
20 contain no added sweeteners other than 100 percent fruit juice meet the specifications  
21 ~~established in Section 2 of the United States Department of Agriculture (USDA) *Food*~~  
22 ~~*Buying Guide for Child Nutrition Programs* (2001 edition), which is incorporated by~~  
23 ~~reference.~~

24 (p) "School Breakfast Program" (SBP) means the federal program operated  
25 pursuant to 7 CFR Part 220.

26 (q) "Serving" means an amount of fruit(s) and/or vegetable(s), equal to one  
27 half (1/2) cup or as referenced in Charts 2A and B of the USDA *Food Buying Guide for*  
28 *Child Nutrition Programs* (2001 edition), which is incorporated by reference.

29 (r) "Site" means a public elementary school, middle school, junior high school, or  
30 high school, including a charter school, in California, operating classes for pupils in a  
31 single building or complex of buildings, or any public classes of preprimary grade when

1 they are conducted in the aforementioned school that participate in the School  
2 Breakfast Program.

3 (s) "Supplant" means "to substitute for" and/or "take the place of."

4 (t) "Supplement" means (1) an additional serving to the number of fruit or vegetable  
5 servings provided in the SBP prior to claiming CFS Pilot Program reimbursement, or  
6 (2) increasing, by no less than 90 percent of the CFS Pilot Program reimbursement, the  
7 total expenditure for nutritious fruits or vegetables served as part of a SBP.

8 (u) "Tasting and Sampling" means offering a taste or small portion of fresh fruits  
9 and/or vegetables to pupils not as part of the SBP or National School Lunch Program  
10 (NSLP).

11 (v) "Universal classroom breakfast" means providing all children breakfast in the  
12 classroom at no charge.

13 (w) "Vegetable" means a plant cultivated for an edible part, such as the root, stem,  
14 leaf, or flower, such as spinach, broccoli or carrot.

15 NOTE: Authority cited: Sections 33031 and 49565.8, Education Code. Reference:  
16 Sections 49534 and 49565, Education Code; Title 7 CFR Parts 220.

17

### 18 **§ 15568. Requirements for Participation.**

19 All school districts and charter schools that operate a SBP are eligible to participate  
20 in the CFS Pilot Program. To receive reimbursement, the school district or charter  
21 school shall:

22 (a)(1) Provide one or more supplemental servings of nutritious fruits or vegetables,  
23 or both, at breakfast, at no additional charge to a pupil and give priority to serving fresh  
24 fruits or vegetables;

25 (2) If already serving two nutritious fruits and/or vegetables at a site during  
26 breakfast, the district or charter school may provide one to two servings of nutritious  
27 fruits ~~and~~ or vegetables for after school snacks. Such snacks do not need to be  
28 provided through the ~~National School Lunch Program (NSLP)~~, but if they are, serving  
29 size requirements may differ from the one-half (1/2) cup required for the CFS Pilot  
30 Program.

1 (b) Spend at least 90 percent of the CFS Pilot Program funding received on the  
2 direct purchase of nutritious fruits or vegetables, or both, and give priority to purchasing  
3 ~~California-produced~~ fresh fruits or vegetables while adhering to state and federal  
4 procurement requirements.

5 (c) Not spend any of the funding for the purchase of juice or for the provision of  
6 fruits and vegetables that have been deep fried.

7 (d) Provide data as required by the independent evaluator pursuant to Education  
8 Code section 49565.7(b).

9 ~~(e) Deposit all reimbursements in the nonprofit food service account of the school~~  
10 ~~district or charter school.~~

11 ~~(f) Use the reimbursement to supplement, but not to supplant, state and federal~~  
12 ~~funding used to support the SBP.~~

13 ~~(e)(g)~~ Expend the CFS Pilot Program reimbursement funds only for the benefit of  
14 participating school sites.

15 ~~(f)(h)~~ Claim reimbursement only for meals that provide at least one serving of a  
16 nutritious fruit and/or vegetable that is not juice or a fruit or vegetable that has been  
17 deep fried. Reimbursement can be claimed for meals served on all or some school  
18 days.

19 ~~(g)(i)~~ Include tasting and sampling of nutritious fruits and vegetables as part of  
20 nutrition education at school sites participating in the CFS Pilot Program. Strategies for  
21 nutrition education that include tasting and sampling of nutritious fruits or vegetables, or  
22 both, may include, but are not limited to:

23 (1) Educational sampling and tasting supported with nutrition education.

24 (2) An offering of fruits or vegetables in the classroom that is reinforced with  
25 nutrition and agricultural bulletins.

26 (3) A monthly school campus farmers' market that highlights California fruits and  
27 vegetables for the student body to sample and taste, including:

28 (A) Demonstration markets that allow students or school-sponsored organizations  
29 to sell and offer samples of California's fruits and vegetables, obtained by the school,  
30 school district, or school organization directly from farmers to students.

1 (B) Certified farmers' markets operated by, or in coordination with, students or  
2 school-sponsored organizations, on school grounds, in compliance with applicable  
3 state statutes and regulations.

4 (4) A produce sampling program that supports a school garden's harvest through  
5 additional purchases of local, in-season fruits or vegetables to be used for a sampling  
6 and tasting program for the school campus featuring what is growing in the school  
7 garden.

8 NOTE: Authority cited: Sections 33031 and 49565.8, Education Code. Reference:  
9 Sections 49565, 49565.1, 49565.2, 49565.3, 49565.4, and 49565.6, Education Code.

10  
11 **§ 15569. Strategies.**

12 ~~Specific strategies for the provision of one to two servings of nutritious fruits or~~  
13 ~~vegetables, or both, may include, but not be limited to, one or more of the following:~~

14 ~~(a) Fruit bars containing at least three choices of nutritious fruits or vegetables, or~~  
15 ~~both.~~

16 ~~(b) Grab and Go breakfasts with one to two servings of nutritious fruits or~~  
17 ~~vegetables, or both, to be eaten on the school campus.~~

18 ~~(c) Universal Classroom Breakfast that includes one to two servings of nutritious~~  
19 ~~fruits or vegetables, or both.~~

20 NOTE: Authority cited: Sections 33031 and 49565.8, Education Code. Reference:  
21 Section 49565.5, Education Code.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Request by the Los Angeles Unified School District (LAUSD) Regarding <i>Education Code</i> (EC) sections 17515-17526, Joint Public/Private Occupancy Proposal, Allowing the LAUSD and the Los Angeles Community Design Center (LACDC) to Enter Into Leases and Agreements Relating to Real Property and Buildings to be Used Jointly by the District and Los Angeles Community Design Center.	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the LAUSD proposal to enter into a joint occupancy agreement with Los Angeles Community Design Center (LACDC).

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

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There have been no similar requests.

### SUMMARY OF KEY ISSUES

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*Education Code* Section 17515 allows a school district to enter into a joint occupancy agreement, not to exceed 66 years, providing certain requirements are met. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property. *Education Code* Section 17524(a) specifies that the joint occupancy proposal be approved by the SBE before the district's governing board approves the proposal.

The joint occupancy proposal submitted to the State Board of Education is between the LAUSD and the LACDC. The project consists of the Glassell Park Early Childhood Education Center, a joint-use parking garage, and 45 units of affordable housing on 1.35 acres across the street from the Glassell Park Elementary School.

Joint occupancy is different than joint use in that under a joint occupancy proposal, a district may enter into a development proposal with any private person, firm or corporation, and the district and its joint occupancy partner are not limited to providing educational facilities. Joint use, as defined in *Education Code Section 17527*, allows districts to lease or rent vacant classrooms or other space in operating school buildings. State school construction bond funds administered by the State Allocation Board

pursuant to *Education Code Section 17077.40* also provides joint use funding for libraries, multipurpose rooms, gymnasiums, child care and teacher education facilities.

The district states that it will benefit from the joint occupancy project in the following ways:

- The construction of a 175 student capacity Early Education Center (EEC);
- The receipt of on-going lease payments to the district's general fund;
- The use of 20 parking spaces;
- The provision of replacement affordable housing for homes displaced by other LAUSD school construction projects;
- The ability to joint use the EEC play area; and,
- The opportunity to be eligible for Proposition 55 joint use facility funds for the EEC community room as a teacher education facility.

Pursuant to *Education Code Section 17521 et seq.*, the district governing board issued a Request for Proposals (RFP). Six proposals were submitted and the district governing board determined that the LADAC proposal best met the needs of the district. The LADAC will finance and build the project and operate the parking garage and affordable housing according to the terms of the lease.

#### **FISCAL ANALYSIS (AS APPROPRIATE)**

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None.

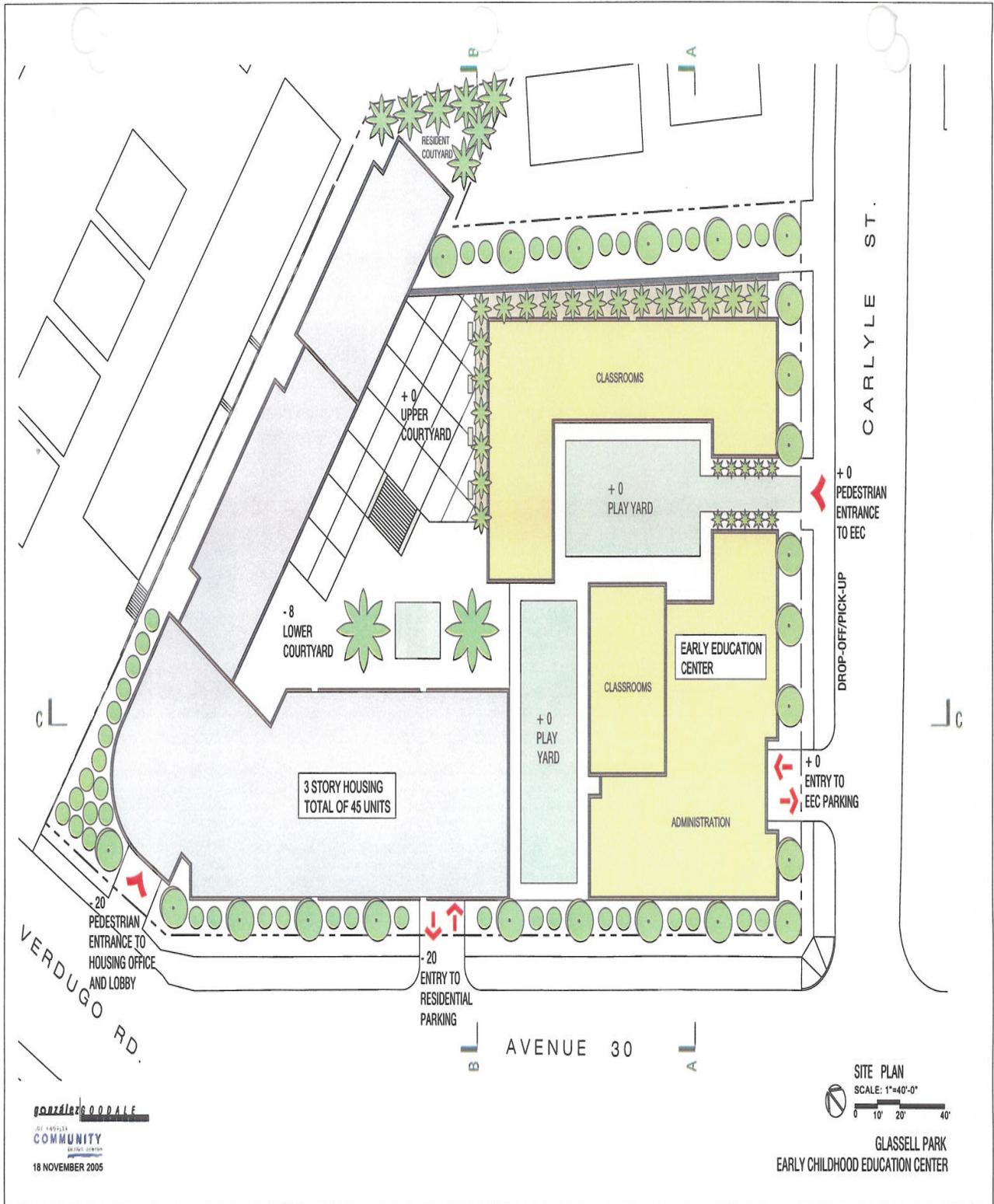
#### **ATTACHMENT**

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Attachment 1: Site plan of Glassell Park Early Childhood Education Center (1 page).

Attachment 2: Central Region Glassell Park Early Childhood Education Center (1 page).

Attachment 3: Los Angeles Unified School District Glassell Park Early Childhood Education Center project description is not available for web viewing. A printed copy is available for viewing in the State Board of Education office (225 pages).





## CENTRAL REGION GLASSELL PARK ECEC



LOS ANGELES UNIFIED SCHOOL DISTRICT  
Prepared by Real Estate Branch  
Facilities Services Division  
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October 2002



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Chief Business Officer Training Program – Approve Training Providers	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

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The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve state-qualified training providers.

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

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At its March 2006 meeting, the SBE approved the training criteria and provider application process for the Chief Business Officer (CBO) Training Program (Senate Bill 352, Chapter 356/Statutes of 2005). This program is to be administered by the State Superintendent of Public Instruction with the approval of the SBE and provides incentive funding for school districts and county offices of education to send their CBOs or CBO candidates to training provided by state-qualified providers.

### SUMMARY OF KEY ISSUES

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Following approval of the training criteria and provider application process, the CDE invited interested organizations and entities to apply to be state-qualified training providers. Applicants submitted an online application that included detailed information about their curriculum and their ability to deliver a program that meets the approved criteria.

Applications were evaluated to ensure that the curriculum offered was consistent with the attached SBE-approved curriculum, including the minimum number of hours for each category; that the training setting and mode of delivery was appropriate; that the organization or entity had background and experience in providing professional school business training, or demonstrated its potential for providing such training; and that all necessary assurances were signed.

Of the five applications received, four applicants met all of the minimum requirements and are being recommended for SBE approval. The applicants recommended for approval are:

## **SUMMARY OF KEY ISSUES (Cont.)**

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- California Association of School Business Officials (CASBO)
- California State University, Fullerton University Extended Education and College of Education-Educational Administration Department
- University of California, Riverside Extension
- University of Southern California, Rossier School of Education

A fifth application was received from the Charter Schools Development Center (CSDC). Although this application is complete, the CBO curriculum targets only charter school business officials and does not provide the breadth of coursework necessary to prepare CBOs for all public school settings. For example, the SBE-approved criteria specified that training should include average daily attendance projections and accounting; however the CSDC application addresses that subject only as it applies to charter schools, and not to school districts. Revenue limits are another example: The SBE-approved criteria dictate that the providers offer instruction in revenue limits, but the CSDC curriculum instead includes instruction only in how charter schools are funded, which is quite different from how school districts are funded. The application states clearly that the curriculum “has been specifically adapted to the needs of charter schools.” Based upon the intent of SB 352 and the SBE-approved criteria, we do not recommend this application for approval.

Once the SBE approves the state-qualified training providers, staff will make this information available to county offices of education, school districts, and charter schools, along with the local educational agency (LEA) application and assurance packet. LEAs may then begin submitting their requests for funding for their training candidates. The first candidates and awards will be presented to the SBE for approval at the July meeting (see attached timeline).

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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Three thousand dollars (\$3,000) per eligible training candidate have been allocated for this purpose, with 50 percent of the funding provided after approval of the LEA application, and the remaining 50 percent provided upon completion of the CBO training. The Budget Act of 2005 appropriated \$1.05 million for this purpose, with the intent of providing funds for up to 350 candidates.

## **ATTACHMENT(S)**

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- Attachment 1: SBE-Approved Criteria for State-Qualified Training Providers (8 Pages)  
Attachment 2: Timeline for CBO Training Program (1 Page)

## **Chief Business Officer Training Program Criteria for State-Qualified Training Providers**

Senate Bill (SB) 352 specifies that the State Board of Education (SBE) develop “rigorous criteria for the approval of state-qualified training providers,” and that “a training program... shall be conducted for no fewer than 200 hours, a minimum of 40 hours of which shall involve intensive individualized support and professional development...” The legislation further directs the SBE to establish an application process by which public agencies and private organizations may apply to be state-qualified training providers and to ensure that the agency or organization is able to deliver a training program that meets the criteria.

The first component – the training program – is categorized into the four main areas indicated in the legislation: school finance, accounting and auditing; school operations; leadership; and intensive individualized support and professional development. Because it is also essential for chief business officers (CBO) to understand the history, funding, and operations of charter schools, that has been added as another area of training. Each of these headings is further defined consistent with SB 352, and additional topics have been added in order to present a complete and comprehensive program of instruction for CBOs.

State-qualified providers must offer a curriculum that includes, but is not necessarily limited to, these subject matters. The courses need not have the same titles or be grouped in the same manner; however, they must include the basic topics listed. Further, providers may determine the extent to which each topic is covered. It should also be noted that, in accordance with SB 352, the training is for persons already employed as CBOs, as well as for candidates nominated for the training by districts and county offices of education. In other words, the knowledge base of the training candidates may be quite diverse.

The second component of the CBO Training Program criteria is the provider application process, in which providers must demonstrate that they have the qualifications necessary for state approval. Prospective applicants will be asked to show that their training program is consistent with the SBE-approved curriculum, and that they are experienced in and capable of delivering such training. They will need to describe their organization’s history in providing such training and must give their assurance that the instructors are experts in their respective subject areas. The electronic application will include the provider’s curriculum, as well as its organizational and instructional qualifications.

The following pages detail the training program, the training provider qualifications, and the application process.

## TRAINING PROGRAM

### 1. School Finance, Accounting, and Auditing (70 hours minimum)

#### Overview of School Business Administration

Overview of the history, concepts, and legal aspects of financing public schools in California; Proposition 98 and the state's economy; the philosophical, sociological, and political forces that bring pressure for change and their significance for school business officers; the role of the CBO in ensuring the district's financial solvency; legal issues typically encountered in the day-to-day operations of CBOs; the role of the CBO and the organization, structure, and function of a school district's business division and its impact on the educational program; the relationship between the CBO, the superintendent, and the local school board; understanding the role of the CBO in the broad context of public education.

#### School Business Accounting

School district financial and managerial accounting, accounting system components; the standardized account code structure (SACS); modified accrual accounting; relevant Governmental Accounting Standards Board (GASB) statements; knowledge of different software systems; student body organization funds, state and federal projects, certificated and classified payroll as it relates to school district accounting and retirement system reporting and payroll tax reporting; year-end closing; the legal requirements and the reporting functions that affect the organization and management of accounting processes in school systems; effective internal controls.

#### Average Daily Attendance Projections and Accounting

In-depth focus on student attendance accounting, record-keeping, reporting, and audit requirements mandated for kindergarten through grade twelve school districts; projecting a district's average daily attendance (ADA): birth rate data, historical trends, building trends; ongoing monitoring of ADA; how ADA is calculated; instructional time requirements, declining enrollment, highly qualified teacher/credential requirements, charter school credential requirements for claiming ADA; how charter schools affect district attendance; review of independent study and other instructional strategies and delivery systems, including legal and compliance issues; state-required forms; the relationship between income and student attendance; successful techniques, models and methods for increasing student attendance.

#### Revenue Limits

An in-depth study of how revenue limit funding works, including a conceptual overview as well as specific formulas; an historical perspective including *Serrano vs. Priest*, Proposition 13, and the Gann Limit; covers cost of living adjustments, deficits, equalization, and charter schools.

#### Categorical Program Management

A review of categorical funds, including understanding restricted and unrestricted funds; managing state and federal categorical funds; supplant versus supplement; methods for documenting costs for restricted funds; time accounting for federal program funds;

examples of flexibility such as mega-item transfer and Assembly Bill (AB) 825 categorical block transfer; defining goals and aligning categorical dollars.

### **Budget Development and Monitoring**

Techniques and strategies for developing, monitoring and evaluating district, department, and site budgets emphasizing multi-year projections, assumptions; trend analysis; revenue projections; monitoring results against projections; collaborative development approaches and increased accountability; zero based budgeting versus maintenance budgeting; working with directors who manage budgets; SACS technical checklist, and standards and criteria for self-monitoring; budget calendar; the impact of local district philosophy and state requirements on the budget development process; strategies and techniques to increase and maximize revenues, be more efficient, and reduce budgets; staffing projections, using historical data in projecting operational costs; position control; managerial skills necessary to prepare, administer and present/communicate the district budget; the state's economy and budget (including Proposition 98), and implications for schools and districts.

### **Cash Management**

Covers treasury operations including bank relations, debt issuance and management of investments; reconciliation, imprest and student body accounts, electronic funds transfer, positive pay, check printing, armored car pick up; preparing and monitoring a meaningful cash flow; understanding the relationship between cash and fund balance, and district wide versus general fund cash; operational cash flows and project based cash flows; the state apportionment schedule, taxes, borrowing strategies, such as Tax and Revenue Anticipation Notes (TRANS), or from other funds, or the county.

### **AB 1200**

A review of the AB 1200 process, as enhanced by AB 2756, including how to identify potential fiscal solvency issues, and strategies to address those issues; review of audits and collective bargaining agreements; the budget and interim report process and timeline, qualified and negative certifications, the definition of financially troubled districts, and the options available to the county and the state to ensure fiscal solvency.

### **Financial Reporting**

Covers the financial reporting process, including the necessary information gathering: budget, interim reports, unaudited actuals, indirect cost rate, audit reports, payroll and retirement reports, collective bargaining reports, etc.; budget and financial reporting calendar and timelines; the statewide SACS; year-end closing; continual budget reports to the board and the community; understanding how fiscal data are used.

### **Auditing**

Covers the purpose of audits, the audit process, and preparing for an audit; critical internal audit functions; using audit reports as a management tool; understanding and posting audit adjustments; writing an effective Management Discussion and Analysis; the importance of good internal controls; managing auditing procedures that comply with federal, state, and local requirements; the legal requirements and specific reporting functions affecting the organization and management of auditing processes in school

systems; implementing procedures and processes to address audit findings, including the audit appeal process.

## **2. School Operations (50 hours minimum)**

### **Facilities Planning and Construction**

An overview of the construction process from planning to culmination; the interrelationships and functions of the Office of the State Architect, California Department of Education, State Allocation Board, county and city agencies, and building inspection requirements; redevelopment agency built schools; the interaction of school boards, superintendents, architects, maintenance staff, purchasing, accounting, local agencies/contractors and facilities planning staff; educational specifications relating to school construction, financing strategies and debt issuance process, master planning and property management, and enrollment projections; negotiating the purchase or lease of a facility; developing a Facilities Master Plan, select school sites, plan construction projects, construct capital facility projects, and assess completed projects; the regulatory and funding differences among site acquisition, new construction, and modernization; how facilities are funded; asset management of existing site revenue generation; charter schools; general obligation bonds, developer fees, and alternate sources of funding.

### **Maintenance and Operations**

An overview of the importance of maintaining a district's buildings and grounds, including the *Williams* Settlement and its provisions; meeting safety standards, optimizing maintenance resources and capital equipment life, minimizing energy usage; determining adequate custodial, maintenance and grounds staff; understanding the responsibilities and services necessary in a school district; legal restrictions on contracting out; bidding process; routine repair and maintenance account; leasing vs. purchase; capitalization plan; replacement of equipment; preventive and deferred maintenance; the Deferred Maintenance Program, including the five-year plan, eligible projects, etc.

### **Transportation**

An overview of laws and regulations governing school district transportation, including Special Education transportation needs; establishing/recommending service criteria (walking distances, parent fees, athletic/field trip); transportation schedules and cost effectiveness; school bus replacement for small districts; evaluating costs, managing liability, protecting assets, ensuring student/staff safety; transportation service providers; best practices regarding fleet maintenance and repairs; training employees, recommending delivery method (in-house or contract vendor); state funding; effective delivery systems for pupil transportation; alternative methods of financing and operating a pupil transportation system.

### **Food Services**

Overview of the operation of food and nutritional services in public schools; methods for ensuring compliance with state and federal regulations, cost and accounting controls

and ways to contribute to the educational goals by providing nutritional meals and services to students; proper menu planning; state and federal law related to food service; legal requirements, organization, mission and staffing of food services; understanding revenue streams; legal requirements for food preparation; environment of service areas for student feeding; food service options for open vs. closed campuses.

### **Collective Bargaining and Contract Administration**

Overview of California's public school collective bargaining and contract administration principles and processes, including a history of public school collective bargaining; approaches for developing and presenting contract language and determining strategies for handling grievances, impasse, fact finding, mediation, and arbitration; the role of the chief business official in classified and certificated collective bargaining; impact of budget committees on collective bargaining; equity considerations for bargaining units; being involved in the negotiation process; the types of negotiations and their advantages and disadvantages; understanding conflicting demands, and fiscal aspects; costing out proposals, including unit and resource, step and column, full-time equivalent (FTE), etc.; public disclosure documents; impact of collective bargaining on the budget; collective bargaining strategies for up and down year budgets.

### **Risk Management**

Basic processes, goals, and strategies associated with risk management principles including legal aspects; interrelationship and functions among occupational safety and health act, Joint Powers Authority, third party administrators, brokers/consultants and insurance companies and the interaction with school boards, site administrators, the district office and interdepartmental operations and the injured worker or visitor; workers' compensation, employee benefits, property liability, safety issues and mandates, and alternative risk financing; the historical role of risk management in an organization and common risks, including how to mitigate accidents and losses; insurance programs for employees, liability, property and risk reduction; typical school district programs for insurance and optimal strategies for providing programs including self-insurance; excess liability and liability reinsurance programs; predicting and managing school district insurance risks; strategies for analyzing and responding to the insurance marketplace.

### **Purchasing and Warehousing**

Covers the legal requirements, organization, mission, and staffing of purchasing and warehousing, separation of duties – adequate oversight of function and process for expenditure control; best practices for developing legal contracts; gift of public funds rules; bidding procedures, contracting, inventory control; fundamental concepts associated with purchasing processes and supply chain managements; just-in-time purchasing; standards of purchasing practice, bonding requirements and legal aspects of purchasing from the perspectives of the California *Public Contract Code* and the California *Commercial Code*.

### **Management Information Systems**

Information and technology systems used in school finance and business operations; the role of information systems in school business; the role and importance of student

information systems in particular; security issues, including protecting private information records; computer-assisted management decision-making; integrating network applications; managing data and knowledge, and planning for future technology needs; the structure and organization of a management information system for both district and site operations; the different needs and demands on management information systems; methods of delivery; network management; planning and installing information and technology systems; selecting data processing equipment, and interfacing business and instructional information systems.

### **Personnel Administration**

Covers the regulations, laws, and court cases relating to personnel administration in kindergarten through grade twelve districts, including workforce increase and reduction; salary calculations and salary schedules, creating contingency formulas for salary negotiations; highly qualified teachers, and credential and assignment monitoring; importance of position control, and of hiring and retaining good employees; effective personnel management; good supervision practices and techniques; personnel issues that affect the district, particularly business services; effectively evaluating subordinates; staff development; progressive discipline; understanding the interaction between Personnel and Business Services.

### **3. Leadership (20 hours minimum)**

Principles of leadership and key components for becoming a visionary leader; methods for demonstrating vision, positive communication, positioning and empowerment which contribute to the success of CBOs and a strategic planning process that enhances a school district's ability to plan for the future; the expanding role of the chief school business officer with emphasis on leadership strategies and techniques, including organizational dynamics, communication, facilitation, and presentation skills; developing a professional support structure with other CBOs; district politics, legal communications, and confidentiality; how to facilitate meetings and lead groups; how to engage stakeholder groups in key decisions; conflict resolution strategies; collaboration skills and techniques; develop and implement long range plans; understanding the school board's role and responsibilities within the area of finance, and understanding the appropriate role and relationship with the governance team, district staff, parents, and community.

### **4. Charter Schools (20 hours minimum)**

Covers the history of charter schools in California, including the impact on and interaction with school districts; how charter schools are financed; privately-issued debt instruments, the unique funding formulas; non classroom-based funding determinations, audit standards, financial reporting, corporate nonprofit accounting rules and practices; facilities needs and funding; analyzing and assessing charter school petitions; monitoring the fiscal solvency of charter schools.

**5. Intensive Individualized Support and Professional Development (40 hours minimum – to be completed within two years after training commences)**

Supervised practicum experiences within the area of school business; an application of knowledge, skills, and principles gained in coursework; for example, with approval of a mentor or advisor, a relevant or significant project is researched, completed, and presented to advisor/mentor, and/or district supervisor; projects might include procedural or training manuals; cost analysis studies; studies of classroom and staffing needs, student-teacher ratios, standardizing financial information; practicum experiences may also be ongoing throughout the program, with projects, assignments, and research associated with various subject areas; other mentoring programs that are well-defined and relevant may also satisfy this 40 hour requirement.

## **TRAINING PROVIDER QUALIFICATIONS AND APPLICATION PROCESS**

### **1. Qualifications**

Various organizations and entities may qualify as training providers for CBOs. Accredited colleges and universities, professional associations or organizations whose primary purpose is to focus on school business, and local educational agencies such as county offices of education are considered to be qualified to provide training for CBOs. Other entities that can demonstrate success in providing such training may also be qualified.

Organizations and entities should be able to show a successful track record in delivering training for business officers. They should be well-managed with adequate staffing and resources, and their instructional methodologies and methods of delivery must be sound and appropriate for the course content. Providers will need to describe the instructional mode in sufficient detail to allow an assessment as to the adequacy of the training and the quality of the instruction.

Instructors must be experts in their respective subject areas with demonstrated knowledge, experience, and expertise in the subject matters they are teaching; it is also important that they have appropriate training experience.

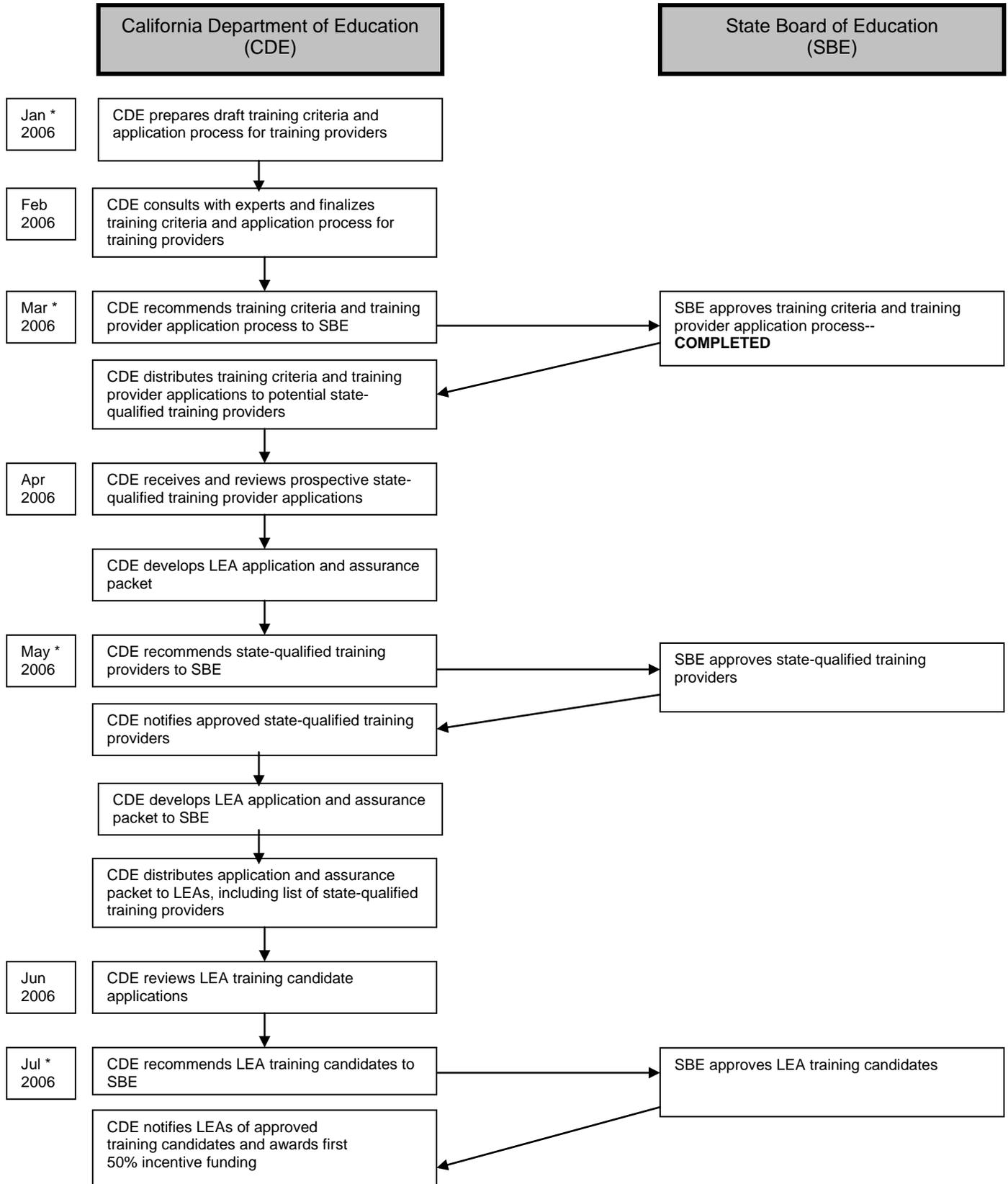
### **2. Application**

Training providers will be asked to complete an on-line application, and to include the following information:

- Training curriculum that meets the state's criteria, including an explanation of how the "intensive individualized support and professional development" requirement will be met
- Description of the organization's background and experience in providing professional development in the area of school business
- Description of training setting and delivery, including details of any online instruction
- Signed assurance that all instructors have demonstrated knowledge, experience, and expertise in the subject matter they will teach, and that they have appropriate training experience
- Signed assurance that participants will be surveyed about the quality of instruction and curriculum content

Providers approved by the SBE must make the information in the application, the instructors' qualifications, and any other pertinent information about the training program offered accessible online for use by prospective trainees in determining and selecting the training program that best meets their needs.

## Chief Business Officer Training Program Proposed Timeline for January 2006 – July 2006



\* SBE meetings



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

SUBJECT	
Request for repeal of seven State Board of Education Waiver Policies. These policies have become unnecessary through legislative or funding changes or other circumstances that have rendered the need for an obsolete policy.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) repeal the following waiver policies:

1. Algebra I Graduation Requirement Waiver for Seniors in the 2003-04 Graduating Class (Policy #04-01),
2. Equalization of School Improvement Funding in Secondary Schools (Adopted April 1990 - number not assigned),
3. Federal Waiver – Supplement Education Services under No Child Left Behind (Adopted 2002 – number not assigned),
4. Fund the Local Share of Miller-Unruh Reading Specialist with School Improvement Program (SIP) Funding (Adopted 1996 - number not assigned),
5. Instructional Materials Fund (IMF) Expenditures (K-8) (Adopted June 1989),
6. Minimum Funding of the K-6 School Improvement Program (SIP) Schools (number not assigned), and,
7. Sale and Lease of Real Property - Policy number not assigned, adopted July 1984, amended July 1990 and July 1993.

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

The SBE formally adopted these waiver policies in earlier years. In the past, SBE waiver policies have been repealed when they are no longer needed due to lack of use or statute changes making them obsolete.

Repealing a SBE Waiver Policy does not necessarily prevent a waiver from being requested by a local educational agency (LEA). These policies were developed to assist

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

staff in reviewing waivers of this type, and if waivers meet the conditions outlined, those waivers would be scheduled to the consent calendar at the SBE meeting therefore speeding the waiver approval process. The summary of key issues provides further information and a justification for repealing each waiver policy.

## **SUMMARY OF KEY ISSUES**

1. The Algebra I Graduation Requirement Waiver for Seniors in the 2003-04 Graduating Class - Policy #04-01:

Under the general waiver authority of *EC* Section 33050, this waiver policy was designed specifically for seniors in the graduating class of 2003-04 (only) to provide those students with relief from *EC* Section 51224.5(b), the algebra requirement. Many local educational agencies thought the algebra requirement in the *Education Code* was postponed when the SBE postponed the California High School Exit Examination (CAHSEE) for one year.

The waiver policy established criteria for review of over 13,000 waiver requests as well as to communicate requirements for the LEAs requesting waivers. For example, LEAs had to prove that they notified future graduating classes and their parents of the change in the law, putting them on notice the requirement was going to affect those students. LEAs also were required to notify all high school counselors and to certify to the SBE that they understood that the SBE had an “intent to deny” future waivers of this type.

Although the statute is still technically waivable, the SBE intent to deny future waivers has been clearly communicated to the field. It would be best for all concerned to repeal this waiver consent policy and remove it from CDE’s web site.

2. Equalization of School Improvement Program (SIP) Funding in Secondary Schools - No policy number assigned – adopted April 1990:

With the enactment of Assembly Bill 825 (Statutes of 2004) and the creation of Categorical Education Block Grants, funding from the School Improvement Program (SIP) was rolled into the School Library Improvement Block Grant. In this case, the statutory language waived has also been repealed, so there will be no more waivers.

3. Federal Waiver - Supplemental Educational Services under No Child Left Behind (NCLB) Act, Title 1, Part A, Section 1116(e) (10) (A) Policy # 02-02:

The first authorization of the NCLB Act in 2001 granted waiver authority over federal statute to the SBE to assist in implementation. While, in California, the SBE at each monthly meeting was adding supplemental services providers to the

## **SUMMARY OF KEY ISSUES (Cont.)**

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approved list, there was a concern that a student would not be served because an area of the state had no providers.

The federal waiver authority granted to the SBE the ability to approve a new provider if: 1) No provider of services on the state approved list makes those services available in the area served by the LEA or within a reasonable distance, and 2) The LEA provides evidence that it is not able to provide the services.

Probably because of the speed of California's identification process for supplemental services providers, CDE received only one waiver request, which was approved by the SBE in November of 2002. Any future waivers should be an unusual occurrence and should come to the SBE for discussion and action, not as consent.

#### **4. Fund the Local Share of Miller-Unruh Reading Specialists with School Improvement - No policy number assigned – adopted June 1992:**

On June 30, 1987, the Miller-Unruh Reading Statute was sunset. However, EC Section 62002 continued funding for program, and many LEAs considered these positions essential to their school. LEAs had been supplementing Miller Unruh Specialists positions with money from other sources. In the School Based Coordinate Program area of the statute there was still a restriction that, "In no event shall funds...be used to pay for the local share of costs associated with the employment of reading specialists..." so waivers continued to be requested.

Then in 2003-04, funding for the Miller Unruh program ended entirely. Although statutory provisions remain in code, this program is no longer funded and there should be no need for a consent waiver policy.

#### **5. Instructional Materials Fund Expenditures (K-8) Policy #00-03:**

The Instructional Materials Fund (IMF) was first funded in 1997. This policy was created in 2000 to allow an LEA to use 30% of their IMF money on non-adopted texts, while 70% would be spent on state adopted texts.

Since that time, the Schiff-Bustamante program fund source was added, then both fund sources were replaced on January 1, 2003 by Assembly Bill 1781 which created the Instructional Materials Funding Realignment Program (IMFRP). IMFRP must be spent 100% on state adopted texts. When old carryover funds for IMF were spent, this waiver ceased to be needed. Although the actual statute for IMF program has not been eliminated from the education code, the program is no longer funded.

#### **6. Minimum Funding of K-6 School Improvement (SI) Program Schools - No policy number assigned - adopted June 1992:**

## **SUMMARY OF KEY ISSUES (Cont.)**

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The reason for repealing this policy is the creation of the AB 825 Categorical Education Block Grants as described above.

7. Sale and Lease of Real Property - Policy number not assigned, adopted July 1984, amended July 1990 and July 1993:

Written long ago, this policy has been amended several times. In 2003, SBE staff did an extremely detailed analysis of the pertinent Education Code sections (which have also been re-numbered and moved in the code). Currently, waiver requests for the sale and lease of real property go through a detailed analysis and are often reviewed by the CDE Legal Office.

Only five waiver requests have been processed since 2003. As these waiver requests are unique, they are handled on a case-by-case basis. This policy should be rescinded as each request under this category is distinctive and the policy is no longer relevant or applicable to the specific requests.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no fiscal impact of the repeal of these waiver policies.

## **ATTACHMENT(S)**

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Attachment 1: Algebra I Graduation Requirement: Waiver for Seniors in the 2003-04 Graduating Class (3 Pages)

Attachment 2: Equalization of School Improvement Funding in Secondary Schools (1 Page)

Attachment 3: Federal Waiver – Supplemental Educational Services under NCLB (2 Pages)

Attachment 4: Fund the Local Share of Miller-Unruh Reading Specialists with School Improvement Funding (1 Page)

Attachment 5: Instructional Materials Fund Expenditures (K-8) (2 Pages)

Attachment 6: Minimum Funding of K-6 School Improvement (SI) Programs Schools (2 Pages)

Attachment 7: Sale and Lease of Real Property (2 Pages)



# California State Board of Education Policy

POLICY #
<b>04-01</b>
DATE
<b>MARCH 2004</b>

## WAIVER GUIDELINES

### **Algebra I Graduation Requirement: Waiver for Seniors in the 2003-04 Graduating Class**

**REFERENCES:** Authority:  
*Education Code* (EC) Section 33050 et. seq. (General Waiver Authority)

#### **HISTORICAL NOTES**

#### **Statutory Provision/Regulation Involved:**

*Education Code* Section 51224.5(b): “Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.”

#### **Background:**

In 2000, legislation was enacted to require students – as a condition of receiving a high school diploma – to complete Algebra I.<sup>1</sup> The Algebra I requirement applies beginning with students graduating in 2003-04.

The State Board of Education has been advised that some students who would otherwise be eligible to receive a high school diploma in 2003-04 have not had the opportunity to complete Algebra I (prior to 2003-04) as the result of improper counseling or other failure by the local education agencies (LEAs) in which their schools are located. These waiver guidelines are for the purpose primarily of assisting students who confront these unfortunate circumstances.

As the guidelines include proposed conditions of waiver approval that must be undertaken by April 2, 2004, they are applicable only to waiver requests processed for the March 2004 State Board meeting, and for waiver requests received by April 2, 2004, which will be considered at the May 2004 State Board meeting.

Waiver requests that satisfy the proposed conditions outlined below are to be treated as consent matters on the agendas for the March and May 2004 State Board meetings.

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<sup>1</sup> *Education Code* Section 51225.4(b) specifies in effect that students must complete the content of Algebra I, which may be in the form of a specific course by that name or a series of integrated mathematics courses (typically also including the content of Geometry and Algebra II). Where these guidelines use the term “Algebra I,” the broader meaning just described is intended.



**Waiver Guidelines/Conditions and Required Documentation**

The purpose of the waiver is to permit the local education agency (LEA) applying for the waiver to award high school diplomas to otherwise qualified students in the Class of 2004 who lack only the completion of Algebra I.2

1. All students who are otherwise eligible to receive a high school diploma in 2003-04, but who have not completed Algebra I, are currently enrolled in and are being encouraged to complete Algebra I during 2003-04.
2. All students (and their parents/guardians) in the graduating class of 2004-05 who have not completed Algebra I will be:
  - Advised immediately of the Algebra I completion requirement; and
  - Receive counseling in selecting summer school classes in 2004 and/or regular classes during the 2004-05 school year to ensure that they have the opportunity to complete Algebra I (or its equivalent).
3. The LEA specifically acknowledges that the State Board of Education does not intend to consider as a consent matter waiver requests pertaining to the Algebra I completion requirement for students in the Class of 2005 and thereafter.
4. By Friday, April 2, 2004, the LEA provides the California Department of Education a status report on all of its students in the Class of 2004 and the Class of 2005 who have not completed Algebra I, and the efforts being made to facilitate their completion of the course. At a minimum, the status report is to include:
  - A listing of the names (**or a list of unique student identifiers**) of the affected 2003-04 seniors with a brief (one- or two-sentence) description of why each of the students did not complete Algebra I prior to 2003-04.
  - A certification, signed by the superintendent (or authorized designee) of the LEA, that the provision relating to notification of students/parents/guardians of the Class of 2005 has been met, supported by evidence such as a sample letter to students/parents/guardians and a directive to the high school's counselors.

The status report shall be delivered to the Waiver Office, California Department of Education, 1430 N Street, Sacramento, California, 95814, along with (unless previously delivered) the waiver request. The Waiver Office (assisted as may be necessary by other CDE staff) is to review the documentation for completeness and consistency with these conditions, then present it to the Executive Director of the State Board of Education with a recommendation as to whether the conditions have been met (or that processes are in place to ensure that the conditions will be met) as

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2 The requirement to complete Algebra I as a condition of receiving a high school diploma applies to all students beginning in 2003-04, including, for example, students in adult, alternative, and charter schools and in special education.



appropriate.

5. By Friday, April 30, 2004, the Executive Director of the State Board of Education will determine whether the conditions have been met (or that processes are in place to ensure that the conditions will be met) as appropriate.
  - For purposes of waivers acted upon at the March 2004 State Board meeting, if the Executive Director determines that the conditions have been (or will be) met, this waiver is operative. If the Executive Director determines that the conditions have not been (or will not be) met, this waiver is denied pursuant to the reasons justifying denial that are set forth in *Education Code* Section 33051(a)(1) – the educational needs of pupils are not adequately addressed – and (4) – pupil protections are jeopardized. If the waiver is denied in keeping with this procedure, the LEA will be offered the option of having the denial placed on the May 2004 State Board agenda for purposes of reconsideration, subject to the public notice limitations of the Bagley-Keene Open Meeting Act.
  - For purposes of waivers to be acted upon at the May 2004 State Board meeting, if the Executive Director determines that the conditions have been (or will be) met, the waiver will be recommended for approval. If the Executive Director determines that the conditions have not been (or will not be) met, the waiver will be recommended for denial pursuant to the reasons justifying denial that are set forth in *Education Code* Section 33051(a)(1) – the educational needs of pupils are not adequately addressed – and (4) – pupil protections are jeopardized.

**Status of 2003-04 seniors – otherwise eligible to graduate – who lack completion of Algebra 1**

Any 2003-04 high school senior – otherwise eligible to graduate – who lacks completion of Algebra I is **not eligible** to receive a diploma unless the LEA has an approved waiver. Waiver requests as outlined above are eligible for consideration as consent matters by the State Board of Education. Such a student may also become eligible to receive a diploma by completing Algebra I in summer school (2004), and any LEA who has a student in that circumstance is encouraged to give the student priority for summer school enrollment.



# California State Board of Education Policy

**WAIVER GUIDELINES**  
Guidelines for Evaluating Requests for Waivers to Equalization of School Improvement Funding in Secondary Schools

POLICY #
DATE
<b>4/13/90</b>

<b>REFERENCES:</b> Authority: <i>Education Code (EC) 33050 - 33053</i>
<b>HISTORICAL NOTES</b>

**Statutory Provision/Regulation Involved:** EC Section 52046(b) 2 and 3

**BACKGROUND:**

Although the enrollment and demography of many schools and districts have changed since the initial grants were made, the funding patterns for Secondary School Improvement Programs have not necessarily followed the students of greatest need. A large number of districts are seeking waivers to readjust secondary SIP allocations.

The following levels established as a result of the allocations for the 1989-90 school year follow:

- In grades 7-8, 75 percent of the students statewide are funded at \$30 per unit of a.d.a. during 1989-90. (Grade 9 students in these schools receive no funds).
- The remaining 25 percent of the students in grades 7-8, previously funded for implementation, are funded at \$106.93 per unit of a.d.a. (Grade 9 students in these schools are funded at \$77.22 per unit of a.d.a.)
- Twenty percent of students enrolled in grades 9 through 12 statewide are funded at \$77.22 per unit of a.d.a. The remaining 80 percent of high school students receive no funding.

**EVALUATION GUIDELINES:**

1. The funds should follow from school with small numbers of percentages of low achieving students to schools with equal or greater numbers or percentages of low achieving students.
2. The School Site Council at the funded schools have been given an opportunity at an early stage of the deliberations to provide meaningful input into the manner in which the funds will be shared among the participating schools.
3. A reasonable and timely process for reducing the allocation to the school funded initially and phasing it in at receiving schools has been established.

	<b>California State Board of Education Policy</b>	<b>Page 2 of 2</b>
	WAIVER GUIDELINES	POLICY #
	Guidelines for Evaluating Requests for Waivers to Equalization of School Improvement Funding in Secondary Schools	DATE 4/13/90

4. The level of funding after redistribution must be sufficient to support a viable program at all participating schools (i.e., not less than \$30 per unit of ada).



# California State Board of Education Policy

POLICY #
<b>02-02</b>
DATE
<b>September 2002</b>

WAIVER GUIDELINES

## Federal Waiver – Supplemental Educational Services Under NCLB

REFERENCES: Authority:

“No Child Left Behind Act” (NCLB) Title I, Part A, Section 1116 (e)(10)(A)

HISTORICAL NOTES

2002 HR 1 “No Child Left Behind” authorized several waivers to be approved by the “SEA”

### Federal Section(s) involved:

“No Child Left Behind Act” (NCLB) Title I, Part A, Section 1116 (e): Supplemental Educational Services, the local educational agency (LEA) serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency (SEA) in accordance with reasonable criteria...that the SEA shall adopt.

### Federal Waiver Authority:

NCLB Title I, Part A, Section 1116 (e)(10)(A): At the request of a LEA, a SEA may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services if the SEA determines that-- (i) none of the providers of those services on the list approved by the SEA...makes those services available in the area served by the LEA or within a reasonable distance of that area; and (ii) the LEA provides evidence that it is not able to provide those services.

### Background:

The NCLB Act of 2001 requires districts with Program Improvement schools in years 2 and above under NCLB to provide supplemental services (tutoring and enrichment educational services) to low income students furthest away from meeting academic standards. Parents select a provider of services from a State Board of Education approved list of service providers.

### Waiver Guidelines/Criteria

At the request of a district, the SEA may waive in whole or in part, the requirement to provide supplemental services. The law specifies that the SEA can approve a waiver from a district based on information that:

- No provider of services on the state approved list makes those services available in the area served by the district or within a reasonable distance **and**
- The district provides evidence that it is not able to provide the services.

California State Board of Education

1430 N Street, Room 5111  
Sacramento, California 95814  
(916) 319-0827  
(916) 319-0118 (fax)



**Required Documentation:**

Since the State Board of Education’s authority to grant a waiver is based on these two grounds, a waiver request must address these three issues:

1. Is there a provider of services on the state approved list that makes those services available in the area served by the district or within a reasonable distance? Provide a copy of the current list of providers and the reason the district determined each provider could not be used in their area. The burden is on the district to show that any time or distance is unacceptable or unreasonable.
2. If there is an “internet link” provider on the state approved list? Provide information as to why the district cannot use distance learning technologies, e-learning, online or distance learning to make available supplemental educational services to eligible students.
3. Is there a reason the district did not apply to become a Supplemental Service provider? Provide evidence why the district is not able to provide the services.

**Period of Request:**

Waivers will be granted for a maximum of one year and will be terminated in June of the school year in which the waiver was granted.

**Notification:** (Reference: NCLB Title I, Part A, Section 1116 (e)(10)(B))

The CDE Waiver Office will provide notice within 30 days of receipt of the LEA's “completed” request for a waiver and whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval. There is a **Special Calendar** for receipt of these waivers available at: [www.cde.ca.gov/waiver/](http://www.cde.ca.gov/waiver/)



# California State Board of Education Policy

POLICY #
DATE
<b>1/14/96</b>

**WAIVER GUIDELINES**  
 Guidelines for Evaluating Requests for Waivers to Fund the Local Share of Miller-Unruh Reading Specialists with School Improvement Funding

<b>REFERENCES:</b> Authority: <i>Education Code (EC)</i> Sections 52859(b) 52863
<b>HISTORICAL NOTES</b>

**Statutory Provision/Regulation Involved:** *EC* Section 52859(b)

**Background:**

When a district and a school choose to include Miller-Unruh funds as part of the school's School Based Coordinated program (SBCP), *Education Code (EC)* Section 52859(b) contains language which prohibits districts from paying the local share of Miller-Unruh costs with SBCP funds. Requests to waive this restriction under the specific waiver authority in *Education Code (EC)* Section 52863 may be placed for approval on the State Board's Consent Calendar if they meet the following evaluation guidelines.

**Evaluation Guidelines:**

The School Site Council verifies that:

1. They have reviewed the laws governing Miller-Unruh (*Education Code (EC)* sections 54100-54142), School Improvement Program (SIP) (*Education Code (EC)* Section 52000), and School Based Coordinated Programs (*Education Code (EC)* sections 52853 and 52859) and find that this use of funds is consistent with their school improvement plan.
2. They have examined alternative sources for the co-funding of Miller-Unruh.
3. They have completed a thoughtful analysis of the benefits and disadvantages to both SIP and Miller-Unruh of co-funding the Miller-Unruh Program with SIP funds, have determined that the benefits outweigh the disadvantages of losing the SIP funds for other purposes, and that given the total picture at the school, the best option is to co-fund the Miller-Unruh Program with SIP funds.
4. They have approved the waiver request.



# California State Board of Education Policy

POLICY #
<b>00-03</b>
DATE
<b>September 2002</b>

SUBJECT
<b>Instructional Materials Fund Expenditures</b>

REFERENCES
Education Code Section 60242.
HISTORICAL NOTES
Adopted June 2000, replacing Policy #98-02 (adopted and amended July 1998) which superseded prior IMF expenditure policy (adopted July 1989). Amended September 2002.

The Education Code directs the California State Board of Education to establish the Instructional Materials Fund (IMF) expenditure policy<sup>1</sup> [see Education Code Section 60242].

<b>UP TO 100% OF IMF FUNDS MAY BE SPENT</b>	<p>Until June 30, 2003, a local education agency (LEA) may use any of its IMF funds (regardless of the percentage those funds represent of the LEA’s total IMF allocation) to purchase core or supplementary instructional materials from any source suitable for instruction in the “Structured English Immersion” program called for in Education Code Sections 300-340 (Proposition 227), provided that:</p> <ol style="list-style-type: none"> <li>(1) Those materials are core materials or supplementary materials that will help students develop skills in English (reading, writing, speaking and understanding);</li> <li>(2) The local school board certifies in a public meeting that the materials are appropriate for the “Structured English Immersion” program described under Proposition 227; and</li> <li>(3) The local school board has reviewed the alignment of the materials with the State Board approved content standards in language arts.</li> <li>(4) The local school board certifies in a public meeting that the LEA has already purchased adopted instructional materials for every student in the core subject areas of history-social science (purchased from the 1999 History-Social Science Adoption list), science (purchased from the 2000 Science Adoption list), mathematics (purchased the 2001 Mathematics Adoption list), and reading-language arts and English language development (purchased from the 2002 RLA/ELD Adoption list).</li> </ol>
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<b>70% OF IMF FUNDS MUST BE SPENT ON</b>	<ul style="list-style-type: none"> <li>• State-adopted instructional materials.</li> </ul>
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California State Board of Education Policy

SUBJECT

Instructional Materials Fund Expenditures

POLICY # 00-03

DATE September 2002

<p>25% OF IMF FUNDS MAY BE SPENT ON</p>	<ul style="list-style-type: none"> <li>• Non-adopted instructional materials that have passed legal compliance review at the state level.</li> <li>• Instructional materials that are exempt from a legal compliance review, such as trade books, maps and globes, reference materials (including dictionaries), math manipulatives, and hand-held calculators.</li> <li>• Instructional materials that are designed for use by pupils and their teachers as a learning resource, are integral to a program as defined in Education Code Section 60010(h), but do not contain print or pictures, and therefore, do not need a legal compliance review.</li> </ul>
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<p>5% OF IMF FUNDS MAY BE SPENT ON</p>	<ul style="list-style-type: none"> <li>• Any instructional material that has passed a state or local level legal compliance review.</li> <li>• Instructional television and distance learning.</li> <li>• Tests (Education Code Section 60242(a)(3)).</li> <li>• In service training (Education Code Section 60242(a)(4)).</li> </ul>
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NOTE: School Districts may petition the State Board of Education for approval to spend more than 30 percent of their IMF on non-adopted instructional materials that have passed legal compliance review at the state level, or materials that do not require a legal compliance review, and that better meet the curricular goals of the district and are deemed to be more desirable for their student population.

\* \* \* \* \*

<sup>i</sup> Education Code Section 60242. (a) The state board shall encumber the fund for the purpose of establishing an allowance for each district board, which may reflect increases or decreases in average daily attendance, that the district board may use for the following purposes:

- (1) To purchase instructional materials adopted by the state board.
- (2) To purchase instructional materials, including, but not limited to, technology-based materials, from any source.
- (3) To purchase tests.
- (4) To bind basic textbooks that are otherwise usable and are on the most recent list of basic instructional materials adopted by the state board and made available pursuant to Section 60200.
- (5) To fund in-service training.

(b) The state board shall specify the percentage of a district board's allowance that is authorized to be used for each of the purposes identified in subdivision (a).

(c) Allowances established for school districts pursuant to this section shall be apportioned in September of each fiscal year.

[The foregoing is the text of Education Code Section 60242 operative on the date the revision to this policy was adopted by the State Board of Education in September 2002.]



# California State Board of Education Policy

**WAIVER GUIDELINES**  
Guidelines for Evaluating Requests for Waivers  
for Minimum Funding of K-6 School Improvement  
(SI) Programs Schools

POLICY #
DATE
<b>6/12/92</b>

<b>REFERENCES:</b> Authority: <i>Education Code (EC) 33050-33053</i>
<b>HISTORICAL NOTES</b>

**Statutory Provision/Regulation Involved:** *EC 52048(c)*

This section requires school districts to allocate funds to any school or schools in the district for use in kindergarten and grades 1 through 6 for the operation of school improvement programs, provided that the allocation to any school shall not be reduced to less than 80 percent of the school's prior year enrollment in kindergarten and grades 1 through 6 multiplied by one hundred six dollars (\$106) adjusted pursuant to subdivision (a).

**Background:**

Approximately 107 waivers for funding SI Programs K-6 schools below the minimum funding levels have been requested since September, 1988, of which none have been recommended for denial by the Department. The State Board of Education has granted approval of these waivers in every case. The Department has recognized the difficulty school districts have when their enrollment increases for which expansion funds are not forthcoming from the State, and thus, have been supportive of these waiver requests.

The most common objective of this type of waiver request is to leave carryover funds with the schools which generate them rather than redistributing the carryover. A second objective sometimes cited is that the school district may wish to provide SI funding to one or more additional schools.

In order to ensure that SI schools receive funding sufficient to implement an acceptable level of services, CDE is recommending that minimum funding does not fall below \$31.00 per pupil. This is the amount which the Department allocated to the last middle grades schools to receive SI funding. This is also the amount provided to schools under SBE 1882.

**EVALUATION GUIDELINES**

1. The request must be submitted by November 1<sup>st</sup> of the current fiscal year.
2. If the district has any employee bargaining units, they have been consulted and their

	<b>California State Board of Education Policy</b>	<b>Page 2 of 2</b>
	WAIVER GUIDELINES	POLICY #
	Guidelines for Evaluating Requests for Waivers for Minimum Funding of K-6 School Improvement (SI) Programs Schools	DATE 6/12/92

position is either supportive or neutral.

3. The request must be reviewed by the appropriate school site council committee(s) and no objections are noted.
4. The request must be approved by the local board of education.
5. The public hearing notice was advertised in a newspaper or was posted at each school and a public hearing has been held.
6. No negative consequence(s) has been identified by the district if the waiver is granted.
7. The per pupil SI allocation proposed in the waiver request is at least \$31.00.



# California State Board of Education Policy

POLICY #
<b>93-01</b>
DATE
<b>July 1993</b>

WAIVER GUIDELINES

## Sale or Lease of Real Property

REFERENCES
Education Code Section 33050 et seq.
HISTORICAL NOTES
Originally adopted July 1984. Amended July 1990 and July 1993.

### **Statutory Provisions Involved**

Education Code Sections 39290 through 39545, except 39313-39325, 39360.5, and 39363.5(a). These provisions address terms and conditions for sale or lease of property, including terms of sale, use of funds, priorities of offering, notices, bidding, use of surplus school playground and recreational property, etc.

### **Background**

Waiver requests generally indicate that districts have complied with the Education Code requirements but have been unsuccessful in selling or leasing the property or that a joint venture would serve the interests of the school district and community better than the bidding process otherwise required.

### **Evaluation Guidelines**

A request to waive the bidding process for a lease or sale of surplus real property must assure that:

1. No other state code section or another agency's jurisdiction will be nullified in order for the request to become effective.
2. The request has been reviewed by a facilities advisory committee as defined in E.C. 39296.
3. The district desires to extend a lease of a facility to a satisfactory tenant who continues to meet district requirements.
4. The local governing board has determined that the parcel is too small to have any educational impact.

**OR**

The district has either:

- a. Already followed the Education Code and has not been able to complete the sale or lease for lack of bidders; or
- b. The district desires to enter into a joint venture and agrees to the following:

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California State Board of Education

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Sacramento, California 95814  
(916) 657-5478  
(916) 653-7016 (fax)



- That the Board has declared the property surplus and has considered recommendations of the site advisory committee in conformance with Education Code Section 39295-98.
  
- That upon granting of the waiver, the district will proceed with a joint venture partner selection process as follows:
  - i) The governing board of the district, in a regular open meeting, by a two-thirds vote of its members, shall adopt a resolution declaring its intention to enter into a joint venture. The resolution shall call for the issuance of a Request for Qualifications based on criteria set forth in the resolution. The criteria shall include, but not be limited to, a description of the property proposed to be utilized, the type of project envisioned, anticipated capital resources needed to develop the project, the type of experience needed to develop the project, and the final date for submitting qualification resumes.
  
  - ii) After the final submission of qualifications by the applicants, the governing board will determine, from the resumes submitted, those applicants best qualified to make a proposal to the school district for the development of the property. The governing board will announce, at a public meeting, the applicants deemed to be qualified. From those deemed qualified, the governing board will issue a Request for Proposals based on specific criteria developed by the board.
  
  - iii) Upon receipt of the proposals, the governing board will select the best suited applicant and will announce the selection at a public meeting. The governing board will then negotiate the final terms of an agreement for a joint venture between the school district and the private applicant and will announce the terms of the signed agreement at a public meeting.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Downey Unified School District (USD)</b> to waive <i>Education Code (EC)</i> Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs.</p> <p>Waiver Number: 12-1-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That *EC* Section 33051(c) will apply, and the district will not be required to reapply annually if the information contained on the request remains the same.

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

The State Board Of Education (SBE) has approved waivers of this type since 2001. In March 2002, the SBE adopted a waiver policy, "Adult Education Innovation and Alternative Instruction Delivery Program: Percentage of Block Entitlement, Number 02-01," to facilitate evaluations of these waivers.

### **SUMMARY OF KEY ISSUES**

In 1993 the California Legislature passed *EC* Section 52522 permitting the State Superintendent of Public Instruction to approve adult school plans to spend up to five percent of their block entitlement on innovation and alternative instructional delivery.

Application requirements include reimbursement and accountability worksheets for all courses. The California Department of Education (CDE) per *EC* Section 52515 must approve courses, 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, citizenship, and parent education.

Increased access to instruction for hard-to-serve adults is a basic tenet of adult education innovation and alternative instructional delivery programs. 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, study packet assignments, and computer-based delivery.

The SBE 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 five percent to an

amount not greater than seven percent.

Downey USD has submitted all items requested in the SBE waiver guidelines and the review of documentation supports waiver approval.

The CDE recommends approval and that *EC 35051(c)* will apply and the district will not be required to reapply annually if information contained on the request remains the same.

## WAIVER GUIDELINES

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

Downey USD verification has been submitted and is on file.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery of 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

Downey USD verification has been submitted and is 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 average daily attendance loss in the regular adult education state apportionment program must be documented.

Approval       Denial

Verification indicates stability with growth during the prior three-year history for annual apportionment. Downey USD's verification has been submitted and is on file.

4. A request for an increase from five percent to an amount not greater than seven percent of the amount of the adult block entitlement that may be used for innovation and alternative instructional delivery programs to include a description of the program and a rationale for change. Information and documentation in all of the following three areas is required for consideration of the waiver:

- Increase In Number of Students with Limited Access to Traditional Education Options

Downey USD verification of increase in the student population with limited access to traditional education options has been submitted and is on file.

Approval       Denial

- Increase In Program Capacity

Downey USD verification of increased program capacity has been submitted and is on file. Program expansion increasing curriculum delivery and access to curriculum is documented. Program has expanded to meet needs in employment growth in social services, health services and retail management.

Approval       Denial

- Improved Student Assessment Documentation

Downey USD verification of improved student assessment documentation has been submitted and is on file.

Approval       Denial

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2005 to July 1, 2007, EC 33051(c) will apply

**Local board approval date(s):** January 17, 2006

**Public hearing held on date(s):** January 17, 2006

**Bargaining unit(s) consulted on date(s):** November 15, 2005

**Name of bargaining unit/representative(s) consulted:** CSEA (Unit 1) Pam Martinez, CSEA (Unit 2) Patrick Linehan, OEA, Robert Becker

**Position of bargaining unit(s) (choose only one):**

Neutral       Support       Oppose

**Public hearing advertised by (choose one or more):**

posting in the newspaper     posting at each school     other (specify)

**Advisory committee(s) consulted:** Leadership Committee

**Objections raised (choose one):**  None     Objections are as follows:

**Date(s) consulted:** October 27, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval adjusts the percentage within the district's fixed adult education block entitlement. No additional funding would result from approval of this waiver request.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<b>SUBJECT</b> Request by <b>North Orange County Regional Occupational Program (ROP)</b> for a renewal waiver of <i>Education Code (EC)</i> Section 52314.6(a) regarding the three percent limit on enrollment of students under the age of 16 in the ROP.  Waiver Number: 44-2-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That: (1) All State Board of Education (SBE) waiver guidelines must be adhered to; (2) age sixteen enrollment be limited to 10 percent of average daily attendance (ADA) funding in the prior year Annual Apportionment, and (3) *EC* 33051(c) will apply.

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

Waiver requests of this type have been discussed and approved by the SBE under the SBE Waiver Policy Number 00-06 in June 2000. This district received a one year waiver of this same request on November 10, 2005.

### **SUMMARY OF KEY ISSUES**

North Orange County ROP is requesting this waiver. The waiver is needed to allow more students under age 16 recommended by their counselors/administrators to have access to, and benefit from, ROP instruction in all of their participating districts.

In many cases, students are enrolled in career pathways and academy programs that begin in the ninth or tenth grade, but because of the under age sixteen limitation of three percent, cannot participate in the learning opportunities ROPs provide. This waiver ensures the availability of ROP training and services necessary to meet the greatest needs of individual students and schools by allowing the percentage under sixteen to go up to 10 percent.

North Orange County ROP has also provided assurances that they agree to all of the conditions specified by the SBE Policy 00-06 dated June 2000. These assurances meet all the requirements of the SBE's waiver policy for a waiver of *EC* Section 52315.6.

For this reason the department recommends approval.

**Authority for Waiver:** *EC* Section 33050

**Period of request:** July 1, 2006, to June 30, 2007

**Local board approval date(s):** February 15, 2006

**Public hearing held on date(s):** February 15, 2006

**Bargaining unit(s) consulted on date(s):** No bargaining unit

**Name of bargaining unit/representative(s) consulted:** None

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**Advisory committee(s) consulted:** Curriculum Council

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** February 10, 2006

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no fiscal impact to the Department or the ROP.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<b>SUBJECT</b> Request by <b>Southeast Regional Occupational Program (ROP)</b> for a waiver of <i>Education Code (EC)</i> Section 52314.6(a) regarding the 3 percent limit on enrollment of students under the age of 16 in the ROP.  Waiver Number: 36-3-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That (1) All State Board of Education (SBE) waiver guidelines must be adhered to, (2) age 16 enrollment be limited to 10 percent of average daily attendance (ADA) funding in the prior year annual apportionment, and (3) approval for one year only.

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

The SBE under the SBE Waiver Policy Number 00-06 has approved waiver requests of this type, "Regional Occupational Centers and Programs: Percentage of Students Under the Age of 16," approved in June 2000.

### **SUMMARY OF KEY ISSUES**

Southeast ROP is requesting this waiver as a consortium serving ROP students from ABC Unified School District and Norwalk-La Mirada School District. The waiver is requested to allow students recommended by their counselors/administrators to have access to, and benefit from, ROP instruction in all of their participating districts.

In many cases, students are enrolled in career pathways and academy programs that begin in the ninth or tenth grade, but because of the under age sixteen limitation of three percent, cannot participate in the learning opportunities ROPs provide. This waiver ensures the availability of ROP training and services necessary to meet the greatest needs of individual students and schools by allowing the percentage under sixteen to go up to 10 percent.

Southeast ROP has also provided assurances that they agree to all of the conditions specified by the SBE Policy 00-06 dated June 2000. These assurances meet all the requirements of the SBE's waiver policy for a waiver of *EC* Section 52315.6.

Therefore, the department recommends approval on the condition that (1) All SBE waiver guidelines must be adhered to, (2) age sixteen enrollment be limited to 10 percent of average daily attendance (ADA) funding in the prior year annual apportionment, and (3) approval for one year only.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2006 to June 30, 2007

**Local board approval date(s):** March 15, 2006

**Public hearing held on date(s):** March 15, 2006

**Bargaining unit(s) consulted on date(s):** No bargaining unit

**Name of bargaining unit/representative(s) consulted:** None

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**Advisory committee(s) consulted:** ROP Coordinating Council

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** March 3, 2006

**FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no fiscal impact to the Department or the ROP.

**BACKGROUND INFORMATION**

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Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<b>SUBJECT</b> Request by <b>Susanville School District</b> to waive <i>Education Code (EC)</i> Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). <b>Susanne Cooper</b> assigned at <b>McKinley School</b> .  Waiver Number: 25-2-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

That Ms. Susanne Cooper will have instructional aide time for at least 9.84 hours a day.

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

Both *EC* Section 56101 and *California Code of Regulations (CCR)*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the SBE grants a waiver.

### SUMMARY OF KEY ISSUES

In January 2006, Ms. Cooper's caseload increased from 28 to 29 students. As required by *CCR*, Title 5, Section 3100, the waiver application stipulates Ms. Cooper, the affected resource specialist, had the assistance of instructional paraprofessionals 9.84 hours daily.

Susanville School District administration indicated the waiver will not exceed the maximum statutory time line of two consecutive years nor exceed a maximum caseload of 32 students. California Department of Education staff confirmed Ms. Cooper voiced her agreement to the waiver, and the bargaining unit participated in the development and supported in the waiver.

The department recommends approval with the condition that Ms. Cooper will have instructional aide time for at least 9.84 hours a day.

**Authority for the Waiver:** *EC* Section 56101 and *CCR*, Title 5, Section 3100

**Period of request:** March 1, 2006, to June 30, 2006

**Local board approval date(s):** January 18, 2006

**Bargaining unit(s) consulted on date(s):** February 28, 2006

**Name of bargaining unit(s)/representative(s):**

Susanville Teachers' Association (STA) / Ms. Becka Holmes

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments: As noted above, Ms. Holmes substantiated her approval, but feels there are too many students. She also states that she feels Ms. Cooper will be able to uphold the legal requirements of the students' IEPs.

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students.

**BACKGROUND INFORMATION**

Consent Item: Background materials, waiver request forms and supporting documents are available for web viewing and are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Claremont Unified School District</b> to waive <i>Education Code (EC) Section 56362(c)</i>, allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). <b>Amy Stanger</b> assigned at <b>Sumner Elementary</b>.</p> <p>Waiver Number: 46-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the resource specialist will have an additional two instructional aides at six hours per day (one aide serving two students with autism) and a third aide will be provided for 2.5 hours per day.

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

Both *EC Section 56101* and *California Code of Regulations (CCR)*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the SBE grants a waiver.

### **SUMMARY OF KEY ISSUES**

This waiver stipulates that the following resource specialist, Ms. Amy Stanger assigned to Sumner Elementary, will have a caseload of 32 students for school year 2005-06. Claremont Unified School District is requesting a short term (six month) waiver.

This is the first year this district has requested a waiver for this teacher. The district will provide the services of two instructional aides for six hours per day serving two students with autism and one aide at 2.5 hours per day to help with additional caseload.

Ms. Stanger states that she did not have a student caseload of more than 28 during the past school year. The district's bargaining unit has taken a neutral position on this waiver, although additional documentation indicated that the union representation felt this was an unusual situation, and this waiver was the best solution, given the circumstances.

The department recommends approval on the condition that the resource specialist will have an additional two instructional aides at six hours per day (one aide serving two students with autism) and a third aide will be provided for 2.5 hours per day.

**Authority for the Waiver:** *EC* sections 56101 and *CCR*, Title 5, Section 3100

**Period of request:** 12-1-05 through 6-15-06

**Local board approval date(s):** 1-16-2006

**Bargaining unit(s) consulted on date(s):** 2-19-2006

**Name of bargaining unit(s)/representative(s):** Richard O'Neal

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

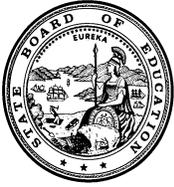
Comments:"[Richard O'Neal] interviewed Ms. Stanger carefully. It was her clear professional judgment that this short term waiver would have a materially favorable (sic) impact on her practice for the duration of this waiver. It was also clear that her case was exceptional and, the district having accommodated all her requests that the increased number of students would not be at all onerous."

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied the district will need to employ additional qualified staff or persons with emergency qualification to provide services to the special education students.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Jefferson Elementary School District</b> to waive <i>Education Code (EC)</i> Section 56362(c) allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). <b>Polly Petz</b> assigned at <b>Monticello Elementary School</b>.</p> <p>Waiver Number: 10-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the district will provide the resource specialist with an additional aide for five hours per day.

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

Both *EC* Section 56101 and *California Code of Regulations (CCR)*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the SBE grants a waiver.

### **SUMMARY OF KEY ISSUES**

This waiver requests that resource specialist, Ms. Polly Petz, have a caseload of 32 students for school year 2005-06. Ms. Petz is assigned to Jefferson Elementary School District and confirmed, per telephone conversation on February 15, 2006, that she has agreed to the increase in her caseload of 28 students by no more than four students.

The Jefferson Elementary School District stated that this was the second year they had assigned work over the required caseload for Ms. Petz. However, a recount of students by student attendance for school year 2004-05 found that the resource specialist had not been over her caseload so was compliant with the waiver authority.

The district has agreed to provide the services of another instructional aide to assist Ms. Petz for five hours per day. The union participated in the waiver development, and

indicated a neutral position, noting that the waiver was only for the remainder of the 2005-06 year.

Jefferson Elementary is in the process of hiring another resource specialist to provide special education services to students. This waiver will provide a grace period to insure special education services are not interrupted.

The department recommends approval with the condition that the district will provide the resource specialist with an additional aide for five hours per day.

**Authority for the Waiver:** EC sections 56101 and CCR, Title 5, Section 3100

**Period of request:** School year 2005-06

**Local board approval date(s):** January 31, 2006

**Bargaining unit(s) consulted on date(s):** January 25, 2006

**Name of bargaining unit(s)/representative(s):** Jefferson Teachers Association, Representative, Jeniene Lang

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments: Jefferson Teachers Association representatives understand that this waiver is for the remainder on the 2005-06 year only.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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If this waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students.

**BACKGROUND INFORMATION**

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Consent Item: Background materials, waiver request forms and supporting documents are available for web viewing and are available for inspection in the Waiver office



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<b>SUBJECT</b> Request by <b>Washington Union School District</b> to waive <i>Education Code (EC) Section 56362(c)</i> allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). <b>Karen Kamm</b> assigned at <b>San Benancio Middle School</b> .  Waiver Number: 53-2-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the district will provide two additional aids working 5 hours per day to assist Karen Kamm, the affected resource specialist.

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

Both *EC 56101* and *California Code of Regulations (CCR)*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the SBE grants a waiver.

### **SUMMARY OF KEY ISSUES**

This waiver stipulates that the following resource specialist (RS), Ms. Karen Kamm will have a caseload of 32 students for school year 2005-06. Ms Kamm is assigned to the Washington Union School District and confirmed per telephone conversation on March 1, 2006, that she agrees to the increase in her caseload of 28 students by no more than 4 students. The district will provide the services of two instructional aides for five hours each per day.

In the original form submitted to the California Department of Education requesting a waiver the district provided some confusing information regarding the resource specialist caseload for Ms. Kamm, in school year 2004-05. After reviewing attendance records for San Benancio Middle School by the resource specialists and the Director of Special Education they found that this program did not average above 28 students

during the school year 2004-05 for this same resource specialist so that this condition of granting a waiver is met. The union representative, Mr. Yonekura was spoken to on March 3, 2006 and confirmed that his organization participated in the waiver development and took a neutral position on this item.

Washington Union School District is in the process of reviewing the needed number of service providers for school year 2006-07. This waiver will provide a grace period to insure special education services are not interrupted.

The department recommends approval on the condition that the district will provide two additional aids working 5 hours per day to assist Karen Kamm, the affected resource specialist.

**Authority for the Waiver:** *EC* Section 56101, and *CCR*, Title 5 Section 3100

**Period of request:** School year 2005-06

**Local board approval date(s):** February 15, 2006

**Bargaining unit(s) consulted on date(s):** February 2-14, 2006

**Name of bargaining unit(s)/representative(s):**

GTA, Representative Derek Yonekura

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments; I spoke with

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied the district will need to employ additional qualified staff or persons with emergency qualification to provide services to the special education students.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Union School District</b> to waive <i>Education Code (EC)</i> Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). <b>Janet Humphress</b> assigned at <b>Oster School</b>.</p> <p>Waiver Number: 38-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That resource specialist is provided with five hours or more of instructional aides.

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

Both *EC* Section 56101 and *California Code of Regulations (CCR)*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individual Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the State Board of Education grants a waiver.

### **SUMMARY OF KEY ISSUES**

The waiver requests that Janet Humphress, a resource specialist, will have an increase in her caseload from 28 to 32 students. Ms. Humphress is assigned to Oster School in the Union School District and per a telephone conversation on April 3, 2006, agrees to the increase in her caseload of 28 by no more than 4 students. The district and Ms. Humphress are aware that this waiver will not be approved for two consecutive years. The district will provide an instructional aide for five hours or more per day.

The resource specialists bargaining unit representative, Milli Coats, participated in the waiver development and is in support of the waiver as discussed in a telephone conversation on April 3, 2006. *CCR*, Title 5, Section 3100 does not require union agreement, only participation in the waiver process. The California Department of Education is recommending approval of this waiver because the teacher agrees and all other conditions are met.

**Authority for the Waiver:** *EC 56101 and CCR Title 5, Section 3100*

**Period of request:** January 20, 2006 to June 16, 2006

**Local board approval date(s):** February 13, 2006

**Bargaining unit(s) consulted on date(s):** February 3, 2006

**Name of bargaining unit(s)/representative(s):** Union District Education Association, Milli Coates, UDEA President

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the Union School District will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students placing a financial hardship on the district.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Orange Center Elementary School District</b> to waive <i>Education Code (EC) Section 56362(c)</i>; allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more that 4 students (32 maximum). <b>Leslie Aguilar</b> assigned at <b>Orange Center Elementary</b>.</p> <p>Waiver Number: 22-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the District will provide the resource specialist with an additional instructional aide for six hours per day.

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

Both *EC Section 56101* and *California Code of Regulations (CCR)*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the SBE grants a waiver.

### **SUMMARY OF KEY ISSUES**

Orange Center Elementary School District is a one-school district with a highly mobile student population. After winter break, three new students enrolled in the district resource specialist program. This waiver request is for the period of January 30 through June 8, 2006. An instructional aide is assigned 6 hours per day. All students received services as outlined in their IEP during the affected time periods.

As confirmed by telephone on April 3, 2006, both the affected resource specialist, Ms. Leslie Aguilar, and her bargaining unit representative participated in the development of the waiver request. The resource specialist indicates that she can provide the needed pupil contact time and other assigned duties and programmatic conditions.

The department recommends approval on the conditions that the District will provide the resource specialist with an additional instructional aide for six hours per day.

**Authority for the Waiver:** EC Section 56101 and CCR, Title 5, Section 3100

**Period of request:** January 30-June 8, 2006

**Local board approval date(s):** March 7, 2006

**Bargaining unit(s) consulted on date(s):** March 10, 2006

**Name of bargaining unit(s)/representative(s):** Orange Center Teachers' Association, Leslie Conlee Contacted on April 3, 2006.

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

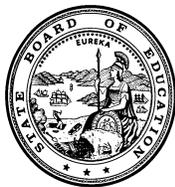
Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students.

**BACKGROUND INFORMATION**

Consent Item: Background materials, waiver request forms and supporting documents are available for web viewing and are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Federal Waiver

<b>SUBJECT</b>  Request by <b>Susanville School District</b> to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of <b>Character Counts</b> – a Comprehensive Health, Substance Abuse, Violence Prevention Program.  Waiver Number: 19-3-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

The Susanville School District must submit a report to the Safe and Healthy Kids Program Office (SHKPO) no later than May 2006 that describes the progress made by the University of Akron in evaluating the *Character Counts* program. In addition, the district must submit a report to the SHKPO no later than May 2008 that describes the progress made by the National Center for Character Counts in submitting the results of the evaluation to (1) the National Registry of Evidence-based Programs and Practices, (2) the University of Colorado's Center for the Study and Prevention of Violence, or (3) the California Healthy Kids Resource Center, for possible designation as a Model, Blueprint, or Validated Program. The district must be willing to take part in a formal evaluation, if requested. The district must also evaluate its own comprehensive prevention program implemented in accordance with the district's approved local educational agency (LEA) plan.

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

State Board of Education (SBE) Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for science-based prevention programs. The SBE has previously approved waivers allowing the use of the *Character Counts* program for multiple districts.

### SUMMARY OF KEY ISSUES

A waiver is requested so that the LEA may use the promising prevention program, *Character Counts*. In accordance with SBE Policy 03-01, the following three conditions must be satisfied before use of a promising prevention program may be approved:

#### 1. Is the program innovative?

This condition is satisfied because the program uses an innovative youth development approach to character education in order build positive strengths, assets, and character in students.

**2. Does the program demonstrate substantial likelihood of success?**

The program was previously the subject of an evaluation that was not completed. Researchers at South Dakota State University conducted a five-year study of *Character Counts* using an extensive questionnaire covering demographics, attitudes, and behavior from a large student sample that comprised as many as 8,419 respondents. Preliminary results indicated that the program cut crime and drug use sharply. Students who said they had drunk alcoholic beverages dropped 31 percent and those that had taken illegal drugs dropped 32 percent. Unfortunately, this study was not completed in part because researchers did not believe they could continue withholding the program from the students in the control group.

**3. Is there a plan and timeline for submitting the program for review?**

The University of Akron is in the midst of a comprehensive study of *Character Counts* as implemented throughout a school district in Alliance, Ohio. This study is designed in line with the federal requirements for scientifically-based research. Final results will be available in June 2006 with the possibility of preliminary data being available sooner. The staff at the National Center for Character Counts will submit the results of the evaluation to one or all of (1) the National Registry of Evidence-based Programs, (2) the University of Colorado's Center for the Study and Prevention of Violence, and (3) the California Healthy Kids Resource Center, no later than August 2006. The LEA has committed to participating in the data collection process for that study if requested. The district has provided supplemental information attached to the original waiver application stating the above. Following through on these commitments is therefore a condition for approval of the waiver. The supplemental information also confirms the district's desire to request a period of waiver for two years commencing with the date the SBE takes action.

The California Department of Education recommends that this waiver request be approved as it meets each of the three criteria identified in SBE Policy 03-01.

**Authority for Waiver:** NCLB, Title IV, Part A, Section 4115(a) (3)

**Period of request:** May 2006-May 2008

**Local board approval date(s):** March 8, 2006

**FISCAL ANALYSIS (AS APPROPRIATE)**

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Waiver approval will allow the district to use Title IV, Safe and Drug Free Schools and Communities funds for this program.

**BACKGROUND INFORMATION**

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Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**Specific Waiver**

<b>SUBJECT</b> Request by the <b>Golden Feather Union School District</b> for a waiver of <i>Education Code (EC)</i> Section 52852, allowing one joint school site council to function for three small rural schools.  Waiver Number: 35-3-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### RECOMMENDATION

Approval    Approval with conditions    Denial

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

The State Board of Education (SBE) has granted similar waivers to other small rural districts under waiver guidelines approved by SBE. This is a renewal of a previously granted waiver (#121-4-2004-WC-20).

### SUMMARY OF KEY ISSUES

Golden Feather Union School District is a small rural district with three school sites. Spring Valley Elementary has an enrollment of 75 students; Concow Elementary has an enrollment of 75; and Golden Feather Community Day School has an enrollment of seven.

All sites are under common administration. Staff for all sites hold common faculty meetings and plan, implement, monitor and evaluate as one group. To ensure continued shared responsibility for the program and articulating of curriculum, it is necessary to function as a unit under one school site council.

The department recommends approval of the waiver request.

**Authority for the Waiver:** *EC* Section 52863

**Period of request:** June 30, 2006, through June 30, 2008

**Local board approval date(s):** March 9, 2006

**Bargaining unit(s) consulted on date(s):** February 23, 2006

**Name of bargaining unit(s)/representative(s):** GFTA, Marianne Larson

**Position of bargaining unit(s) (choose only one):** Not required for a specific waiver of this type.

Neutral

Support

Oppose

**FISCAL ANALYSIS (AS APPROPRIATE)**

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This request utilizes existing funds and will not result in additional costs to the district or to the state.

**BACKGROUND INFORMATION**

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Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by various local educational agencies (LEAs) under the waiver authority of <i>Education Code (EC)</i> Section 49548 to waive <i>EC</i> Section 49550, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during summer school sessions.</p> <p>Waiver Number: Various</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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### **RECOMMENDATION**

Approval    Approval with conditions    Denial

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

For many years the California State Board of Education (SBE) has granted waivers of the meal requirements for needy children attending summer school under the criteria in *EC* Section 49548, the waiver authority written in 1998.

In October 2005, Assembly Bill 1392 (Umberg) was signed into law, with the intent of strengthening those criteria, and reducing the number of students going without meals because of waivers granted. Public schools must now meet one out of three new conditions in *EC* 49548 in order to receive approval to waive the requirement to provide a meal during summer school sessions as specified in *EC* Section 49550.

### **SUMMARY OF KEY ISSUES**

California statute includes a mandatory requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (includes summer school):

*EC* 49550 (a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

Under waiver authority in *EC* 49548, the individual school sites within a district operating summer school sessions for students may be granted a waiver if they meet one of the following three new conditions:

#### CONDITION ONE

Elementary schools shall be granted a waiver if a Summer Food Service Program for Children (SFSP) site is available within one-half mile of the school site. Middle schools,

junior high schools, and high schools shall be granted a waiver if a SFSP site is available within one mile of the school site. Additionally, one of the following conditions must exist:

The hours of operation of the SFSP site commence no later than one-half hour after the completion of the summer school session day.

The hours of operation of the SFSP site conclude no earlier than one hour after the completion of the summer school session day.

For purposes of this section of law, "elementary school" means a public school that maintains kindergarten or any of grades 1 to 8 inclusive.

#### CONDITION TWO

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations*, Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be equal to the operating costs of one month as averaged over the summer school sessions.

The financial analysis must include a projection of future meal program participation based on either of the following:

The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch during school hours and not before or after the school day.

The school site operating as an open Summer Seamless Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

#### CONDITION THREE

Summer school sites that operate two hours or less including breaks and recess shall be granted a waiver.

The California Department of Education (CDE) recommends approval of the waiver of the meal requirement in *EC* Section 49550 for the 51 districts, as a review has shown each site to meet at least one of the three criteria for waiver approval.

**Authority for the Waiver:** *EC* Section 49548

**Period of request:** Various

**Local board approval date(s):** Various

The districts listed below have requested a waiver of *EC* Section 49550 for the summer of 2006, and have certified their compliance with all required conditions necessary to obtain a waiver.

<b>Waiver Number</b>	<b>District Name</b>	<b>Effective Period of Request(s)</b>	<b>Local Board Approval</b>	<b>Criteria Being Met</b>
58-3-2006	<b>Wiseburn SD</b>	07/10/06 to 07/28/06	03/14/06	1
57-3-2006	<b>Kings River-Hardwick Un SD</b>	06/19/06 to 07/21/06	03/14/06	2
55-3-2006	<b>Ready Springs Un SD</b>	06/19/06 to 07/14/06	03/21/06	2
56-3-2006	<b>Pleasant Valley SD</b>	06/19/06 to 07/14/06	02/13/06	2
40-2-2006	<b>Rockford ESD</b>	06/06/06 to 06/30/06	02/09/06	3
65-2-2006	<b>Peninsula Un SD</b>	06/19/06 to 07/14/06	02/28/06	2
32-3-2006	<b>Coati-Rohnert Park USD</b>	06/19/06 to 07/28/06	03/07/06	2
55-2-2006	<b>Ballico-Cressey SD</b>	07/03/06 to 07/31/06	03/12/06	2
66-2-2006	<b>Pollock Pines SD</b>	06/12/06 to 07/08/06	02/14/06	2
20-2-2006	<b>Magnolia Un SD</b>	06/19/06 to 07/17/06	02/08/06	2
18-2-2006	<b>Pioneer Un SD</b>	06/05/06 to 06/30/06	02/09/06	2
41-2-2006	<b>Liberty ESD</b>	06/26/06 to 07/19/06	02/07/06	2
28-2-2006	<b>Union Hill ESD</b>	06/12/06 to 06/30/06	02/14/06	2

VARIOUS DISTRICTS

Waiver Number	District Name	Effective Period of Request(s)	Local Board Approval	Criteria Being Met
5-3-2006	<b>Mammoth USD</b>	06/21/06 to 08/01/06	03/27/06	2
48-3-2006	<b>Big Oak Flat-Groveland USD</b>	06/19/06 to 08/11/06	03/22/06	2 & 3
51-3-2006	<b>Kern HSD</b>	06/05/06 to 07/14/06	03/20/06	1
47-3-2006	<b>Manzanita ESD</b>	06/26/06 to 07/21/06	01/11/06	1
45-3-2006	<b>Solvang SD</b>	06/26/06 to 07/21/06	03/13/06	3
41-3-2006	<b>Kingsburg Jt Un HSD</b>	06/12/06 to 07/21/06	04/19/06	2
54-3-2006	<b>Standwood A. Murphy ESD</b>	06/19/06 to 07/18/06	03/09/06	3
9-3-2006	<b>Silver Fork ESD</b>	06/12/06 to 07/08/06	03/28/06	2
14-3-2006	<b>Sonora ESD</b>	07/10/06 to 08/04/06	03/15/06	2
17-3-2006	<b>Menlo Park City SD</b>	06/22/06 to 07/20/06	03/06/06	2
30-3-2006	<b>Los Alamos SD</b>	07/05/06 to 07/28/06	03/09/06	2
33-3-2006	<b>Cutten SD</b>	06/26/06 to 07/28/06	03/13/06	2
45-2-2006	<b>McCabe Un ESD</b>	06/19/06 to 07/14/06	02/14/06	2
8-3-2006	<b>Ojai USD</b>	06/22/06 to 08/04/06	03/07/06	2
11-3-2006	<b>Mother Lode Un SD</b>	05/31/06 to 06/27/06	03/08/06	2

Waiver Number	District Name	Effective Period of Request(s)	Local Board Approval	Criteria Being Met
31-3-2006	<b>Sutter Union HSD</b>	06/12/06 to 07/11/06	03/14/06	2
43-2-2006	<b>Temple City USD</b>	06/19/06 to 07/28/06	03/22/06	2
40-3-2006	<b>Mendocino USD</b>	06/26/06 to 07/21/06	03/16/06	2
27-2-2006	<b>Forestville Un SD</b>	06/26/06 to 07/28/06	01/12/06	2
22-2-2006	<b>Southern Trinity Jt USD</b>	06/19/06 to 08/01/06	02/08/06	2
16-3-2006	<b>Lammersville ESD</b>	06/07/06 to 07/13/06	02/22/06	2
53-3-2006	<b>Fieldbrook ESD</b>	06/26/06 to 07/21/06	02/28/06	2
51-2-2006	<b>San Marino USD</b>	06-19-06 to 07/28/06	03/7/06	2
14-4-2006	<b>Walnut Valley USD</b>	06/12/06 to 07/28/06	05/17/06	2
18-4-2006	<b>Milbrae ESD</b>	06/27/06 to 07/26/06	03/13/06	2
12-4-2006	<b>Ross Valley SD</b>	06/19/06 to 07/14/06	04/20/06	2
16-4-2006	<b>Eastern Sierra USD</b>	07/03/06 to 08/18/06	04/26/06	2
3-4-2006	<b>Nevada City SD</b>	06/20/06 to 08/11/06	03/28/06	2
6-4-2006	<b>Snelling Merced Falls SD</b>	07/05/06 to 08/08/06	02/09/06	2
15-4-2006	<b>Larkspur SD</b>	06/20/06 to 07/21/06	04/26/06	2
10-4-2006	<b>Needles USD</b>	06/06/06 to 07/12/06	03/13/06	2

Waiver Number	District Name	Effective Period of Request(s)	Local Board Approval	Criteria Being Met
4-4-2006	<b>Sierra-Plumas Jt USD</b>	06/19/06 to 08/07/06	03/28/06	2
9-4-2006	<b>Bellflower USD</b>	06/26/06 to 07/21/06	03/09/06	1 & 2
14-4-2006	<b>Delphic ESD</b>	06/19/06 to 07/28/06	03/08/06	2
2-4-2006	<b>Conejo Valley USD</b>	06/21/06 to 08/25/06	04/25/06	2
19-4-2006	<b>Stanislaus Un SD</b>	06/19/06 to 07/28/06	04/03/06	1
21-4-2006	<b>Maple SD</b>	06/05/06 to 06/30/06	04/06/06	2
24-4-2006	<b>Calipatria USD</b>	06/19/06 to 07/18/06	04/25/06	1

**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**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Chowchilla Union High School District</b> to waive <i>Education Code (EC) Section 49550</i>, to waive <i>Education Code (EC) Section 49550</i>, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during the Saturday school session.</p> <p>Waiver Number: 22-4-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

**Approval**    **Approval with conditions**    **Denial**

Waivers fully meeting the established criteria usually go to the State Board of Education (SBE) consent calendar. This is the district's first request for a Saturday school meal waiver at any of their sites.

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

The SBE has granted several waivers of the meal requirements for needy children attending the Saturday school session. SBE policy guidelines adopted December 11, 1992 are used when reviewing these waivers.

### **SUMMARY OF KEY ISSUES**

*EC* 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 school district has requested to waive *EC* Section 49550 for their Saturday school session and has certified their compliance with all required conditions necessary to obtain a waiver.

The SBE grants Saturday school meal waivers if two of the following criteria exist:

- (a) The Saturday school session is less than four hours in duration and is completed by noon, allowing pupils to go home during the lunch period.
- (b) Less than 10 percent of the needy pupils attending the Saturday school session are at the school site for more than three hours per day.
- (c) The Saturday school site does not have proper refrigeration facilities to enable meals to be prepared on Friday and served on Saturday.
- (d) Serving meals during the Saturday school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources.

The Chowchilla USD has meet criteria (a) and (c) above for their Saturday school conducted at the Chowchilla Union High School. The Saturday school session runs three hours and fifty-five minutes and serving meals on Saturday will result in a financial loss.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2006 to June 30, 2007

**Local board approval date(s):** April 4, 2006

**Public hearing held on date(s):** April 4, 2006

**Bargaining unit(s) consulted on date(s):** Not required for Saturday school meal waivers.

**Name of bargaining unit/representative(s) consulted:** Not applicable for Saturday school meal waivers.

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**Advisory committee(s) consulted:** Not applicable for Saturday school meal waivers.

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** Not applicable for Saturday school meal waivers.

### **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**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Lone Pine Unified School District</b> under the waiver authority of <i>Education Code (EC) Section 49548</i> to waive <i>Education Code (EC) Section 49550</i>, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during the Saturday school session.</p> <p>Waiver Number: 52-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

**Approval**    **Approval with conditions**    **Denial**

Waivers fully meeting the established criteria usually go to the State Board of Education (SBE) consent calendar. This is the district's first request for a Saturday school meal waiver at any of their sites.

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

The SBE has granted several waivers of the meal requirements for needy children attending the Saturday school session. SBE policy guidelines adopted December 11, 1992 are used when reviewing these waivers.

### **SUMMARY OF KEY ISSUES**

*EC 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 school district has requested to waive *EC Section 49550* for their Saturday school session and has certified their compliance with all required conditions necessary to obtain a waiver.

The SBE grants Saturday school meal waivers if two of the following criteria exist:

- (a) The Saturday school session is less than four hours in duration and is completed by noon, allowing pupils to go home during the lunch period.
- (b) Less than 10 percent of the needy pupils attending the Saturday school session are at the school site for more than three hours per day.
- (c) The Saturday school site does not have proper refrigeration facilities to enable meals to be prepared on Friday and served on Saturday.
- (d) Serving meals during the Saturday school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources.

The Lone Pine USD has meet criteria (a) and (c) above for their Saturday school conducted at the Lone Pine High School. The Saturday school session runs three hours and fifty-five minutes and there is no refrigeration equipment at that school site. Meals for the regular school year are produced at the Lo-Inyo Elementary School, transported to the Lone Pine High School, and served immediately.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2006 to June 30, 2007

**Local board approval date(s):** March 15, 2006

**Public hearing held on date(s):** March 15, 2006

**Bargaining unit(s) consulted on date(s):** Not required for Saturday school meal waivers.

**Name of bargaining unit/representative(s) consulted:** Not applicable for Saturday school meal waivers.

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**Advisory committee(s) consulted:** Not applicable for Saturday school meal waivers.

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** Not applicable for Saturday school meal waivers.

**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**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<b>SUBJECT</b> Request by <b>Alameda County Office of Education</b> to waive <i>California Code of Regulations (CCR)</i> , Title 5, Section 11960 to allow the charter school attendance to be calculated as if it were a "regular" multi-track school for FAME Charter School.  Waiver Number: 26-4-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

That: 1) The charter school will not operate more than two tracks; 2) Each track will operate a minimum of 180 days; 3) For each track, the charter school will offer a minimum of annual instructional minutes as specified by *EC* Section 47612.5; 4) No track will have fewer than 55 percent of its school days prior to April 15; and 5) average daily attendance (ADA) will be calculated separately for each track by the method set forth in *CCR*, Title 5, Section 11960, and then the resulting figures will be totaled; 6) *EC* 33051(c) will apply.

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

At its July 2000 meeting, the State Board of Education (SBE) approved the Charter School Average Daily Attendance Waiver Policy (#2000-05) that applies to this waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past six years.

### SUMMARY OF KEY ISSUES

*CCR*, Title 5, Section 11960 defines regular average daily attendance (ADA) in a charter school, and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 if the school operates fewer than 175 days in any fiscal year. Specifically, the section states:

(a) As used in *EC* 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.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar so that they can claim the full ADA. In a multi-track calendar, the *total* number of days that school is taught may actually exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 or 180 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

Alameda County is requesting this waiver to assist the FAME Charter School to meet the needs of the educational program on a two track calendar. The charter has provided a calendar which shows each track consists of 180 days, with the total number of instructional minutes provided as per *EC* Section 46201.5(a)(2).

The waiver will allow CDE to calculate FAME Charter School ADA "as if they were a regular school with multiple tracks." The charter has proved that no track has fewer than 55 percent of its school days occurring prior to April 15.

A waiver of this section will allow Learning Choice Academy School to exceed 200 days of instruction and separately calculate the ADA for each track, rather than for the school as a whole. On the basis of this analysis, and with the conditions as listed, the CDE recommends approval of this waiver for the period requested.

The department recommends approval of this waiver with the stated conditions, and that *EC* 33051(c) will apply.

**Authority for Waiver:** *EC* Section 33050

**Period of request:** July 1, 2005, to June 30, 2007

**Local board approval date(s):** May 9, 2006

**Public hearing held on date(s):** May 9, 2006

**Bargaining unit(s) consulted on date(s):** The charter school has no bargaining units

**Name of bargaining unit/representative(s) consulted:**

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper     posting at each school     other (specify)

**Advisory committee(s) consulted:** FAME Charter School Board Meeting

**Objections raised (choose one):**  None     Objections are as follows:

**Date(s) consulted:** 4/18/06

**FISCAL ANALYSIS (AS APPROPRIATE)**

This waiver request will not greatly impact either state or local finances.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**Specific Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Riverside Unified School District</b> to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for 33 special education students based on <i>EC Section 56101</i>, the special education waiver authority.</p> <p>Waiver Number: 27-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

That this waiver removes only the requirement that these 33 students successfully complete a course in Algebra I (or equivalent) through December 31, 2006 only. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC Section 51225.3* in order to receive a high school diploma. In the event a student granted this waiver does not graduate by December 31, 2006, this waiver does not relieve the student of the responsibility to attempt to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC Section 51224.5(b)*.

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

In 2000, legislation was enacted to require students as a condition of receiving a high school diploma to complete Algebra I. The Algebra I requirement applies beginning with students graduating in 2003-04. The State Board of Education (SBE) has granted a number of student specific waivers in past years using the waiver authority of *EC Section 56101*.

### SUMMARY OF KEY ISSUES

For the review of this waiver request, the district was required to provide the following documentation:

- For each student included in the waiver request, attach a valid, current Individualized Education Program (IEP) for each student for whom you are requesting a waiver. Highlight the areas of mathematics deficiencies and how the student's needs in mathematics were addressed.
- Information from IEPs for high school years to prove that the student was on the diploma track consistently and evidence that the IEP was written to support the student's participation in diploma track math courses, particularly algebra.

- Indicate the specific assistance the district provided to the student, such as supplementary aids, services, accommodations, modifications, and supports, to attain this diploma track goal specifically for the algebra requirement in those years. Highlight all former attempts at algebra and pre-algebra classes.
- Copy of the transcript for each student. Highlight all former attempts at algebra and pre-algebra classes.
- Indicate which assessment the district has used at the high school level for the student: Standardized Testing and Reporting program (STAR) or California Alternate Performance Assessment (CAPA). (Use of the STAR is typically required for waiver approval recommendation).

The above documentation specific to each student was reviewed by a Special Education Consultant in full confidentiality. Additional information was gathered from the District by telephone or fax as need to make a determination. The District provided facts indicating that failure to approve the request would hinder implementation of the student's IEP or compliance by the district for a free, appropriate education for students with disabilities.

The California Department of Education recommends approval of the waiver for 33 students on the following conditions: That this waiver removes only the requirement that these 33 students successfully complete a course in Algebra I (or equivalent) through December 31, 2006. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student does not graduate by December 31, 2006, this waiver does not relieve the student of its responsibility to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

**Authority for the Waiver:** *EC* 56101

**Period of request:** 2005-06 School Year

**Local board approval date(s):** 03-06-2006

**Bargaining unit(s) consulted on date(s):** March 15, 2006

**Name of bargaining unit(s)/representative(s):** Riverside City Teachers Association, Mark Lawrence.

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

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There will be no adverse fiscal impact to the state if this waiver is approved.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Specific Waiver Request (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

SUBJECT	
Request by <b>Roseville Joint Union High School District</b> to waive <i>Education Code (EC)</i> Section 51224.5(b), the requirement that all students graduating in the 2005-06 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for ten special education students based on <i>EC</i> Section 56101, the special education waiver authority.	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
Waiver Number 12-3-2006	

### RECOMMENDATION

Approval  Approval with conditions  Denial

That this waiver removes only the requirement that these ten students who have successfully completed a course in Algebra I (or equivalent) through December 31, 2006 only. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student granted this waiver does not graduate by December 31, 2006, this waiver does not relieve the student of the responsibility to attempt to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

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

In 2000, legislation was enacted to require students to complete Algebra I as a condition of receiving a high school diploma. The Algebra I requirement applies beginning with students graduating in 2003-04. The State Board of Education (SBE) has granted a number of student specific waivers in the past years using the waiver authority of *EC* Section 56101.

### SUMMARY OF KEY ISSUES

For the review of this waiver request, the district was required to provide the following documentation:

- For each student included in the waiver request, attach a valid, current Individualized Education Program (IEP) for whom you are requesting a waiver. Highlight the areas of mathematics deficiencies and how the students' needs in mathematics were addressed.
- Information from IEPs for high school years to prove that the student was on the diploma track consistently and evidence that the IEP was written to support the students participation in diploma track math courses, particularly algebra.

- Indicate the specific assistance the district provided to the student, such as supplementary aids, services, accommodations, modifications, and supports, to attain this diploma track goal specifically for the algebra requirement in those years.
- Copy of the transcript for each student. Highlight all former attempts at algebra and pre-algebra classes.
- Indicate which assessment the district has used at the high school level for the student: Standardized Testing and Reporting program (STAR) or California Alternate Performance Assessment (CAPA). (Use of the STAR is typically required for waiver approval recommendation).

The above documentation specific to each student was reviewed by a Special Education Consultant in full confidentiality. Additional information was gathered from the district by telephone or fax as needed to make a determination. The district has provided facts indicating that failure to approve the request would hinder implementation of the student's IEP or compliance by the district for a free, appropriate education for students with disabilities.

The California Department of Education recommends approval of the waiver for ten students on the following conditions: That this waiver removes only the requirement that these ten students successfully complete a course in Algebra I (or equivalent) through December 31, 2006. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student does not graduate by December 31, 2006, this waiver does not relieve the student of responsibility to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

**Authority for the Waiver:** *EC* Section 56101

**Period of request:** 2005-06 School Year

**Local board approval date(s):** March 3, 2006

**Bargaining unit(s) consulted on date(s):** Consultation is not required for this waiver.

**Name of bargaining unit(s)/representative(s):** Consultation is not required for this waiver.

**Position of bargaining unit(s) (choose only one):** Consultation is not required for this waiver.

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

There will be no adverse fiscal impact to the state if this waiver is approved.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or SBE Office.

Attachment 1: Specific Waiver Form (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**Specific Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Stockton Unified School District</b> to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for three special education students based on <i>EC Section 56101</i>, the special education waiver authority.</p> <p>Waiver Number: 26-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

That this waiver removes only the requirement that these three students successfully complete a course in Algebra I (or equivalent) through December 31, 2006 only. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC Section 51225.3* in order to receive a high school diploma. In the event a student granted this waiver does not graduate by December 31, 2006, this waiver does not relieve the student of responsibility to attempt to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC Section 51224.5(b)*.

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

In 2000, legislation was enacted to require students to complete Algebra I as a condition of receiving a high school diploma. The Algebra I requirement applies beginning with students graduating in 2003-04. The State Board of Education has granted a number of student specific waivers in past years using the waiver authority of *EC Section 56101*.

### SUMMARY OF KEY ISSUES

For the review of this waiver request, the district was required to provide the following documentation:

- For each student included in the waiver request, attach a valid, current Individualized Education Program (IEP) for each student for whom you are requesting a waiver. Highlight the areas of mathematics deficiencies and how the students' needs in mathematics were addressed.
- Information from IEPs for high school years to prove that the student was on the diploma track consistently and evidence that the IEP was written to support the student's participation in diploma track math courses, particularly algebra.

- Indicate the specific assistance the district provided to the student, such as supplementary aids, services, accommodations, modifications, and supports, to attain this diploma track goal specifically for the algebra requirement in those years.
- Copy of the transcript for each student. Highlight all former attempts at algebra and pre-algebra classes.
- Indicate which assessment the district has used at the high school level for the student: Standardized Testing and Reporting program (STAR) or California Alternate Performance Assessment (CAPA). (Use of the STAR is typically required for waiver approval recommendation).

The above documentation, specific to each student, was reviewed by a Special Education Consultant in full confidentiality. Additional information was gathered from the district by telephone or fax as needed to make a determination. The district has provided facts indicating that failure to approve the request would hinder implementation of the student's IEP or compliance by the district for a free, appropriate education for students with disabilities.

The California Department of Education recommends approval of the waiver for three students on the following conditions: That this waiver removes only the requirement that these three students successfully complete a course in Algebra I (or equivalent) through December 31, 2006. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student does not graduate by December 31, 2006, this waiver does not relieve the student of responsibility to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

**Authority for the Waiver:** *EC* Section 56101

**Period of request:** 2005-06 School Year

**Local board approval date(s):** March 9, 2006

**Bargaining unit(s) consulted on date(s):** Consultation is not required for this waiver.

**Name of bargaining unit(s)/representative(s):** Consultation is not required for this waiver.

**Position of bargaining unit(s) (choose only one):** Consultation is not required for this waiver.

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

There will be no adverse fiscal impact to the state if this waiver is approved.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or SBE.

Attachment 1: Specific Waiver Request (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Saddleback Valley USD</b> to waive <i>Education Code (EC)</i> Section 51224.5(b), the requirement that all students graduating in the 2005-06 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for 11 special education students based on <i>EC</i> Section 56101, the special education waiver authority.</p> <p>Waiver Number: 43-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That this waiver removes only the requirement that these 11 students successfully complete a course in Algebra I (or equivalent) through December 31, 2006 only. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student granted this waiver does not graduate by December 31, 2006, this waiver does not relieve the student of responsibility to attempt to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

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

In 2000, legislation was enacted to require students to complete Algebra I as a condition of receiving a high school diploma. The Algebra I requirement applies beginning with students graduating in 2003-04. The State Board of Education has granted a number of student specific waivers in past years using the waiver authority of *EC* Section 56101.

### **SUMMARY OF KEY ISSUES**

For the review of this waiver request, the district was required to provide the following documentation:

- For each student included in the waiver request, a valid, current Individualized Education Program (IEP) for whom you are requesting a waiver. Highlight the areas of mathematics deficiencies and how the students' needs in mathematics were addressed.
- Information from IEPs for high school years to prove that the student was on the diploma track consistently and evidence that the IEP was written to support the students participation in diploma track math courses, particularly algebra.
- Indicate the specific assistance the district provided to the student, such as supplementary aids, services, accommodations, modifications, and supports, to

attain this diploma track goal specifically for the algebra requirement in those years.

- Copy of the transcript for each student. Highlight all former attempts at algebra and pre-algebra classes.
- Indicate which assessment the district has used at the high school level for the student: Standardized Testing and Reporting program (STAR) or California Alternate Performance Assessment (CAPA). (Use of the STAR is typically required for waiver approval recommendation).

The above documentation specific to each student was reviewed by a Special Education Consultant in full confidentiality. Additional information was gathered from the district by telephone or fax as needed to make a determination. The district has provided facts indicating that failure to approve the request would hinder implementation of the student's IEP or compliance by the district for a free, appropriate education for students with disabilities.

The California Department of Education recommends approval of the waiver for 11 students on the following conditions: That this waiver removes only the requirement that these 11 students successfully complete a course in Algebra I (or equivalent) through December 31, 2006. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student does not graduate by December 31, 2006, this waiver does not relieve the student of responsibility to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

**Authority for the Waiver:** *EC* Section 56101

**Period of request:** 2005-06 School Year

**Local board approval date(s):** March 14, 2006

**Bargaining unit(s) consulted on date(s):** Consultation is not required for this waiver.

**Name of bargaining unit(s)/representative(s):** Consultation is not required for this waiver.

**Position of bargaining unit(s) (choose only one):** Consultation is not required for this waiver.

Neutral

Support

Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

There will be no adverse fiscal impact to the state if this waiver is approved.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Specific Waiver Form (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by various local educational agencies to waive <i>Education Code (EC) Section 51224.5(b)</i>, the requirement that all students graduating in the 2005-06 year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for special education student(s) based on <i>EC Section 56101</i>, the special education waiver authority.</p> <p>Waiver Number: Various</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
--	---

### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That this waiver removes only the requirement that these students successfully complete a course in Algebra I (or equivalent) through December 31, 2006 only. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC Section 51225.3* in order to receive a high school diploma. In the event a student granted this waiver does not graduate by December 31, 2006, this waiver does not relieve the student of the responsibility to attempt to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC Section 51224.5(b)*.

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

In 2000, legislation was enacted to require students as a condition of receiving a high school diploma to complete Algebra I. The Algebra I requirement applies beginning with students graduating in 2003-04. The State Board of Education (SBE) has granted a number of student specific waivers in past years using the waiver authority of *EC Section 56101*.

### **SUMMARY OF KEY ISSUES**

For the review of this waiver request, the district was required to provide the following documentation:

- For each student included in the waiver request, attach a valid, current Individualized Education Program (IEP) for each student for whom you are requesting a waiver. Highlight the areas of mathematics deficiencies and how the student's needs in mathematics were addressed.
- Information from IEPs for high school years to prove that the student was on the diploma track consistently and evidence that the IEP was written to support the student's participation in diploma track math courses, particularly algebra.

- Indicate the specific assistance the district provided to the student, such as supplementary aids, services, accommodations, modifications, and supports, to attain this diploma track goal specifically for the algebra requirement in those years. Highlight all former attempts at algebra and pre-algebra classes.
- Copy of the transcript for each student. Highlight all former attempts at algebra and pre-algebra classes.
- Indicate which assessment the district has used at the high school level for the student: Standardized Testing and Reporting program (STAR) or California Alternate Performance Assessment (CAPA). (Use of the STAR is typically required for waiver approval recommendation).

The above documentation specific to each student was reviewed by a Special Education Consultant in full confidentiality. Additional information was gathered from the District by telephone or fax as need to make a determination. The District provided facts indicating that failure to approve the request would hinder implementation of the student's IEP or compliance by the district for a free, appropriate education for students with disabilities.

The California Department of Education recommends approval of the waiver for students on the following conditions: That this waiver removes only the requirement that these students successfully complete a course in Algebra I (or equivalent) through December 31, 2006. These students must meet other course requirements stipulated by the governing board of the school district of enrollment and by *EC* Section 51225.3 in order to receive a high school diploma. In the event a student does not graduate by December 31, 2006, this waiver does not relieve the student of its responsibility to successfully complete a course in Algebra I (or equivalent) in future years as required by *EC* Section 51224.5(b).

**Authority for the Waiver:** *EC* Section 56101

**Period of request:** 2005-06 School Year

**Local board approval date(s):** various dates

**Bargaining unit(s) consulted on date(s):** various dates

**Name of bargaining unit(s)/representative(s):** various names and organizations

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

### **FISCAL ANALYSIS (AS APPROPRIATE)**

There will be no adverse fiscal impact to the state if this waiver is approved.

## **BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Specific Waiver Request (1 Page)

**CALIFORNIA DEPARTMENT OF EDUCATION**  
**SPECIFIC WAIVER REQUEST**  
 AIGR-1 (Rev. 03/23/06) <http://www.cde.ca.gov/re/lr/wr/>  
 Page 1 of 1

**Waiver of Algebra I Graduation**  
**Requirements for Pupils with Disabilities**

Send Original to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

<b>CDS CODE</b>					

Local educational agency:		Phone contact and recipient of approval/denial notice:		Contact person's e-mail address:	
Address: (City) (State) (ZIP)		Phone (and extension, if necessary): ( ) - x		Fax number: ( ) -	
CA					
Period of request: (month/day/year) From: January 30, 2006 To: Dec 31, 2006			Local board approval date or SELPA signature date (required)		

**LEGAL CRITERIA**

**1. Authority for the waiver:**  Specific code section: *EC 56101*  
 56101(a) Any district, special education local plan area (SELPA), county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under...(IDEA)... or to the compliance of a district, special education local plan area, or county office with...(IDEA)...and federal regulations relating thereto.  
 (b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

**Education Code or California Code of Regulations section to be waived.**  
 51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.  
 (b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.

**Desired outcome/rationale.**  
 Request a waiver of the (above) Algebra I graduation requirement for \_\_\_\_\_ pupils with disabilities, who are seniors and are otherwise eligible to graduate in 2006.

**District/County/SELPA Certification – I hereby certify that the information provided on this application is correct & complete.**

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Banta Elementary School District (ESD)</b> to waive <i>Education Code (EC) Section 41402(a)</i>, the requirement which sets the ratio of administrators to teachers for elementary schools at 9 for every 100 teachers. Banta ESD would like to continue to have two full-time administrators with 14 teachers.</p> <p>Waiver Number: 18-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

That the administrator-to-teacher ratio be waived for one year only, July 1, 2006, through June 30, 2007 allowing Banta ESD to have 2 full-time administrators. If anticipated growth in the 2007-08 year does not occur, the district will need to apply for a renewal of the waiver.

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

This is a renewal of a previous waiver approved by the State Board of Education covering the period July 1, 2001, through June 30, 2006. In the previous request, Banta sought a waiver of the administrator-to-teacher ratio and prospective penalty in order to hire a principal as a second administrator while the superintendent focused on construction of a second school. Building the second school was anticipated due to the projected influx of new students from a planned housing development. The second administrator was hired in July 2001 and has been with the district on a full-time basis since that time. The superintendent indicates that the second administrator's salary is paid by the developer.

### SUMMARY OF KEY ISSUES

The district is requesting a waiver of *EC Section 41402 (a)* which establishes the maximum ratio of administrative employees to teachers. For an elementary school district, the ratio is 9 administrators for every 100 teachers. The district currently has 14 teachers, which allows for 1.26 administrators. Banta would need to employ three additional teachers to be in compliance with the maximum administrator-to-teacher ratio. Approving this waiver prospectively will exempt the district from any audit penalties imposed as a result of *EC Section 41404* until Banta ESD hires additional teaching staff.

The district currently has one school, Banta Elementary, and two administrators consisting of a superintendent and principal. The superintendent handles all issues related to the planned expansion and the principal is responsible for operations of the elementary school. Current enrollment at Banta Elementary is approximately 300 students. The school's 2005 Academic Performance Index (API) base is 726. The 2005

subgroup API base ranges from 641 for socioeconomically disadvantaged to 758 for White. The Hispanic or Latino subgroup API base is 677.

The original waiver was approved with the understanding that ground breaking for the new development was to start in spring 2004. The district planned to build two new schools, starting construction in the summer of 2004 and hire additional teachers for the 2005-06 school year. The superintendent explained there have been several delays and the developer is currently scheduled to break ground for the new homes in April 2007. The entire project is designed for approximately 11,000 houses, two golf courses, business park, boutique malls, and wildlife refuge.

According to the superintendent, Banta ESD is expecting to start housing students from this project in the current school facilities in the fall of 2007. The superintendent is negotiating with the developer on a mitigation agreement under which the developer would provide \$3 million to Banta ESD in order to expand the capacity of the existing school site using portable classrooms to accommodate the new students. In turn, this will necessitate the hiring of additional teachers in 2007-08, such that Banta ESD will be in compliance with the administrator-to-teacher ratio. The additional students, estimated at 200-300 by spring 2009, will be transferred to the new schools that are scheduled to open in fall 2009.

A total of six kindergarten through fifth grade schools and two sixth through eighth grade schools are planned for the district. Ground breaking for the first two schools (kindergarten through fifth grade, and sixth through eighth grade) is scheduled for the fall of 2007 at the earliest and more likely in the spring of 2008. The plans are complete for the two schools and they are scheduled to open in the fall of 2009. The capacity of the kindergarten through fifth grade school is 650 students and the capacity for the sixth through eighth grade school is 750 students. The superintendent has had discussions with the Tracy Joint Union High School District regarding unification and the possibility of building a high school. Projected growth of 6,000-8,000 students is expected within the next twenty years.

The superintendent is requesting a three year renewal of the previous waiver in case any future construction delays push the timetable for compliance into fiscal year 2008-09. If the waiver is not renewed, the administrative functions of the district and school will be the responsibility of the superintendent. The superintendent stated that the school facilities planning issues occupy approximately 60 percent of his work day and have included working with the developer on, among other things, a \$200 million mitigation agreement, the Office of Public School Construction, the Department of Toxic Substance Control, meetings with the architect, construction firm, attorney, City of Lathrop on a joint use plan, and the Tracy Joint Union High School District.

However, the department recommends approval of the waiver for only one year, from July 1, 2006, through June 30, 2007. If enrollment grows in 2007-08 and the district hires at least three teachers to accommodate the growth, the district will be compliant with the statutory maximum administrator-to-teacher ratio automatically. If this does not transpire, the district should request another waiver and provide a status report on the development project and new enrollment projections.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2006, to June 30, 2009 (Requested by district)  
July 1, 2006 to June 30, 2007 (Recommended by CDE)

**Local board approval date(s):** March 9, 2006

**Public hearing held on date(s):** February 27, 2006

**Bargaining unit(s) consulted on date(s):** February 6, 2006

**Name of bargaining unit/representative(s) consulted:** Banta Educators Association

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify) Three  
public places in district

**Advisory committee(s) consulted:** School Site Council

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** February 17, 2006

**FISCAL ANALYSIS (AS APPROPRIATE)**

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No statewide fiscal impact. Approval of waiver will prevent future audit penalties for the district.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (3 Pages)

Attachment 2: Letter from William Draa (1 Page)

Attachment 3: K-12 Enrollment Forecasts (2 pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Ontario-Montclair School District</b> to waive <i>Education Code (EC) Section 8483(a)(1)</i>, relating to after school programs, to allow <b>De Anza Middle School</b> to continue their current after school program of three hours of operation per day ending at 4:30 p.m., and not the required ending time 6 p.m., every regular school day for the remainder of the 2005-06 school year.</p> <p>Waiver Number: 10-1-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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**RECOMMENDATION**

**Approval**  **Approval with conditions**  **Denial**

That it will be in effect only through June 30, 2006.

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

This is the first time that the State Board of Education (SBE) has heard this type of waiver request as this is a new provision in the after school program which only became statute on January 1, 2006.

**SUMMARY OF KEY ISSUES**

Senate Bill (SB) 707, Statutes of 2005 amended *EC Section 8483 (a) (1)*, which changed hours of operation of an After School Education and Safety (ASES) program:

*EC Section 8483 (a) (1)*: Every after school component of a program established pursuant to this article shall commence immediately upon the conclusion of the regular school day, and operate a minimum of 15 hours per week, and at least until 6:00 p.m. on every regular school day.

SB 854 Statutes 3005, also added *EC Section 8484.75*, which mandated that the rules of operation also apply to 21st Century Community Learning Center (CCLC) programs which was the type of after school program currently in operation at De Anza Middle school. All of the district's middle schools have early release schedules. One other middle school operates an after school program (ASES) and complies with required program operation times. The district's elementary schools have later release times, and four of the elementary schools have after school programs (ASES) that operate until at least 6:00 p.m.

The De Anza Middle School regular school day begins at 7:30 a.m. and concludes at 1:30 p.m. The school was operating an after school program from 1:30 p.m. to 4:30 p.m., Monday through Friday every day that school is in session under the 21<sup>st</sup> CCLC

program. With the recent passage of new legislation, the program is no longer in compliance with new hours of program operation that require that a program stay open until 6:00 p.m. Therefore, Ontario-Montclair is requesting a temporary waiver of this new provision for this location only.

The California Department of Education (CDE) fully supports the change in the law that requires after school programs to stay open until 6:00 p.m. CDE recommends approval of this waiver, on the condition that this waiver is only granted through June 30, 2006. The district will now have time to plan for implementation of a compliant program for the 2006-07 school year.

**Authority for Waiver:** EC Section 33050

**Period of request:** January 1, 2006, to June 30, 2006

**Local board approval date(s):** January 19, 2006

**Public hearing held on date(s):** January 19, 2006

**Bargaining unit(s) consulted on date(s):** January 9 -10, 2006

**Name of bargaining unit/representative(s) consulted:** Ontario-Montclair Teacher's Association and Classified School Employee's Association Chapter 108. Executive board members from each association were consulted.

**Position of bargaining unit(s) (choose only one):**

Neutral  Support  Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper  posting at each school  other (specify)

**Advisory committee(s) consulted:** De Anza Middle School Site Council

**Objections raised (choose one):**  None  Objections are as follows:

**Date(s) consulted:** November 30, 2005

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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This waiver request will not greatly impact either state or local finances.

### **BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (6 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Los Angeles County Office of Education</b> to waive <i>Education Code (EC) Section 5091(a)(b)</i>, the provisional appointment and special election requirements, in order to postpone the election to fill a vacant school board position on the Compton Community College Board until the next regular election, November of 2007.</p> <p>Waiver Number: 48-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

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

The State Board of Education (SBE) previously has approved similar waiver requests related to *EC Section 5091(a)*. The three most recent involved Compton Unified School District (Los Angeles County) in February 2003, Klamath Trinity Joint Unified School District (Humboldt County) in May 2005, and West Fresno Elementary School District (Fresno County) in September 2005. This is the first time a request has come in for a Community College Board of Education, but they are governed by the same statute for elections.

### SUMMARY OF KEY ISSUES

The Los Angeles County Office of Education requests that the SBE waive the limit of 60 days that *EC Section 5091 (a)* gives a school or community college district governing board to make a provisional appointment or order an election to fill a vacancy on the governing board. Further, *EC Section 5091(a)* provides that if the district governing board fails to take action within 60 days then the county superintendent of schools is to order an election to fill the vacancy. Pursuant to *EC Section 5091 (b)*, once the election is ordered, it is to be held on the next established election date that occurs 130 or more days after the order of election.

This waiver would permit the Compton Community College District (CCD) to hold a board position vacant until November 2007 by: 1) allowing the Los Angeles County Superintendent of Schools to call for the election on the next regularly scheduled election to the Compton CCD governing board, which would be in November 2007, instead of on the next statewide election date in November 2006; and 2) waiving the requirement for the Compton CCD to make a provisional appointment or order an election. The Los Angeles County Superintendent of Schools has not yet called for an election to fill the vacancy and supports the waiver request.

On January 2, 2006, the Compton CCD declared a vacancy on its board after a board member resigned on November 14, 2005, from a term that ended in December 2, 2005. This member was elected to a new term on November 8, 2005, but did not execute the oath of office for the new term in December.

The Compton CCD is currently governed by a special trustee as a result of the suspension of the authority of the Compton CCD governing board by the Chancellor of the California Community Colleges due to fiscal insolvency. The trustee has the authority to call for an election or appoint someone to fill a board vacancy in lieu of the board. The Compton CCD governing board wishes to have the seat remain vacant until the November 2007 election due to the unique challenges and circumstances the district faces, specifically, accreditation issues and the financial hardship a special election would bring; the trustee concurs.

If a waiver is not granted, the Los Angeles County Superintendent of Schools would be required to call an election in November 2006 to fill the vacancy. The Los Angeles County Office of Education estimates the cost of a special election in November 2006 would be approximately \$150,000.

Therefore, the California Department of Education recommends approval of this request.

**Authority for Waiver:** EC Section 33050

**Period of request:** 01/04/06 to 12/07/07

**Local board approval date(s):** 02/07/06

**Public hearing held on date(s):** 02/07/06

**Bargaining unit(s) consulted on date(s):** LACEA: 1/11/06, SEIU: 1/11/06, CSEA: 1/11/06

**Name of bargaining unit/representative(s) consulted:** LACEA, Mark Lewis and Terri Howarth; SEIU, Tommie Shaw and Frances Lewis; CSEA, Norma Kinder and Eva Graves

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver that extends the timeline for the governing board to hold an election until November 2007 would result in a cost savings of approximately \$150,000 to the Compton CCD.

## **BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (4 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Woodland Joint Unified School District</b> for a waiver of portions of <i>Education Code (EC)</i> sections 48660 and 48916.1(d) to permit a community day school (CDS) established to serve students in grades 7-8 only to also serve retained grade 6 students on a case-by-case basis.</p> <p>Waiver Number: 42-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

**Approval**    **Approval with conditions**    **Denial**

That *EC* Section 33051(c) will apply, and the district will not be required to reapply annually if information contained on the request remains current.

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

The State Board of Education (SBE) has approved prior requests to allow school districts to serve students in grade 6 with students in grades 7-8 when it seems to best meet local needs.

### **SUMMARY OF KEY ISSUES**

The Woodland Joint Unified School District requests a waiver of portions of *EC* sections 48660 and 48916.1(d) that provide for the maximum authorized grade span to be served in a community day school (CDS).

Current law was formulated to provide flexibility in establishing the grade spans for CDSs, including a middle grades configuration used by the school district. However, a school district that does not have a grade 6-8 configuration in a middle school is still required to seek a SBE waiver in order to establish a CDS for this common grade span.

The district requests authorization to decide, on a case-by-case basis, if a student who is enrolled in the grade 6, but has been retained so that his or her original class would be in the grade 7, would more appropriately be served in the CDS serving students in grades 7-8, instead of the district's K-6 CDS. They felt it beneficial to be able to place students, on an either an age appropriate basis as or by grade level depending on the student's situation.

The District Board voted unanimously to support this request. The local bargaining unit and the School Site Council, representing students, parents, teachers, and administrators are also supporting this request.

The CDE recommends that the waiver be approved as requested, and *EC* Section 33051(c) will apply, and the district will not be required to reapply annually if information

contained on the request remains current.

**Authority for Waiver:** EC Section 33050

**Period of request:** February 1, 2006 to February 1, 2008

**Local board approval date(s):** February 23, 2006

Public hearing held on date(s): February 23, 2006

**Bargaining unit(s) consulted on date(s):** Woodland Employees Association, CSEA  
February 2, 2006

**Name of bargaining unit/representative(s) consulted:** Karen Taylor, WEA; Dennis Faron-Wilson, CSEA

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**Advisory committee(s) consulted:** Alternative Education Committee

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** February 1, 2006

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of this waiver would not have a fiscal impact on the state.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Round Valley Unified School District</b> for a waiver of portions of <i>Education Code (EC)</i> sections 48660 and 48916.1(d) to permit a community day school (CDS) established to serve students in grades 7-12 only to also serve retained grade 6 students on a case-by-case basis.</p> <p>Waiver Number: 31-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

**Approval**  **Approval with conditions**  **Denial**

For one year only to evaluate the practice.

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

The State Board of Education (SBE) has approved prior requests to allow school districts to serve students in grade 6 with students in grades 7-8 when it seems to best meet local needs, however this request is to allow grade six students in with grade 7-12 students.

### **SUMMARY OF KEY ISSUES**

The Round Valley Unified School District requests a waiver of portions of *EC* sections 48660 and 48916.1(d) that provide for the maximum authorized grade span to be served in a CDS.

Current law was formulated to provide flexibility in establishing the grade spans for CDSs, including a middle grades configuration 6-8 used by the school district, however this request is to allow grade six students in with grade 7-12 students, so is being studied for one year.

The district requests authorization to decide, on a case-by-case basis, if a student who is enrolled in the grade 6, but has been retained so that his or her original class would be in the grade 7, would more appropriately be served in the CDS serving students in grades 7-12, instead of the district's K-6 CDS. They felt it beneficial to be able to place students, on an either an age appropriate basis as or by grade level depending on the student's situation.

The district board voted unanimously to support this request. The local bargaining unit and the school site council, representing students, parents, teachers, and administrators are also supporting this waiver request.

The CDE recommends that the waiver be approved for one year, as requested so that the situation can be reviewed.

**Authority for Waiver:** EC Section 33050

**Period of request:** November 18, 2005 to November 18, 2006

**Local board approval date(s):** November 14, 2005

**Public hearing held on date(s):** November 14, 2005

**Bargaining unit(s) consulted on date(s):** CSEA, November 18, 2005

**Name of bargaining unit/representative(s) consulted:** Seana Dildine - President

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**Advisory committee(s) consulted:** School Site Council

**Objections raised (choose one):**  None       Objections are as follows:

**Date(s) consulted:** November 29, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

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Approval of this waiver would not have a fiscal impact on the state.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (3 Pages)

Attachment 2: Behavioral Contract (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Valley Center-Pauma Unified School District</b> to waive <i>California Code of Regulations (CCR)</i>, Title 5, Section 3043(d) which requires a minimum of 20 school days of attendance (with varied minutes depending on grade level of students) for an extended school year (summer school) for special education students.</p> <p>Waiver Number: 44-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the district: 1) provide within 16 days of increased minutes the time equal to that normally provided in 20 days as required by *CCR*, Title 5, Section 3043 (g)(1); and 2) only 16 days of special education average daily attendance (ADA) may be claimed for this service.

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

In past years, the State Board of Education (SBE) has approved a number of waivers to allow school districts to provide the required minimum amount of time in fewer days during the extended school year for special education students, although the number of days of ADA paid is also reduced.

Extended school year is the term for the education of the special education student "between the close of one academic year and the beginning of the next", similar to a summer school. The difference is that if an extended school year is required by the students individualized education program (IEP) the district is required to offer the schooling, unlike most summer schools.

### **SUMMARY OF KEY ISSUES**

*CCR*, Title 5, Section 3043 requires that a district to provide extended school year services) to a student who has unique needs and requires special education services and related services in excess of the regular school academic year as defined. *CCR*, Title 5, Section 3043(d) requires that the program be provided for a minimum of 20 instructional days, typically for 4 hours each day (see below).

Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the individualized education program to meet a pupil's unique needs.

Valley Center-Pauma Unified School District's waiver request states that the requested change will allow for more opportunities for special education students to be in the mainstream since this change will synchronize the schedules and simplify transportation arrangements for all students served by the district.

The California Department of Education recommends that this waiver be approved on the condition that the district provide within 16 days of increased minutes the time equal to that normally provided in 20 days as required by CCR, Title 5, Section 3043 (g)(1). In addition, with this waiver, the district may only claim special education ADA reimbursement for 16 days.

**Authority for Waiver:** EC Section 33050

**Period of request:** 07/01/05 to 08/01/06

**Local board approval date(s):** 03/09/06

**Public hearing held on date(s):** 03/09/06

**Bargaining unit(s) consulted on date(s):** CSEA on 03/08/06 VCPTA on 03/09/06

**Name of bargaining unit/representative(s) consulted:** Rosie Wahlrab and Greg Mellon

**Position of bargaining unit(s) (choose only one):**

Neutral  Support  Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper  posting at each school  other (specify)

**Advisory committee(s) consulted:** Not consulted – special education waiver

**Objections raised (choose one):**  None  Objections are as follows:

**Date(s) consulted:** N/A

### **FISCAL ANALYSIS (AS APPROPRIATE)**

There is some fiscal impact born by the local district for reduced ADA.

### **BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Petaluma Joint Union High School District (JUSD)</b> to waive <i>Education Code (EC)</i> sections 52084(a)(c) and 52086(a), Grade Nine Class Size Reduction Program (Morgan-Hart) the requirement for a <b>20:1</b> student to teacher ratio so that the district may provide a <b>23:1</b> ratio across three core courses-English, math and science, no more than 24 in any one class.</p> <p>Waiver Number: 39-3-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

**Approval**  **Approval with conditions**  **Denial**

Reason: *EC* 33051(a)(1), "The educational needs of pupils are not adequately addressed."

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

The State Board of Education (SBE) considered a similar waiver request from Petaluma at the November 2004 meeting and denied the request, asking the district to get legislation to allow a **23:1** ratio for the district, similar to that written for Tamalpais Union High School District (UHSD) at **25:1**.

Assemblyman Joe Nation did so with AB 384, but the Governor vetoed the bill in January 2006 with this statement: "However, current law allows districts like Petaluma JUHSD to present its case of special circumstances to justify waiving specific class size reduction (CSR) requirements. The State Board of Education is responsible for granting waivers from specific program requirements, when appropriate."

The Tamalpais UHSD bill was going to become inactive in June 2006, so January 2006, the SBE approved a waiver request from the Tamalpais UHSD to allow a **25:1** student to teacher ratio with conditions. The participating high schools, Drake, Redwood, and Tamalpais, must be implementing the ninth grade, smaller learning communities structure for all ninth grade students and must maintain an Academic Performance Index (API) over 800, and the district must submit a report tracking identified criteria before renewal is considered.

### SUMMARY OF KEY ISSUES

This waiver request relates to three sections of the Grade Nine CSR statutes. *EC* Section 52084(a) specifies that one or two classes can be included in a class size reduction program. *EC* sections 52084(c) and 52086(a) require certification that the participating classes in each participating school have an average class size of no more than 20 pupils and that no participating class has more than 22 pupils.

This waiver request from the Petaluma JHSD seeks to use Grade Nine CSR funds to reduce average class sizes in three subjects (English, math, and science) to 23:1 (with no more than 24 pupils in any participating class). The district proposes the waiver to permit two high schools, Casa Grande High School and Petaluma High School, to implement a ninth grade team program for English, math and science. Currently, the Petaluma JUHSD has the statutory 20:1 average ratio in English and mathematics classes but a 32:1 average ratio, in science classes. Completion of ninth grade English, mathematics, and science classes is required for high school graduation.

The original Grade Nine CSR legislation was revised in 1998 to (1) require English; (2) allow a second course if desired; and (3) allow only ninth-grade classes to participate. Through the years, the statutory pupil to teacher ratio has been mostly maintained at the average of 20:1 with a maximum of 22 pupils in any participating class. A recent exception has been Tamalpais Union High School District, as discussed above.

The statutory exception and the waiver approved in January 2006 for Tamalpais specified that participating schools had to have an API over 800.

By way of comparison with Petaluma Joint Union HSD, Casa Grande High School has a 2005 API of 740 and is in decile 8 (2004 API was 732; 2003 API was 717; 2002 was 664). Petaluma High School has an API of 756 and is in decile 8 (2004 API was 718; 2003 was 691; 2003 was 698).

As the API is significantly composed of English-language arts and mathematics assessment results, it appears evident that maintaining the statutorily prescribed average 20:1 student to teacher ratio for English and mathematics classes would benefit the students and is appropriate in the Petaluma Joint Union HSD.

For the reasons discussed above, the California Department of Education recommends that the waiver request be denied for the reason specified in *EC 33051(a)(1)*, "The educational needs of pupils are not adequately addressed."

**Period of request:** July 1, 2006 – June 30, 2007

**Local board approval date(s):** September 14, 2004

**Public hearing held on date(s):** May 18, 2004

**Bargaining unit(s) consulted on date(s):** April 6, 2004

**Name of bargaining unit/representative(s) consulted:**

Petaluma Federation of Teachers/Gary Ravani.

**Position of bargaining unit(s):**

Neutral                       Support                       Oppose

Comments (if appropriate):

Since this was revenue-neutral and no lay-offs would occur, the union did not oppose.

**Public hearing advertised by:**

posting in a newspaper       posting at each school       other - 3 public places

**Advisory committee(s) consulted:**

May 4, 2004 – Casa Grande High School Principals Advisory Committee

August 19, 2004 – Petaluma High School Principals Advisory Committee

**Objections raised:**  None       Objections are as follows:

**Date(s) consulted:** May 4, 2004, and August 19, 2004

**FISCAL ANALYSIS (AS APPROPRIATE)**

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Provided funding under the waiver is limited to two times the district's ninth grade enrollment, it is reasonable to conclude that the fiscal impact of the waiver would be minor (if any).

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (6 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Sacramento City Unified School District</b> for <b>Burbank High School</b> in Cohort I of the High Priority Schools Grant Program (HPSGP) to waive: 1) the assignment of a School Assistance and Intervention Team (SAIT) described in <i>Education Code (EC)</i> Section 52055.650 (e) (1) and <i>California Code of Regulations (CCR)</i> Title 5, Section 1030.8, or 2) the timelines for initiating the SAIT process as stipulated in <i>EC</i> 52055.650 (e)(1)(C).</p> <p>Waiver Number: 1-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

Pending: Recommendation on the waiver of the SAIT for Luther Burbank High School will be made at the May 2006 State Board of Education (SBE) meeting.

If the SAIT request is denied, the request to extend the timelines for initiating the SAIT process is recommended for approval on the condition that the timeline requirements are completed by September 30, 2006.

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

Several waivers requesting the SAIT process be waived have been before the SBE, the majority have been denied, however in all cases of denial, the timeline waivers have been approved for those same districts and schools by the SBE.

### SUMMARY OF KEY ISSUES

Luther Burbank High School was awarded a HPSGP grant for the 2001-02 school year and as a consequence agreed to meet specific accountability requirements. An HPSGP school has to make at least significant growth, as determined by the SBE, or face sanctions as described in paragraphs (1) or (2) in *EC* Section 52055.650. Significant growth for HPSGP schools is defined as making ten API points of combined growth over three years and positive growth in two of the three years.

Luther Burbank High School made 35 API points growth in 2004 and five API points growth in 2005. However, because the school was missing API data in 2003 it was necessary to apply the alternative growth criteria. *CCR*, Title 5 regulations require that a school participating in HPSGP without a valid API in any year is subject to the Alternative Growth Criteria.

In order to demonstrate alternative growth a school's weighted average percent proficient across all California Standards Tests in both English/Language Arts and mathematics must increase by at least two percentage points over the prior three year period. When this test was applied, Luther Burbank High School failed to make the required points and became state-monitored. (See Attachment 1)

The district argues that since the school would have made "significant growth" as defined for the HPSGP using the data from 2004 and 2005 only, the alternative growth criteria should not be applied and the school should not be state-monitored.

Second, the district views the efforts of a SAIT as redundant to a number of initiatives that are underway as part of a Program Improvement Year 4 restructuring effort, including small learning communities, intervention courses, and after school support for all students. (See pages 5-8 in the General Waiver Request.) The district cites a positive review of sufficiency of instructional materials for the school (*Williams* settlement). The school presented evidence that the ninth and tenth grade English/Language Arts and mathematics programs currently embed many of the Essential Program Components (EPC) of an effective academic program.

However, the opinion of the California Department of Education (CDE) is that the work of the SAIT team will bring a sharper focus to the implementation of the EPCs, especially around issues of strategic and intensive intervention where it is not clear that the school is implementing interventions with fidelity to the state definitions for "benchmark", "strategic" and "intensive" interventions. The work of a SAIT could complement the other reform initiatives underway at the school and accelerate the school's progress toward moving out of state-monitored status.

In another May 2006 SBE item, the CDE is seeking approval to start rulemaking to change *CCR*, Title 5 regulations governing the HPSGP. Should these regulations be approved, Luther Burbank High School would qualify as having made significant growth. Thus, the CDE declines to recommend for either approval or denial on the waiver application until the SBE acts on the rulemaking proposal. However, the CDE recommends approval of the timeline waiver. This would allow the district extended time to initiate the SAIT process on condition that timeline requirements are completed by September 30, 2006.

**Authority for Waiver:** *EC* Section 33050

**Period of request:** 11/09/05 - 6/30/06 Request for waiving of SAIT process  
11/09/05 - 9/30/06 CDE recommendation for timeline waiver

**Local board approval date(s):** Timeline Extension -12/15/05  
Exemption from SAIT Process - 02/9/06

**Public hearing held on date(s):** Timeline Extension - 12/15/05  
Exemption from SAIT - 02/02/06

**Bargaining unit(s) consulted on date(s):** Timeline Extension - 12/15/05  
Exemption from SAIT-- 1/3/06

**Name of bargaining unit/representative(s) consulted:**

SCTA – Marcy Launey  
SEIU – Ulysses Maddison  
UPE- Harriet Young

**Position of bargaining unit(s) (choose only one):**

Neutral  Support  Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper  posting at each school  other (specify) –  
District Web Site

**Advisory committee(s) consulted:** The Burbank High School Site Council;  
District wide Advisory Council

**Objections raised (choose one):**  None  Objections are as follows:

**Date(s) consulted:** Burbank High School Site Council- 12/13/05 & 1/31/06  
District Advisory Council - 2/01/06

**FISCAL ANALYSIS (AS APPROPRIATE)**

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As a state-monitored HPSGP school that has completed its implementation funding, Luther Burbank High School is receiving \$176,720 as its final 20 percent funding. Because it is state-monitored, the school will receive an additional \$100,000 for the SAIT and \$338,400 to implement SAIT corrective actions in 2005-06.

Should the Luther Burbank High School waiver be approved, instead of the \$438,400 in state-monitoring funds, the school will receive its fourth year of HPSGP funding at \$400 per student for a total of \$902,400.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Results of Application of Alternative Growth Criteria for Luther Burbank High School (1 Page)

Attachment 2: General Waiver Request (8 Page)

Results of Application of Alternative Growth Criteria for Luther Burbank High  
School, Sacramento City Unified District

<b>CDS Code</b>	<b>District Name</b>	<b>School Name</b>	<b>HPSGP Growth</b>	<b>ELA</b>	<b>Math</b>
34674393431	Sacramento City Unified	Luther Burbank High	No	4.07*	-12.62*

\* In order for the school to make significant growth, the values under both the ELA and Math columns would have to be at least 2.



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>La Habra City School District</b> to waive <i>Education Code (EC)</i> Section 46202(b), the longer day incentive program audit penalty for offering less instructional time in the 2004-2005 fiscal year than what the district offered in 1982-1983 at <b>Walnut Elementary School</b> by 140 minutes in grades 4 and 5.</p> <p>Waiver Number: 6-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the district maintain increased instructional time at Walnut Elementary School from the required 54,250 minutes per year to 54,390 (54,250 plus the 140 minutes short) for a period of two years beginning in 2005-2006 (this year) and continuing through 2006-2007, and report the increase in its yearly audits.

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

*EC* Section 46206 authorizes waivers to be granted for fiscal penalties because of a shortfall in instructional time. This section of the *Education Code* is very prescriptive and states that a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year.

### **SUMMARY OF KEY ISSUES**

La Habra City School District requests a waiver of *EC* Section 46202 (b), the longer day instructional time penalty, for falling below the instructional minutes offered in 1982-1983. During an audit of the 2004-2005 school year, it was discovered that Walnut Elementary School had offered 140 less than the number of minutes offered in 1982-1983 in grades 4 and 5. They offered 54,110 annual instructional minutes which is 140 minutes less than the 54,250 offered in the base year of 1982-1983. Failing to offer the number of minutes offered in 1982-1983 generated a fiscal penalty of \$15,856.84 (see below for calculation).

The principal at Walnut Elementary was new to the school and he did not see the need to change the schedule established by the previous administration until the audit revealed the shortfall of instructional time. He has added 5 minutes to the daily amount of instruction offered at the school to bring the minutes up to the required annual amount, increasing their instructional minutes in 2005-2006 to 54,250 in the 3 through 5 grades.

Walnut Elementary School houses only third through fifth grade pupils and then the students advance to one of the two middle schools, Imperial Middle and Washington Middle. It will be difficult to track the affected students as the audit finding occurred in 2004-2005 and those students are now in the middle schools. Attached is the new bell schedule that increases the instructional time to more than meet the minimum instructional time requirement. Walnut Elementary has an API of 699 for 2005 and is in rank 3 statewide.

Therefore, the department recommends approval with the condition that the district maintain increased instructional time at Walnut Elementary School from the required 54,250 minutes per year to 54,390 minutes per year (54,240 plus the 140 minutes short) for a period of two years beginning in 2005-2006 and continuing through 2006-2007, and report the increase in its yearly audits.

**Authority for the Waiver:** EC 46206

**Period of request:** September 7, 2004 to June 17, 2005

**Local board approval date(s):** January 26, 2006

**Bargaining unit(s) consulted on date(s):** January 23 and 24, 2006

**Name of bargaining unit(s)/representative(s):** Carol Allers (LHEA) and Julie Knierim (CSEA)

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

### **FISCAL ANALYSIS (AS APPROPRIATE)**

The calculation for the penalty for falling below the number of minutes offered in the base year of 1982-1983 is: 1327.95 (ADA) times \$4,728.41 (Base Revenue Limit) times 0.99677 (Deficit Factor (1)) times 0.98174 (Deficit Factor (2)) equals \$6,144,524.71 (Apportionment). 140 (Number of minutes short) divided by 54,250 (Number of required minutes) equals 0.26% (Percentage of minutes not offered). \$6,144,524.71 (Apportionment) times 0.26% (Percentage of minutes not offered) equals \$15,856.84 (Penalty). The district is requesting to waive the full penalty.

### **BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Copy of waiver request from La Habra City School District (2 Pages)

Attachment 2: Copy of audit finding and schedule of instructional time (2 Pages)

Attachment 3: Copies of 2005-06 through 2006-07 bell schedules and annual school calendar for grades 3-4-5 (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Hemet Unified School District</b> to waive <i>Education Code (EC) Section 46201(d)</i>, the longer day incentive program audit penalty for offering less instructional time in the 2004-2005 fiscal year than the minimum requirements set in 1986-87 fiscal year at: Little Lake Elementary School kindergarten (shortfall of 100 minutes), Hamilton School kindergarten (shortfall of 1,800 minutes), Idyllwild School grades 4-5 (shortfall of 260 minutes) and Hamilton School grades 9-12 shortfall of 2,280).</p> <p>Waiver Number: 24-03-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

That the district maintain increased instructional time for the following schools:

- Little Lake Elementary School kindergarten from the required 36,000 minutes per year to 36,100 minutes per year (36,000 plus the 100 minutes short);
- Hamilton School kindergarten from the required 36,000 minutes per year to 37,800 minutes per year (36,000 plus the 1,800 minutes short);
- Idyllwild School grades 4-5 from the required 54,000 minutes per year to 54,260 minutes per year (54,000 minutes plus the 260 minutes short);
- Hamilton School grades 9-12 from the required 64,800 minutes per year to 67,080 minutes per year (64,000 plus the 2,280 minutes short);

For a period of two years beginning in 2006-2007 and continuing through 2007-2008, and report the increase in its yearly audits.

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

*EC* Section 46206 authorizes waivers to be granted for fiscal penalties because of a shortfall in instructional time. This section of the *Education Code* is very prescriptive and states that a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year.

### SUMMARY OF KEY ISSUES

Hemet Unified School District requests a waiver of *EC* Section 46201(d), the longer day instructional time penalty, for offering less time in the 2004-2005 fiscal year than the minimum requirements set in 1986-1987 fiscal year. The district had instructional time shortfalls at Little Lake Elementary kindergarten, (shortfall of 100 minutes), Hamilton School kindergarten (shortfall of 1,800 minutes), Idyllwild School's grades 4-5 (shortfall

of 260 minutes) and Hamilton School's grades 9-12 (shortfall of 2,280 minutes). Failing to offer the number of minutes offered in 1986-1987 generated a fiscal penalty of \$1,326,319.98 (see below for calculation).

According to the auditor, the district did not monitor the bell schedules or the annual instructional time calendars at all of the school sites. The auditor also noted that the district had not counted the last day as a minimum day at some of their school sites adding to the errors. Errors were also made by incorrectly counting breaks and lunches and counting when the starting time occurred at some of the sites. These mistakes at each of the four school sites create a huge fiscal penalty of \$1,325,319.98.

Once discovered, the district immediately corrected the errors by updating and changing the bell schedules to prevent even greater shortfalls. To prevent any future instructional minute shortages, the district implemented procedures to review and monitor all the bell schedules for accuracy. The district will maintain these schedules on file at the district office. The district submitted worksheets to the Waiver Office that detail how each school will provide the make-up of instructional time for the 2005-2006 and 2006-2007 (see attached Proposed Waiver Make-Up worksheets for each of the four schools). The Waiver Office has asked the district to maintain the instructional minutes at the levels indicated on the district's Proposed Waiver Make-Up worksheets for the affected students at Idyllwild School in grades 6-8 in 2006-2007 school year, and for the affected students at Hamilton Elementary in grades 1-3 in 2006-2007 school year.

Therefore, the department recommends approval of this waiver request on the condition that the district maintains increased instructional time for the following schools:

- Little Lake Elementary School kindergarten from the required 36,000 minutes per year to 36,100 minutes per year (36,000 plus the 100 minutes short);
- Hamilton School kindergarten from the required 36,000 minutes per year to 37,800 minutes per year (36,000 plus the 1,800 minutes short);
- Idyllwild School grades 4-5 from the required 54,000 minutes per year to 54,260 minutes per year (54,000 minutes plus the 260 minutes short);
- Hamilton School grades 9-12 from the required 64,800 minutes per year to 67,080 minutes per year (64,000 plus the 2,280 minutes short);

For a period of two years beginning in 2006-2007 and continuing through 2007-2008, and report the increase in its yearly audits.

**Authority for the Waiver:** EC Section 46206

**Period of request:** 07/01/05 to - 6/30/07

**Local board approval date(s):** February 7, 2006

**Bargaining unit(s) consulted on date(s):** January 27, 2006

**Name of bargaining unit(s)/representative(s):** Greg Crowl, Hemet Teachers Association

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

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The penalty calculation is as follows:

Kindergarten grade:

1,405 (ADA) times \$4,974.01 (Base Revenue Limit) times .099677 (Deficit Factor 1) times 0.98174 (Deficit Factor 2) equals \$6,838,713.71 (Apportionment). 1,800 (Number of Minutes Short) divided by 36,000 (Number of Required Minutes) equals 5.00% (Percentage of Minutes Not Offered) equals \$341,935.69 (Penalty).

Grades 4-8:

3,199.8 (ADA) times \$4,974.01 (Base Revenue Limit) times 0.99677 (Deficit Factor 1) times 0.98174 (Deficit Factor 2) equals \$15,574,744.57 (Apportionment). 260 (Number of minutes short) divided by 54,000 (Required Minutes) equals 0.4815% (Percentage of minutes not offered). \$15,574,744.57 (Apportionment) times 0.4815% (Percentage of minutes not offered) equals \$74,989.51 (Penalty).

Grades 9-12:

5,310 (ADA) times \$4,974.01 (Base Revenue Limit) times 0.99677 (Deficit Factor 1) times 0.98174 (Deficit Factor 2) equals \$25,845,957.14 (Apportionment). 2,280 (Number of Minutes Short) divided by 64,800 (Number of Required Minutes) equals \$909,394.79 (Penalty).

Kindergarten Penalty equals	\$ 341,935.69
Grades 4-8 Penalty equals	74,989.51
Grades 9-12 Penalty equals	909,394.79
TOTAL	\$1,325,319.98

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1 – Specific Waiver Request from Hemet USD – (2 Pages)

Attachment 2 – Copy of Schedule of Findings – (3 Pages)

Attachment 3 – copy of District’s Proposed Waiver Make-Up 2004-2005 to 2006-2007 (4 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Claremont Unified School District</b> to Waive <i>Education Code (EC) Section 56366.1(a)</i> the requirement for state certification to allow an uncertified nonpublic agency, <b>Cornerstone Speech and Language</b>, located in South Pasadena to provide services to one special education student.</p> <p>Waiver Number: 2-4-2005</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval    Approval with conditions    Denial

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

The State Board of Education (SBE) has taken action on many waivers regarding nonpublic agency certification. Although the number has decreased recently, this is still a waiver commonly considered by the SBE.

### **SUMMARY OF KEY ISSUES**

This waiver request is to enable the district to contract for student, Kau A., to receive services from an agency, Cornerstone Speech and Language that is not state certified. The district needs the waiver approval to be able to use special education funds to reimburse an uncertified agency.

The student is nine years old with autism, hearing impairment, and a language/speech disorder. In the 2004-05 and the 2005-06 school year the student was enrolled in a general education classroom with designated instruction services (DIS) in the specialized area of speech and language.

The district's program does not provide the DIS services for this student's particular combination of disabilities. This waiver would allow the student to participate in a play-based speech and language therapy using a developmental individual relationship (DIR) based model and neuro-developmental approach to address motor planning deficits. The approach incorporates family members as active participants and is recommended by the current individualized education program (IEP.)

This speech therapy approach is not available in Claremont Unified School District, Special Education Local Plan Area, or other certified nonpublic agencies within the geographic area.

On this basis the California Department of Education recommends approval for this waiver.

**Authority for the Waiver:** *EC* Section 56101

**Period of request:** September 2004-June 2006

**Local board approval date(s):** January 1, 2005

**Bargaining unit(s) consulted on date(s):** March 21, 2005

**Name of bargaining unit(s)/representative(s):** David Memer, President

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the district would not be able to fund the placement with special education funds.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Specific Waiver Request (2 Pages)

Attachment 2: Supplemental Information from Noncertified Private School/Agency  
(2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by Lassen Union High School District (USD) and Rio Linda USD to waive a portion of <i>Education Code (EC)</i> Section 35330(d) to authorize expenditure of school district funds and transportation allowances for student expenses while out-of-state, participating in the Environmental and Spatial (EAST) Technology Conference in Hot Springs, Arkansas, which took place from February 27 to March 3, 2006.</p> <p>Waiver Number: 03-03-2006 Lassen Union High School District 13-02-2006 Rio Linda Union School District</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

**Approval**    **Approval with conditions**    **Denial**

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

The State Board of Education (SBE) has approved similar waiver requests in the past.

### **SUMMARY OF KEY ISSUES**

*EC* Section 35330(d) states that "...no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."

Lassen Union High School District and Rio Linda Union School District have students that are participating in the EAST program and attended the EAST Partnership Conference, a once a year event. This year the annual conference was held February 28 through March 2, 2006 in Hot Springs, Arkansas. The local educational agencies (LEAs) want to use district funds to allow students to travel to the conference. Students received opportunities to network and collaborate with students from all over the nation as well as attend workshops and seminars during the conference. The EAST initiative has been recognized nationally as an exemplary model for collaborative and performance-based learning. Students enrolled in EAST acquire 21<sup>st</sup> century technological skills while achieving proficiency in California's content standards.

In 2002, the SBE approved nineteen waiver requests for the same program so that students could travel to Little Rock, Arkansas to attend a national training conference for the EAST program. Approval of these waiver requests provided at least 100 students from all over the state of California the opportunity to participate in this unique program.

Therefore, the department recommends approval for this waiver request.

**Authority for Waiver:** *EC* Section 33050

**Period of request:** 02/27/06 to 03/03/06

**Local board approval date(s):** various dates

**Public hearing held on date(s):** various dates

**Bargaining unit(s) consulted on date(s):** various dates

**Name of bargaining unit/representative(s) consulted:** various

**Position of bargaining unit(s) (choose only one):**

Neutral  Support  Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper  posting at each school  other (specify)

**Advisory committee(s) consulted:** various

**Objections raised (choose one):**  None  Objections are as follows:

**Date(s) consulted:** various

### **FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of this waiver request will allow the districts to spend \$6,371.52 of school district funds and transportation allowances on students from two districts that went to the EAST conference in Hot Springs, Arkansas.

### **BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Template of EAST Technology Waiver Request (2 Pages)

Attachment 2: List of LEAs Requesting Waiver (1 Page)

Attachment 3: Background material on the EAST Conference, including the program agenda (5 Pages)

List of LEAs Requesting Waiver

LEA Name	Waiver No.	No. of Students	District Cost
Lassen Union High SD	03-03-2006	8	\$ 2,501.92
Rio Linda Union SD	13-02-2006	8	\$ 3,869.60
TOTALS		16	\$ 6,371.52



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Oakland Unified School District</b> for Life Academy, Oakland High and Oakland Technician High Schools to waive a portion of <i>Education Code (EC)</i> Section 35330(d) to authorize expenditure of school district funds and transportation allowances for student expenses while out-of -state, participating in the Close-Up Foundation's Program and with Educational Tours.</p> <p>Waiver Number: 26-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

Approval  Approval with conditions  Denial

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

The State Board of Education (SBE) has approved similar waiver requests in the past.

### SUMMARY OF KEY ISSUES

Oakland Unified School District (OUSD) requests a waiver of *EC* Section 35330(d) to allow students from three schools, Life Academy, Oakland High and Oakland Technician High to use district funds to travel out-of-state in conjunction with the Close-Up Foundation and Educational Tours. Both programs offer moderately priced travel excursions to our nation's capitol and other nationally historic locations for middle and high school aged students.

Close-Up offers students an opportunity to see and experience the federal government different from any other program. Students not only visit the usual tourist attractions during their visit to Washington, D.C., but meet with our nation's leaders. In the past, students have met with Janet Reno, Clinton's attorney general, with Alan Greenspan, the retired Chairman of the U.S. Federal Reserve and Donald Rumsfeld, the current Secretary of Defense. This important program raises the awareness of civil responsibility and provides young people with a unique experience while meeting the standards for social science/history. Forty-four students from the Life Academy High School, Oakland High and Oakland Tech will travel with the Close-Up Foundation to Washington, D.C., for a total district cost of \$37,000.

Another group of students from Oakland USD will be traveling with Educational Tours, a company that has over 40 years of experience in providing travel opportunities for students that allow them to discover the "history, politics, literature and the art of the United States." Students will tour various universities on the east coast, including the University of North Carolina, Columbia University, Georgetown University, Harvard and Boston Universities. Forty-six students from Oakland High School and Oakland Tech will travel with Educational Tours for a total district cost of \$16,760.

As these trips will broaden the educational and cultural experiences of the participating students, the department recommends approval of this waiver request.

**Authority for Waiver:** EC Section 33050

**Period of request:** 01/01/2006 to 06/30/2006

**Local board approval date(s):** February 8, 2006

**Public hearing held on date(s):** February 8, 2006

**Bargaining unit(s) consulted on date(s):** January 3, 2006

**Name of bargaining unit/representative(s) consulted:** Steven Miller, OEA Rep.,  
Oakland Education Association

**Position of bargaining unit(s) (choose only one):**

Neutral  Support  Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper  posting at each school  other (specify)

**Advisory committee(s) consulted:** SCC

**Objections raised (choose one):**  None  Objections are as follows:

**Date(s) consulted:** January 3, 2006

**FISCAL ANALYSIS (AS APPROPRIATE)**

District wants to use \$53,760 of school district funds and transportation allowances to send 90 students out-of-state as part of the Close-Up Foundation and the Educational Tours program.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>King City Joint Union High School (JUSD)</b> to waive <i>Education Code (EC)</i> Section 56362 (c) allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by 8 students (a caseload <b>36</b> students is requested). Joann Masters assigned at Greenfield High School.</p> <p>Waiver Number: 23-2-2006</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

Approval  Approval with conditions  Denial

On the basis of *California Code of Regulations (CCR)*, Title 5, Section 3100 (reasons for denial).<sup>1</sup>

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

Both *EC* Section 56101 and *CCR*, Title 5, Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialist to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialist to no more than 28 pupils unless the SBE grants a waiver.

### **SUMMARY OF KEY ISSUES**

This waiver from King City USD indicates Ms. Joann Masters, resource specialist, would have a caseload of **36** students for school year 2005-06, this exceeds the allowable caseload under the *EC* by 8 students, and is even 4 students over the 32 student caseload which the SBE may grant (with a waiver under *CCR*, Title 5, Section 3100).

<sup>1</sup> - *CCR*, Title 5, Section 3100 (reasons for denial) ... (c) (2) *The number of students to be served by an affected resource specialist under the waiver **does not** exceed the maximum statutory caseload of 28 students by more than four students (by district admission); and...* (c) (3) *The waiver **does not** result in the same resource specialist having a caseload in excess of the statutory maximum for more than two school years (by teacher statement), and ... (d) (3) **The waiver confirms that the students served by an affected resource specialist will not receive all of the services called for in their individualized education programs (by teacher statement).***

The waiver authority in *CCR*, Title 5, Section 3100 allows the increase up to no more than 32 with an approved waiver. That is only 4 additional students, not 8 additional students. The teacher's written statements (see attached) show that she is opposed to this waiver, and also states that she had a caseload over 28 for the 2004-05 school year, although the district did not have the required waiver that year.

The affected resource specialist also wrote:

"(We) Began the school year knowing the amount of students entering from middle school, and knowing caseloads would be excessive, due to more freshmen entering than seniors graduating."

The California Department of Education (CDE) staff confirmed by phone Joann Masters' opposition to the waiver. The union representative, Tim Swoverland, also confirmed by phone the union's opposition to the waiver request.

However, the district appears to be out of compliance and is being investigated by the CDE Special Education Division's Compliance Unit. The CDE recommends the SBE, as required by *CCR*, Title 5, Section 3100, deny the waiver request.

**Authority for the Waiver:** *EC* Section 56101 and *CCR*, Title 5, Section 3100

**Period of request:** School year 2005-06

**Local board approval date(s):** January 27, 2006

**Bargaining unit(s) consulted on date(s):** January 23-27, 2006

**Name of bargaining unit(s)/representative(s):** Tim Swoverland

**Position of bargaining unit(s)**

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied the district should employ additional qualified staff or persons with emergency qualifications to provide required services to the special education students.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment: Specific Waiver Request (4 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### Specific Waiver

<b>SUBJECT</b> Request by <b>Shoreline Unified School District</b> to waive <i>Education Code (EC) Section 45134(c)</i> , to allow the employment of a State Teachers Retirement System retiree as a classified school bus driver.  Waiver Number: 50-2-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input type="checkbox"/> <b>Consent</b>
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### **RECOMMENDATION**

Approval    Approval with conditions    Denial

*EC* Section 33051(c) will apply for this employee only.

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

The State Board of Education (SBE) has previously approved two similar requests for waiver of *EC* Section 45134(c) by the Kings Canyon Unified School District at the December 6, 2000 and June 27, 2002 SBE meetings.

### **SUMMARY OF KEY ISSUES**

Shoreline Unified School District like many other school districts in California experiences a chronic shortage of both certified school bus drivers, and qualified school bus driver applicants. In light of that shortage and the dire need to find qualified school bus driver applicants it appeared to the district that a retired school teacher with years of experience teaching children would make an excellent school bus driver candidate.

Current statute constrains district from re-hiring retired school staff as follows:

*EC* Section 45134(c) No Person shall be employed in school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment...

The approval of the waiver of this *EC* section would allow the school district to employ a retired schoolteacher, who receives allowances from the State Teachers Retirement System (STRS), as a classified school employee (school bus driver), and by so doing, the employee could receive compensation for services rendered.

The California Department of Education recommends approval of this waiver request on a continuing basis for this one employee.

**Authority for the Waiver:** *EC* Section 33050

**Period of request:** January 17, 2006 to January 16, 2008, *EC* Section 33051(c) will apply for this employee only.

**Local board approval date(s):** February 16, 2006

**Bargaining unit(s) consulted on date(s):** February 6, 2006

**Name of bargaining unit(s)/representative(s):** SEA/Sandy Kaplan - CSEA/Lynn Schnitzer

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

“Since it is in the best interest of the students in Shoreline to have sufficient bus drivers and it is always a challenge to find them, we need this waiver.”

**FISCAL ANALYSIS (AS APPROPRIATE)**

There would be no significant cost to the school district or the state in approving this waiver.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (2 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

**Specific Waiver**

<b>SUBJECT</b> Request by <b>Brea Olinda Unified School District</b> under the waiver authority of <i>Education Code (EC)</i> Section 49548 to waive <i>EC</i> Section 49550, the requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) during summer school sessions. Waiver Number: 6-3-2006	<input checked="" type="checkbox"/> <b>Action</b>  <input type="checkbox"/> <b>Consent</b>
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### RECOMMENDATION

Approval    Approval with conditions    Denial

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

For many years the California State Board of Education (SBE) has granted waivers of the meal requirements for needy children attending summer school under the criteria in *EC* Section 49548, the waiver authority written in 1998.

In October 2005, Assembly Bill 1392 (Umberg) was signed into law, with the intent of strengthening those criteria, and reducing the number of students going without meals because of waivers granted. Public schools must now meet one out of three new conditions in *EC* 49548 in order to receive approval to waive the requirement to provide a meal during summer school sessions as specified in *EC* Section 49550.

### SUMMARY OF KEY ISSUES

California statute includes a mandatory requirement that needy pupils must be provided with a nutritionally adequate free or reduced-price meal during each school day (includes summer school):

*EC* 49550 (a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

Under waiver authority in *EC* 49548, the individual school sites within a district operating summer school sessions for students may be granted a waiver if they meet one of the following three new conditions.

Brea Olinda School District has requested a waiver of *EC* Section 49550 for the 2006 summer school session, saying that they met Condition Two.

Condition Two

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations*, Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be equal to the operating costs of one month as averaged over the summer school sessions.

The financial analysis must include a projection of future meal program participation based on either of the following:

- The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch during school hours and not before or after the school day.
- The school site operating as an open Summer Seamless Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

The Brea Olinda School district requested a waiver of *EC* Section 49550 for the summer of 2006 stating that they meet Condition Two, however the financial data that they submitted does not support their claim. In order for schools to be approved under Condition Two, the financial loss they incur must be:

- Equal to or greater than 1/3 of their net cash resources, or
- Equal to one month's operating costs as averaged over the summer if there are no net cash resources.

The Brea Olinda School District reported \$37,824 in net cash resources. One-third of this amount is \$12,608. The district reported that serving meals in the summer would result in them incurring a loss of \$1,355.50, which is less than the \$12,608 threshold under which the California Department of Education (CDE) would recommend approval.

For this reason, the CDE recommends denial of this waiver request. The district has stated that they will provide meals during the summer school session if their waiver is denied.

**Authority for the Waiver:** *EC* Section 49549

**Period of request:** 06/10/06 to 07/20/06

**FISCAL ANALYSIS (AS APPROPRIATE)**

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Denial of this waiver may increase the draw on Proposition 98 funds at the State level. Local district finances may be affected.

**BACKGROUND INFORMATION**

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Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: Specific Waiver Request (6 Pages)



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2006 AGENDA

### General Waiver

<p><b>SUBJECT</b></p> <p>Request by twenty-five school districts and charter schools to waive the State Testing Apportionment Information Report deadline of December 31<sup>st</sup> in the <i>California Code of Regulations (CCR)</i>, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test (CELDT), or <i>CCR</i> Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination (CAHSEE), or <i>CCR</i>, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program (STAR).</p> <p>Waiver Numbers: see attached list for specific school districts</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### **RECOMMENDATION**

**Approval**  **Approval with conditions**  **Denial**

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

This is the second time that the State Board of Education (SBE) has heard this type of waiver request as the deadline and waiver requirement was recently added to the *CCR*.

### **SUMMARY OF KEY ISSUES**

This is a new waiver request as the regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31<sup>st</sup> for the return of the Apportionment Information Report for prior year testing for the STAR, the CAHSEE or the CELDT. The department sent letters announcing the new deadline in regulations to every local educational agency (LEA) advising them of this important change in the *CCR* in September of 2005. This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The districts filing for this waiver request missed the deadline for requesting reimbursement due to the district closure during the holiday season or because the staff responsible for this report were new to the job and did not realize that there was a deadline of December 31<sup>st</sup> for turning in this report. A few districts reported that they did not receive the notice in time to respond to the deadline by December 31<sup>st</sup> although ninety percent of the LEAs submitted their reports on time. Staff verified that these districts needed the waiver and that each district submitted their report before the waiver request was recommended for approval.

These local educational agencies (LEAs) are now all aware of this important date and have submitted their reports to the Standard and Assessment Division office for reimbursement. Therefore, the department recommends the approval of these waiver

requests as required by regulation prior to final reimbursement.

**Authority for Waiver:** EC Section 33050

**Period of request:** December 31, 2005 to May 11, 2006

**Local board approval date(s):** various dates

**Public hearing held on date(s):** various dates

**Bargaining unit(s) consulted on date(s):** various dates

**Name of bargaining unit/representative(s) consulted:** various

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper       posting at each school       other (specify)

**FISCAL ANALYSIS (AS APPROPRIATE)**

The LEAs will not receive the funding to reimburse them for the 2004-05 tests administered. Attached is a list of the LEAs and the amounts that they will receive from the department if the waiver requests are approved.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: List of LEAs Requesting Waiver of State Testing Apportionment Information Report Deadline (1 Page)

Attachment 2: Template of Waiver Request for State Testing Apportionment Information Report (1 Page)

LEAs Requesting Waiver of State Testing Apportionment  
Information Report Deadline – May 2006

LEA Name	Waiver No.	Test Report Missing	Report Submitted Now?	Amount of Reimbursement
Acalanes Union High SD	28-03-2006	STAR	Yes	\$11,020.28
Acalanes Union High SD	28-03-2006	CAHSEE	Yes	\$ 4,711.36
Acalanes Union High SD	28-03-2006	CELDT		\$ 840.00
Allensworth Elementary SD	25-03-2006	STAR	Yes	\$ 229.16
Allensworth Elementary SD	25-03-2006	CELDT		\$ 360.00
Berkeley Unified SD	34-02-2006	CELDT	Yes	\$ 6,330.00
Chualar Union Elementary SD	30-02-2006	CELDT	Yes	\$ 1,425.00
Colton Joint Unified SD	02-03-2006	CELDT	Yes	\$29,170.00
Colton Joint Unified SD	02-03-2006	STAR	Yes	\$48,210.32
Conejo Valley USD	07-04-2006	CELDT	Yes	\$10,910.00
Corcoran Joint Unified SD	54-02-2006	STAR	Yes	\$ 6,668.40
Del Norte County Unified SD	13-03-2006	CELDT	Yes	\$ 2,105.00
Encinitas Union SD	39-02-2006	CELDT	Yes	\$ 4,210.00
Escondido Charter School	52-02-2006	STAR	Yes	\$ 1,519.24
Garfield Charter School	62-02-2006	STAR	Yes	\$ 1,440.28
Heritage K-8 Charter School	49-02-2006	STAR	Yes	\$ 483.45
Johnstonville Elementary SD	05-04-2006	STAR	Yes	\$ 464.08
KIPP Academy Charter School	32-02-2006	STAR	Yes	\$ 393.20
Leadership Public Schools – East San Jose Charter School	47-02-2006	STAR	Yes	\$ 201.60
Leadership Public Schools – East San Jose Charter School	47-02-2006	CELDT		\$ 225.00
Leadership Public Schools – Richmond Charter School	36-02-2006	STAR	Yes	\$ 566.60
Leadership Public Schools – Richmond Charter School	36-02-2006	CAHSEE	Yes	\$ 360.96
Leadership Public Schools – Richmond Charter School	36-02-2006	CELDT		\$ 480.00
Madera Unified School District	23-04-2006	CELDT	Yes	\$ 39,925.00
Pleasanton Unified SD	04-03-2006	CELDT	Yes	\$ 4,990.00
Rescue Union SD	60-03-2006	STAR	Yes	\$ 7,425.30
Rescue Union SD	60-03-2006	CELDT		\$ 370.00
Richmond Elementary SD	35-02-2006	STAR	Yes	\$ 443.52
Sacramento Charter High School	61-02-2006	STAR	Yes	\$ 2,693.73
Sacramento Charter High School	60-02-2006	CELDT	Yes	\$ 1,370.00
Sacramento Charter High School	59-02-2006	CAHSEE	Yes	\$ 1,821.84

Sacramento River Discovery Charter School	37-02-2006	STAR	Yes	\$ 252.00
Sacramento River Discovery Charter School	37-02-2006	CAHSEE	Yes	\$ 57.32
Santa Cruz County Office of Ed	63-02-2006	STAR	Yes	\$ 1,217.98
Soledad Enrichment Action (Charter)	01-03-2006	STAR	Yes	\$ 2,083.72
Val Verde Unified SD	33-02-2006	CELDT	Yes	\$21,210.00
West Fresno SD	20-03-2006	CELDT	Yes	\$ 2,915.00
TOTAL				\$219,099.34