Vision, Mission, and Goals

California State Board of Education.

VISION

All California students of the 21st century will attain the highest level of academic knowledge, applied learning and performance skills to ensure fulfilling personal lives and careers and contribute to civic and economic progress in our diverse and changing democratic society.

MISSION

Create strong, effective schools that provide a wholesome learning environment through incentives that cause a high standard of student accomplishment as measured by a valid, reliable accountability system.

GOALS

1. Standards. Adopt and support rigorous academic content and performance standards in the four core subjects for kindergarten and grades 1 through 12.

2. Achievement. Ensure that all students are performing at grade level or higher, particularly in reading and math, at the end of each school year, recognizing that a small number of exceptional needs students must be expected, challenged, and assisted to achieve at an individually determined and appropriately high level. Advocate for mandatory intervention for every child not at grade level. Do everything possible to ensure that "the job is done right in the first place".

3. Assessment. Maintain policies assuring that all students receive the same nationally normed and standards-based assessments, grades 2 through 11, again recognizing that a small number of exceptional needs students must be separately and individually assessed using appropriate alternative means to determine achievement and progress.

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

Last Reviewed: Friday, August 26, 2011
ARTICLE I

Authority

The California State Board of Education is established in the Constitution of the State of California and empowered by the Legislature through the California Education Code.

ARTICLE II

Powers and Duties

The Board establishes policy for the governance of the state's kindergarten through grade twelve public school system as prescribed in the Education Code, and performs other duties consistent with statute.

ARTICLE III

Members

APPOINTMENT

Section 1.

The State Board of Education consists of 11 members who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

CC, Art. IX, Sec. 7
EC 33000 and 33000.5

TERM OF OFFICE

Section 2.

(a) The term of office of the members of the Board is four years, except for the student member whose term is one year.

(b) Except for the student member, who serves a one-year term, terms expire on January 15 of the fourth year following their commencement. Members, other than the student member, continue to serve until the appointment and qualification of their successors to a maximum of 60 days after the expiration of their terms. If the member is not reappointed and no successor is appointed within that 60-day period, the member may no longer serve and the position is deemed vacant. The term of the student member begins on August 1 and ends on July 31 of the following year.

(c) If the Senate refuses to confirm, the person may continue to serve until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first.
(d) If the Senate fails to confirm within 365 days after the day the person first began performing the duties of the office, the person may not continue to serve in that office following the end of the 365-day period.

EC 33001; 33000.5
GC 1774

VACANCIES

Section 3.

Any vacancy shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The person appointed to fill a vacancy shall hold office only for the balance of the unexpired term.

EC 33002

STUDENT MEMBER

Section 4.

Finalists for the student member position shall be selected and recommended to the Governor as prescribed by law.

EC 33000.5

COMPENSATION AND EXPENSES

Section 5.

Members of the Board shall receive their actual and necessary travel expenses while on official business. Each member shall also receive one hundred dollars ($100) for each day he or she is acting in an official capacity.

EC 33006
GC 11564.5

CONFLICT OF INTEREST CODE

Section 6.

Board members shall file statements of economic interest as required by the Fair Political Practices Commission. The terms of a standard Conflict of Interest Code, adopted by the Commission and as may be amended, are incorporated by reference and constitute the Conflict of Interest Code of the Board.

2 CCR 18730
5 CCR 18600

ARTICLE IV

Officers and Duties

PRESIDENT, VICE PRESIDENT

Section 1.

Officers of the Board shall be a president and a vice president. No member may serve as both president and vice president at the same time.
Section 2.

(a) The president and vice president shall be elected annually in accordance with the procedures set forth in this section.

(b) Prior to the December regular meeting, letters of nomination for the offices of president and vice president for the forthcoming calendar year shall be submitted to the executive director. When a member submits a letter nominating another member for either office, it shall be understood that the member being nominated has been consulted and has agreed to serve if elected. Members interested in serving in either office may nominate themselves.

(c) At a time to be set aside for the purpose by the president at the December meeting, the executive director shall indicate the names placed in nomination in accordance with paragraph (b). The president shall then call for other nominations from the floor, including self-nominations, which shall then be in order and shall not require a second.

(d) From the names placed in nomination at the December meeting, along with any additional nominations from the floor subject to the conditions set forth in this paragraph, a president and a vice president shall be elected at the beginning of the January regular meeting each year, with the newly elected officers assuming office immediately following the election. No member may nominate himself or herself for the office of president or vice president at the January meeting, and any nomination for such office must be seconded if made at the January meeting.

(e) Six votes are necessary to elect an officer, and each officer elected shall serve for one year or until his or her successor is elected.

(f) If, in the Board’s judgment, no nominee for the office of president or vice president can garner sufficient votes for election to that office at the January meeting, a motion to put the election over to a subsequent meeting is in order.

(g) In the event a vacancy occurs in the office of president or vice president during a calendar year, an election shall be held at the next meeting. Any member interested in completing the one-year term of an office that has become vacant may nominate himself or herself, but each nomination requires a second.

(h) The State Superintendent of Public Instruction shall preside only during the election proceedings for the office of president and for the conduct of any other business that a majority of the Board members may direct.

EXECUTIVE OFFICER

Section 3.

The State Superintendent of Public Instruction shall be secretary and shall act as executive officer of the Board.

EC 33004

DUTIES OF THE PRESIDENT

Section 4.

The president shall:

- serve as spokesperson for the Board;
- represent the position of the Board to the State Superintendent of Public Instruction;
- appoint members to serve on committees and as liaisons, as prescribed in these Bylaws, and as may be needed in his or her judgment properly to fulfill the Board’s responsibilities;
- serve as ex officio voting member of the Screening Committee and any ad hoc committees, either substituting for an appointed member who is not present with no change in an affected committee’s quorum requirement, or serving as an additional member with the affected committee’s quorum requirement being increased if necessary, provided that in no case shall the service of the president as ex officio voting member increase the total voting membership of a committee to more than five;
- preside at all meetings of the Board and follow-up with the assistance of the executive director to see that agreed upon action is implemented;
- serve, as necessary, as the Board’s liaison to the National Association of State Boards of Education, or designate a member to serve in his or her place;
serve, or appoint a designee to serve, on committees or councils that may be created by statute or official order
where required or where, in his or her judgment, proper carrying out of the Board's responsibility demands such
service;
- determine priorities for expenditure of Board travel funds;
- provide direction for the executive director;
- direct staff in preparing agendas for Board meetings in consultation with the other members as permitted by law;
- keep abreast of local, state, and national issues through direct involvement in various conferences and programs
dealing with such issues, and inform Board members of local, state, and national issues;
- and participate in selected local, state, and national organizations, which have an impact on public education,
and provide to other members, the State Superintendent, and the staff of the Department of Education the
information gathered and the opinion and perspective developed as the result of such active personal
participation.

DUTIES OF THE VICE PRESIDENT

Section 5.

The vice president shall:

- preside at Board meetings in the absence of the president;
- represent the Board at functions as designated by the president;
- and fulfill all duties of the president when he or she is unable to serve.

DUTIES OF COMMITTEE CHAIR

Section 6.

The chair of the Screening Committee or any ad hoc committee shall:

- preside at meetings of the committee he or she chairs, except that he or she shall yield the chair to another
committee member in the event he or she will be absent or confronts a conflict regarding any matter coming
before the committee, and may yield the chair to another committee member for personal reasons; and
- in consultation with the president, other committee members, and appropriate staff, assist in the preparation of
committee agendas and coordinate and facilitate the work of the committee in furtherance of the Board's goals
and objectives.

DUTIES LIAISON OR REPRESENTATIVE

Section 7.

A Board member appointed as a liaison or representative shall:

- serve as an informal (non-voting) link between the Board and the advisory body or agency (or function) to which
he or she is appointed as liaison or representative; and
- reflect the position of the Board, if a position is known to him or her, on issues before the advisory body or
agency (or within the function) to which he or she is appointed as liaison or representative and keep the Board
appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8.

The member shall:

- to every extent possible, attend the meetings of the agency and meet all responsibilities of membership; and
- reflect through his or her participation and vote the position of the Board, if a position is known to him or her, and
keep the Board informed of the agency's activities and the issues with which it is dealing.
ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: July, September, November, January, March, and May. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose.

EC 33007

SPECIAL MEETINGS

Section 2.

Special meetings may be called to consider those purposes specified in law if compliance with the 10-day notice would impose a substantial hardship on the board or if immediate action is required to protect the public interest.

OPEN MEETINGS

Section 3.

(a) All meetings of the Board, except the closed sessions permitted by law, and all meetings of Board committees, to the extent required by law, shall be open and public.

(b) All meetings shall conform to the Bagley-Keene Open Meeting Act, including requirements for notices of meetings, preparation and distribution of agendas and written materials, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of the Board are hereby incorporated by reference into these Bylaws.

(c) Unless otherwise provided by law, meetings of any advisory body, committee or subcommittee thereof, created by statute or by formal action of the Board, which is required to advise or report or recommend to the Board, shall be open to the public.

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

(a) Notice of each regular meeting shall be posted at least 10 days prior to the time of the meeting and shall include the time, date, and place of the meeting and a copy of the meeting agenda.

(b) Notice of any meeting of the Board shall be given to any person so requesting. Upon written request, individuals and organizations wishing to receive notice of meetings of the Board will be included on the mailing list for notice of regular meetings.

SPECIAL MEETINGS

(ADDITIONAL PROVISIONS)

Section 5.

(a) Special meetings may be called by the president or by the secretary upon the request of any four members of the board for the purposes specified in law if compliance with the 10-day notice requirements would impose a substantial
hardship on the board or if immediate action is required to protect the public interest.

(b) Notice of special meetings shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting. Notice shall also be provided to all national press wire services. Notice to the general public shall be made by placing it on appropriate electronic bulletin boards if possible.

(c) Upon commencement of a special meeting, the board shall make a finding in open session that giving a 10-day notice prior to the meeting would cause a substantial hardship on the board or that immediate action is required to protect the public interest. The finding shall be adopted by a two-thirds vote of the board or a unanimous vote of those members present if less than two-thirds of the members are present at the meeting.

EMERGENCY MEETINGS

Section 5.

(a) An emergency meeting may be called by the president or by the secretary upon the request of any four members without providing the notice otherwise required in the case of a situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities and which is properly a subject of an emergency meeting in accordance with law.

(b) The existence of an emergency situation shall be determined by concurrence of six of the members during a meeting prior to an emergency meeting, or at the beginning of an emergency meeting, in accordance with law.

(c) Notice of an emergency meeting shall be provided in accordance with law.

CLOSED SESSIONS

Section 6.

Closed sessions shall be held only in accordance with law.

QUORUM

Section 7.

(a) The concurrence of six members of the Board shall be necessary to the validity of any of its acts.

(b) A quorum of any Board committee shall be a majority of its members, and a committee may recommend actions to the Board with the concurrence of a majority of a quorum.

ORDER OF BUSINESS

Section 8.

The order of business for all regular meetings of the Board shall generally be:
CONSENT CALENDAR

Section 9.

(a) Non-controversial matters and waiver requests meeting established guidelines may be presented to the Board on a consent calendar.

(b) Items may be removed from the consent calendar upon the request of an individual Board member or upon the request of Department staff authorized by the State Superintendent of Public Instruction to submit items for consideration by the Board.

(c) Items removed from the consent calendar shall be referred to a standing committee or shall be considered by the full Board at the direction of the president.

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEES

Section 1.

A Screening Committee composed of no fewer than three and no more than five members shall be appointed by the president to screen applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board.

AD HOC COMMITTEES

Section 2.

From time to time, the president may appoint ad hoc committees for such purposes as he or she deems necessary. Ad hoc committees shall remain in existence until abolished by the president.

REPRESENTATIVES

Section 3.

From time to time, the president may assign Board members the responsibility of representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs. The president may also assign Board
members the responsibility of representing the Board in ceremonial activities.

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

(a) The Board may hold a public hearing regarding any matter pending before it after giving the notice required by law.

(b) The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then an audiotape of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled.

5 CCR 18460
EC 33031
GC 11125

COPIES OF STATEMENTS

Section 2.

A written copy of the testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be given to appropriate staff in advance of or at the public hearing.

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 3.

At or before a public hearing, the presiding individual shall (in keeping with any legal limitation or condition that may pertain) determine the total amount of time that will be devoted to hearing oral comments, and may determine the time to be allotted to each person or to each side of an issue.

5 CCR 18463
EC 33031

WAIVER BY PRESIDING INDIVIDUAL

Section 4.

At any time, upon a showing of good cause, the presiding individual may waive any time limitation established under Section 3 of this article.

5 CCR 18464
EC 33031

ARTICLE VIII

Public Hearings: School District Reorganization
SUBMISSION OF PROPOSALS AND PETITIONS

Section 1.

A proposal by a county committee on school district organization or other public agency, or a petition for the formation of a new district or the transfer of territory of one district to another shall be submitted to the executive officer of the Board. The executive officer of the Board shall cause the proposal or petition to be:

- reviewed and analyzed by the California Department of Education;
- set for hearing before the Board (or before staff if so directed by the Board) at the earliest practicable date; and
- transmitted together with the report and recommendation of the Department of Education to the Board (or to the staff who may be directed by the Board to conduct the hearing) and to such other persons as is required by law not later than ten days before the date of the hearing.

CCR 18570

ARGUMENTS BEFORE THE BOARD: ORIGINAL SUBMISSION

Section 2.

At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The presiding individual may ask that speakers not repeat arguments previously presented.

CCR 18571

RESUBMISSION OF THE SAME OR AN ESSENTIALLY IDENTICAL PROPOSAL OR PETITION

Section 3.

If the same or an essentially identical proposal or petition has been previously considered by the Board, the documents constituting such a resubmission shall be accompanied by a written summary of any new factual situations or facts not previously presented. In this case, any hearing shall focus on arguments not theretofore presented and hear expositions of new factual situations and of facts not previously entered into the public record.

CCR 18572

STATEMENTS

Section 4.

All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.

ARTICLE IX

Public Records

Public records of the Board shall be available for inspection and duplication in accordance with law, including the collection of any permissible fees for research and duplication.

GC 6250 et seq
ARTICLE X

Parliamentary Authority

RULES OF ORDER

Section 1.
Debate and proceedings shall be conducted in accordance with Robert's Rules of Order (Newly Revised) when not in conflict with rules of the Board and other statutory requirements.

Section 2.
Members of the public or California Department of Education staff may be recognized by the president of the Board or other presiding individual, as appropriate, to speak at any meeting. Those comments shall be limited to the time determined by the president or other presiding individual. All remarks made shall be addressed to the president or other presiding individual. In order to maintain appropriate control of the meeting, the president or other presiding individual shall determine the person having the floor at any given time and, if discussion is in progress or to commence, who may participate in the discussion.

Section 3.
All speakers shall confine their remarks to the pending matter as recognized by the president or other presiding individual.

Section 4.
Public speakers shall not directly question members of the Board, the State Superintendent, or staff without express permission of the president or other presiding individual, nor shall Board members, the State Superintendent, or staff address questions directly to speakers without permission of the president or other presiding individual.

Section 5.
The Chief Counsel to the Board or the General Counsel of the California Department of Education, or a member of the Department's legal staff in the absence of the Board’s Chief Counsel, will serve as parliamentarian. In the absence of legal staff, the president or other presiding individual will name a temporary replacement if necessary.

ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.
Upon recommendation of the Screening Committee as may be necessary, the Board appoints members to the following advisory bodies for the terms indicated:

(a) Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms. EC 33590

(b) Curriculum Development and Supplemental Materials Commission. The Board appoints 13 of 18 members to serve four-year terms.
EC 33530

(c) Child Nutrition Advisory Council. The Board appoints 13 members, 12 to three-year terms and one student representative to a one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school business officials and experts in the area of physical education and activity.

EC 49533

(d) Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.

EC 47634.2(b)(1)
State Board of Education Policy 01-04

OTHER APPOINTMENTS

Section 2.

On the Board’s behalf, the president makes the following appointments:

(a) WestEd (Far West Laboratory for Educational Research and Development). Five individuals to serve three-year terms on the Board of Directors as follows:

- one representing the California Department of Education;
- two representing school districts in California; and
- two representing county offices of education in California.

(b) Trustees of the California State Summer School for the Arts. Two members, one of whom shall be a current member of the Board, for terms of three years.

EC 8952.5

(c) No Child Left Behind Liaison Team. Two members for terms not to exceed two years.

EC 52058.1

SCREENING AND APPOINTMENT

Section 3.

Opportunities for appointment shall be announced and advertised as appropriate, and application materials shall be made available to those requesting them. The Screening Committee shall paper-screen all applicants, interview candidates as the Committee determines necessary, and recommend appropriate action to the Board.

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

The president shall appoint one Board member, or more where needed, to serve as liaison(s) to:
(a) The Advisory Commission on Special Education;

(b) The Curriculum Development and Supplemental Materials Commission;

(c) The National Association of State Boards of Education, if the Board participates in that organization.

(d) The Commission on Teacher Credentialing.

(e) The California Postsecondary Education Commission: one member to serve as the president's designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.

EC 66901(d) and (h)

OTHER

Section 2.

The president shall make all other appointments that may be required of the Board or that require Board representation.

ARTICLE XIII

Amendment to the Bylaws

These Bylaws may be amended at any regular meeting of the Board, provided that the amendment has been submitted in writing at the previous regular meeting.

Abbreviations

Abbreviations used in these Bylaws, citing Board authority, are:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CC</td>
<td>Constitution of the State of California</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
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<tr>
<td>EC</td>
<td>California Education Code</td>
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<tr>
<td>GC</td>
<td>California Government Code</td>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>JPA-FWL</td>
<td>Joint Powers Agreement Establishing the Far West Laboratory for Educational Research and Development, originally entered into by the State Board of Education on February 11, 1966, and subsequently amended</td>
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Dates of Adoption and Amendment

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<tr>
<th>Status</th>
<th>Date</th>
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<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
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<tr>
<td>Amended</td>
<td>February 11, 1987</td>
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<tr>
<td>Amended</td>
<td>December 11, 1987</td>
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<tr>
<td>Amended</td>
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<td></td>
<td>November 11, 1988</td>
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<tr>
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<td>April 11, 2001</td>
</tr>
<tr>
<td>Amended</td>
<td>July 9, 2003</td>
</tr>
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SBE Agenda for November 2012

Agenda for the California State Board of Education (SBE) meeting on November 7-8, 2012.

State Board Members

Michael W. Kirst, President
Trish Williams, Vice President
Carl Cohn
Bruce Holaday
Aida Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus
Josephine Kao, Student Member
Vacancy
Vacancy

Secretary & Executive Officer

Hon. Tom Torlakson

Executive Director

Susan K. Burr

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
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<tbody>
<tr>
<td>Wednesday, November 7, 2012 8:30 a.m. Pacific Time ±</td>
<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
</tr>
</tbody>
</table>

The Closed Session (1) may commence earlier than 8:30 a.m.; (2) may begin at or before 8:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:30 a.m.

The Closed Session will take place at approximately 8:30 a.m. (The public may not attend.)

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

CLOSED SESSION AGENDA

Conference with Legal Counsel – Existing Litigation: Under Government Code sections 11126(e)(1) and (e)(2)(A), 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 in closed session:

- Alejo, et al. v. Jack O’Connell, State Board of Education, et al., San Francisco County Superior Court, Case No. CPF-09-509568 CA Ct. of Appeal, 2nd Dist., Case No. A130721
- California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc., Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
Conference with Legal Counsel – Anticipated Litigation:   Under Government Code sections 11126(e)(1) and (e)(2)(B), the State Board of Education hereby provides public notice that it may meet in Closed Session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under Government Code sections 11126(e)(1) and (e)(2)(C), the State Board of Education hereby provides public notice that it may meet in Closed Session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

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, discipline, or release of public employees, or a complaint or charge against public employees. Public employees include persons exempt from civil service under Article VII, Section 4(e) of the California Constitution.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Thursday, November 8, 2012 8:30 a.m. Pacific Time ±</td>
<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
</tr>
<tr>
<td>STATE BOARD OF EDUCATION Closed Session - IF NECESSARY - will take place at approximately 8:30 a.m. (The public may not attend.)</td>
<td></td>
</tr>
</tbody>
</table>
Schedule of Meeting

Thursday, November 8, 2012
8:30 a.m. Pacific Time ±
(AUpon Adjournment of Closed Session, if held.)

STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814
916-319-0827

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

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

Time is set aside for individuals 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 AGENDA
Public Session

November 7, 2012

Wednesday, November 7, 2012 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

Call to Order

Salute to the Flag

Closed Session

Communications

Announcements

REPORT OF THE STATE SUPERINTENDENT SPECIAL PRESENTATIONS
Public notice is hereby given that special presentations for informational purposes may take place during this session.

AGENDA ITEMS

Item 1 (DOC)

Subject: 2013-2014 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the
Governor.

**Type of Action:** Action, Information

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**Item 2** (DOC)

**Subject:** Reports from the 2012 Student Advisory Board on Education (SABE).

**Type of Action:** Action, Information

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**Item 3** (DOC)

**Subject:** Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

**Type of Action:** Action, Information

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**Item 4** (DOC)

**Subject:** English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve: Adoption of newly revised English Language Development Standards.

**Type of Action:** Action, Information

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**Item 5** (DOC)

**Subject:** *English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve, 2014 Revision:* Approval of Curriculum Framework and Evaluation Criteria Committee Guidelines and Appointment of Members of the Curriculum Framework and Evaluation Criteria Committee.

**Type of Action:** Action, Information

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**Item 6** (DOC)

**Subject:** Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Supplemental Instructional Materials.

**Type of Action:** Action, Information

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**Item 7** (DOC)

**Subject:** California Comprehensive Center at WestEd: Overview of Proposed Activities..

**Type of Action:** Action, Information

- **Item 7 Attachment 1** (DOC)

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**Item 8** (DOC)

**Subject:** Update on Smarter Balanced Assessment Consortium Activities.

**Type of Action:** Information

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**Item 9** (DOC; Posted 29-Oct-2012)

**Subject:** State Performance Plan and Annual Performance Report for Part B of the Individuals with Disabilities Education Act of 2004 Covering Program Year 2011–12.

**Type of Action:** Information
Public Session

November 8, 2012

Thursday, November 8, 2012 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

Call to Order

Salute to the Flag

Closed Session

Communications

Announcements

REPORT OF THE STATE SUPERINTENDENT

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

AGENDA ITEMS

Item 10 (DOC)

Subject: STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

Type of Action: Action, Information

- Item 10 Attachment 3 (PDF; Posted 29-Oct-2012)
- Item 10 Attachment 6 - State of American Indian and Alaskan Education (AIAN) in California Presentation Slides (PDF)

The State of American Indian and Alaskan Education (AIAN) in California presentation slides were prepared by the California Indian Culture and Sovereignty Center (CISCs) for presentation by State Board of Education Member James Ramos to the State Board of Education at the November 7-8, 2012 meeting, regarding the State of American Indian and Alaskan Education (AIAN) in California.

Item 11 (DOC)

Subject: Discussion Regarding Priorities for California’s Future Assessment System.

Type of Action: Information

- Item 11 Attachment 2 (PDF)

Item 12 (DOC)


Type of Action: Action, Information
*** PUBLIC HEARING ***

A Public Hearing on the following agenda item will commence no earlier than 11:00 a.m. on Wednesday, November 7, 2012. The Public Hearing will be held as close to 11:00 a.m. as the business of the State Board permits.

**Item 13** (DOC)

**Subject:** Petition for Renewal of a Charter School Under the Oversight of the State Board of Education: Hold a Public Hearing to Consider Rosie the Riveter Charter High School, which was denied by the Long Beach Unified School District and denied consideration of appeal by the Los Angeles County Office of Education.

**Type of Action:** Action, Information, Hearing

*** END OF PUBLIC HEARING ***

**Item 14** (DOC; Posted 29-Oct-2012)

**Subject:** Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs; Approval of a Revised Definition of Corrective Action 6.

**Type of Action:** Action, Information

**Item 15** (DOC)

**Subject:** Elementary and Secondary Education Act: Assignment of Corrective Action and Associated Technical Assistance for Each of the Local Educational Agencies in Cohort 6 of Program Improvement Year 3 and Submission of Annual Evidence of Progress for Local Educational Agencies in Cohorts 1–6 of Program Improvement Year 3.

**Type of Action:** Action, Information

- **Item 15 Attachment 3** (XLS)
- **Item 15 Attachment 4** (XLS)

*** WAIVERS ***

**WAIVERS / ACTION AND CONSENT ITEMS**

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff has identified possible opposition, recommended denial, or determined may present new or unusual issues that should be considered by the State Board. Waivers proposed for consent are so indicated on each waiver's agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

**CHARTER SCHOOL PROGRAM (Attendance Accounting for Multi-Track)**

**Item W-01** (DOC)

**Subject:** Request by two school districts to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.

**Waiver Numbers:**

- Acton-Agua Dulce Unified School District 28-7-2012
- Westside Elementary School District 16-7-2012

(Recommended for APPROVAL WITH CONDITIONS)
FEDERAL PROGRAM WAIVER (Carl D. Perkins Career and Technical Education Improvement Act of 2006)

**Item W-02** (DOC)

**Subject:** Request by Middletown Unified School District for Middletown High School for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

**Waiver Number:** Fed-8-2012

(Recommended for APPROVAL)

SPECIAL EDUCATION PROGRAM (Educational Interpreter for Deaf and Hard of Hearing)

**Item W-03** (DOC)

**Subject:** Request by three local educational agencies to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow three educational interpreters to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum qualifications.

**Waiver Numbers:**
- Lindsay Unified School District 12-7-2012
- San Luis Obispo County Office of Education 25-7-2012
- Stanislaus County Office of Education 39-7-2012

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Resource Teacher Caseload)

**Item W-04** (DOC)

**Subject:** Request by Los Angeles Unified School District, under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Noelle Taniguchi is assigned to Crenshaw Arts Tech Charter School.

**Waiver Number:** 152-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

STATE TESTING APPORTIONMENT REPORT (STAR)

**Item W-05** (DOC)

**Subject:** Request by Perris Elementary School District to waive the State Testing Apportionment Report and Certification deadline of December 31 in the California Code of Regulations, Title 5, Section 862(c)(2)(A), for the Standardized Testing and Reporting Program.

**Waiver Number:** 6-7-2012

(Recommended for APPROVAL)

OPEN ENROLLMENT (Removal From the List of Local Education Agencies)

**Item W-06** (DOC)

**Subject:** Request by Covina-Valley Unified School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5 Section 4701, to remove Manzanita Elementary School from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.

**Waiver Number:** 9-7-2012
COMMUNITY DAY SCHOOLS (CDS) (Colocate Facilities)

**Item W-07 (DOC)**

**Subject:** Request by four districts, under the authority of California *Education Code* Section 33050, to waive portions of California *Education Code* sections 48660 and 48916.1(d) relating to the allowable grade spans for community day schools and/or California *Education Code* Section 48661 relating to the colocation of a community day school with other types of schools.

**Waiver Numbers:**

- Barstow Unified School District 10-7-2012
- Milpitas Unified School District 8-7-2012
- Palo Verde Unified School District 29-5-2012
- Tehama County Office of Education 19-7-2012

SCHOOLSITE COUNCIL STATUTE (Number and Composition of Members)

**Item W-08 (DOC)**

**Subject:** Request by two local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to school site councils regarding changes in shared, composition, or shared and composition members.

**Waiver Numbers:**

- Tahoe-Truckee Joint Unified 17-7-2012
- Tahoe-Truckee Joint Unified 18-7-2012
- Woodland Joint Unified 4-7-2012

SALE OR LEASE OF SURPLUS PROPERTY (Lease of Surplus Property)

**Item W-09 (DOC)**

**Subject:** Request by Saddleback Valley Unified School District to waive portions of California *Education Code* sections 17466, 17472, and 17475, all of 17473 and 17474, specific statutory provisions for the lease of surplus property.

**Waiver Numbers:**

- 13-7-2012
- 14-7-2012
- 15-7-2012

SCHOOL CONSTRUCTION BONDS (Citizens Oversight Committee - Term Limits)

**Item W-10 (DOC)**

**Subject:** Request by Black Oak Mine Unified School District to waive portions of California *Education Code* Section 15282, regarding term limits for membership of a Citizens’ Oversight Committee for all construction bonds in the district.

**Waiver Number:** 26-7-2012

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)
Item W-11 (DOC)

Subject: Request by Riverside Unified School District to waive California Education Code Section 5020, and portions of 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.

Waiver Number: 36-7-2012

(Recommended for APPROVAL)

CLASS SIZE PENALTIES (Over Limit on Kindergarten through Grade Three)

Item W-12 (DOC)

Subject: Request by five districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:
- Capistrano Unified School District 7-7-2012
- Carlsbad Unified School District 38-7-2012
- Cotati-Rohnert Park Unified School District 3-7-2012
- Palm Springs Unified School District 1-7-2012
- Snowline Joint Unified School District 35-7-2012

(Recommended for APPROVAL WITH CONDITIONS)

CLASS SIZE PENALTIES (Over Limit on Grades 4-8)

Item W-13 (DOC)

Subject: Request by two districts to waive portions of California Education Code Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district’s current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district’s 1964 average.

Waiver Numbers:
- Carlsbad Unified School District 37-7-2012
- Cottonwood Union Elementary School District 11-7-2012

(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-14 (DOC)

Subject: Request by four local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:
- Anaheim Union High 30-7-2012
- Anaheim Union High 31-7-2012
- Anaheim Union High 32-7-2012
- Caruthers Unified 40-7-2012
- Dinuba Unified 33-7-2012
- Dinuba Unified 34-7-2012
- Pond Union Elementary 41-7-2012

(Recommended for APPROVAL WITH CONDITIONS)
Item W-15 (DOC)

Subject: Request by Madera County Office of Education to waive the California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow four interpreters to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum requirements.

Waiver Numbers:
- Richard Curtis Rollins 20-7-2012
- Lori Garris 21-7-2012
- Michelle Asby 22-7-2012
- Sheila Smith 23-7-2012

(Recommended for DENIAL)

*** END OF WAIVERS ***

Item 16 (DOC)

Subject: PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

Type of Action: Information

Item 17 (DOC)


Type of Action: Action, Information

Item 18 (DOC)

Subject: The Administrator Training Program, formerly Assembly Bill 430 (Chapter 364, Statutes of 2005): Approval of Applications for Funding from Local Educational Agencies.

Type of Action: Action, Information

Item 19 (DOC)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Local Educational Agencies Identified for Improvement as Providers to the 2012–14 State Board of Education Approved Supplemental Educational Services Provider List Based on Appeal and Based on a Waiver Request Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act.

Type of Action: Action, Information

- Item 19 Attachment 1 (PDF)
- Accessible Alternative Version (AAV) of Item 19 Attachment 1

Item 20 (DOC; 1MB)

Subject: Approval of 2012–13 Consolidated Applications.

Type of Action: Action, Information

Item 21 (DOC)
Subject: Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

Type of Action: Action, Information

Item 22 (DOC)

Subject: Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2.

Type of Action: Action, Information

Item 23 (DOC)

Subject: Assignment of Numbers for Charter School Petitions.

Type of Action: Action, Information

*** ADJOURNMENT OF MEETING ***

This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/index.asp]. 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; facsimile 916-319-0175. Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an electronic copy to SBE@cde.ca.gov, with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, materials must be received by 12:00 p.m. on the Monday before the meeting.

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

Last Reviewed: Monday, October 29, 2012
ITEM 01
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT

2013-2014 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the Governor.

SUMMARY OF THE ISSUE(S)

On Tuesday, November 6, 2012, the State Board Screening Committee will interview the six candidates selected by the Student Advisory Board on Education (SABE) from the initial set of 12 semi-finalists. The list of three finalists recommended by the Screening Committee will be provided as an Item Addendum.

RECOMMENDATION

The State Board of Education’s (SBE) Screening Committee recommends that the State Board of Education approve the three finalists for the position of 2013-2014 SBE Student member, as identified in the Item Addendum. The approved finalists will be forwarded to the Governor for his consideration. The Governor will appoint one of the three finalists who will then serve as the 2013-14 SBE Student member.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In keeping with the requirements of California Education Code Section 33000.5(e)(5), the State Board selects three finalists from six candidates for the position of Student Member for the forthcoming year. The three finalists will be presented to the Governor who will appoint one of them to serve as the 2013-2014 Student Member.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT(S)

An Item Addendum will contain information about the semi-finalists, the six candidates interviewed by the screening committee, and the three finalists recommended by the SBE Screening Committee.
ITEM 02
### SUBJECT
Reports from the 2012 Student Advisory Board on Education (SABE).

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<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
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### SUMMARY OF THE ISSUE(S)

The 2012 Student Advisory Board on Education (SABE) Conference will be held in Sacramento from November 3-7, 2012, and will culminate in the oral presentations to the State Board of Education (SBE) on the morning of Wednesday, November 7, 2012. Each of the presentations will focus on an issue chosen by student delegates of the SABE Conference, and will reflect their research and discussion.

### RECOMMENDATION

Listen to student proposals from the 2012 SABE Conference.

### BRIEF HISTORY OF KEY ISSUES

The SBE receives annual SABE reports. The California Department of Education (CDE) and SBE staff, working with the SBE’s Student Member, may review and develop responses to the SABE proposals, which may be considered at a future SBE meeting.

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

Student proposals to the SBE in November 2011 covered a range of topics, including Student Evaluation of Teachers; Standardized Testing, Accountability, and Content; Cultural Awareness and Civic Engagement; Teacher Recruitment and Credentialing; Career Awareness; and ESEA Flexibility Waiver.

### FISCAL ANALYSIS (AS APPROPRIATE)

None.
ATTACHMENT

Student representatives will provide a handout of student reports to members of the State Board at the time of their oral presentation.
ITEM 03
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
This agenda item is the ninth in a series of regular updates to inform the State Board of Education (SBE) and public regarding Common Core State Standards (CCSS) systems implementation activities.

RECOMMENDATION
The California Department of Education (CDE) recommends that the SBE take action as deemed necessary and appropriate but recommends no specific action at this time.

BRIEF HISTORY OF KEY ISSUES
When the SBE adopted the CCSS with additions in 2010, these standards became the current subject-matter standards in English language arts and mathematics. The full implementation of these standards will occur over several years as a new system of CCSS-aligned curriculum, instruction, and assessment is developed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2011–September 2012: The CDE presented to the SBE a series of regular updates on the implementation of the CCSS.

March 2012: The SBE unanimously voted to present, in partnership with the SSPI, the CCSS Systems Implementation Plan for California to the Governor and the California State Legislature thereby fulfilling the requirements of California Education Code
SUMMARY OF PREVIOUS (Cont.)

Section 60605.8 (h).

June 2011: Governor Edmund G. Brown, Jr., SSPI Tom Torlakson, and SBE President Michael Kirst signed the memorandum of understanding for California’s participation as a governing state in the SMARTER Balanced Assessment Consortium (SBAC). California was previously a participating state in the Partnership for the Assessment of Readiness for College and Careers (PARCC).

November 2010: The CDE presented to the SBE an update on the implementation of the CCSS. This update was provided at the joint meeting between the SBE and the Commission on Teacher Credentialing (See agenda at http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp).

August 2010: Pursuant to Senate Bill X5 1, the SBE adopted the academic content standards in English language arts and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

May 2009: The SSPI, the Governor of California, and the SBE President agreed to participate in the Council of Chief State School Officers and the National Governors Association Center for Best Practices initiative to develop the CCSS as part of California’s application to the federal Race to the Top grant.

FISCAL ANALYSIS (AS APPROPRIATE)

The cost of implementing the CCSS is significant, but will be offset by the improved efficiencies, benefits of shared costs with other states, and the shifting of current costs to CCSS activities. Currently, the CDE is providing free professional learning support via webinars and presentations and is providing ongoing guidance to the field for transitioning to the CCSS. In terms of instructional materials, costs will span multiple years but will be offset by access to a national market of materials and greater price competition in so long as California does not add state-specific evaluation criteria. Nonetheless, the implementation of new CCSS-aligned assessments, professional learning supports, and instructional materials will require a shifting and infusion of new resources.

ATTACHMENT(S)

Attachment 1: Common Core State Standards Systems Implementation Plan Highlights: September–November 2012 (5 pages)

Attachment 2: CCSS Implementation Outreach: State Board and Department of Education Activities (8 pages)
Common Core State Standards
Systems Implementation Plan
Highlights: September–November 2012

1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.

- The California Department of Education (CDE) has released the first set of three professional learning modules. The following PLMs are online and available for teachers to access independently or for schools or districts to use as facilitated professional learning. The PLMs were designed to deepen educators’ understanding of the Common Core State Standards (CCSS); instructional strategies to support the learning of all pupils, including English learners, pupils with disabilities, and underperforming pupils; and instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration, and communication skills in all academic content areas.

The following modules are now available:

- Overview of the CCSS for California Educators
- Mathematics: Kindergarten through Grade Eight Learning Progressions
- English Language Arts: Informational Text-Reading

The modules are located on the Brokers of Expertise Web site located at http://www.myboe.org. The Brokers of Expertise Web site also offers resources and a platform for questions about the CCSS. Additional modules are in the development stages and will be available before September 2013. More information is available on the CDE Professional Learning Modules for Educators Web page at http://www.cde.ca.gov/re/cc/ccssplm.asp.

- CDE staff conducted a presentation providing an overview of the CCSS at the Credential Analysts and Counselors of California conference in Sacramento on October 10, 2012.

- Additional information regarding the CCSS-related outreach efforts of the CDE is provided in Attachment 2 of this item.
2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

- The Instructional Quality Commission (IQC) convened at the CDE on September 24–25, 2012. Commissioners established draft guidelines for the English Language Arts/English Language Development (ELA/ELD) Curriculum Framework and Evaluation Criteria Committee (CFCC) and drafted the recommendation for members of the ELA/ELD CFCC to the State Board of Education (SBE). The meeting also featured a presentation from Susan Pimentel, one of the lead writers of the Common Core State Standards for English Language Arts and Literacy. In addition, Commissioners received updates on various CCSS-related activities, including the newly revised English language development (ELD) standards, the supplemental instructional materials review (SIMR), and the newly revised Career Technical Education Model Curriculum Standards. More information regarding the IQC and the agenda for its September 2012 meeting is available on the SBE IQC Web page at http://www.cde.ca.gov/be/cc/cd/index.asp.

- An update regarding the development of the 2014 revision of the English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve is provided in Item 5.

- An update regarding the adoption of the newly revised ELD standards for California public schools, kindergarten through grade twelve (K–12), is provided in Item 4.

- An update regarding the SIMR is provided in Item 6.

3. Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

- The Technology Readiness Tool (TRT) collects school-level technology information to help the Smarter Balanced Assessment Consortium (SBAC) and member states evaluate the technology at schools as it relates to the SBAC online student assessment system. The TRT asked school administrators about computer types, computer operating systems, memory size, monitor display size, screen resolution, and Internet bandwidth. The survey also asked them to gauge concerns about the number of test administrators, as well as capacity to support online testing, training, and staff.

The first data collection window (Spring 2012) was open from April 16 until June 30, 2012. The data collected in the window will be used as a baseline inventory to help the SBAC determine the minimum system requirements for existing devices for using the SBAC system. The data are self-reported, unverified, and unaudited.
In California, 4,377 schools (42 percent) representing 456 districts submitted complete TRT information. An additional 1,237 schools submitted partial information. Among California schools that responded to the first nationwide survey:

- Technology devices: 613,996 devices were reported.
- Operating systems: 74.7 percent of the devices used a Windows operating system, while 23.7 percent used Mac.
- Memory capacity: 75.5 percent had 1 gigabyte or greater, 21.3 percent had less than 1 gigabyte, and 3.2 percent left this field blank.
- Internet browser: 60.5 percent use Internet Explorer, 15 percent use Safari, 15.2 percent use another Internet browser, and 9.3 percent did not respond.
- Wired or wireless connection to the Internet: 48.1 percent use wireless as their primary means, 29.6 percent do not, and 22.3 percent did not respond.
- Device types: 54.3 percent were desktops, 15.4 percent laptops, 4.5 percent notebooks, 2.8 percent tablets, 2.9 percent thin clients, 0.7 percent other, and 19.4 percent did not respond.
- Those responding to the survey expressed the greatest level of concern for having a sufficient number of technology support staff, having test administrators with sufficient technical understanding to support online testing, and providing appropriate training for test administrators.


- A presentation of the State Superintendent of Public Instruction’s recommendations for California’s future assessment system is provided in Item 11.

- An update regarding SBAC activities is provided in Item 8.

5. Collaborate with the postsecondary and business communities to ensure that all students are prepared for success in career and college.

- CDE staff, in collaboration with representatives from the SBE, the California Community Colleges system, the California State University system, and the University of California system, provided a presentation regarding the SBAC assessment system at the meeting of the Intersegmental Committee of Academic Senates in Sacramento on September 28, 2012.
6. Seek, create, and disseminate resources to support stakeholders as CCSS systems implementation moves forward.

- The following CCSS-related bills were signed into law on September 27, 2012:

  - Assembly Bill 1246 (Brownley) authorizes the adoption of CCSS-aligned instructional materials for mathematics by 2014 and providing districts flexibility in the selection of instructional materials. Specifically, this State Superintendent of Public Instruction (SSPI)-sponsored bill:

    1. Authorizes the SBE to adopt K–8 mathematics instructional materials aligned to the CCSS no later than March 30, 2014. To fund the review process, the CDE will charge fees to any publisher submitting instructional materials.

    2. Authorizes the SSPI in addition to the IQC to provide recommendations to the SBE.

    3. Ensures flexibility in the use of state funds to purchase standards-aligned instructional materials and allows districts to meet sufficiency requirements with either instructional materials aligned to the 1997 California standards for English language arts (ELA) and mathematics or the CCSS for ELA and mathematics.

    4. Extends the deadline for the SBE to adopt a revised curriculum framework for mathematics from May 2013 to November 30, 2013.

    5. Authorizes the SBE to adopt evaluation criteria for mathematics by March 31, 2013.

  - Senate Bill 1200 (Hancock) authorizes the SSPI to recommend and the SBE to adopt the ELA anchor standards for the CCSS. Additionally, if the SSPI and the SBE jointly find that there is a need to revise or modify the mathematics academic content standards as adopted by the SBE on August 2, 2010, SB 1200 calls for an advisory group of experts to be formed to provide recommendations to the SSPI and the SBE on modifying the mathematics standards. SB 1200 also provides additional needed time for the SBE to consider national science standards. SB 1200 was also sponsored by the SSPI.

  - Assembly Bill 1719 (Fuentes) requires the CDE to develop a list of supplemental instructional materials for K–8 that provide a bridge to the new ELD standards for the SBE to approve by June 30, 2014. Additionally, AB 1719 authorizes a school board to approve supplemental instructional materials other than those approved by the SBE if the school board determines the supplemental instructional materials are aligned to the revised ELD standards. AB 1719 also
extends the timeline for the CDE and the SBE to complete a supplemental materials list for mathematics as required by SB 140 (Chapter 623, 2011).

7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

- The CDE has made available a communications toolkit to assist local educational agencies with the important task of informing and engaging school communities about the CCSS. The CCSS Systems Implementation Communications Toolkit for California, available on the CDE CCSS Web page at http://www.cde.ca.gov/re/cc/documents/cdecommstoolkit.doc, includes messaging for key audiences and media and communications outreach tips.

- The CDE promotes new CCSS-related resources via the CDE CCSS Web page and listserv. Several central CCSS Web pages were consolidated in early October to provide direct access to more information on the main CCSS Web page and this may result in a decrease to the total number of Web page hits.

Summary of Web-based Outreach Data:

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<th>August</th>
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<td>Listserv Subscribers</td>
<td>4,625</td>
<td>5,035</td>
<td>Available November 1</td>
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<tr>
<td>Total Web Page Hits</td>
<td>181,014</td>
<td>217,339</td>
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</tbody>
</table>

- A summary of select outreach and communications activities of the CDE and SBE is provided in Attachment 2 of this item.
CCSS Implementation Outreach
State Board and Department of Education Activities

Engage partners in facilitating two-way communication and leverage local and state implementation activities.

<table>
<thead>
<tr>
<th>Dates/Events</th>
<th>Participants</th>
<th>Reflections and Insights</th>
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</thead>
<tbody>
<tr>
<td>September 11, 2012</td>
<td>11 Regional Leads from across the state</td>
<td>Regional Arts Leads’ meeting to discuss ways to link arts instruction to the Common Core State Standards (CCSS) through specific curricular resources, instructional strategies and connections to listening and speaking standards, and inclusion of arts instruction in thematic units.</td>
</tr>
<tr>
<td>Present to California County Superintendents Educational Services Association (CCSESA) Arts Leads</td>
<td>California Department of Education (CDE)/State Board of Education (SBE) Team: Kristen Brown, Patrick Traynor, Barbara Murchison, Nancy Brownell</td>
<td><strong>Key Learning:</strong> Instruction in visual and performing arts provides an important curricular focus that increase students’ demonstrations of knowledge and skills in a variety of ways and can be directly linked to instructional shifts needed to implement the CCSS.</td>
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<tr>
<td>Dates/Events</td>
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<tr>
<td><strong>September 19, 2012 (South); October 1, 2012 (North)</strong>&lt;br&gt;Present on topics related to assessment and accountability.</td>
<td><strong>South</strong>: 389 educators, <strong>North</strong>: 320 educators, Webinar: 340 educators&lt;br&gt;<strong>CDE/SBE Team</strong>: Assessment and Accountability staff, Barbara Murchison,</td>
<td>Annual statewide meetings sponsored by CDE to provide the latest information about California's Assessment, Accountability, and Data Management Systems. Meetings provide updates on important topics, including transitioning to a new assessment system, to educators from school districts, county offices of education, and charter schools.&lt;br&gt;&lt;br&gt;<strong>Key Learning:</strong> Opportunities for CDE to provide updates on the variety of topics related to CCSS implementation and assessment and accountability topics are greatly valued by educators from across the state.</td>
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<tr>
<td><strong>September 20–21, 2012</strong>&lt;br&gt;Present to Curriculum &amp; Instruction Steering Committee of CCSESA</td>
<td><strong>60 Assistant Superintendents and other representatives from county offices</strong>&lt;br&gt;<strong>CDE/SBE Team</strong>: Patrick Traynor, Nancy Brownell, Karen Cadiero-Kaplan, Lupita Cortex Alcala, Barbara Murchison</td>
<td>Presentation on selected topics related to CCSS implementation, including significant milestones, Communications Toolkit, English Language Development Standards, and SMARTER Balanced Assessment update.&lt;br&gt;&lt;br&gt;<strong>Key Learning:</strong> Sharing updates with county office staff extends the reach of information and resources, and provides an ongoing opportunity to gather feedback from constituents.</td>
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<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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<tr>
<td>September 24, 2012</td>
<td>IQC and CDE staff</td>
<td>Sue Pimentel, one of the primary authors of the CCSS for English Language Arts, presented to the Instructional Quality Commission (IQC) and participated in a brief breakfast meeting with interested staff before the IQC meeting.</td>
</tr>
<tr>
<td></td>
<td>CDE/SBE Team: Curriculum Frameworks and Instructional Resources Division and IQC Staff, Patrick Ainsworth</td>
<td><strong>Key Learning:</strong> Instructional shifts in English language arts and English language development emphasize increasing text complexity, rigorous citing of evidence, and literacy across disciplines. Opportunities for teachers to discuss the shifts and plan instruction based on them cannot be underestimated.</td>
</tr>
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<td></td>
<td>30 teachers of mathematics and 40 literacy teachers from San Diego County</td>
<td>Teachers spent two days in grade-level and discipline specific teams discussing and planning CCSS instructional priorities. They planned strategies and activities that align to the CCSS for use in classrooms and for additional discussions at their school sites.</td>
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<td></td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td><strong>Key Learning:</strong> Teachers value extended time to examine the instructional shifts related to CCSS implementation and consider ways to include more rigorous tasks for implementation in their classrooms sooner rather than later.</td>
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<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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<tr>
<td>September 27–28, 2012</td>
<td>750 educators from across the state</td>
<td>Common Core implementation strand developed for the Title I Conferences. Five sessions focused on transitioning to the CCSS, including Key Shifts in English Language Arts and English Language Development; Professional Learning Opportunities showcasing the new online professional learning modules; SMARTER Balanced Assessment System update; Key Shifts in Mathematics; and Title I Support to Improve Achievement in High-Poverty Schools.</td>
</tr>
<tr>
<td>Present to Title I Conference participants</td>
<td>CDE/SBE Team: Carrie Roberts, Kristen Brown, Patrick Traynor, Barbara Murchison, Nancy Brownell, Karen Cadiero-Kaplan, Judi Brown</td>
<td>Key Learning: Interest in CCSS implementation among statewide Title I leadership is high and challenges about implementing more rigorous programs for high need students is causing some concern. There are expectations among some participants that specific guidance on title I program considerations and funding uses will be available at a later time in the implementation.</td>
</tr>
<tr>
<td>September 28, 2012</td>
<td>800 teachers and administrators from charters</td>
<td>Present an overview of the CCSS, the Implementation Plan, and the professional learning modules for educators from Accord Charter Schools.</td>
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<tr>
<td>Present at Accord Charter School Conference</td>
<td>CDE/SBE Team: Carrie Roberts, Cynthia Gunderson</td>
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<tr>
<td>September 28, 2012</td>
<td>15 higher education faculty representatives</td>
<td>Presentation to the higher education faculty serving as representatives of the California Community Colleges, California State University, and University of California on strategies for engaging faculty in CCSS implementation and SMARTER Balanced Assessment roles.</td>
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<tr>
<td>Present to Intersegmental Committee of the Academic Senates (ICAS)</td>
<td>CDE/SBE Team: Deb Sigman, Sue Burr</td>
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<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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<tr>
<td>October 3, 2012</td>
<td>400 educators registered</td>
<td>Presentation sponsored by the Secondary Literacy Partnership to provide secondary teachers and school teams with an overview of the CCSS for English Language Arts and Literacy in the Content Areas.</td>
</tr>
<tr>
<td>Present Secondary</td>
<td>CDE/SBE Team: Barbara Murchison, Carrie Roberts</td>
<td><strong>Key Learning:</strong> Given the suspension of an annual Secondary Literacy Conference, secondary educators are interested in online learning opportunities related to CCSS instructional shifts.</td>
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<tr>
<td>Literacy Webinar</td>
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<tr>
<td>October 3, 2012</td>
<td>40 teachers from Sacramento area</td>
<td>Sacramento County Office of Education sponsored series on introducing and examining areas of emphasis in the CCSS for English Language Arts and Literacy in History/Social Studies, Science and Technical Subjects. This session focused on developing strategies for Collaborative Conversation as reflected in the listening and speaking strand.</td>
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<tr>
<td>Attend “Supporting the</td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td><strong>Key Learning:</strong> Teachers value collaborating with other teachers to better understand and develop instructional strategies for increasing students’ experiences for demonstrating the speaking and listening standards related to performance, collaboration, and links to reading and writing.</td>
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<td>Transition to Common Core</td>
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<td>Standards” session</td>
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<tr>
<td>October 5, 2012</td>
<td>1500 educators in the district</td>
<td>Provide an overview of common core implementation plan activities related to district priorities.</td>
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<tr>
<td>Present to San Ramon Valley</td>
<td>CDE/SBE Team: Barbara Murchison</td>
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<td>Unified School District</td>
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<tr>
<td>educators</td>
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<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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<td><strong>October 10, 2012</strong></td>
<td><strong>Present to annual Credential Analysts and Counselors of California Conference</strong></td>
<td>Share CCSS implementation resources and timelines with counselors and credential analysts at their annual conference. Credential Counselors &amp; Analysts of California (CCAC) is a non-profit professional organization of credentialing personnel from universities, school districts and county offices of education in the state of California. The organization is dedicated to the dissemination of credential information and provides liaison services to agencies involved in the credentialing process for California school personnel. The website and a member list serve are maintained to distribute time sensitive and important information.</td>
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<td><strong>100 counselors and credential analysts from across the state</strong></td>
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<td><strong>CDE/SBE Team:</strong> Barbara Murchison, Carrie Roberts</td>
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<td></td>
<td><strong>October 10, 2012</strong></td>
<td><strong>Joint Committee on Instructional Materials</strong></td>
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<td></td>
<td><strong>15 members representing various stakeholder organizations such as LEAs, professional organizations, publishers, etc.</strong></td>
<td>Presentations on the Smarter Balanced Assessment Consortium, Statewide Pupil Assessment System reauthorization, mathematics adoption, ELD materials, ELA/ELD Curriculum Framework, Mathematics Curriculum Framework, Supplemental Instructional Materials Review, CDE CCSS Web page and Systems Implementation Significant Milestones, ELD Standards, and recent legislation.</td>
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<td></td>
<td><strong>CDE/SBE Team:</strong> CFIRD, Kristen Brown, Jessica Barr, Joy Kessel, Jennifer Moreno</td>
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<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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<tr>
<td><strong>October 17, 2012</strong></td>
<td>20 directors and representatives from LRDCs across the state</td>
<td>Presentations on legislation, mathematics, Supplemental Instructional Materials Review, CDE CCSS Web page and Systems Implementation Significant Milestones, ELA, and ELD.</td>
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<tr>
<td>Learning Resources Display Centers (LRDC) Directors Meeting</td>
<td>CDE/SBE Team: CFIRD Joy Kessel</td>
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<td><strong>October 29, 2012</strong></td>
<td>75 participants, representing local districts</td>
<td>Provide an overview of instructional shifts required in implementing the CCSS and suggest communication tools and strategies for use by local school board members.</td>
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<tr>
<td>Present to local school board trustees from Ventura County districts</td>
<td>CDE/SBE Team: Nancy Brownell</td>
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<tr>
<td><strong>October 30, 2012</strong></td>
<td>300 educators from the bay area</td>
<td>The Contra Costa County Office of Education hosted the San Francisco-Bay Area Common Core Summit to address next steps in implementation with a focus on policy, assessment, and specific instructional strategies and implications.</td>
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<tr>
<td>Present at Bay Area Common Core Summit</td>
<td>CDE/SBE Team: Nancy Brownell, Patrick Traynor, Bill Honig</td>
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<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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</table>
| October 31, 2012 Present to Advisory Commission on Special Education | 15 members of commission plus staff and legislative representatives  
CDE/SBE Team: Nancy Brownell, Barbara Murchison | Provide an overview of major instructional shifts of CCSS and information on resources and opportunities for input within the timeline of related activities to the Advisory Commission. |
ITEM 04
SUBJECT

English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve: Adoption of newly revised English Language Development Standards

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) adopted the Common Core State Standards (CCSS) for English language arts (ELA) in August 2010. California Education Code Section 60811.3 (a), created by Assembly Bill (AB) 124 (Chapter 605, Statutes of 2011), requires that the State Superintendent of Public Instruction (SSPI), in consultation with the SBE, update, revise, and align the English language development (ELD) standards to the SBE-adopted CCSS for ELA.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE adopt the proposed ELD standards for California public schools, kindergarten through grade twelve.

BRIEF HISTORY OF KEY ISSUES

The SBE adopted the CCSS for ELA in August 2010. These standards became the current subject-matter standards in ELA. In October 2011, Governor Edmund G. Brown, Jr. signed AB 124 into law, which requires that the SSPI, in consultation with the SBE, update, revise, and align the ELD standards to the adopted CCSS for ELA. The charge is to develop ELD standards aligned by grade level comparable to, and as rigorous and specific as, the adopted CCSS for ELA.

In meeting these requirements, the SSPI had to convene a group of experts in English language instruction, curriculum, and assessment including individuals who have a minimum of three years of demonstrated experience instructing English learners (ELs) in the classroom at the elementary or secondary level. Also, AB 124 required two public
hearings. Upon receiving the SSPI-recommended ELD standards by August 31, 2012, the SBE had to adopt, revise, or reject the standards by September 30, 2012. If the SBE found a need for modifications to the standards, the timeline for action by the SBE would be extended to November 15, 2012.

At the September 13, 2012, SBE meeting, the CDE presented its proposed ELD standards and recommended that the SBE take action as deemed necessary and appropriate. At this same meeting, the SBE staff recommended that the SBE designate SBE liaisons and staff to work with the CDE on any revisions necessary, including the finalizing of the introduction or any appendices to bring back to the SBE in November 2012. The SBE adopted the SBE staff’s recommendation and requested that the CDE work with the SBE liaisons and staff to make any necessary revisions and present revised ELD standards for final adoption at the November 7–8, 2012, SBE meeting.

Proposed English Language Development Standards

The CDE was charged with developing ELD standards aligned by grade level and comparable to and as rigorous and specific as the adopted CCSS in ELA. As mentioned at the September 13, 2012, SBE meeting, the design and development of the proposed ELD standards were informed by multiple sources, included focus groups, a panel of experts, public hearings and review/comment period, CDE and SBE staff, external stakeholder WebEx meetings, research, theory, and best practice.

At the September 13, 2012, meeting, the CDE presented the following ELD standards documents to the SBE:

- Overview and the Proficiency Level Descriptors (PLDs)
- Grade-Level ELD Standards
- Summary of Public Review and Comments
- Three Draft Appendices
  - Theoretical Foundations and Research Base
  - Part II: Learning About How English Works
  - Literacy Foundational Skills

After the September 13, 2012, meeting, the CDE collaborated with the SBE liaisons and staff to make the revisions requested by the SBE. The table below outlines the requested revisions and where the request was addressed in the grade-level standards and related appendices.

<table>
<thead>
<tr>
<th>SBE Requested Revision</th>
<th>Revision Addressed</th>
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<tr>
<td>Explanation of the shifts that the ELD standards assume regarding instruction and</td>
<td>• Appendix B: The CA English Language Development Standards Part II:</td>
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<tr>
<td>how educators will be expected to change their instruction in order for ELs to</td>
<td>Learning About How English Works</td>
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<td>successfully access the CCSS while</td>
<td>describes the shifts from the 1999 CA ELD Standards to the 2012 CA ELD</td>
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<td>Topic</td>
<td>Details</td>
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<tr>
<td>Developing English language proficiency standards.</td>
<td>- Appendix B: Discusses ways that teachers can support their ELs develop academic English and provides examples.</td>
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<td>Explanation describing how the ELD standards will remain responsive to and consistent with various forthcoming processes</td>
<td>- Appendix A: Foundational Literacy Skills for English Learners provides alignment charts that outline general guidance on providing instruction to ELs on foundational literacy skills aligned to the Common Core State Reading Foundational Standards.</td>
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<td>- Appendix C: Theoretical Foundations and Research Base for California’s English Language Development Standards outlines the multiple theories and body of research pertaining to the linguistic and academic education of ELs.</td>
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<td>- Overview and Appendices A-D: Establish the theoretical framework, research base, the intent, and how to use the ELD standards. They also provide guidance for forthcoming processes related to assessment, curriculum frameworks, professional development, and instructional materials</td>
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<td>- The Glossary of Key Terms defines the terms that are unique to the ELD standards and related to the CCSS.</td>
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<td>CDE staff monitor final action on pending legislative measures, and incorporate revisions, if needed, to the appendices prior to final adoption of the standards in November 2012</td>
<td>- The CDE reviewed recently signed related legislation and discussed their impact on the ELD Standards and if revisions were needed with the Curriculum Frameworks and Instructional Resources, Assessment Development and Administration, and Professional Learning Support Divisions. Based on this review <strong>no major revisions were necessary</strong>.</td>
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<td>Related Signed Legislation:</td>
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<td><strong>SB 1200</strong></td>
<td>This bill, until July 1, 2014, authorizes the SSPI to recommend and the SBE to adopt the college and career readiness anchor standards developed by the Common Core State Standards Initiative consortium. The bill also authorizes the SBE to take action to resolve any technical issues in the ELA standards it adopted.</td>
</tr>
<tr>
<td><strong>AB 1246</strong></td>
<td>Existing law authorizes LEAs to use specified funds for any educational purpose and requires instructional materials purchased by LEAs to be materials adopted by the SBE and be aligned with state standards. This bill instead provides that the instructional materials purchased by LEAs be aligned with state standards.</td>
</tr>
<tr>
<td><strong>AB 1719</strong></td>
<td>This bill requires the CDE to recommend, and the SBE to approve, evaluation criteria to guide the development and review of supplemental instructional materials for ELs. The bill requires the CDE to develop a list by March 1, 2014, of supplemental instructional materials for beginning through advanced levels of proficiency for use in kindergarten and grades 1 to 8 that are aligned with the revised ELD standards. This bill authorizes the governing boards of school districts and county boards of education to approve supplemental instructional materials other than those approved by the SBE if the governing board of a school district or county board of education performs specified reviews and determines that other supplemental instructional materials are aligned with the revised ELD standards.</td>
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however the English Language Support Division (ELSD) will continue to work with other CDE divisions to ensure that the implementation of the ELD standards is aligned with related legislation in key areas noted.

The ELD Standards while aligned with Common Core ELA also reflect key areas of text types and modalities that align with the college and career readiness anchor standards.

This legislation does not directly impact the proposed ELD standards; however, with adopted ELD standards, LEAs will be required to have instructional materials aligned with state ELD standards.

The ELD standards will be utilized to inform the criteria for the ELD supplemental materials. The English Learners Support Division will collaborate with the Curriculum Frameworks and Instructional Resources Division in informing the criteria and development processes.
Standards and meet the needs of pupils of the district who are ELs.

**AB 2193**

This bill defines "long-term English learners" and "ELs at risk of becoming long-term ELs," and requires the CDE to annually ascertain and provide to school districts and schools the number of such pupils in each school district and school.

On September 21, 2012 the Governor signed AB 2193 (Lara, Statutes of 2012, Chapter 427). AB 2193 defines "long-term English learners" and "English learners (ELs) at risk of becoming long-term English learners," and requires the CDE to annually ascertain and provide to school districts and schools the number of such pupils in each school district and school. This language was added to page 3 of the Overview of the California English Language Development Standards and Proficiency Level Descriptors.
Minor technical edits and changes

Proficiency Level Descriptors and Grade K-12 Standards: Minor edits for spelling, grammar, and alignment were made.

The revised SSPI-proposed ELD Standards are posted on the CDE ELD Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp) and include:

- Overview of the CA ELD Standards and PLDs
- ELD Standards by Grade Level
- Appendix A: Foundational Literacy Skills for English Learners
- Appendix B: The CA ELD Standards Part II: Learning About How English Works
- Appendix C: Theoretical Foundations and Research Base for CA’s ELD Standards
- Appendix D: Context, Development, and Validation of the CA ELD Standards
- Glossary of Terms

**ELD Standards Implementation**

The CDE has begun developing an ELD standards implementation plan and the plan will be presented to the SBE at a future meeting. The development of the implementation plan has included and will continue to include collaboration with internal and external stakeholders to ensure alignment of the ELD standards with other CDE CCSS implementation activities. Stakeholders include:

- County Offices of Education to support the implementation of the ELD standards in school districts and to also monitor the degree to which the ELD standards are implemented.

- Multiple CDE divisions to ensure alignment of the ELD standards, ELA/ELD frameworks, language proficiency assessment, and professional development.

- Common Core Systems Implementation Office to include the development and implementation of the ELD standards in the Common Core State Implementation Plan.

Multiple CDE divisions are working with County Offices of Education to establish a collaborative across counties to develop a common message and a transition document that will provide guidance on the implementation of the ELD standards for educators.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

September 2012: The CDE reviewed the ELD standards development process and presented a walk-through of the ELD standards. The CDE also recommended that the SBE take action as deemed necessary and appropriate. The SBE agreed with the SBE staff recommendation to adopt the ELD standards in November 2012. The SBE directed CDE to work with SBE liaisons and staff to make any necessary revisions for final adoption in November 2012.

July 2012: The CDE presented an overview of the ELD standards development process. The CDE also provided a detailed briefing on the draft proficiency level descriptors and ELD standards template.

May 2012: The CDE presented a summary of the key activities regarding the revision of the ELD standards, including a summary of the results of the focus groups and the panel of experts selection process.

March 2012: The CDE presented the timeline and provided a summary of the key activities regarding updating, revision, and alignment of the ELD standards to the SBE-adopted CCSS for ELA.

October 2011: Governor Edmund G. Brown, Jr. signed AB 124 (Chapter 605, Statutes of 2011).

August 2010: Pursuant to SBX5 1 (Chapter 2, Statutes of 2011), the SBE adopted the academic content standards in ELA and mathematics as proposed by the California Academic Content Standards Commission.

July 1999: The SBE adopted the ELD standards for California public schools.

FISCAL ANALYSIS (AS APPROPRIATE)

$200,000 in Title I local assistance carryover funds were used for costs incurred by the CDE.

ATTACHMENT(S)

None.
ITEM 05
California Education Code (EC) Section 60207 requires the State Board of Education (SBE) to adopt a revised English Language Arts/English Language Development (ELA/ELD) curriculum framework and evaluation criteria for the adoption of ELA/ELD instructional materials aligned to both the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (CCSS ELA) and the new English Language Development (ELD) standards. The California Code of Regulations, Title 5 (5 CCR), section 9511 allows the SBE to establish a Curriculum Framework and Evaluation Criteria Committee (CFCC) to assist in the development of curriculum frameworks and evaluation criteria and sets requirements regarding the composition of a CFCC. The Instructional Quality Commission (IQC) makes recommendations to the SBE on the guidelines that direct the work of the CFCC and the appointment of CFCC members. At this meeting, the SBE will approve guidelines for the 2014 revision of the ELA/ELD framework and appoint ELA/ELD CFCC members.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE: (1) approve the Curriculum Framework and Evaluation Criteria Committee Guidelines for the 2014 Revision of the English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve (ELA/ELD Guidelines), as recommended by the IQC, and (2) appoint 20 members to the ELA/ELD CFCC, including Martha Hernandez and Rebecca (Becky) Sullivan as Co-Chairs of the ELA/ELD CFCC, as recommended by the IQC.

BRIEF HISTORY OF KEY ISSUES

Revising the English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve (ELA/ELD Framework) to align with both the CCSS ELA and the new ELD standards is an important component in
the implementation of the CCSS ELA adopted by the SBE in August 2010. The revision of the *ELA/ELD Framework* is a multi-step process involving educators, content experts, and other education and community stakeholders. Throughout the revision process, there are opportunities for public input at meetings of the ELA/ELD CFCC, IQC, and SBE and during two 60-day public review periods.

**ELA/ELD Focus Group Report**

In May and June 2012, the CDE convened four public focus groups to gather input from educators and the public regarding what guidance and information should be included in the revised framework to support implementation of the CCSS ELA. The *English Language Arts/English Language Development Focus Group Report* is a summary of oral comments made at the focus group meetings and a compilation of the written comments received during these focus group meetings regarding the revision of the *ELA/ELD Framework*. The report can be found on the CDE Curriculum Frameworks Web page at [http://www.cde.ca.gov/ci/rl/cf/documents/elaeldfocusgrpfinalrpt.doc](http://www.cde.ca.gov/ci/rl/cf/documents/elaeldfocusgrpfinalrpt.doc).

Because the report is provided as information, no SBE action on the report is required. The comments in the report informed the development of guidelines for the ELA/ELD CFCC.

**Guidelines for the ELA/ELD CFCC**

On September 25, 2012, the IQC acted to recommend to the SBE guidelines to direct the work of the ELA/ELD CFCC. These guidelines are based on current statutory requirements, oral comments from the four focus group meetings held in May and June 2012, and written comments received in May and June 2012. Curriculum Frameworks and Instructional Resources Division (CFIRD) staff developed the initial draft of the guidelines. The ELA/ELD Subject Matter Committee (ELA/ELD SMC) held two informational teleconference meetings in August and September 2012 to review and edit the draft guidelines. The IQC modified and approved the draft guidelines at its September meeting.

The draft *ELA/ELD Guidelines* is located on the CDE Curriculum Frameworks Web page at [http://www.cde.ca.gov/ci/rl/cf/index.asp](http://www.cde.ca.gov/ci/rl/cf/index.asp). The *ELA/ELD Guidelines* direct the work of the ELA/ELD CFCC and require the inclusion of specific content.

In general, the draft guidelines propose that the revised *ELA/ELD Framework* shall

- Be aligned to the CCSS ELA and be consistent in their focus, coherence, rigor, and depth
- Include the ELD standards with a focus on the development and proficiency of English language aligned with the CCSS ELA
- Be a living document with links to implementation tools, research-based instructional practices, model/sample exemplars, and high-quality research
• Support a progression of learning from transitional kindergarten through high school that aligns with the Career and College Readiness Anchor Standards

• Support the shared responsibility to address literacy skills across all content areas and grade levels

• Incorporate a clear definition of universal access with instructional support for English learners and students with disabilities

• Address instructional strategies and professional learning resources to inform effective instructional practice and promote professional growth

• Be consistent with and supportive of the Smarter Balanced Assessment Consortium’s test content specifications

Appointment of ELA/ELD CFCC Members

On September 25, 2012, the IQC took action to recommend to the SBE 20 applicants for appointment to the ELA/ELD CFCC. The 5 CCR, section 9511, governs the appointment of ELA/ELD CFCC members and sets a limit of between 9 and 20 members. The regulations require that:

• A majority of the ELA/ELD CFCC must be comprised of teachers who, at the time of their appointment, teach students in kindergarten through grade twelve, have a professional credential under state law, and meet the criteria for “highly qualified” teachers under federal law.

• At least one of the teachers must have experience providing instruction to English learners.

• At least one of the teachers must have experience providing instruction to students with disabilities.

• At least one member of the ELA/ELD CFCC is a Content Review Expert (CRE). A CRE must have a master’s degree or higher in reading/language arts and five or more years of experience with, and expertise in, standards-based educational programs and practices in that field, or have a doctoral degree and expertise in “research on how reading skills are acquired” as defined in EC Section 44757.5.

• Other members of the ELA/ELD CFCC can be administrators, parents, local school board members, or teachers who do not meet the requirements listed above, and community members.

• The regulations also require that the SBE appoint ELA/ELD CFCC members who are reflective of California’s diversity and its different regions and types of school districts.
The 20 IQC-recommended applicants meet the 5 CCR requirements. Thirteen of the recommended applicants are currently classroom teachers. Of the seven non-teacher applicants, one is a Professor Emeritus from Stanford University, and six are currently or previously employed by a county office of education. All but one of the recommended applicants indicated they have experience teaching English learners, and all but one of the applicants indicated they have experience teaching students with disabilities. Five of the applicants have a bilingual cross-cultural language and academic development or dual language certification. Two of the recommended applicants have doctorate degrees, one in international and multicultural education and one in cognitive psychology. Three of the recommended applicants have earned National Board Certification. Each of the recommended applicants has between 12 and 55 years of experience in education.

**IQC Recommendations for ELA/ELD CFCC**

The IQC recommends the following applicants to the SBE for appointment to the ELA/ELD CFCC and recommends that the SBE appoint Applicant Numbers 530 and 543 to serve as Co-Chairs of the ELA/ELD CFCC:

<table>
<thead>
<tr>
<th>Applicant Number</th>
<th>Name</th>
<th>Employer</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>444</td>
<td>Carla Quinonez</td>
<td>Dinuba Unified School District</td>
<td>Sixth Grade Teacher</td>
</tr>
<tr>
<td>448</td>
<td>Paul Pinza</td>
<td>Campbell Union High School District</td>
<td>English Teacher and ELD Chair</td>
</tr>
<tr>
<td>453</td>
<td>Shannon Maveety</td>
<td>Rocklin Unified School District</td>
<td>Teacher, Department Chair</td>
</tr>
<tr>
<td>462</td>
<td>Kathy L. Pedroza</td>
<td>Jurupa Unified School District</td>
<td>Dual Language Kindergarten Teacher</td>
</tr>
<tr>
<td>463</td>
<td>Deborah Thomas</td>
<td>Fruitvale School District</td>
<td>Fourth Grade Teacher</td>
</tr>
<tr>
<td>482</td>
<td>Krista Aziz</td>
<td>Sweetwater Union High School District</td>
<td>Education Specialist</td>
</tr>
<tr>
<td>483</td>
<td>Jeanne Jelnick</td>
<td>Irvine Unified School District</td>
<td>English Teacher</td>
</tr>
<tr>
<td>515</td>
<td>Donna Jordan</td>
<td>San Bernadino City Unified School District</td>
<td>Sixth Grade Teacher</td>
</tr>
<tr>
<td>517</td>
<td>Margaret Lozano</td>
<td>Los Angeles Unified School District</td>
<td>First Grade Teacher</td>
</tr>
<tr>
<td>518</td>
<td>Madhumita (Mita) Pounce</td>
<td>Los Angeles Unified School District</td>
<td>Fourth/Fifth Grade Teacher</td>
</tr>
<tr>
<td>521</td>
<td>Janice Orton</td>
<td>California School for the Deaf,</td>
<td>Middle School Literacy Teacher</td>
</tr>
</tbody>
</table>
Profiles of the 20 recommended applicants (Attachment 1) provide a summary of information regarding each applicant.

A complete set of all 20 applications, including profiles, application forms, and resumes, is available for viewing in the SBE Office.

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

**May 2012:** The SBE approved the timeline and ELA/ELD CFCC application form for the 2014 revision of the *ELA/ELD Framework*. The ELA/ELD CFCC application was available online from May 14 through August 16, 2012.

**March 2012:** The SBE appointed 13 members to serve on the IQC, including one member whose term will not begin until 2013.
August 2010: The SBE adopted the academic content standards in mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS ELA and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

November 2008: The SBE adopted instructional materials in reading/language arts for kindergarten through grade eight.

January 2008: The SBE adopted new 5 CCR sections governing the curriculum framework and instructional materials adoption process.

April 2006: The SBE adopted the Reading/Language Arts Framework for California Public Schools: Kindergarten Through Grade Twelve and the criteria for evaluating instructional materials submitted for the 2008 Reading/Language Arts Primary Adoption.

FISCAL ANALYSIS (AS APPROPRIATE)

The cost to revise the ELA/ELD Framework is anticipated to be a total of $222,590 over three budget years, 2011–2012, 2012–2013, and 2013–2014. This cost includes the expenses of the focus groups, the CFCC, and the meetings of the IQC and ELA SMC.

The expenses are also comprised of the costs of a contracted ELA/ELD Framework writing team and other costs associated with the procedures mandated in 5 CCR regulations for the adoption of curriculum frameworks. In addition, the CDE budget will cover the anticipated $1.54 million in CDE staff costs. Costs to revise the ELA/ELD Framework will be paid by State General Fund dollars.

ATTACHMENT(S)

Attachment 1: Profiles of Instructional Quality Commission-Recommended Applicants for the ELA/ELD Curriculum Framework and Evaluation Criteria Committee (27 Pages)
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

Paul Pinza, English teacher & ELD Chair, Westmont High School

Campbell Union High School District, San Jose, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: 9–12

Years Teaching: 13

Experience Teaching English Learners:

CLAD certification since 1999 3 years teaching SDAIE English (Advanced) and ELD 4 (Early Advanced) Taught 9th through 12th grade in these classes Also trained by WRITE Institute as a district-level curricular leader

Experience Teaching Students with Disabilities:

Over 13 years, I've taught students with disabilities at every grade level, 9th through 12th grade. I have also coached disabled students on my debate team, arranging accommodations for them at competitions. Some training in the IEP process through Parents Helping Parents (my son is on the autism spectrum).

Ethnicity:

Degrees/ Certifications:

- MS - Education (July 2012), National University
- Administrative Credential, National University
- Single Subject Teaching Credential w/ CLAD, San Jose State University
- BA - Theatre Arts, UC Santa Cruz

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

| 453   | Shannon M Maveety, Teacher, Dept. Chair; Adjunct Professor | North |

Rocklin Unified School District, Rocklin, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Grade and other Levels of Expertise: 6–8
7th & 8th grade; university undergrad and graduate

Years Teaching: 18

Experience Teaching English Learners:
I was the teacher who received mainstreamed EL students for 5 years while teaching in the Bay Area. I am CLAD-certified and have a doctorate in International and Multicultural Education.

Experience Teaching Students with Disabilities:
Throughout my eleven years teaching middle school, I have taught many students in Resource and those labeled Emotionally Disturbed.

Ethnicity: White

Degrees/ Certifications:
- Doctorate International and Multicultural Education, University San Francisco
- MA Educational Administration, East Carolina University
- Multiple Subject Teaching Credential, CSU Sacramento
- BA International Relations, Minor in Education, UC Davis

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

444 Carla J Quinonez, 6th Grade Teacher
South

Dinuba Unified School District, Dinuba, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5, 6–8

Years Teaching: 12

Experience Teaching English Learners:

I posses a BCLAD certification, Dual Language Immersion certification, and have taught Second Language Acquisition master level courses at UNLV and Sierra Nevada College. For 3 years, I was an English Language Learner Strategist K-8 in Las Vegas, Nevada. I served in the East Region ELD Cabinet and reviewed several state adopted materials for EL students. As a teacher, I have taught various EL programs. I started out teaching in a Dual Immersion Kindergarten and Bilingual second grade in California. Later taught a year of Bilingual Kindergarten, a year of Transitional Kindergarten, and when I returned to California, I taught using a program called Language Star.

Experience Teaching Students with Disabilities:

As an English Learner Strategist, I mentored and advised on school Student Study Teams to help determine whether the child had a learning disability or if it was a language disability. I worked with students in a small group setting using Voyager as a form of Tier III instruction and monitored their progress. We complied data, gave home surveys, and I administered some of the assessments in their primary language to determine eligibility. I modeled lessons for teachers K-8 that used the most effective strategies, and modifications to meet the needs of students with disabilities. During my experience in the classroom, I have taught students with moderate to severe learning disabilities. Last year, I had the pleasure of working with a student that was hearing impaired and needed a translator. She was also an ELD student. I used my background in ELD and worked closely with the County Consultant to find curriculum to teach my student how to write. This year, I have 6 students with learning and emotional disabilities. I have found passages that are at their reading level and taught the standards we are currently expected to teach. It has been a good experience to create unit lessons for my students.

Ethnicity: Hispanic/Latino

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Degrees/ Certifications:

- Ed.S., Nova Southeastern University
- M.S., Nova Southeastern University
- BA, Fresno Pacific University

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

531 Silvia C Dorta-Duque de Reyes, Coordinator

San Diego County Office of Education, San Diego, California

Area(s) of Expertise: Administrator

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5, 6–8, 9–12

Years Teaching: 20

Experience Teaching English Learners:

I have provided instruction to English Learners for about 20 of my 30 years of public school service. I obtained a multiple subjects credential with cross-cultural bilingual emphasis in 1981 from San Diego State University. I have a Masters in Special Education, from San Diego State University which includes a Learning Handicap Credential and a Resource Specialist Credential.

Experience Teaching Students with Disabilities:

I served as a LH/RSP teacher in the Oceanside Unified School District for 5 years. I have a Masters in Special Education, from San Diego State University which includes a Learning Handicap Credential and a Resource Specialist Credential.

Ethnicity: Hispanic/Latino

Degrees/ Certifications:

- Masters in Special Education, San Diego State University
- LH/RSP Credential, San Diego State University
- Multiple Subjects Cross-Cultural Bilingual Credential, San Diego State University

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Kathy L Pedroza, Dual Language Kindergarten Teacher

Jurupa Unified School District, Jurupa Valley, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Grade and other Levels of Expertise: K–2

Years Teaching: 19

Experience Teaching English Learners:
I taught for one quarter in a 4/5 combo. I have taught kindergarten for 19 years, and I taught 2 university level teacher education classes on ELD. I have a bilingual cross-cultural credential, a single subject credential in Spanish, and a reading specialist credential. I have taught in bilingual classrooms, and provided ELD instruction since it was required. Now I am teaching in a Spanish Dual Immersion class. I attended a conference on Susanna Dutro's Systemic ELD. I found it the most helpful information I ever received. I continue to use what I learned in that conference to formulate my ELD lesson plans. My regular lesson plans are constructed with an eye on the ELD lesson plans and I try to use ELD strategies within the regular instruction because I find it enhances the instruction.

Experience Teaching Students with Disabilities:
Over the years, I have had students with both physical and developmental disabilities within my mainstream Kindergarten classroom. I had a student missing digits, one with spina bifida, others with ADD or autism. I have had most of these students for the entire duration of the school year. I received differentiated learning training and gate training provided by the district. These trainings were useful, and have applications to some situations regarding the instruction of students with disabilities. I did receive training on speech interventions to be used before recommending a student for speech. On my own, I attended a conference on non-verbal learning disabilities and I have done research as needed to meet the needs of the child.

Ethnicity: White

Degrees/ Certifications:
- M.A. Language & Literacy, Reading Specialist Credential, Cal State San Bernardino
- BCC multi-subject credential, Single subject credential in Spanish, University of California, Riverside
- B.A. majors in Spanish & Art, Union College, Lincoln, Nebraska

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English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

| 463 | Deborah Thomas, Fourth Grade Teacher | South |

Fruitvale School District; Endeavour Elementary, Bakersfield, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5 University

Years Teaching: 23

Experience Teaching English Learners:

I have taught second language learners every year during my 23 years of teaching. Additionally, I teach at California State University, Bakersfield and many of my college students are also second language learners. I have completed the SB 395 ELD/SDAIE Certification, through the California Teacher's Association.

Experience Teaching Students with Disabilities:

I have provided instruction for students with the following disabilities: Asperger's Syndrome, MS, epilepsy, learning disabilities in reading, writing, spelling, and math, ADD, ADHD, General Anxiety Disorder, OCD, brain injury, Bipolar Disorder, Pervasive Developmental Disorder, and asthma. Students with these disabilities and more have been included in my general education classroom for 22 of my 23 years of teaching. I taught special education for one year with a waiver, and actually had fewer students with severe disabilities than in the regular classroom.

Ethnicity: White

Degrees/ Certifications:

- Master's of Reading, California State University, Bakersfield
- Bachelor's of Science, Elementary Education, Eastern Michigan University
- SB 395 ELD/SDAIE Certification, California Teacher's Association
- Master's of Educational Administration (incomplete), University of LaVerne

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English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

478  Robert Calfee, Professor Emeritus, On Recall  North

Stanford University, School of Education, Stanford, California

Area(s) of Expertise:  Other area of expertise

Describe Other Expertise: Professor, Higher Ed

Describe Self Employment:

Grade and other Levels of Expertise:  K–2, 3–5

University

Years Teaching:  55

Experience Teaching English Learners:

Experience Teaching Students with Disabilities:

Ethnicity:  White

Degrees/ Certifications:

- Ph. D., Cognitive Psychology, University of California, Los Angeles
- M. A., Psychology, University of California, Los Angeles
- B. A., Psychology, University of California, Los Angeles

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English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

482 Krista M Aziz, Education Specialist South

Olympian High School, Chula Vista, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: 

Describe Self Employment: 

Grade and other Levels of Expertise: 9–12

University

Years Teaching: 14

Experience Teaching English Learners:

I have a Cultural and Language Diversity (CLAD) credential. Grades 9-12 for 12 years

Experience Teaching Students with Disabilities:

I have an NCLB education specialist credential as well as a master’s degree in special education. I have taught special education classes for 14 years.

Ethnicity: Decline to state

Degrees/ Certifications:

• National Board of Professional Teaching Standards certification, National Board for Professional Teaching Standards

• Master’s Degree in Special Education, National University

• NCLB Education Specialist credential, National University

• Single Subject Teaching Credential, National University

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Irvine Unified School District, Irvine, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: 9–12

Years Teaching: 28

Experience Teaching English Learners:

Though I have not taught a Sheltered or ELD course, for 28 years, I have worked for the Irvine Unified School District at a site where English learners constitute a significant percentage of any mainstream classroom. In the late 1990's I earned a SDAIE certification and since then, I have enjoyed the regular opportunity to work with 9th through 12th grade students with limited English proficiency who are newly mainstreamed into my college-preparatory English classroom. These students, like my struggling readers, benefit from differentiated instruction, one-on-one writing conferences, and explicit, identification of discrete performance skills. For language learners, speaking presents significant challenges, and I have found success using what I call RoundTable discussions as a way of providing regular, low-stakes opportunities for students to participate, four at a time, in conversations prompted by specific questions about a text. The scoring rubric we use identifies concrete behaviors appropriate to academic discourse, for example: Active Listening (Students use eye contact, nodding, and posture to show attentiveness), Meaningful Transitions (Students link what they are about to say to what has just been said), Shared Participation (All students share ideas and encourage table mates to contribute), Rigor and Risk (Students ask questions that do not have obvious or easy answers), Focus (Students help each other remain focused on the key question, relating assertions to the prompt), Evidence (Students refer often and specifically to the text to support claims), Open-Minded Consideration of All Viewpoints (Students alter initial ideas, adjust positions, and "re-think"

nature of the performance tasks listed above provides concrete ways for language learners to contribute to academic conversations; at the same time, more verbally confident students are held responsible for listening and sharing "talk time."

Experience Teaching Students with Disabilities:

When my younger daughter entered elementary school in the late 1990's, it became apparent that she was experiencing notable reading difficulties. The mild dyslexia she had inherited from her father did not qualify her for special services or formal support,

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so to do what I could to help her, I began to educate myself, enrolling in courses, attending conferences and workshops, reading books recommended by various specialists. What I learned during these years helped Jeralyn manage more successfully the increasing reading demands she faced as she moved through school, but it also vastly improved the work I was able to do with struggling readers in my own classroom, some of whom were receiving Special Education support, but many of whom, like my daughter, were not. Under-trained as so many secondary language arts teachers are in the specifics of reading intervention and support, I had believed for years that as a "literature teacher,"

I w

students' reading needs. I did not know how wrong I was until I saw the performance results in my own students when I began to differentiate instruction more thoughtfully and systematically, when I began to scaffold skills, calibrate pacing and implement a reading strategies system, which remains a central strand of my college-prep ninth grade English course. From my current perspective, the Common Core Standards in reading will lead more secondary language arts teachers in the direction that my daughter's circumstances took me years ago. The careful and specific articulation of discrete skills upon which it is based and its foregrounding of the differing demands presented by fiction and informational texts will result in critical conversations about text and discourse and reading strategies that our existing standards, simply put, have not made necessary.

**Ethnicity:**  White

**Degrees/ Certifications:**

- Masters in English Literature, University of California, Irvine
- Bachelors in English Literature, University of California, Irvine
- Single Subject Teaching Credential, University of California, Irvine
- SDAIE Certification, Orange county Department of Education

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**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Charlene K Stringham, Student Support & Academic Services Administrator

Tulare County Office of Education, Visalia, California

Area(s) of Expertise: Administrator

Describe Other Expertise: Describe Self Employment: 

Grade and other Levels of Expertise: K–2, 3–5, 6–8, 9–12

Years Teaching: 18

Experience Teaching English Learners:

In my 18 years as a classroom teacher of students in grades K, 1, 2 & 5 -8 I have been an instructor of English Learners ranging from the beginning stages to early advanced proficiency levels. In addition, in my role as a coach and instructional consultant for nearly 10 years, a large part of my responsibilities has been to provide support to teachers of English Learners as sites work to meet and/or maintain AMAOs. This support is offered through both a review of EL research, professional development, and classroom demonstration lessons. An emphasis on oral language production and vocabulary development as a precursor to written language is a consistent message in my K-12 work. I received my SDAIE SB 1969 waiver in June of 1998, but my expertise in EL instruction is a result of fieldwork and study of experts (Kinsella, Echeverria, Dutro, Kaufman, Shanahan, and others). I am trained in and have delivered English Learner Professional Development Institute (ELPDI) curriculum.

Experience Teaching Students with Disabilities:

Throughout my career in education, I have always had a student with some type of disability in my classroom. The disabilities include, but are not limited to hearing impairment, sight impairment, autism, processing disorders, and dyslexia. Although I do not hold a specialized credential, I have worked closely with various specialized professionals to differentiate materials, curriculum and/or instruction to match the needs of the learner and maximize their learning. I understand the need to identify the strengths of the learning and to build upon assets rather than focusing on deficits. I recognize that interventions much assume a different approach rather than providing "more of the same" in terms of instruction.

Ethnicity: White

Degrees/ Certifications: • CA Administrative Services Tier II Credential, CA Commission on Teacher Credentialing
    • MA Curriculum and Teaching, Fresno Pacific University

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
• CA Clear Multiple Subjects Teaching Credential, CA Commission on Teacher Credentialing
• BA Liberal Studies, CSU Fresno

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
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<th>515</th>
<th>Donna M Jordan, Teacher</th>
<th>South</th>
</tr>
</thead>
</table>

San Bernardino City Unified School District, San Bernardino, California

**Area(s) of Expertise:** Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

**Describe Other Expertise:**

**Describe Self Employment:**

**Grade and other Levels of Expertise:** K–2, 3–5, 6–8

**Years Teaching:** 19

**Experience Teaching English Learners:**

I have taught English learners in grades 2, 3, 4 and 6 in my own self-contained classroom for 8 years. I was a Reading/Academic Coach for 7 years and worked with English language learner students in grades K-5 and their teachers. As a Reading/Academic Coach, I was trained under SCOE for Reading Lions for 4 years. I am currently teaching 6th grade in a middle school setting and have one class of approximately 20 English language learners at various levels of language development and understanding. I have been teaching 6th grade for 3 years now and have had English language learners every year. I am CLAD-certified and I have a reading certificate.

**Experience Teaching Students with Disabilities:**

I have taught students with IEP's and 504 plans in grades 2, 3, 4 and 6 in my own self-contained classroom for 8 years. During my 7 years as a Reading/Academic Coach, I have worked with special needs students in grades K-5 and with their teachers. In the position of an academic coach, I have worked with teachers to make sure the content was deliverable and understandable to special needs students according to their individual education plans. I am currently teaching 6th grade in a middle school setting and have had special needs students in each of my reading classes as well as in my language arts classes for the last 3 years.

**Ethnicity:** White

**Degrees/ Certifications:**

- Master of Arts in Teaching and Learning, Kaplan University
- CLAD (Cross-Cultural, Language and Academic Development), University of San Diego
- Clear Reading Certificate, UCLA
- Bachelor of Arts, Liberal Studies, Cal State San Bernardino (CSUSB)

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

517 Margaret W Lozano, teacher

Los Angeles Unified School District, Carson, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5

Years Teaching: 23

Experience Teaching English Learners:
I have provided instruction to English Learners for the past 23 years. I have worked directly with students in all levels of ELD and in all grade levels, K -5. I hold a (CA) Language Development Specialist Credential and have provided numerous professional development sessions targeted at ELD instruction. I was an instructor for AB 477’s PD Institute: Making It Work for English Learners. I have been trained in SDAIE strategies, Culturally Relevant and Responsive Education, sheltered English strategies, advanced graphic organizers, language forms and functions, linguistic patterns, and "Thinking Maps". My teaching experience has included working in a modified bilingual classroom setting and an English immersion model. I have participated on a Language Appraisal Team and provided parent workshops for parents of EL students.

Experience Teaching Students with Disabilities:
I have provided instruction to a variety of students with disabilities for the past 23 years. Although I hold a general education credential, I have worked very closely with Resource Specialists and Special Education teachers. While serving in the classroom (grades K-2) I've always had students with varying degrees of identified special needs. I've also had several students mainstream into my classroom from a special day setting. As a coach, I have worked directly with RSP and Sp. Ed teachers in designing and delivering ELA instruction targeted with the students’ IEP goals in mind. I've been trained in a variety of diagnostic assessments such as CORE Assessments, Woodcock Johnson 3, TOWRE, DIBELS, MAZE, ERDA, and SDRT.

Ethnicity: Hispanic/Latino

Degrees/ Certifications: • Reading Specialist Credential, UCLA- CA Reading First Advanced Leadership
• Language Development Specialist Credential, Los Angeles Unified School District
• Professional Clear Teaching Credential, Los Angeles Unified School District Intern Pgm
• BA -Liberal Studies, CSU - Long Beach

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
**English Language Arts/English Language Development**

**Curriculum Framework and Evaluation Criteria Committee Applicant Profile**

| 518 | Madhumita (Mita) Ponce, Teacher | South |

Dominguez Elementary, LAUSD, Carson, California

**Area(s) of Expertise:** Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

**Describe Other Expertise:**

**Describe Self Employment:**

**Grade and other Levels of Expertise:** K–2, 3–5

**Years Teaching:** 16

**Experience Teaching English Learners:**

I have worked with English Learners in all of my positions for the last 16 years. I received my CLAD in 1998 with my teaching credential, a Masters in Education, a Reading Specialist Credential, a Reading Certificate, and a NBC Middle Childhood Generalist. I attended the "Making it Work for EL's" pro 2007 from SCOE as part of the Reading First Initiative. I also received training in using Thinking Maps between 2008-2010. I have received, created, and delivered professional development on SDAIE strategies, Culturally Relevant and Responsive Education, and how to support English Learners through cognates, transferrable/non-transferrable sounds in phonics, language forms and functions, and the use of advanced graphic organizers, which I use daily in my classroom instruction. As a classroom teacher, I have been the lead ELD teacher in 4th/5th grade servicing the needs of general and special education English Learners. As an intervention teacher, I worked with Beginning to Early Advanced EL students in grades K-5 who were also struggling readers.

**Experience Teaching Students with Disabilities:**

As a classroom teacher, I have collaborated with Resource Specialist and Special Day Class teachers to integrate students with a wide range of special needs in my general education classroom for 10 years. As a 5th grade teacher from 1997-2002, I regularly mainstreamed 3-5 students with Mild to Moderate Learning Disabilities for Language Arts or Math, and for Social Studies and Science. As an intervention teacher from 2008-2011, I provided intensive small group instruction to struggling readers, and recommended students who did not show adequate progress to the SST process. I worked with between 150-250 students per year, and about 20 students were identified as needing special education services ranging from Resource Specialist support to having Moderate to Severe Learning Disabilities. 85% of students in my program showed improvement as measured by DIBELS, CORE Phonics Survey, and CST. In 2010-2011, I collaborated with the Resource Specialist teacher to provide an integrated intervention program. As a 4th/5th grade teacher in

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2011-2012, I had 15 out of 24 students identified as Special Needs. I provided accommodations and modifications to ensure that these students accessed grade level standards. I collaborated with the Special Day class teacher to mainstream all SWD for Language Arts, and the Resource Teacher to integrate all other content areas.

**Ethnicity:** Other
East Indian

**Degrees/ Certifications:**

- Masters in Education with Professional Clear Multiple Subject Credential w CLAD, University of California, Los Angeles
- Certificate of Eligibility, Tier 1 Administrative Services, California State University, Dominguez Hills
- Reading Specialist Credential, University of California, Los Angeles
- National Board Certification Middle Childhood Generalist, National Board of Professional Teaching Standards

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

519 Deborah Keys, Administrator North

None, Fairfield, California

Area(s) of Expertise: Administrator

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5, 6–8, 9–12

Years Teaching: 12

Experience Teaching English Learners:

I served as a classroom teacher for twelve years; over the past twenty years I have served as a middle school principal and principal, an Education Programs Consultant with CDE for two years, and a district level Executive Director and Director of a large urban school district and county office for ten years. During my tenure as a site, district and county-level administrator, I supervised principals and schools that served large population of English learners. I ensured appropriate intervention and intensive support and instruction were provided by qualified teachers for all English learners served within the schools I supervised. As an Education Programs Consultant, I helped to create the adoption criteria for the first English Language Arts/English Language Development K-8 textbook adoption, with emphasis on addressing the needs of English learners within the core ELA instructional materials. I was instrumental in the development of the "Universal Access" component of the adoption criteria that addressed the learning needs of English learners, students with disabilities, struggling readers, and advanced learners in subsequent adoptions and frameworks for Math and Science.

Experience Teaching Students with Disabilities:

I served as a classroom teacher for twelve years; over the past twenty years I have served as a middle school principal and principal where I supervised instructional practices of teachers; I worked as an Education Programs Consultant with CDE for two years, and a district level Executive Director and Director of a large urban school district and county office office for ten years. During my tenure as a site, district and county-level administrator, I supervised principals and schools where students with disabilities were mainstreamed within the core instructional programs. I ensured students with disabilities' IEPs were addressed and ensured appropriate assessment, intervention and intensive support and instruction were provided by qualified teachers. As an Education Programs Consultant, I helped to create the adoption criteria for the first English Language Arts/English Language Development K-8 textbook adoption, with emphasis on addressing the needs of students with special needs within the core ELA instructional materials. I was instrumental in the

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development of the "Universal Access" component of the adoption criteria that addressed the learning needs of English learners, students with disabilities, struggling readers, and advanced learners in subsequent adoptions and frameworks for Math and Science.

**Ethnicity:**  Black or African American

**Degrees/ Certifications:**
- Ed.D. (Learning and Instruction), University of San Francisco
- Master of Arts (Education Administration), University of San Francisco
- Master of Arts (English), University of California at Berkeley
- Professional Administrative Service Cred, University of San Francisco

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

521 Janice L Orton, Middle School Literacy Teacher Specialist North

California School for the Deaf, Fremont, Fremont, California

Area(s) of Expertise: Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: 6–8, 9–12

Years Teaching: 31

Experience Teaching English Learners:
I have always taught Deaf students. Most of my experience has been with high school and middle school students. When living in Ohio, I taught first through third grade for a number of years. Currently, I have a California Educational Specialist Instruction Credential (Deaf and Hard of Hearing). Deaf students are English learners as English is an auditory language. Deaf students do not have the ability to learn the language by hearing it. Many (not all) of the bilingual strategies used for English learners also work well for English learners who are Deaf. I received training from 2007-2009 entitled ASL/English Bilingual Professional Development. This was provided by the Center for ASL/English Bilingual Education and Research.

Experience Teaching Students with Disabilities:
As stated previously, I have worked with Deaf students for 31 years. Most of my experience has been with high school and middle school - grades 6-12. I have had a few years of experience in a self-contained class in Ohio with grades 1-3. (High School - 13 years; Middle School - 5 years; Elementary - 7 years). In 2001, I was promoted to learning strategies teacher specialist and have taught and continue to teach one or two class per year even though I now have a new position (Middle School Literacy Teacher Specialist). Currently, I have a California Educational Specialist Instruction Credential (Deaf and Hard of Hearing) Clear Level II.

Ethnicity: White

Degrees/ Certifications:
- California Educational Specialist (Certification), San Jose State University, CA
- Ohio Education of the Handicapped (HH), Permanent Certification 1995
- Master of Education; Counseling 1991, Cleveland State University, OH
- Bachelor of Science; Communication Disorders, Pennsylvania State University 1981

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

| 526 | Michael T Smith, English Teacher | South |

West Ranch High School, Stevenson Ranch, California

**Area(s) of Expertise:** Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

**Describe Other Expertise:**

**Describe Self Employment:**

**Grade and other Levels of Expertise:** 9–12

**Years Teaching:** 17

**Experience Teaching English Learners:**

I have three years experience teaching ninth-grade reading classes and one year teaching a parallel English class, all of which included English learners. Furthermore, I have nine years experience differentiating in ninth through twelfth-grade heterogeneous classes that included English learners. Otherwise, I have a reading specialist credential, BCLAD, and CLAD certification.

**Experience Teaching Students with Disabilities:**

I do not have any specialized credentials or certificates; however, I have five years direct experience teaching classes with individuals requiring specialized support and sixteen years with ninth-through twelfth-grade students enrolled in resource classes and receiving special education support.

**Ethnicity:**

**Degrees/ Certifications:**

- National Board Certification (Renewed in 2011-12), National Board for Professional Teaching Standards
- Master's Degree in Education, University of LaVerne
- Bachelor's Degree in Literature/Language, University of Southern California

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

Rebecca M Sullivan, Director, Professional Development
ELA
North Sacramento County Office of Education, Mather, California

Area(s) of Expertise: Administrator

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5, 6–8

Years Teaching: 21

Experience Teaching English Learners:

K-6: 11 years Credentials/Certificates: Master of Arts in Education, Bilingual Instructional Leadership Training Program Language Development Specialist Certificate Multiple Subjects Credential, Multilingual Department Specialized Training: ELD/ELA standards Forms and Functions Collaborative Conversations Frontloading Scaffolding Effective Vocabulary Approaches Academic Language

Experience Teaching Students with Disabilities:

K-6: 11 years Specialized Training: Special Education Teacher Professional Development Interventions for Students with Disabilities Appropriate modifications

Ethnicity: White

Degrees/ Certifications:

- Master of Arts in Education, Educational Administration, California State University, Sacramento
- California Clear Reading & Language Arts Specialist Credential, University of California at Los Angeles
- California Clear Administrative Services Credential, California State University, Sacramento
- California Reading Certificate, University of California at Davis

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

Shervaughnna U Anderson-Demiraz, Director of Reading Programs
University of California Los Angeles, Los Angeles, California

Area(s) of Expertise: Other area of expertise

Describe Other Expertise:
teacher/administrator: I do provide instruction to students at a HS for weekly intervention

Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5, 6–8, 9–12
Reading Methods classes in the Graduate school of education

Years Teaching: 15

Experience Teaching English Learners:
I have taught english learners grades K-12 in some form. I began my teaching career in Hong Kong, where I taught at a British school with an international student population representing over 5 languages in my classroom. While working as a classroom teacher, I was a bilingual teacher with spanish speaking students. I was solely responsible for their English language development instruction. I was also one of the selected teachers in our district to teach our summer ELD program (K-5) for students who ranged from beginning level-intermediate level of English proficiency. I dedicated much of my professional development to the study of ELD. I am trained in several approaches to ELD including, A Focused Approach: Frontloading for Language, Sheltered Instruction Observation Protocol, Guided Language Acquisition Design. I am also a statewide trainer for multiple ELD instructional approaches including those for grades 9-12.

Experience Teaching Students with Disabilities:
I was the first teacher at my school to have an inclusion model classroom. While teaching 2nd grade, I had a student with special needs (intellectual disabilities) in my classroom. Also, as the district reading coordinator and content expert, I was responsible for supporting all teachers in teaching and learning. I was able to include special education teachers in all professional development with regular education teachers. I then scheduled time for special education teachers to have planning meetings to adapt and modify the core curriculum to meet the needs of IEP's of their students. Under a grant while at the county office as an ELA consultant, I was able to supervise and support special education teachers with the implementation of their state programs, assessments and state standards.

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Ethnicity: Black or African American

Degrees/ Certifications:

- Masters of Education Leadership, UC Berkeley
- Clear Administrative Service Credential, UC Berkeley, CSU Dominguez Hills
- Specialist Teaching Credential in Reading and Language Arts, UC Los Angeles
- Clear Multiple Subject Credential, CSU Dominguez Hills

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development
Curriculum Framework and Evaluation Criteria Committee Applicant Profile

543 Martha M Hernandez, Director, Curriculum and Instruction South

Ventura County Office of Education, Camarillo, California

Area(s) of Expertise: Administrator

Describe Other Expertise: Describe Self Employment:

Grade and other Levels of Expertise: K–2, 3–5, 6–8
University Level

Years Teaching: 14

Experience Teaching English Learners:

I taught in a bilingual classroom setting for seven years in grades K, 2, 4/5, and 5/6. In addition, I have provided instruction to English learners in a Special Day Class for two years. I possess a Bilingual Specialist credential from the University of California, Santa Barbara and have extensive training in English learner education. This training includes SIOP, Write Institute, GLAD, Long-Term English Learner institute, English Learner Secondary School Leadership Institute, Side by Side, Thinking Maps and Systematic ELD. I have regularly attended the CABE Conference, the National Two-Way Conference as well as the Title III Accountability Institute. Also, as Head of Bilingual Teacher Training at California Lutheran University for six years I taught methods classes to prospective bilingual teachers and graduate level courses to students pursuing their Masters Degree with a Bilingual Emphasis. I also supervised student teachers in bilingual education assignments.

Experience Teaching Students with Disabilities:

My experience includes teaching a Special Day Class grades K-6 for two years in the Rio School District. I also had 5-6 students with IEPs in my general education 5/6 grade classroom with disabilities ranging from learning handicapped to hard of hearing and severely visually impaired. I earned a Masters Degree in Special Education and a Learning Handicapped Credential from the University of California, Santa Barbara. My area of focus was Bilingual Special Education.

Ethnicity: Hispanic/Latino

Degrees/ Certifications:

- Master of Education in Special Education, University of California, Santa Barbara
- Administrative Services Credential, California Lutheran University
- Bilingual Specialist Credential, University of California, Santa Barbara
- Learning Handicapped Credential, University of California, Santa Barbara

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
English Language Arts/English Language Development Curriculum Framework and Evaluation Criteria Committee Applicant Profile

| 562 | Alexandra F Fletcher, English Department Chair/English Teacher | South |

Mayfair High School, Lakewood, California

**Area(s) of Expertise:**  Teacher in public schools providing instruction to students in kindergarten or grades one to twelve.

**Describe Other Expertise:** highly qualified teacher

**Describe Self Employment:**

**Grade and other Levels of Expertise:**  9-12

**Years Teaching:**  12

**Experience Teaching English Learners:**

Yes – Grade levels 11-12, throughout my 12-year career

I teach grades 11 and 12, and every class has several students in it that are CELDT Level 3 or 4, or are recently reclassified. I rely on many of the teaching strategies that are commonly used with English Language Learners with all of my students, such as structured student interaction and academic sentence frames.

I am CLAD certified.

**Experience Teaching Students with Disabilities:**

Yes – Grade levels 11-12, throughout my 12-year career

During the course of my career, I taught one student who was completely blind, another student whose vision was severely limited, and one whose hearing was impaired. I have no specialized credential in working with students with disabilities beyond what is required by the state, and I relied heavily on the people who were there to support the student; whenever possible, I utilized publisher’s resources, such as Braille texts and audio recordings, and worked to keep instruction unimpeded.

There are one or two students every year who have a 504 plan because of a disability such as ADHD or autism. I work with these students by getting to know them and their parents, and by modifying instruction as spelled out in the 504 plan.

**Ethnicity:**  American Indian/White

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Degrees/ Certifications:

- Single Subject Teaching Credential in English with CLAD certification, California State University, Long Beach
- Bachelor of Arts Degree, Comparative Literature and Classics, California State University, Long Beach

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ITEM 06
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT
Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Supplemental Instructional Materials.

SUMMARY OF THE ISSUE(S)

*Education Code* Section 60605.86, created by Senate Bill 140 (Chapter 623 of the Statutes of 2011), requires the California Department of Education (CDE) to develop, and the State Board of Education (SBE) to approve, a list of supplemental instructional materials that are aligned with California’s common core academic content standards in mathematics and English language arts.

RECOMMENDATION

The CDE recommends that the SBE approve the recommended supplemental instructional materials programs.

BRIEF HISTORY OF KEY ISSUES

In 2010, the Council of Chief State School Officers and the National Governors Association Center for Best Practices released Common Core State Standards (CCSS) in mathematics and English language arts. The SBE adopted the CCSS with California additions on August 2, 2010. California has committed to implementing the CCSS and is currently part of a multistate assessment consortium that plans to have CCSS-based assessments in place by the 2014–15 school year.

It will take a number of years to develop new curriculum frameworks and instructional materials aligned to the CCSS. In 2011, the State Superintendent of Public Instruction (SSPI) initiated a process for the review of supplemental materials aligned to the CCSS. SB 140, signed by the Governor on October 8, 2011, called for the expansion of that process. Pursuant to that legislation, the SSPI has invited publishers of instructional materials in mathematics and language arts to submit supplemental instructional materials that bridge the gap between programs currently being used by local educational agencies (LEAs) and the CCSS.
The SBE adopted evaluation criteria for the review of the supplemental instructional materials at its meeting in January 2012. The criteria called for two categories of submission: supplements to specific currently state-adopted programs (Category 1), and general supplements that could be used with any program currently being used by LEAs (Category 2). The criteria covered supplements for kindergarten through grade seven in mathematics, and kindergarten through grade eight in English language arts. Because the 1997 California standards and the CCSS for mathematics do not match at grade eight, supplements for grade eight adopted mathematics programs were not part of the review.

Publisher interest was very high, and in May 2012 the CDE received 42 submissions for mathematics (8 Category 1, and 34 Category 2) and 30 submissions in language arts (7 Category 1, and 23 Category 2). However, recruitment of reviewers in mathematics did not keep pace with the number of submissions. Due to the low turnout and high attrition among the mathematics reviewers, the CDE temporarily suspended the Category 2 review in mathematics on June 19, 2012. The review continued for Category 1 in mathematics; the review of English language arts supplements was not affected.

The review was conducted by instructional material reviewers and content experts approved by the SBE at its March 2012 meeting. The reviewers were trained by CDE staff in late June at two two-day meetings held at the San Joaquin County Office of Education (English language arts) and at the Orange County Department of Education (mathematics). The reviewers then reviewed the materials at their home or workplace throughout the summer. They reconvened again in panels in September at the county sites for three days of deliberations, during which they developed reports of findings on each of the supplemental instructional materials programs that they were assigned to review.

The CDE is recommending 12 supplemental instructional materials programs in English language arts and 7 in mathematics. A full list of those programs is included as Attachment 1 to this item. The full reports of findings are posted on the CDE SIMR Web site at http://www.cde.ca.gov/ci/cr/cf/suptsupmatreview.asp.

The CDE held a public meeting to solicit public comment on the submitted supplemental instructional materials on October 17, 2012. The public comments received were all forwarded to the SBE office. The CDE is hosting an appeals meeting to address social content citations and edits and corrections on November 15.

The review is not a state adoption, and the supplemental instructional materials will not be added to any existing state adoption lists. Once approved, the CDE will post the list of recommended materials on its Supplemental Instructional Materials Review (SIMR) Web site. Districts are under no obligation to purchase the recommended supplemental instructional materials. LEAs may use unrestricted general funds, federal funds, Proposition 20 lottery funds for instructional materials, or other funds to purchase them.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 2012: The SBE approved 65 mathematics and 117 English language arts reviewers for the supplemental instructional materials review. Six of the mathematics reviewers and 21 of the English language arts reviewers were designated “content experts” as individuals with advanced degrees and specific subject-matter expertise in their respective content field.

January 2012: The SBE approved the evaluation criteria for the supplemental instructional materials review.

July–November 2011: The CDE presented to the SBE a series of updates on the implementation of the CCSS.

June 2011: Governor Edmund G. Brown, Jr., SSPI Tom Torlakson, and SBE President Michael Kirst signed the memorandum of understanding for California’s participation as a governing state in the SMARTER Balanced Assessment Consortium (SBAC). California was previously a participating state in the Partnership for the Assessment of Readiness for College and Careers (PARCC).

November 2010: The CDE presented to the SBE an update on the implementation of the CCSS. This update was provided at the joint meeting between the SBE and the Commission on Teacher Credentialing (See agenda at http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp).

August 2010: Pursuant to SB X5 1, the SBE adopted the academic content standards in English language arts and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

May 2009: The SSPI, the Governor of California, and the SBE President agreed to participate in the Council of Chief State School Officers and the National Governors Association Center for Best Practices initiative to develop the CCSS as part of California’s application to the federal Race to the Top grant.

FISCAL ANALYSIS (AS APPROPRIATE)

SB 140 directs the CDE to “use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),” to carry out the supplemental instructional materials review. The CDE has budgeted $386,000 from those funds to complete the project. The CDE contracted with the San Joaquin County Office of Education and the Orange County Office of Education to host the training of reviewers and their subsequent deliberations.
ATTACHMENT(S)

Attachment 1: Recommended Supplemental Instructional Materials Programs (1 page)
# 2012 SUPPLEMENTAL INSTRUCTIONAL MATERIALS REVIEW
## RECOMMENDED SUPPLEMENTAL INSTRUCTIONAL MATERIALS REVIEW PROGRAMS

### English Language Arts
#### Recommended Programs

<table>
<thead>
<tr>
<th>Publisher</th>
<th>Program</th>
<th>Recommended Grades</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houghton Mifflin Harcourt</td>
<td>California Excursions</td>
<td>K, 2, 3, 4, 5</td>
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<tr>
<td>McGraw-Hill Education</td>
<td>California CCSS Treasures Supplemental</td>
<td>K–6</td>
<td>1</td>
</tr>
<tr>
<td>Houghton Mifflin Harcourt</td>
<td>California Medallion</td>
<td>K–6</td>
<td>1</td>
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<tr>
<td>SRA/McGraw-Hill</td>
<td>Imagine It! CCSS Supplemental</td>
<td>K–6</td>
<td>1</td>
</tr>
<tr>
<td>Holt McDougal</td>
<td>Holt McDougal Literature</td>
<td>6–8</td>
<td>1</td>
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<tr>
<td>Holt McDougal</td>
<td>California Common Core</td>
<td>6–8</td>
<td>1</td>
</tr>
<tr>
<td>McGraw-Hill Education</td>
<td>California Literature CCSS Supplement</td>
<td>6–8</td>
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<td>Pearson Prentice Hall</td>
<td>Pearson Literature California</td>
<td>6–8</td>
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<td>McGraw-Hill Education</td>
<td>Reading Wonders</td>
<td>K–6</td>
<td>2</td>
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<tr>
<td>Holt McDougal</td>
<td>Holt McDougal Literature</td>
<td>6–8</td>
<td>2</td>
</tr>
<tr>
<td>Scholastic Education</td>
<td>English 3D</td>
<td>6–8</td>
<td>2</td>
</tr>
<tr>
<td>Achieve 3000</td>
<td>KidBiz 3000 and TeenBiz3000</td>
<td>2–8</td>
<td>2</td>
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<tr>
<td>Scholastic, Inc.</td>
<td>Scholastic CA CCSS-ELA Gap Bundle</td>
<td>K, 1, 2, 3, 4, 6, 7</td>
<td>2</td>
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</tbody>
</table>

### Mathematics
#### Recommended Programs

<table>
<thead>
<tr>
<th>Publisher</th>
<th>Program</th>
<th>Recommended Grades</th>
<th>Category</th>
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<tbody>
<tr>
<td>McGraw-Hill Education</td>
<td>My California Math Supplement</td>
<td>K–5</td>
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<td>McGraw-Hill Education</td>
<td>Everyday Math CCSS Supplement</td>
<td>K–6</td>
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<tr>
<td>Houghton Mifflin Harcourt</td>
<td>California Common Core Math</td>
<td>K–6</td>
<td>1</td>
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<tr>
<td>Pearson Scott Foresman</td>
<td>envision Math</td>
<td>K–5</td>
<td>1</td>
</tr>
<tr>
<td>Holt McDougal</td>
<td>California Math Curriculum Companion</td>
<td>6–7</td>
<td>1</td>
</tr>
<tr>
<td>McGraw-Hill Education</td>
<td>Cinch Math</td>
<td>6–7</td>
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</tr>
<tr>
<td>Pearson Prentice Hall</td>
<td>Prentice Hall Mathematics</td>
<td>6–7</td>
<td>1</td>
</tr>
</tbody>
</table>
California Comprehensive Center at WestEd: Overview of Proposed Activities.

SUMMARY OF THE ISSUE(S)

Since 2005, WestEd and its partners, the American Institutes of Research (AIR) and School Services of California, have provided support to California as a federally funded Comprehensive Center. The purpose of the Comprehensive Center is to help build state capacity to meet federal accountability and other requirements. During the past seven years, the California Comprehensive Center (CA CC) has assisted California with a range of initiatives including the development and support of the new English Language Development Standards, the California Accountability and Improvement System (CAIS), and the District Assistance and Intervention Team process.

The CA CC will provide an overview of activities that it proposes to undertake in the next five years and will address the following four areas: (1) Quality Schooling Framework to Guide, Motivate, and Support Effective Instruction and Student Outcomes; (2) Planning and Successful Implementation of Common Core State Standards; (3) Educator Excellence, and (4) Increased Capacity to Support Productivity, Effectiveness, and Efficiency.

RECOMMENDATION

Listen to a presentation of CA CC’s proposed activities by the Center’s Directors, Jannelle Kubinec and Fred Tempes.

BRIEF HISTORY OF KEY ISSUES

In collaboration with State Board of Education (SBE) and California Department of Education (CDE) staff, the CA CC at WestEd applied to the U.S. Department of Education (ED) as part of a process to recompete for a five-year grant for a “new” group of Comprehensive Centers. On October 1, 2012, ED awarded the grant to the CA CC, and CA CC Directors will present proposed activities as described above.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CA CC has presented information to the California State Board of Education related to the implementation of the Common Core State Standards in other states and the federal Elementary and Secondary Education Act Waiver process.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT

Attachment: California Comprehensive Center Overview of Proposed Activities (3 Pages)
California Comprehensive Center Overview of Proposed Activities

The Project Plan for WestEd’s California Comprehensive Center proposal is organized around the following areas:

- **Quality Schooling Framework to Guide, Motivate, and Support Effective Instruction and Student Outcomes**
- **Planning and Successful Implementation of Common Core State Standards**
- **Educator Excellence**
- **Increased Capacity to Support Productivity, Effectiveness, and Efficiency**

Following is a description of key activities and the approach proposed to address each of the above listed areas.

<table>
<thead>
<tr>
<th>Project Area: Quality Schooling Framework to Guide, Motivate, and Support Effective Instruction and Student Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YEAR 1</strong></td>
</tr>
<tr>
<td>- Finalize development of Quality Schooling Framework (QSF)</td>
</tr>
<tr>
<td>- Develop tools and resources to facilitate use of Quality Schooling Framework</td>
</tr>
<tr>
<td>- Create a process to collect and share emerging and promising practices aligned to Quality Schooling Framework domains</td>
</tr>
<tr>
<td>- Support creation of policies, guidance, and procedures within CDE that facilitate local implementation and use of Quality Schooling Framework</td>
</tr>
<tr>
<td>- Build local awareness of the QSF through outreach and convening</td>
</tr>
<tr>
<td><strong>YEAR 2</strong></td>
</tr>
<tr>
<td>- Finalize organizing emerging and promising practices aligned to Quality Schooling Framework domains</td>
</tr>
<tr>
<td>- Continue to update tools</td>
</tr>
<tr>
<td>- Launch emerging, promising practice interactive web site</td>
</tr>
<tr>
<td>- Organize Quality Schooling Framework Symposium to highlight effective practice and promote resource sharing</td>
</tr>
<tr>
<td>- Review impact of policies, guidance, and procedures within CDE that facilitate local implementation and use of Quality Schooling Framework and work to improve as necessary</td>
</tr>
<tr>
<td><strong>YEARS 3-5</strong></td>
</tr>
<tr>
<td>- Refine and improve QSF</td>
</tr>
<tr>
<td>- Support sharing and management of promising and emerging practices to ensure high-quality, relevant, and useful experience</td>
</tr>
<tr>
<td>- Convene and disseminate information about QSF to promote use and participation in expanding resources associated with the QSF</td>
</tr>
<tr>
<td>- Assess impact of QSF on local implementation and outcomes for students</td>
</tr>
</tbody>
</table>
**Project Area: Planning and Effective Implementation of Common Core State Standards**

### YEAR 1
- Provide assistance and support to CDE’s CCSS Implementation Team (project managers and integrated action team)
- Provide assistance and support to convene a cross-agency CCSS network (CDE, SBE, CTC, IHEs, LEAs)
- Support development and use of professional development modules supportive of CCSS implementation
- Support development and integration of English Language Development (ELD) standards into revised English/Language Arts framework
- Promote understanding of purpose and usefulness of revised ELD standards
- Develop resources for schools and districts to provide access and learning opportunities related to CCSS for students with disabilities
- Develop resources for schools and districts to build awareness and prompt attention to equity concerns (e.g., teacher distribution, outcomes for students) related to CCSS
- Collaborate with the California Preschool Instructional Network to articulate CCSS to preschool and support objectives of Race to the Top Early Learning Imitative
- Incubate and support development and identification of promising and emerging practices
- Create a process to collect and share promising and emerging practices for CCSS implementation
- Contribute to CDE’s knowledge regarding local practice and pathways to career and college readiness

### YEAR 2
- Continue to assist and support CDE’s CCSS Implementation Team (project managers and integrated action team)
- Provide assistance and support to convene a cross-agency CCSS network (CDE, SBE, CTC, IHEs, LEAs)
- Promote professional development modules supportive of CCSS implementation
- Launch emerging, promising practice interactive web site
- Collaborate with the California Preschool Instructional Network to articulate CCSS to preschool and support objectives of Race to the Top Early Learning Imitative
- Incubate and support development and identification of promising and emerging practices
- Share effective examples of pathways to career and college readiness aligned to CCSS

### YEAR 3-5
- Continue to assist and support CDE’s CCSS Implementation Team (project managers and integrated action team)
- Provide assistance and support to convene a cross-agency CCSS network (CDE, SBE, CTC, IHEs, LEAs)
- Assess impact of CCSS on local implementation and outcomes for students
- Support sharing and management of promising and emerging practices to ensure high-quality, relevant, and useful experience
### Project Area: Educator Excellence

#### YEAR 1
- Support development of plan to implement recommendations from the Educator Excellence Task Force
- Support development of Professional Learning Standards and related quality indicators
- Identify models of effective evaluation practice for development and support of classroom and site leadership with tools and resources to support application
- Convene and support teacher and principal evaluation design team
- Create a process to collect and share promising and emerging practices related to teacher and administrator recruitment, induction retention, professional learning, and evaluation
- Provide support related to teacher and principal evaluation to School Improvement Grant districts and schools
- Provide support related to teacher evaluation to Teacher Incentive Fund grantees

#### YEAR 2
- Continue to provide support to implement recommendations from the Educator Excellence Task Force
- Facilitate development of tools that support application of Professional Learning
- Launch emerging, promising practice interactive website
- Continue providing support related to teacher and principal evaluation to School Improvement Grant districts and schools
- Provide support related to teacher evaluation to Teacher Incentive Fund grantees

#### YEAR 3-5
- Continue to assist and support implementation of Educator Excellence recommendations
- Assess impact of Educator Excellence initiatives on local implementation and outcomes for students
- Support sharing and management of promising and emerging practices to ensure high-quality, relevant, and useful experience

### Project Area: Increased Capacity and Support Productivity, Effectiveness, and Efficiency

#### YEARS 1-5
- Develop and coordinate professional growth series for CDE and CDE-affiliated networks of support
- Support ongoing use of the California Accountability and Improvement System (CAIS) to streamline reporting and monitoring and increase efficiency
- Develop tools and resources to facilitate efficient and effective program and fiscal monitoring and offerings of technical assistance
- Develop creative approaches to using available data from CDE, IHEs, and others to inform local decisions impacting student outcomes.

*Prepared by WestEd California Comprehensive Center | October 2012*
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT
Update on Smarter Balanced Assessment Consortium Activities.

SUMMARY OF THE ISSUE(S)
This agenda item is an update to inform the State Board of Education (SBE) and public regarding the development and implementation of the Smarter Balanced Assessment Consortium (SBAC) activities.

RECOMMENDATION
This is an information item only and the California Department of Education (CDE) recommends no specific action at this time.

BRIEF HISTORY OF KEY ISSUES
On June 9, 2011, a Memorandum of Understanding (MOU) for California to join SBAC as a governing state with decision-making capacity was signed by SBE President Michael Kirst, State Superintendent of Public Instruction (SSPI) Tom Torlakson, and Governor Edmund G. Brown, Jr.

Currently, there are 21 governing and 4 advisory states participating in this state-led initiative of developing an assessment system aligned with the Common Core State Standards (CCSS) in English–language arts/literacy and mathematics for grades three through eight and eleven. The system—which includes both summative assessments for accountability purposes and optional interim assessments for instructional use—will use computer adaptive testing technologies to provide meaningful feedback and actionable data that teachers and other educators can use to help students succeed. SBAC assessments will go beyond multiple-choice questions to include extended response and technology-enhanced items as well as performance tasks that allow students to demonstrate critical thinking and problem-solving skills.

The summative assessment will be administered during the last 12 weeks of the school year and will consist of two parts: a computer adaptive test and performance tasks that will be taken on a computer but will not be computer adaptive. Optional interim
assessments will be administered at locally determined intervals. These assessments will provide educators with actionable information about student progress throughout the year. In addition, formative assessment practices and strategies are being developed and will include professional development materials, resources, and tools aligned with the CCSS. Research-based instructional tools will be available on demand to help teachers address learning challenges and differentiate instruction. Finally, a secure, online reporting system is being developed to provide assessment results to students, parents, teachers, and administrators. The reports will show student achievement and progress toward mastery of the CCSS.

The timeline for creating and implementing the SBAC system is aggressive. The federal grant that funds SBAC’s work requires that the assessment system be operational in 2014–15. To meet this timeline, SBAC is currently rolling out small-scale trials, with pilot testing taking place in 2012–13, a large-scale field test in 2013–14, and the setting of performance standards in 2014. A timeline of SBAC implementation in California is provided in Attachment 1.

The following list highlights some of the many SBAC activities:

- **Small-Scale Trials and Pilot Tests**—This fall, SBAC will be conducting small-scale trials of new assessment items in a sample of schools across member states. The small-scale trials will inform automated and human scoring for SBAC assessments and will help SBAC prepare for pilot testing early next year. Approximately 225 schools in California have been randomly selected by SBAC to participate in these trials, and the superintendents or charter administrators of districts with selected schools were notified last week. Each selected school will be asked to have one classroom of students participate from grade four, seven, or eleven. Selected districts and schools are encouraged to participate in this important research, which provides California educators and students the opportunity to be directly involved in SBAC assessment development activities. While the small scale trials will be conducted in a limited number of schools, all interested schools will have the opportunity to participate in the spring pilot test. The pilot test will include 10,000 test items and performance tasks.

- **Sample Item Release**—SBAC sample items and performance tasks will be released to the public on Tuesday, October 9, 2012. A live demonstration will be provided at the November 2012 SBE meeting. To view the sample items and performance tasks, visit the SBAC Web site at [http://www.smarterbalanced.org](http://www.smarterbalanced.org).

- **California Technology Readiness Tool (TRT) Summary Report**—The first administration of the TRT was completed on June 30, and data were extracted on July 15, 2012. This survey was the first of six administrations that will be conducted to assist schools in measuring their progress and determining their readiness to administer online assessments. The survey was voluntary, and participation rates ranged broadly among states of the national assessment consortia. Forty-two percent of California’s school districts fully participated in the first administration of the survey, which is comparable to the participation rate of many other states. In addition, the submission of computing devices by Los Angeles Unified School District brought California’s device submission rate to 54
percent. The complete California summary and additional information about the TRT is available at the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/sbac-itr-index.asp. The national TRT Summary Report is scheduled to be released after SBAC analyzes the results of the first iteration of the TRT. It is important to note that this first data collection was intended to gather base-level information about schools and districts in the SBAC states and is not to be used for determining the local readiness to conduct online assessments. An analysis of the specific results of the survey for California will be more valuable to measure progress and determine readiness once we have multiple administrations of the survey. The next TRT survey data extraction is scheduled to be completed on December 14, 2012.

- **Governing States Advance Development of Common Core Assessment System**—On September 12, 2012, SBAC held its second Collaboration Conference in St. Louis, Missouri. The conference allowed SBAC work groups and service providers to kick off major projects such as test delivery, test administration, and reporting. The conference also brought together state leads and higher education leads to discuss the SBAC progress and the work ahead. In addition, chief state school officers met in a public session and considered several issues related to design and implementation. Consistent with the SBAC state-led governance model, each Governing State had one vote, and states reached consensus on the following issues:
  
  - Governing States approved the process for developing preliminary achievement level descriptors (ALDs), the text statements that articulate levels of progress toward mastery of the CCSS and provide clear explanations of performance for parents, educators, and policymakers. On October 1–5, 2012, a panel of experts attended a drafting ALD workshop. SBAC has developed an inclusive, collaborative process for drafting initial ALDs in collaboration with K-12 teachers and higher education faculty nominated by member states, as well as content experts. Draft ALDs will be available for public feedback during a comment period later this year. Preliminary ALDs are expected to be finalized by March 2013.
  
  - Governing States voted to move forward to create an organizational plan in partnership with the Council of Chief State Schools Officers, subject to the acquisition of funding. The goal of this project is to provide a road map for SBAC after grant funding from the Race to the Top Assessment Program ends in September 2014.
  
  - Chief state school officers approved a sampling plan for the pilot test in early 2013. The pilot test will include more than 10,000 items and performance tasks currently under development and will provide information about how these items and tasks perform in a real-world setting. Participation in the pilot test will be open to all schools in the Consortium. To ensure that all student populations are represented, results from a statistical sample of approximately two million students will be analyzed. The chiefs and their representatives approved a plan to sample 22 percent of students from all Governing States.
Current California Participation in SBAC work—

- **Sustainability Task Force:** Sue Burr, Executive Director of the SBE
- **State Lead:** Deborah V.H. Sigman, Deputy Superintendent, District School and Innovation Branch
- **Executive Committee:** Dr. Beverly L. Young, Assistant Vice Chancellor of Academic Affairs for the California State University System, and Deborah V.H. Sigman, Deputy Superintendent, District School and Innovation Branch
- **Higher Education Leads:** Dr. Monica Lin, Associate Director, Undergraduate Admissions at University of California, Office of the President; Dr. Linda Michalowski, Vice Chancellor for Student Services and Special Programs for the California Community Colleges Chancellor's Office; and Dr. Beverly Young, Assistant Vice Chancellor, California State University
- **Technical Advisory Committee:** Dr. Jamal Abedi, Professor at the University of California at Davis; Dr. Linda Darling-Hammond, Professor of Education at the Stanford University School of Education; Dr. Edward Haertel, Professor of Education at the Stanford University School of Education; and Dr. W. James Popham, Professor at the University of California at Los Angeles
- **English Language Learners Advisory Committee:** Dr. Jamal Abedi, Professor at the University of California at Davis; Dr. Richard Durán, Professor at the University of California at Santa Barbara, Dr. Kenji Hakuta, Professor of education at Stanford University; Robert Linquanti, Project Director and Senior researcher at WestEd; Maria Santos, Deputy Superintendent of Instruction, Leadership, and Equity-in-action for the Oakland Unified School District; and Dr. Guadalupe Valdes, Professor at Stanford University
- **SBAC CDE Work Groups:** Rodney Okamoto/Technology, Dr. Linda Hooper/Performance Tasks; Jessica Valdez/Item Development; Jamie Contreras/Test Design; Laura Watson/Formative Processes, Tools and Professional Development Support; and Noelia Ramirez/Accessibility and Accommodations/English Learners

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

**June 2011:** Governor Edmund G. Brown, Jr., SSPI Tom Torlakson, and SBE President Michael Kirst signed the MOU for California’s participation as a governing state in the SBAC. California was previously a participating state in the Partnership for the Assessment of Readiness for College and Careers (PARCC).
FISCAL ANALYSIS (AS APPROPRIATE)

The cost of implementing the SBAC assessments has yet to be determined, but will be offset by the improved efficiencies, benefits of shared costs with other states, and the shifting of current costs to SBAC and CCSS activities. Nonetheless, the implementation of new CCSS-aligned assessments will require a shifting and infusion of new resources.

ATTACHMENT(S)

Attachment 1: Smarter Balanced Assessment Consortium Implementation Timeline
(1 Page)
Smarter Balanced Assessment Consortium Implementation Timeline

- Formative Processes, Tools, and Practices Development Begins
- Writing and Review of Pilot Items/Tasks (including Cognitive Labs and Small-Scale Trials)
- Field Testing of Summative and Interim Items/Tasks Conducted
- Writing and Review of Field Test Items/Tasks (throughout the school year)
- Pilot Testing of Summative and Interim Items/Tasks Conducted
- Preliminary Achievement Standards (Summative) Proposed and Other Policy Definitions Adopted
- Final Achievement Standards (Summative) Verified and Adopted
- Common Core State Standards Adopted by All Member States
- Operational Summative Assessment Administered
- Content and Item Specifications Development
- Procurement Plan Developed
- Summative Master Work Plan Developed and Work Groups Launched
ITEM 09
Subject:


SUMMARY OF THE ISSUE(S)

As required by the Individuals with Disabilities Education Act (IDEA) of 2004, Part B, the State Performance Plan (SPP) and Annual Performance Report (APR) are prepared each year using the instructions sent to the California Department of Education (CDE), Special Education Division (SED) by the U.S. Department of Education (ED), Office of Special Education Programs (OSEP). The SPP is a seven-year plan covering 2005–2006 through 2012–2013. The APR covers California’s progress on nine compliance and eleven performance indicators for program year 2011–2012.

This presentation provides preliminary information and an overview of the Federal Fiscal Year (FFY) 2011 SPP and APR that will be submitted to OSEP on February 1, 2013, and includes the first year of reporting on Indicator Six (Preschool Least Restrictive Environment). Further, some information is unavailable at this time due to the need to wait for statewide assessment data to complete certain calculations. That data will be available in November and will be calculated in December, for inclusion in the January 2013 State Board of Education agenda item.

The final SPP and executive summary of the FFY 2011 APR will be presented to the SBE in January 2013 for approval.

RECOMMENDATION

The CDE SED recommends that the SBE review the SPP and executive summary of the FFY 2011 APR for Part B of the IDEA covering program year 2011–2012.
BRIEF HISTORY OF KEY ISSUES

California is required to have in place a SPP to guide the state’s implementation of Part B of the IDEA and to describe how the state will improve implementation. California’s initial plan was submitted to the OSEP on December 2, 2005, as approved by the SBE and the State Superintendent of Public Instruction. Each year the SPP is updated to reflect changes in federal requirements and update improvement activities. The SPP remains current through FFY 2012, program year 2012–13.

In addition, California must report annually to the public on the performance of its local educational agencies (LEAs). The APR documents and analyzes the LEAs’ and State’s progress toward meeting the targets and benchmarks identified in the SPP; it also summarizes the statewide activities associated with each of the SPP’s target indicators. The APR is presented to the SBE annually for review.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

For FFY 2011, the APR reported on the progress of the 2010–2011 compliance and performance indicators as required by the IDEA. The APR and the SPP also addressed some new federal reporting requirements, which included updates to reflect changes in the calculation methodology used to identify disproportionality for Indicator Four (Rates of Suspension and Expulsion), Indicator Nine (Disproportionality of Racial and Ethnic Groups in Special Education), and Indicator Ten (Disproportionality of Racial and Ethnic Groups in Specific Disability Categories). The SPP and APR, amended as described, were approved by the SBE at its January 2012 meeting. On February 1, 2012, the SPP and APR were submitted to the OSEP.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact.

ATTACHMENT(S)

California Department of Education

Special Education Division

Individuals with Disabilities Education Act of 2004

State Annual Performance Report

Executive Summary

Federal Fiscal Year 2011 (Program Year 2011–2012)

November 2012
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Special Education in California

The California Department of Education (CDE) provides state leadership and policy direction for school district special education programs and services for students who have disabilities, newborn to 22 years of age. Special Education is defined as specially designed instruction and services, at no cost to parents, to meet the unique needs of children with disabilities. Special education services are available in a variety of settings, including day-care settings, preschool, regular classrooms, classrooms that emphasize specially designed instruction, the community, and the work environment.

This leadership includes providing families with information on the education of children with disabilities. The CDE works cooperatively with other state agencies to provide everything from family-centered services for infants and preschool children with disabilities to planned steps for transitions from high school to employment and quality adult life. The CDE responds to consumer complaints and administers the federal Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act (NCLB) for students with disabilities in California.

Accountability and Data Collection

In accordance with the IDEA of 2004, California is required to report annually to the secretary of the U.S. Department of Education on the performance and progress under the State Performance Plan (SPP). This report is the State Annual Performance Report (APR). The APR requires the CDE to report on 20 indicators (Table 1) that examine a comprehensive array of compliance and performance requirements relating to the provision of special education and related services. The California Special Education Management Information System (CASEMIS) is the data reporting and retrieval system used at the CDE. CASEMIS provides the local education agencies (LEAs) a statewide standard for maintaining a common core of special education data at the local level that is used for accountability reporting and to meet statutory and programmatic needs in special education.

The CDE is required to publish the APR for public review. The current APR reflects data collected during Federal Fiscal Year (FFY) 2011, which is equivalent to California’s school year 2011–2012. Please note there are several indicators that are reported in lag years using data from school year 2010–2011. There are 11 performance indicators and 9 compliance indicators. All compliance indicator targets are set by the U.S. Department of Education at either 0 or 100 percent. Performance indicator targets were established based on the recommendations of the broad-based stakeholder group, Improving Special Education Services (ISES), and approved by the State Board of Education (Table 5).
### Table 1: California State Indicators

<table>
<thead>
<tr>
<th>Type</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance 1</td>
<td>Graduation Rates</td>
</tr>
<tr>
<td>Performance 2</td>
<td>Dropout Rates</td>
</tr>
<tr>
<td>Performance 3A</td>
<td>Statewide Assessment</td>
</tr>
<tr>
<td>Performance 3B</td>
<td>Statewide Assessment - Participation Rates</td>
</tr>
<tr>
<td>Performance 3C</td>
<td>Statewide Assessment - Proficiency Rates</td>
</tr>
<tr>
<td>Performance 4A</td>
<td>Rates of Suspension and Expulsion</td>
</tr>
<tr>
<td>Performance 4B</td>
<td>Rates of Suspension and Expulsion by Race or Ethnicity</td>
</tr>
<tr>
<td>Performance 5A</td>
<td>Least Restrictive Environment (Removed &gt;21% of day)</td>
</tr>
<tr>
<td>Performance 5B</td>
<td>Least Restrictive Environment (Removed &gt;60% of day)</td>
</tr>
<tr>
<td>Performance 5C</td>
<td>Least Restrictive Environment (Served in separate school or other placement)</td>
</tr>
<tr>
<td>Performance 6</td>
<td>Preschool Least Restrictive Environment</td>
</tr>
<tr>
<td>Performance 7A</td>
<td>Preschool Assessment: Social-emotional skills</td>
</tr>
<tr>
<td>Performance 7B</td>
<td>Preschool Assessment: Acquisition/Use of knowledge</td>
</tr>
<tr>
<td>Performance 7C</td>
<td>Preschool Assessment: Use of Appropriate Behaviors</td>
</tr>
<tr>
<td>Performance 8</td>
<td>Parent Involvement</td>
</tr>
<tr>
<td>Compliance 9</td>
<td>Disproportionality Overall</td>
</tr>
<tr>
<td>Compliance 10</td>
<td>Disproportionality by Disability</td>
</tr>
<tr>
<td>Compliance 11</td>
<td>Eligibility Evaluation</td>
</tr>
<tr>
<td>Compliance 12</td>
<td>Part C to Part B Transition</td>
</tr>
<tr>
<td>Compliance 13</td>
<td>Effective Transitions</td>
</tr>
<tr>
<td>Performance 14</td>
<td>Post Secondary</td>
</tr>
<tr>
<td>Compliance 15</td>
<td>General Supervision</td>
</tr>
<tr>
<td>Compliance 16</td>
<td>Complaints</td>
</tr>
<tr>
<td>Compliance 17</td>
<td>Due Process</td>
</tr>
<tr>
<td>Performance 18</td>
<td>Hearing Requests</td>
</tr>
<tr>
<td>Performance 19</td>
<td>Mediation</td>
</tr>
<tr>
<td>Compliance 20</td>
<td>State-Reported Data</td>
</tr>
</tbody>
</table>

Overview of Population and Services

During Fiscal Year (FY) 2011–2012, 686,352 students age 0–22 years, were enrolled in special education. Compared to the total student enrollment in California, special education students make up about 11 percent of total students. The average age of a special education student in California is 11 years of age. The median grade level is sixth grade. As shown in Figure 1, the majority of students with disabilities in California are between six and twelve years of age. The majority of special education students (67.5 percent) are male and 30.4 percent are English-language learners. All tables and figures are based on students 0 to 22 years of age.
California students diagnosed with at least one disability are eligible for services to meet those needs. There are 13 disability categories as identified in Table 2. The majority (40.6 percent) of students are identified as having a “Specific Learning Disability” as their primary disability category. The second most common primary disability designation for students (24 percent) is a “Speech/Language Impairment”.

### Table 2: Enrollment of Special Education Students by Disability Type

<table>
<thead>
<tr>
<th>Disability Type</th>
<th>Enrollment</th>
<th>Percentage</th>
<th>Disability Type</th>
<th>Enrollment</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intellectual Disability</td>
<td>43,303</td>
<td>6.34%</td>
<td>Orthopedic Impairment</td>
<td>14,261</td>
<td>2.14%</td>
</tr>
<tr>
<td>Hard of Hearing</td>
<td>9,991</td>
<td>1.42%</td>
<td>Other Health Impairment</td>
<td>61,309</td>
<td>8.91%</td>
</tr>
<tr>
<td>Deaf</td>
<td>3,946</td>
<td>0.53%</td>
<td>Specific Learning Disability</td>
<td>278,697</td>
<td>40%</td>
</tr>
<tr>
<td>Speech and Language</td>
<td>164,600</td>
<td>24%</td>
<td>Deaf-Blindness</td>
<td>160</td>
<td>0.02%</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>4,327</td>
<td>0.61%</td>
<td>Multiple Disability</td>
<td>5,643</td>
<td>0.82%</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>25,984</td>
<td>3.82%</td>
<td>Autism</td>
<td>71,825</td>
<td>10%</td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>1,771</td>
<td>0.22%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Of all special education students in California, Hispanic youth represent the greatest numbers of students in need of services. However, when compared to total enrollment
rates, African American students are the most highly represented population in special education. Figure 2 shows the total number of special education students by race/ethnicity. Figure 3 shows the rate of special education students to the total state student population within each race/ethnicity.

**Figure 2: 2011-2012 Students in Special Education by Race/Ethnicity**

![Pie chart showing the distribution of special education students by race/ethnicity.

**Figure 3: Rate of Special Education Students Within Each Race/Ethnicity Category**

![Bar chart showing the rate of special education students within each race/ethnicity category.

CASEMIS Dec. 2011
The CDE also tracks the type of school or program in which special education students receive the majority of their instructional services. These include public schools, private schools, independent study, charter schools, community schools, correctional programs, higher education, and transition programs. Table 3 shows that the majority (86.8 percent) of special education students are enrolled in a public day school.

**Table 3: Enrollment of Special Education by Type of School**

<table>
<thead>
<tr>
<th>No School (0–5 years)</th>
<th>4,726</th>
<th>0.68%</th>
<th>Adult Education Program</th>
<th>1,727</th>
<th>0.25%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Day School</td>
<td>595,453</td>
<td>86%</td>
<td>Charter School</td>
<td>20,025</td>
<td>2.93%</td>
</tr>
<tr>
<td>Public Residential School</td>
<td>679</td>
<td>0.09%</td>
<td>Charter School District</td>
<td>8,257</td>
<td>1.21%</td>
</tr>
<tr>
<td>SpEd Center or Facility</td>
<td>10,269</td>
<td>1.44%</td>
<td>Head Start</td>
<td>1,656</td>
<td>0.24%</td>
</tr>
<tr>
<td>Other Public School</td>
<td>4,657</td>
<td>0.67%</td>
<td>Child Development/Care</td>
<td>3,046</td>
<td>0.44%</td>
</tr>
<tr>
<td>Continuation School</td>
<td>5,525</td>
<td>0.80%</td>
<td>State Preschool Program</td>
<td>1,124</td>
<td>0.16%</td>
</tr>
<tr>
<td>Alternative Work Education Center/Facility</td>
<td>955</td>
<td>0.13%</td>
<td>Non Public Residential School</td>
<td>791</td>
<td>0.11%</td>
</tr>
<tr>
<td>Independent Study</td>
<td>1,292</td>
<td>0.18%</td>
<td>Extended Day Care</td>
<td>282</td>
<td>0.04%</td>
</tr>
<tr>
<td>Juvenile Court School</td>
<td>1,721</td>
<td>0.25%</td>
<td>Non Public Day School</td>
<td>11,844</td>
<td>1.74%</td>
</tr>
<tr>
<td>Community School</td>
<td>3,484</td>
<td>0.50%</td>
<td>Private Preschool</td>
<td>758</td>
<td>0.11%</td>
</tr>
<tr>
<td>Correctional Institution</td>
<td>297</td>
<td>0.04%</td>
<td>Private Day School</td>
<td>2,742</td>
<td>0.39%</td>
</tr>
<tr>
<td>Home Instruction</td>
<td>2,229</td>
<td>0.32%</td>
<td>Private Residential School</td>
<td>33</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hospital Facility</td>
<td>221</td>
<td>0.03%</td>
<td>Non Public Agency</td>
<td>211</td>
<td>0.03%</td>
</tr>
<tr>
<td>Community College</td>
<td>245</td>
<td>0.03%</td>
<td>Parochial School</td>
<td>1,339</td>
<td>0.19%</td>
</tr>
</tbody>
</table>

Special education students in California receive a variety of services to address their unique needs. During 2011–2012, there were 1,413,812 services provided to California special education students. Table 4 describes the type of services provided to students. The most common service provided was Specialized Academic Instruction, followed by Language and Speech Services.
Table 4: Services Provided To Special Education Students

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Count</th>
<th>%</th>
<th>Service Description</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialized Services for Ages 0−2 years</td>
<td>13,716</td>
<td>0.97</td>
<td>Specialized Services/Low Incidence Disabilities</td>
<td>6,299</td>
<td>0.44</td>
</tr>
<tr>
<td>Specialized Academic Instruction</td>
<td>549,715</td>
<td>39%</td>
<td>Services for Deaf Students</td>
<td>18,752</td>
<td>1.33</td>
</tr>
<tr>
<td>Intensive Individual Services</td>
<td>10,035</td>
<td>0.71</td>
<td>Services for Visually Impaired Students</td>
<td>10,052</td>
<td>0.71</td>
</tr>
<tr>
<td>Individual/Small Group Instruction</td>
<td>9,617</td>
<td>0.68</td>
<td>Specialized Orthopedic Services</td>
<td>3,268</td>
<td>0.23</td>
</tr>
<tr>
<td>Language/Speech</td>
<td>318,399</td>
<td>22%</td>
<td>Recreation Services</td>
<td>581</td>
<td>0.04</td>
</tr>
<tr>
<td>Adapted Physical Education</td>
<td>42,302</td>
<td>2.92</td>
<td>Reader and Note Taking Services</td>
<td>583</td>
<td>0.04</td>
</tr>
<tr>
<td>Health and Nursing</td>
<td>14,201</td>
<td>1.02</td>
<td>College Preparation</td>
<td>64,541</td>
<td>4.53</td>
</tr>
<tr>
<td>Assistive Technology</td>
<td>5,291</td>
<td>0.37</td>
<td>Vocational/Career</td>
<td>128,028</td>
<td>9.12</td>
</tr>
<tr>
<td>Occupational Therapy</td>
<td>58,545</td>
<td>4.13</td>
<td>Agency Linkages</td>
<td>9,101</td>
<td>0.64</td>
</tr>
<tr>
<td>Physical Therapy</td>
<td>9,856</td>
<td>0.70</td>
<td>Travel Training</td>
<td>2,175</td>
<td>0.15</td>
</tr>
<tr>
<td>Mental Health Services</td>
<td>96,011</td>
<td>6.84</td>
<td>Other Transition Services</td>
<td>27,825</td>
<td>1.91</td>
</tr>
<tr>
<td>Day Treatment</td>
<td>1,224</td>
<td>0.09</td>
<td>Other Special Education Services</td>
<td>12,829</td>
<td>0.90</td>
</tr>
<tr>
<td>Residential Treatment</td>
<td>866</td>
<td>0.06</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CASEMIS Dec. 2011

2011–2012 APR Indicators

During FFY 2011, California met (data is unavailable at this time) percent of the 20 target indicators. Table 5 identifies each indicator, its target, the FFY 2011 state results, and if the target was met. The pages following Table 5 provide an overview of each individual indicator, including a description of the indicator, the target, the data collected, the results, and a summary of improvement activities.
## Table 5: FFY 2011 Indicators, Targets, and Results

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Target</th>
<th>Results</th>
<th>Met Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Graduation Rate</td>
<td>74.5%</td>
<td>76.3%</td>
<td>Yes</td>
</tr>
<tr>
<td>2 Dropout Rate</td>
<td>Less Than 22.1%</td>
<td>18.4%</td>
<td>Yes</td>
</tr>
<tr>
<td>3 Statewide Assessment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3A AYP</td>
<td>58%</td>
<td>Unavailable</td>
<td></td>
</tr>
<tr>
<td>3B Participation</td>
<td>95% ELA/Math</td>
<td>97.3/97.8%</td>
<td>Yes</td>
</tr>
<tr>
<td>3C Elementary, High, and Unified Districts</td>
<td>66.1/68.5%</td>
<td>18.9/38.8%</td>
<td>No</td>
</tr>
<tr>
<td>4 Suspension and Expulsion Rate Overall</td>
<td>Less than 10.1%</td>
<td>2.7%</td>
<td>Yes</td>
</tr>
<tr>
<td>4b Suspension and Expulsion Rate by Race/Ethnicity</td>
<td>0%</td>
<td>Unavailable</td>
<td>Unavailable</td>
</tr>
<tr>
<td>5 Least Restrictive Environment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5a Percent Removed from Regular Class Less Than 21% of the Day</td>
<td>76%</td>
<td>52.3</td>
<td>No</td>
</tr>
<tr>
<td>5b Percent Removed from Regular Class More Than 60% of the Day</td>
<td>Less than 9%</td>
<td>22.1</td>
<td>No</td>
</tr>
<tr>
<td>5c Percent served in separate schools</td>
<td>Less than 3.8%</td>
<td>4.2</td>
<td>No</td>
</tr>
<tr>
<td>6 Preschool Least Restrictive Environment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6A. Regular Preschool</td>
<td>32.1</td>
<td>32.1</td>
<td></td>
</tr>
<tr>
<td>6B. Separate schools or classes</td>
<td>40.8</td>
<td>40.8</td>
<td>N/A</td>
</tr>
<tr>
<td>7 Preschool Assessment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7A (1 &amp; 2)</td>
<td>72.7/82.1%</td>
<td>71.2/76.8%</td>
<td>No</td>
</tr>
<tr>
<td>7B (1 &amp; 2)</td>
<td>70.0/82.5%</td>
<td>71.7/74.4%</td>
<td>No</td>
</tr>
<tr>
<td>7C (1 &amp; 2)</td>
<td>75/79%</td>
<td>75/77.2%</td>
<td>No</td>
</tr>
<tr>
<td>8 Percent of Parents Reporting the Schools Facilitated Parental Involvement</td>
<td>90%</td>
<td>87.9</td>
<td>No</td>
</tr>
<tr>
<td>9 Overall Disproportional Racial or Ethnic Groups in Special Education</td>
<td>0%</td>
<td>Unavailable</td>
<td>Unavailable</td>
</tr>
<tr>
<td>10 Disproportional Racial or Ethnic Groups in Disability Categories</td>
<td>0%</td>
<td>Unavailable</td>
<td>Unavailable</td>
</tr>
<tr>
<td>11 Eligibility Evaluation Completed within 60 Days of Parental Consent</td>
<td>100%</td>
<td>97.4%</td>
<td>No</td>
</tr>
<tr>
<td>12 Part C to Part B Transition by Third Birthday</td>
<td>100%</td>
<td>97.8%</td>
<td>No</td>
</tr>
<tr>
<td>13 Secondary Transition Goals and Services</td>
<td>100%</td>
<td>80.7%</td>
<td>No</td>
</tr>
<tr>
<td>14 Post-School Employment or Enrollment in Post-Secondary Education</td>
<td>68%</td>
<td>Unavailable</td>
<td>Unavailable</td>
</tr>
<tr>
<td>15 General Supervision System Corrects Noncompliance Within One Year</td>
<td>100%</td>
<td>Unavailable</td>
<td>Unavailable</td>
</tr>
<tr>
<td>16 General Supervision: Written Complaints Resolved in 60 Days</td>
<td>100%</td>
<td>100%</td>
<td>Yes</td>
</tr>
<tr>
<td>17 General Supervision: Due Process Hearings</td>
<td>100%</td>
<td>99.1%</td>
<td>No</td>
</tr>
<tr>
<td>18 General Supervision</td>
<td>55%</td>
<td>12.3%</td>
<td>No</td>
</tr>
<tr>
<td>19 General Supervision: Number of Mediation Agreements</td>
<td>85%</td>
<td>63.1%</td>
<td>No</td>
</tr>
<tr>
<td>20 General Supervision: Timely and Accurate Reports</td>
<td>100%</td>
<td>100%</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Indicator 1: Graduation

Description
This is a performance indicator. This measures the percent of youth with individual education programs (IEPs) graduating from high school with a regular diploma (20 U.S.C 1416 [a][3][A]). The calculation methods for this indicator were revised in 2008–09 and again in 2009–10, to align with reporting criteria under Title I of the Elementary and Secondary Education Act (ESEA). A new reporting methodology was implemented for the FFY 2011 APR. All California students are required to pass the California High School Exit Exam (CAHSEE) to earn a public high school diploma. State law provides an exemption from this testing requirement for students who otherwise meet the district requirement for graduation.

Target for 2011–12
- Have a 2011 graduation rate of at least 90 percent or
- Meet the 2011 fixed growth rate of 74.5 percent or
- Meet the 2011 variable growth rate of 69.8 percent

Measurement
The data are reported in lag years using the California Longitudinal Pupil Achievement Data System (CALPADS) data from the FFY 2011 (2011–2012). The calculation is based on data from California’s ESEA reporting.

Results for 2011–2012
The graduation rate for the FFY 2011: 76.3 percent of students with disabilities graduated with a high school diploma.

Target Met: Yes

Summary of Improvement Activities
- Provide technical assistance regarding: graduation standards, student participation in graduation activities, promotion/retention guidelines, and preparation for CAHSEE.
- Disseminate and promote the English-learners with Disabilities Handbook, which provides guidance on ways to support twelfth graders in meeting goals for graduation.
- Develop and disseminate training modules on standards-based IEPs that promote and sustain activities that foster special education and general education working together to meet the needs of all learners. Modules target service delivery, curriculum and instruction, and differentiated instruction.
Indicator 2: Dropouts

Description

This is a performance indicator. This measures the percent of youth with IEPs dropping out of high school (20 U.S.C 1416 [a][3][A]). The calculation methods for this indicator were revised in 2009–10 to create a more rigorous target and approved by the Office of Special Education Programs (OSEP) in April 2010. Dropout rates are calculated from data reported for grades nine through twelve. The CDE uses the annual (one-year) dropout rate and the four-year derived dropout rate. The four-year derived dropout rate is an estimate of the percent of students who would dropout in a four-year period based on data collected for a single year. California does not currently have benchmarks for dropout rates for the ESEA.

Target for 2011–2012

Less than 22.1 percent of students with disabilities will drop out of high school.

Measurement

The data are reported in lag years using the CALPADS data from the FFY 2010 (2010–2011). The calculation is based on data from the ESEA reporting.

Results for 2011–2012

For FFY 2011, Indicator 2 (Dropout Rates), are reported in lag years using data from 2010–2011. The four-year Derived Rate Formula rate was 18.4 percent.

Target Met: Yes

Summary of Improvement Activities

- Continue the Building Effective Schools Together (BEST) program, which provides training and technical assistance on positive behavioral supports.

- Disseminate and provide training based on Transition to Adult Living: A Guide for Secondary Education, a comprehensive handbook written for students’ parents and teachers, to support the transition of students with disabilities to adulthood and/or independent living.

- The CDE will continue to contract with the California Juvenile Court Schools to facilitate electronic transmission of records across public agencies, implement Response to Instruction and Intervention (RTI²), and improve academic achievement.
Indicator 3: Statewide Assessments

Description

This is a performance indicator and measures the participation and performance of children with IEPs on statewide assessments including: 1) Percent of the districts with a disability subgroup, that meets the State’s minimum “n” size, that meet the State’s Adequate Yearly Progress (AYP) for English-language Arts (ELA) and Mathematics targets for the disability subgroup; 2) Participation rate for children with IEPs; and 3) Proficiency rate for children with IEPs against grade-level, modified, and alternate academic achievement standards (20 U.S.C. 1416 [a][3][A]).

Target for 2011–2012

3A. The annual benchmarks and six-year target for the percent of districts meeting the State’s AYP objectives for progress for the disability subgroup is 58 percent.

3B. The annual benchmark and target for participation on statewide assessments in ELA and Math, 95 percent (rounded to nearest whole number), is established under ESEA.

3C. Consistent with the ESEA accountability framework, the 2011–2012 annual measurable objectives (benchmarks) for the percent proficient on statewide assessments are broken down by school subgroup.

- Elementary and Middle Schools/Districts
  - ELA= 89.2 percent
  - Math= 89.5 percent

- High Schools/Districts
  - ELA= 88.9 percent
  - Math= 88.7 percent

- Unified Districts, COE
  - ELA= 89.0 percent
  - Math= 89.1 percent

Measurement

The AYP percent equals the number of districts with a disability subgroup that meets the State’s minimum “n” size, which meet the State’s AYP targets for the disability subgroup divided by the total number of districts that have a disability subgroup that meets the State’s minimum “n” size.

Participation rate percent equals the number of children with IEPs participating in the assessment (California Standards Test, California Alternate Performance Assessment, California Modified Assessment, and CAHSEE) divided by the total number of children with IEPs enrolled on the first day of testing, calculated separately for reading and math.
Proficiency rate percent equals number of children with IEPs enrolled for a full academic year scoring at or above proficient divided by the total number of children with IEPs enrolled for a full academic year, calculated separately for reading and math.

Results for 2011–2012

A. In FFY 2011 for Target A the results are as follows:

Percent of Districts Meeting AYP for Disability Subgroup (3A)

<table>
<thead>
<tr>
<th>Targets for FFY 2011 (2011-12)</th>
<th>Actual Data for FFY 2011 (2011-12)</th>
<th>Target Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>Unavailable</td>
<td>--</td>
</tr>
</tbody>
</table>

B. In FFY 2011 for Target B the results are as follows:

Percent of Participation for Students with IEPs (3B)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>95</td>
<td>97.3</td>
<td>Yes</td>
</tr>
<tr>
<td>Math</td>
<td>95</td>
<td>97.8</td>
<td>Yes</td>
</tr>
</tbody>
</table>

C. In FFY 2011 for Target C the results are as follows:

Proficiency Targets and Actual Data in ELA and Math by Type of LEA (3C)

<table>
<thead>
<tr>
<th>Type of LEAs</th>
<th>ELA Target Percent Proficient</th>
<th>ELA Actual Percent Proficient</th>
<th>Target Met</th>
<th>Math Target Percent Proficient</th>
<th>Math Actual Percent Proficient</th>
<th>Target Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary School Districts</td>
<td>67.6</td>
<td>38.7</td>
<td>No</td>
<td>68.5</td>
<td>38.8</td>
<td>No</td>
</tr>
<tr>
<td>High school Districts (grades 9-12 only)</td>
<td>66.7</td>
<td>18.9</td>
<td>No</td>
<td>66.1</td>
<td>19.8</td>
<td>No</td>
</tr>
<tr>
<td>Unified School Districts, High School Districts, County Offices of Education (grades 2–8 and 9–12)</td>
<td>67.0</td>
<td>33.3</td>
<td>No</td>
<td>67.3</td>
<td>35.0</td>
<td>No</td>
</tr>
</tbody>
</table>

Target Met: No
Summary of Improvement Activities

- Provide technical assistance to schools focused on the implementation of programs to reform high poverty schools. Provide focused monitoring technical assistance at facilitated school sites to address participation and performance on statewide assessments.

- Develop and maintain an IDEA information Web page with links to important references and resources on the reauthorization of the IDEA, including statewide assessments.

- Collaborate with the CDE Program Improvement and Interventions Office to infuse special education indicators into the Academic Performance Survey and District Assistance Survey.
Indicator 4A: Suspension and Expulsion Overall

Description

This is a performance indicator. This measures percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs (20 U.S.C. 1416[a][3][A] and 1412[a][22]). A district is considered to have a significant discrepancy if the districtwide rate for suspension and expulsion exceeds the statewide rate for suspension and expulsion. Districts identified to have a significant discrepancy are required to review their policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The data reported here is from 2010–2011.

Target for 2011–2012

No more than 10.1 percent of districts will have rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

Measurement

The data are reported in lag years using the CALPADS data from the FFY 2010 (2010–2011). The percent is calculated by the number of districts that have a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year divided by the number of districts in the State times 100.

Results for 2011–2012

In FFY 2010, there were 25 districts (2.7 percent) whose rate of suspension and expulsion was greater than the statewide rate.

Target Met: Yes

Summary of Improvement Activities

- In collaboration with other divisions of the CDE, provide technical assistance to LEAs and schools on reinventing high schools to address suspension and expulsion.

- Provide technical assistance to schools focused on the implementation of reform programs that have been successful in high poverty schools.
• Work with special education local plan areas (SELPAs), LEAs, and County Offices of Education (COEs) to clarify responsibilities and improve behavior emergency and incident reporting.

• Promote the IDEA 2004 and Research for Inclusive Settings (IRIS) modules in behavior, diversity, and other content. This is a special project that includes training and technical assistance work.

• Promote the Culturally Responsive Teaching in California online training modules for the school site general and special educators dealing with utilizing positive behavior supports.
Indicator 4B: Suspension and Expulsion by Race or Ethnicity

Description:

This is a compliance indicator. This measures percent of districts that have: (a) significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards (20 U.S.C. 1416[a][3][A] and 1412[a][22]).

Target for 2011–2012

Zero percent of districts will have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race.

Measurement

The data are reported in lag years using the CALPADS data from the FFY 2010 (2010–2011). This percent is calculated by the number of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards divided by the number of districts in the State times 100.

Results for 2011–2012

In FFY 2011, there were (data is unavailable at this time) percent of districts with significant discrepancies, by race or ethnicity, in the rates of suspension or expulsion of greater than 10 days for students with IEPs.

Target Met: Unavailable

Summary of Improvement Activities

- Provide technical assistance to schools focused on the implementation of reform programs that have been successful in high poverty schools.
- Work with SELPAs, LEAs, and COEs to clarify their responsibilities and improve behavior emergency and incident reporting.
• Work with SELPAs, LEAs, and COEs to update and improve monitoring items and instruments for reviewing policies, practices, and procedures related to this indicator.

• Provide BEST training and technical assistance on positive behavioral supports. Promote and distribute the IRIS modules in behavior, diversity, and other content. This is a special project that includes training and technical assistance work.
Indicator 5: Least Restrictive Environment

Description

This is a performance indicator. This measures percent of children with IEPs, ages six through twenty-one, served inside the regular class 80 percent or more of the day; inside the regular class less than 40 percent of the day, and are served in public or private separate schools, residential facilities, or homebound/hospital placement.

Target for 2011–2012

5a. Seventy-six percent or more of students will be removed from regular class less than 21 percent of the day;

5b. No more than nine percent will be removed from regular class more than 60 percent of the day; and

5c. No more than 3.8 percent are served in public or private separate schools, residential placements, or homebound or hospital placements.

Measurement

5a. The number of children with IEPs served inside the regular class 80 percent or more of the day divided by the total number of students aged 6 through 21 with IEPs.

5b. The number of children with IEPs served inside the regular class less than 40 percent of the day divided by the total the total number of students aged six through twenty-one with IEPs.

5c. The number of children with IEPs served in public or private separate schools, residential facilities, or homebound/hospital placements divided by the total number of students aged six through twenty-one with IEPs.

Results for 2011–012

California did not meet the targets for 5a (only 52.3 percent of students were in regular class less than 80 percent of the day or more); for 5b, (22.1 percent of students were in regular class less than 40 percent of the day); and for 5c, (4.2 percent were served in public or private separate schools and facilities).

Target Met: 5a No 5b No 5c No
Summary of Improvement Activities

- Continue implementing the Facilitated Focused Monitoring Project including the “scaling up” of focused monitoring activities that contain targeted technical assistance to LEAs related to Least Restrictive Environment (LRE) and improved academic outcomes.

- Conduct activities related to parent involvement, LRE, RtI², and secondary transition. The CDE promotes parental involvement by inviting their membership and participation in the ISES and CDE trainings. The CDE-supported trainings are posted on the Internet to increase parental access.

- In collaboration with the California Comprehensive Center, the CDE Special Education Division (SED) will develop and disseminate training modules on standards-based IEPs to promote and sustain activities that foster special education and general education collaboration.
Indicator 6: Preschool Least Restrictive Environment

Description

This is a performance indicator. This measures the percent of children with IEPs ages three through five, attending a:

- Regular early childhood program and receiving the majority of special education and related service in the regular early childhood program; and

- Separate special education class, separate school, or residential facility (20 U.S.C. 1416[a][3][A]).

Target for 2011–2012

Baseline data will be submitted in FFY 2011 and targets will be set for FFY 2012.

Measurement

A. Percent = ([# of children ages three through five with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program] divided by the [total # of children ages three through five with IEPs]) times 100

B. Percent = ([# of children ages three through five with IEPs attending a separate special education class, separate school, or residential facility] divided by the [total # of children ages three through five with IEPs]) times 100

Results for 2011–2012

A. 32.1 percent of children ages three through five with IEPs attended a regular early childhood program and received the majority of special education and related services in the regular early childhood program

B. 40.8 percent of children ages three through five with IEPs attended a separate special education class, separate school, or residential facility

Target Met: Baseline Year

Summary of Improvement Activities

- Prepare and disseminate general policy letter related to preschool LRE.

- Contact districts with outlying values to monitor policies, procedures, and practices, and to provide technical assistance.

- Work with preschool technical assistance contractors to prepare and disseminate technical assistance materials and services.
Indicator 7A: Preschool Assessment

Description

This is a performance indicator and measures the percent of preschool children with IEPs who demonstrate improvement in Outcome A: Positive social-emotional skills, including social relationships.

Target for 2011–2012

- Of those children who entered the program below age expectations in Outcome A, 72.7 percent substantially increased their rate of growth by the time they turned six years of age or exited the program.
- Of those children who were functioning within age expectations in Outcome A, 82.1 percent were functioning within age expectations by the time they turned six years of age or exited the program.

Measurement

Outcome A: Positive social-emotional skills, including social relationships:

- Number of preschool children who did not improve functioning divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who improved functioning to reach a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.

Results for 2011–2012

For FFY 2011, for Outcome A, 71.2 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program, and 76.8
percent of students were functioning within age expectations by the time they turned six years of age or exited the program.

Target Met: No

Summary of Improvement Activities

- Provide on-going statewide technical assistance and training on Early Child Special Education (ECSE) and assist the CDE in monitoring and activities assessment.

- Continue the Train-the-Trainer training for SELPA teams to build local capacity for support, technical assistance, and mentoring for teachers.

- Develop Web-based modules for training and instruction related to the Desired Results Developmental Profile (DRDP) instruments and data reporting system to build local capacity for support, technical assistance, and mentoring.
Indicator 7B: Preschool Assessment

Description

This is a performance indicator and measures the percent of preschool children with IEPs who demonstrate improvement in Outcome B: Acquisition and use of knowledge and skills, including early language/communication and early literacy.

Target for 2011–2012

- Of those children who entered the program below age expectations in Outcome B, 70 percent substantially increased their rate of growth by the time they turned six years of age or exited the program.

- Of children who were functioning within age expectations in Outcome B, 82.5 percent were functioning within age expectations by the time they turned six years of age or exited the program.

Measurement

Outcome B: Acquisition and use of knowledge and skills, including early language/communication and early literacy:

- Number of preschool children who did not improve functioning divided by the number of preschool children with IEPs assessed X 100.

- Number of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.

- Number of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it divided by the number of preschool children with IEPs assessed X 100.

- Number of preschool children who improved functioning to reach a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.

- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.

Results for 2011–2012

In FFY 2011, for Outcome B, 71.7 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program; and 74.4
percent of students were functioning within age expectations by the time they turned six years of age or exited the program.

Target Met: No

**Summary of Improvement Activities**

- Provide on-going statewide technical assistance and training on ECSE and assist the CDE in monitoring and activities assessment.

- Continue the Train-the-Trainer training for SELPA teams to build local capacity for support, technical assistance, and mentoring for teachers.

- Develop Web-based modules for training and instruction related to the DRDP instruments and data reporting system to build local capacity for support, technical assistance, and mentoring.
Indicator 7C: Preschool Assessment

Description

This is a performance indicator and measures the percent of preschool children with IEPs who demonstrate improvement in Outcome C: Use of appropriate behaviors to meet their needs (20 U.S.C. 1416[a][3][A]).

Target for 2011–2012

- Of those children who entered the program below age expectations in Outcome C, 75 percent substantially increased their rate of growth by the time they turned six years of age or exited the program.
- Of those children who were functioning within age expectations in Outcome C, 79 percent were functioning within age expectations by the time they turned six years of age or exited the program.

Measurement

Outcome C: Use of appropriate behaviors to meet their needs:

- Number of preschool children who did not improve functioning divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who improved functioning to reach a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.
- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed X 100.

Results for 2011–2012

In FFY 2011, for Outcome C, 75.0 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program; and 77.2
percent of students were functioning within age expectations by the time they turned six years of age or exited the program.

Target Met: No

**Summary of Improvement Activities**

- Provide on-going statewide technical assistance and training on ECSE and assist the CDE in monitoring and activities assessment.

- Continue the Train-the-Trainer training for SELPA teams to build local capacity for support, technical assistance, and mentoring for teachers.

- Develop Web-based modules for training and instruction related to the DRDP instruments and data reporting system to build local capacity for support, technical assistance, and mentoring.
Indicator 8: Parent Involvement

Description

This is a performance indicator. This measures the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities (20 U.S.C. 1416[a][3][A]). This data is one question in a survey distributed, collected, and reported by the SELPAs. The measure is the percentage of parents responding “yes” to the question: “Did the school district facilitate parent involvement as a means of improving services and results for your child?”

Target for 2011–2012

Ninety percent of parents will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Measurement

The number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total number of respondent parents of children with disabilities.

Results for 2011–2012

The result for Indicator 8 in FFY 2010 was 87.9 percent of parents with a child receiving special education services report that schools facilitated parental involvement.

Target Met: No

Summary of Improvement Activities

- Explore Web-based applications for all components of the monitoring system including parent involvement.

- Develop a Web-based survey process and a statewide data collection through CASEMIS to capture a universal sample of families to address the Parent Involvement Indicator.

- Conduct trainings and technical assistance related to parent involvement.

- The SED partners with Parent Training and Information Center, Family Resource Center, and Family Empowerment Center parents to provide statewide training and technical assistance. The SED will maintain a parent “hot line” to provide parents with information and assistance.
Indicator 9: Disproportionality Overall

Description

This is a compliance indicator. This measures the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification (20 U.S.C. 1416[a][3][C]). Currently, California combines the disparity measure with the e-formula in a race-neutral approach to identify which districts are disproportionate. The first test is to identify those districts that have a disparity that is higher than the annual benchmark. The second test, based on the e-formula, looks at the over representation of each ethnic group compared to the distribution of those ethnic groups in the general education population.

Target for 2011–2012

Zero percent of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Measurement

The number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by the number of districts in the State.

Results for 2011–2012: Unavailable

Target Met: Unavailable

Summary of Improvement Activities

- Work with the Western Regional Resource Center (WRRC) and other federal contractors to identify and disseminate research-based practices related to preventing disproportionate representation and to address the relationship between eligibility and disproportionality of racial and ethnic groups.

- Refine policies, procedures, and practices instruments to assist the LEAs in reviewing their policies, procedures, and practices in relation to disproportionality of racial and ethnic groups.

- Incorporate preliminary self-review and improvement planning modules, based on National Center for Culturally Responsive Educational Systems (NCCRESt), into monitoring software.

- Annually identify districts that are significantly disproportionate, using existing instruments and procedures.
Indicator 10: Disproportionality by Disability

Description

This is a compliance indicator. This measures the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification (20 U.S.C. 1416[a][3][C]). The calculation for Indicator 10 (Ethnicity by Disability) has been changed at the direction of the OSEP during their September 2010 verification visit. Effective FFY 2010, the CDE measures disproportionality using two measures: (1) the e-formula and (2) the Alternate Risk Ratio.

Target for 2011–2012

Zero percent of districts will have disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.

Measurement

The number of districts with disproportionate representation of racial and ethnic groups in specific disability categories, as identified by both the e-formula and Alternate Risk Ratio, which is the result of inappropriate identification divided by the number of districts in the State.

Results for 2011–2012: Unavailable

Target Met: Unavailable

Summary of Improvement Activities

- Refine guidance for policies, procedures, and practices to assist the LEAs in reviewing their policies, procedures, and practices in relation to disproportionality by disability groups.

- Use refined procedures to identify districts with significant disproportionality and establish plans for supervision and technical assistance.

- Incorporate preliminary self-review and improvement planning modules, based on NCCREST, into monitoring software.

- Annually identify districts that are significantly disproportionate, using existing instruments and procedures related to disability.
Indicator 11: Eligibility Evaluation

Description

This is a compliance indicator. This measures the percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the state establishes a timeframe within which the evaluation must be conducted, within that timeframe (20 U.S.C. 1416[a][3][B]). These data were calculated using CASEMIS data fields related to parental consent date and initial evaluation date. Determination of eligibility was made using the data field which includes the type of plan a student has (IEP, Individualized Family Support Plan, Individual Service Plan), if the student is eligible, or no plan if the student is determined ineligible. If the parent of a child repeatedly failed or refused to bring the child for the evaluation, or a child enrolled in a school of another public agency after the timeframe for initial evaluations had begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability, then the child was eliminated from both the numerator and the denominator.

Target for 2011–2012

Eligibility determinations will be completed within 60 days for 100 percent of children for whom parental consent to evaluate was received.

Measurement

- The number of children for whom parental consent to evaluate was received.
- The number of children whose evaluations were completed within 60 days (or a state-established time line).

Results for 2011–2012

For FFY 2010, 97.4 percent of eligibility determinations were completed within 60 days for children whom parental consent to evaluate was received.

Target Met: No

Summary of Improvement Activities

- Explore Web-based applications for all components of the monitoring system including 60-day evaluation time line.
- Analyze data from compliance complaints and all monitoring activities to determine areas of need for technical assistance, in addition to correction of noncompliance.
• Prepare and install initial evaluation compliance reports into the CASEMIS software to enable districts and SELPAs to self-monitor.

• Prepare and send noncompliance-finding letters based on CASEMIS data to LEAs to reinforce the importance of correcting all noncompliant findings resulting from verification and self-review monitoring.
Indicator 12: Part C to Part B Transition

Description

This is a compliance indicator. Percent of children referred by Part C prior to age three, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays (20 U.S.C. 1416[a][3][B]). These data were collected through CASEMIS and data from the Department of Developmental Services.

Target for 2011–2012

One hundred percent of children referred by the IDEA Part C prior to age three and who are found eligible for the IDEA Part B will have an IEP developed and implemented by their third birthday.

Measurement

- Number of children who have been served in Part C and referred to Part B (LEA notified pursuant to the IDEA section 637[a][9][A] for Part B eligibility determination).
- Number of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- Number of those found eligible who have an IEP developed and implemented by their third birthdays.
- Number of children for whom parental refusal to provide consent caused delays in evaluation or initial services.

Results for 2011–2012

For FFY 2011, 97.8 percent of children referred by Part C of IDEA prior to age three and who were found eligible for Part B of IDEA had an IEP developed and implemented by their third birthday.

Target Met: No

Summary of Improvement Activities

- Meet annually with SELPAs, LEAs, and regional centers to review data and plan for corrective action plans and technical assistance activities related to transition from Part C to Part B, based on APR data.
• Convene ISES stakeholder group to obtain input on aspects of Part C to Part B transition (e.g., moving from family focus to child focus).

• Revise CASEMIS to include separate referral and evaluation dates for Part B and Part C in accordance with the IDEA.

• Participate in the OSEP National Early Childhood Conference to stay abreast of national trends, research on transition from Part C to Part B, and new OSEP requirements.

• Participate in a joint Transition Project with the Department of Developmental Services (Part C lead agency), with the assistance of the WRRC.
Indicator 13: Secondary Transition Goals and Services

Description

This is a compliance indicator. Percent of youth with IEPs ages 16 and above with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon an age appropriate transition assessment and transition services, including courses of study, that will reasonably enable the student to meet those post-secondary goals and annual IEP goals related to the student’s transition service’s needs. There also must be evidence that the student was invited to the IEP team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP team meeting with the prior consent of the parent or student who has reached the age of majority (20 U.S.C. 1416[a][3][B]).

Target for 2011–2012

One hundred percent of youth ages 16 and above with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon an age appropriate transition assessment and transition services.

Measurement

Number of youth with IEPs ages 16 and above with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon an age appropriate transition assessment and transition services divided by the number of youth with an IEP ages 16 and above.

Results for 2011–2012

Unavailable

Target Met: Unavailable

Summary of Improvement Activities

- Use transition data collected through state-funded Workability I grant procedures to ensure programs include the provision of transition services.

- Provide CASEMIS training and on-going technical assistance to ensure reliable and accurate submission of data related to this indicator.

- Disseminate and provide training based upon *Transition to Adult Living: A guide for Secondary Education*, a comprehensive handbook written for students, parents, and teachers, offering practical guidance and resources to support the
transition efforts for students with disabilities as they move into the world of adulthood and/or independent living.

- Provide regionalized training and technical assistance regarding elements of transition services, goals, and objectives.
Indicator 14: Post-school

Description

This is a performance indicator. This indicator measures the percent of youth, who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- Enrolled in higher education within one year of leaving high school;
- Enrolled in higher education or competitively employed within one year of leaving high school; or
- Enrolled in higher education or in some other post-secondary education or training program; or competitively employed or in some other employment within one year of leaving high school (20 U.S.C. 1416[a][3][B]). Data are collected and reported by SELPAs using the June 2011 CASEMIS submission.

Target for 2011–2012

Sixty-nine percent of youth who had IEPs who are no longer in secondary school will be reported to have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

Measurement

- The number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education within one year of leaving high school divided by the number of respondent youth who are no longer in secondary school.
- Number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education or competitively employed within one year of leaving high school divided by the number of respondent youth who are no longer in secondary school.
- Number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education, or in some other post-secondary education or training program; or competitively employed or in some other employment divided by the number of respondent youth who are no longer in secondary school.
Results for 2011–2012:

Unavailable

Target Met: Unavailable

Summary of Improvement Activities

- Provide CASEMIS training for SELPAs and on-going technical assistance to ensure reliable and accurate submission of data.

- Work with national and state experts on research and data approaches to address post-school outcomes data collection.

- Work with universities, colleges, and junior colleges to explain the importance of post-secondary education.

- Work with WorkAbility and other agencies and programs on the importance of employing people with disabilities at minimum wage or more.

- Use transition data in the state-funded Workability I grant procedures to ensure programs include the provision of transition services.
Indicator 15: General Supervision

Description

This is a compliance indicator. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible, but in no case later than one year from identification (20 U.S.C. 1416 [a][3][B]). The State also verified that each LEA with noncompliance corrected in FFY 2009: 1) Has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with the OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02); and 2) Has ensured that (from last year’s APR) a more stringent level of follow-up review and reporting is required of districts that have previously corrected noncompliance related to this indicator. This is to ensure that LEAs are correctly implementing the specific regulatory requirements.

Target for 2011–2012

One hundred percent of noncompliance will be corrected within one year of identification.

Measurement

- Percent of noncompliance corrected within one year of identification
- Number of findings of noncompliance
- Number of corrections completed as soon as possible but in no case later than one year from identification
- Percent = (B) divided by (A) times 100

Results for 2011–2012

Unavailable

Target Met: Unavailable

Summary of Improvement Activities

- Develop and maintain the IDEA 2004 information Web page with links to important references and resources on the reauthorization of the IDEA. This activity constitutes public reporting/data and awareness/data utilized to reflect upon practice efforts as part of general supervision obligations under the IDEA 2004.
• Provide staff training for corrective actions, time lines, and sanctions. Incorporate notice of potential sanctions in monitoring correspondence.

• Recruit candidates and hold civil service examinations to fill vacancies with new staff, retired annuitants, or visiting educators. This activity is intended to ensure that the CDE maintains an adequate number of qualified staff to support the SED’s work and activities (monitoring and enforcement as part of general supervision).
Indicator 16: Complaints

Description

This is a compliance indicator and measures the percent of signed written complaints with reports issued that were resolved within a 60-day time line or a time line extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State (20 U.S.C. 1416[a][3][B]).

Target for 2011–2012

One hundred percent of written complaints resolved within a 60-day time line, including a time line extended for exceptional circumstances with respect to a particular complaint.

Measurement

- Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

  (1) Signed, written complaints total
    (1.1) Complaints with reports issued
      (a) Reports with findings
      (b) Reports within time line
      (c) Reports within extended time lines
    (1.2) Complaints withdrawn or dismissed
    (1.3) Complaints unavailable
      (a) Complaint unavailable a due process hearing

Results for 2011–2012

For FFY 2010, 100 percent of signed written complaints were resolved within a 60-day time line or a time line extended for exceptional circumstances.

Target Met: YES

Summary of Improvement Activities

- Develop an integrated database to proactively identify upcoming corrective actions across all components of the monitoring system. This activity supports the continued effort to calculate and provide valid and reliable data for monitoring and enforcement as part of general supervision.
• Continue to cross-train for complaint investigations and other monitoring activities to focus on inter-rater reliability and consistency. This activity continues to improve the expertise of the CDE staff in monitoring and enforcement as part of general supervision.

• Participate in legal rounds with the Legal Audits and Compliance Division on legal issues related to special education legal issues, complaints, and noncompliance.
Indicator 17: Due Process

Description

This is a compliance indicator and measures the percent of adjudicated due process hearing requests that were adjudicated within the 45-day time line or a time line that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required time lines (20 U.S.C. 1416[a][3][B]).

Target for 2011–2012

One hundred percent of due process hearing requests will be fully adjudicated within the 45-day time line or a time line that is properly extended by the hearing officer at the request of either party.

Measurement

- Percent = \[
\frac{(3.2(a) \div 3.2(b)) \div 3.2}{100}
\]

  - (3) Total number of due process complaints filed
    - (3.1) Resolution meetings
      - (a) Written settlement agreements
    - (3.2) Hearings fully adjudicated
      - (a) Decisions with time line (including expedited)
      - (b) Decisions within extended time line
    - (3.3) Due Process complaints unavailable
    - (3.4) Due process complaints withdrawn or dismissed (including resolved without hearing)

Results for 2011–2012

For FFY 2010, 99.1 percent of due process hearing requests were fully adjudicated within the 45-day time line or a time line that was properly extended by the hearing officer at the request of either party.

Target Met: No
Summary of Improvement Activities

- Obtain data on resolution sessions and settlement agreements deriving solely from those sessions directly from school districts with due process filings during 2010–2011.

- The Office of Administrative Hearings (OAH) will consult with its advisory group in areas such as revisions to the OAH Web site, forms, documents, scheduling procedures, staff training, training materials, parent procedure manual, consumer brochure, outreach to families and students, and proposed revisions to laws and rules.

- Conduct a records review at the OAH as part of the CDE's efforts to implement recommendations of the Bureau of State Audits (BSA) report of 2009–2010 to determine how it is handling oversight of the special education hearings and mediation process. This review is part of an on-going monitoring activity, as a result of the BSA report, and constitutes the final review.
INDICATOR 18: HEARING REQUESTS

Description

This is a performance indicator and measure the percentage of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (20 U.S.C. 1416[a][3][B]).

Target for 2011–2012

Fifty-five percent of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.

Measurement

- Percent = (3.1(a) divided by 3.1) times 100
  
  (3.1) Resolution meetings
  (a) Written settlement agreements
  (3.2) Hearings fully adjudicated
  (a) Decisions with time line (including expedited
      (b) Decisions within extended time line
  (3.3) Due Process complaints unavailable
  (3.4) Due process complaints withdrawn or dismissed (including resolved
        without hearing)

Results for 2011–2012

12.3% percent of hearing requests that went to resolution meetings were resolved through resolution sessions settlement agreements

Target Met: No

Summary of Improvement Activities

- Obtain data on resolution sessions and settlement agreements deriving solely from those sessions, directly from school districts with due process filings during 2010–2011.
The OAH will consult with its advisory group in areas such as revisions to the OAH Web site, forms, documents, scheduling procedures, staff training, training materials, parent procedure manual, consumer brochure, outreach to families and students, and proposed revisions to laws and rules.

Conduct records review at the OAH, as part of the CDE’s efforts to implement recommendations of the BSA on oversight of the special education hearings and mediation process.
Indicator 19: Mediation

Description

This is a performance indicator and measure the percentage of mediations held that resulted in mediation agreements (20 U.S.C. 1416[a][3][B]).

Target for 2011–2012

At least 85 percent of mediation conferences will result in mediation agreements.

Measurement

- Percent = (2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100

  (2) Total number of mediation request received through all dispute resolution processes

    (2.1) Mediations held

      (a) Mediations held related to due process complaints

        (i) Mediation agreements related to due process complaints

      (b) Mediations held not related to due process complaints

        (i) Mediation agreements not related to due process complaints

    (2.2) Mediations unavailable

    (2.3) Mediations withdrawn or not held

Results for 2011–2012

For FFY 2010, 63.1 percent of mediation conferences resulted in mediation agreements.

Target Met: No

Summary of Improvement Activities

- Implement standards for the qualifications and supervision of the OAH/contractor staff functioning as mediators.
• The OAH will consult with its advisory group in areas such as revisions to the OAH Web site, forms, documents, scheduling procedures, staff training, training materials, parent procedure manual, consumer brochure, outreach to families and students, and proposed revisions to laws and rules.

• Conduct training sessions for staff and LEAs on dispute resolution and mediations on an on-going basis.

• Utilization of a monitoring system and letters to districts, as part of the on-going training agenda for staff involved in due process efforts at OAH.
Indicator 20: State Reported Data

Description

This is a compliance indicator to show that state reported data (618 and SPP APR) are timely and accurate (20 U.S.C. 1416[a][3][B]).

Target for 2011–2012

20a. One hundred percent of state-reported data, including 618 data and APRs, are submitted on time and are accurate.

20b. One hundred percent of the SELPAs will submit accurate data to the CDE in a timely manner.

Measurement

State reported data, including 618 data, SPP, and APR are:

- Accurate, including covering the correct year and following the correct measurement
- Submitted on or before due dates:
  - February 1 for child count, including race and ethnicity, and placement
  - February 1 for APRs and assessment
  - November 2 for exiting, discipline, personnel, and dispute resolution

Results for 2011–2012

OSEP will calculate Indicator 20 after the submission of the APR report in February and report the result to the state during the week of clarification in April.

Target Met: Unavailable

Summary of Improvement Activities

- Modify validation codes and develop prototype reports. This activity supports general IDEA 2004 requirements.
- Provide statewide CASEMIS training. This activity supports data collection through CASEMIS and provides training and technical assistance.
- Provide on-going technical assistance to ensure reliable and accurate submission of data. This activity supports data collection through CASEMIS and provides training and technical assistance.
- Improve and expand anomaly analysis and reporting.
CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2012 AGENDA

SUBJECT
STATE BOARD PROJECTS AND PRIORITIES.
Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

SUMMARY OF THE ISSUE(S)


2. SBE Screening Committee Recommendations for appointing members on the Advisory Commission on Charter Schools

3. State Board of Education Implementation System for Standards, Assessment, and Accountability

4. Board member liaison reports

5. Discuss and Review Proposed Bylaws changes for adoption at the January 2013 meeting


RECOMMENDATIONS

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the September 13, 2012 SBE meeting. (Attachment 1)

2. Approve the SBE Screening Committee’s recommendations for appointing two members to the Advisory Commission on Charter Schools as specified in Attachment 2.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the SBE 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 policy; Board minutes; Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

At the direction of the President and the Executive Director, SBE staff prepared the document, “State Board of Education Implementation System for Standards, Assessment, and Accountability” to provide an overview of the ongoing development and implementation of educational policy for kindergarten through grade twelve students in California. This document, provided as Attachment 3, includes context for the graphic shared by President Kirst at the July 2012 SBE meeting, as well as timelines for future considerations and actions of the SBE.

At the direction of the President, SBE staff has prepared proposed revisions to the SBE bylaws, specifically regarding the election of officers, the composition of the SBE Screening Committee, the process for amendments to the Bylaws, and other technical changes for consistency and to reflect changes in law. Details of the proposed revisions can be found in Attachment 4. Pursuant to Article XIII of the Bylaws, proposed amendments may be voted upon at the January 2013 meeting, having been presented in writing at this meeting.

The SBE staff updated the Acronyms Chart, which had been a standard attachment to this item, and posted it on the SBE website at: http://www.cde.ca.gov/re/di/aa/sbeacronyms.asp.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the September 2012 SBE meeting (15 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.

Attachment 2: SBE Screening Committee Recommendations for vacancies on the Advisory Commission on Charter Schools. (The recommendations will be provided in an Item Addendum.)
Attachment 3: State Board of Education Implementation System for Standards, Assessment, and Accountability (12 Pages)

Attachment 4: Proposed revisions to the SBE Bylaws for approval January 2013 (9 Pages)

Attachment 5: Current Bylaws for the California State Board of Education, amended July 9, 2003, may be viewed at the following link:

Attachment 6: State of American Indian and Alaskan Education (AIAN) in California (17 Pages)
October 24, 2012

TO:  Members of the State Board of Education (SBE)

FROM:  Susan K. Burr, Executive Director

RE:  Proposed Revisions to the SBE Bylaws for Approval at the January 2013 SBE meeting.

Article XIII of the SBE Bylaws specify that any amendments to the SBE’s Bylaws must be presented in writing at a regular meeting and then adopted at the next regular meeting. The following memorandum describes proposed Bylaws amendments for consideration and adoption at the January 2013 meeting. The current version of the SBE’s Bylaws can be found on the SBE’s website at: http://www.cde.ca.gov/be/ag/ag/bylawsoct2002.asp.

SBE Screening Committee
Article VI of the SBE Bylaws provides for a Screening Committee to screen applications and interview applicants for appointment to Board advisory bodies and other commissions. The Bylaws specify that the Screening Committee shall be composed of three to five members who are appointed by the President.

Currently, the SBE Screening Committee consists of four members: Chair Straus and Members Cohn, Holaday, and Molina. Over the last year, the Screening Committee has met several times to screen applications, interview candidates, and make recommendations to the SBE for appointments to the Instructional Quality Commission, Child Nutrition Advisory Council, Title I Committee of Practitioners, and the appointment of the student board member.

President Kirst and Screening Committee Chair Straus asked SBE staff to review the SBE Bylaws to determine if a process could be developed whereby the Screening Committee could utilize the expertise of the Board member liaisons to help interview candidates and make recommendations to various advisory committees.

President Kirst and Chair Straus also requested that a process be developed whereby a subcommittee of the Screening Committee could be established to perform, in collaboration with the Chair, some of the Screening Committee’s duties, such as screening applications. Such an amendment may help to reduce the workload for members of the Committee.
Other Proposed Amendments
The SBE Bylaws have not been amended since July, 2003. At the direction of President Kirst, SBE staff reviewed the Bylaws in order to identify sections that needed updating to reflect current law or SBE practice, such as updating the title of the Instructional Quality Commission, deleting a reference to the California Postsecondary Education Commission, and making changes to reflect current technology. SBE staff also reviewed the Bylaws to identify amendments that could help streamline SBE operations.

SPECIFIC PROPOSED AMENDMENTS

Proposed Amendment #1 - Screening Committee: Amend Article VI, Section 1 to revise Screening Committee composition to consist of at least three permanent members and other individuals to serve on a temporary basis and the creation of an ad hoc subcommittee to assist the Screening Committee with its duties. The rationale for this change is detailed above.

ARTICLE VI
Committees and Representatives

SCREENING COMMITTEE
Section 1.

(a) The president shall appoint a Screening Committee composed of at least no fewer than three Board members and no more than five members shall be appointed by the president to screen and interview applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board. The president shall designate one Board member as Chair of the Screening Committee.

(b) In consultation with the chair, the president may appoint additional Board members, such as the appointed Board liaison, to serve as voting members of the Screening Committee on a temporary basis. In accordance with Section 4 of these bylaws, the president may also serve as an ex officio member of the Screening Committee. The quorum requirement shall be increased as necessary to include the total number of Board members, including temporary members, appointed to serve on the Committee for that purpose.

(c) As necessary, the chair may create an ad hoc subcommittee of the Screening Committee to assist the Screening Committee with its duties.

Proposed Amendment #2 - Duties of the President: Amend Article IV, Section 4 Align duties of the President for consistency with proposed Screening Committee amendments to allow for a committee composed of more than five members. This
section is also amended to clarify that the president and Executive Director are jointly responsible for developing the agenda and monitoring the SBE budget. The duties of the President have also been reorganized to cluster like duties together.

Article IV
Officers and Duties

DUTIES OF THE PRESIDENT
Section 4.

The president shall:

• serve as spokesperson for the Board;
• represent the position of the Board to the State Superintendent of Public Instruction;
• appoint members to serve on committees and as liaisons, as prescribed in these Bylaws, and as may be needed in his or her judgment properly to fulfill the Board's responsibilities;
• serve as an ex officio voting member of the Screening Committee and any ad hoc committees, either by substituting for an appointed member who is not present with no change in an affected committee’s quorum requirement, or by serving as an additional member with the affected committee's quorum requirement being increased if necessary, provided that in no case shall the service of the president as ex officio voting member increase the total voting membership of a committee to more than five;
• preside at all meetings of the Board and follow-up with the assistance of the executive director to see that agreed upon action is implemented;
• serve, as necessary, as the Board’s liaison to the National Association of State Boards of Education, or designate a member to serve in his or her place;
• serve, or appoint a designee to serve, on committees or councils that may be created by statute or official order where required or where, in his or her judgment, proper carrying out of the Board's responsibility demands such service;
• determine priorities for expenditure of Board travel funds;
• provide direction for the executive director;
• direct staff in preparing agendas for Board meetings in consultation with the other members as permitted by law;
• keep abreast of local, state, and national issues through direct involvement in various conferences and programs dealing with such issues, and inform Board members of local, state, and national issues;
• and participate in selected local, state, and national organizations, which have an impact on public education, and provide to other members, the State Superintendent, and the staff of the Department of Education the information gathered and the opinion and perspective developed as the result of such active personal participation;
• provide direction for the executive director;
• and, along with the executive director, direct staff in preparing agendas for Board meetings, in consultation with other members as permitted by law, and determine priorities for the expenditure of board travel funds.

Proposed Amendment #3 - Nomination of Officers: Amend Article IV Officers and Duties, Section 2 to delete the requirement that members first submit written nomination for officers at the December meeting prior to election of officers at the January meeting. The proposed amendment specifies that nominations for president and vice president be made from the floor annually in January. This change is necessary because the SBE no longer meets monthly. In addition, this amendment aligns the nomination and election of officers to the terms of SBE members, which begin in January, and simplifies the election so that the entire election process is completed at one meeting.

ARTICLE IV
Officers and Duties

PRESIDENT, VICE PRESIDENT
Section 2.

(a) The president and vice president shall be elected annually in accordance with the procedures set forth in this section.

(b) Prior to the December regular meeting, letters of nomination for the offices of president and vice president for the forthcoming calendar year shall be submitted to the executive director. When a member submits a letter nominating another member for either office, it shall be understood that the member being nominated has been consulted and has agreed to serve if elected. Members interested in serving in either office may nominate themselves.

(c) At a time to be set aside for the purpose by the president at the December meeting, the executive director shall indicate the names placed in nomination in accordance with paragraph (b). The president shall then call for other nominations from the floor, including self-nominations, which shall then be in order and shall not require a second.

(d) From the names placed in nomination at the December meeting, along with any additional nominations from the floor subject to the conditions set forth in this paragraph, a president and a vice president shall be elected at the beginning of the January regular meeting each year, with the newly elected officers assuming office immediately following the election. No member may nominate himself or herself for the office of president or vice president at the January meeting, and any nomination for such office must be seconded if made at the January meeting.

(b) At the January meeting, the State Superintendent of Public Instruction shall ask members to nominate individuals for the office of president. At that same meeting, the
president shall ask Board members to nominate individuals for the office of vice president. Any nomination for office must be seconded. No member may nominate or second the nomination for himself or herself for either office.

(c)-(e) Six votes are necessary to elect an officer, and each officer elected shall serve for one year or until his or her successor is elected.

(d)-(f) If, in the Board's judgment, no nominee for the office of president or vice president can garner sufficient votes for election to that office at the January meeting, a motion to put the election over to a subsequent meeting is in order.

(e) Newly elected officers shall assume office immediately following the election.

(f)-(g) In the event a vacancy occurs in the office of president or vice president during a calendar year, an election shall be held at the next regular meeting. Any member interested in completing the one-year term of an office that has become vacant may nominate himself or herself, but each nomination requires a second.

(g)-(h) The State Superintendent of Public Instruction shall preside only during the election proceedings for the office of president and for the conduct of any other business that a majority of the Board members may direct.

Proposed Amendment #4 - Board and Presidential Appointments: Amend Article XI and XII to update the title of the Instructional Quality Commission and to delete commissions or committees that no longer exist such as the California Postsecondary Education Commission and the No Child Left Behind Liaison Team.

ARTICLE XI
Board Appointments

ADVISORY BODIES
Section 1.

Upon recommendation of the Screening Committee as may be necessary, the Board appoints members to the following advisory bodies for the terms indicated:

(a) Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms. (EC 33590)

(b) Curriculum Development and Supplemental Materials Commission, Instructional Quality Commission. The Board appoints 13 of 18 members to serve four-year terms. (EC 33530)

(c) Child Nutrition Advisory Council. The Board appoints 13 members, 12 to three-year terms and one student representative to a one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school
business officials and experts in the area of physical education and activity. \((EC\ 49533)\)

(d) Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms. \((EC\ 47634.2(b)(1)\) and State Board of Education Policy 01-04\)

**OTHER APPOINTMENTS**

**Section 2.**

On the Board’s behalf, the president shall make the following all other appointments that are required of the Board or require Board representations, including, but not limited to:

(a) WestEd (Far West Laboratory for Educational Research and Development) Five individuals to serve three-year terms on the Board of Directors as follows: one representing the California Department of Education; two representing school districts in California; and two representing county offices of education in California. (b) Trustees of the California State Summer School for the Arts. Two members, one of whom shall be a current member of the Board, for terms of three years, and the California Subject Matter Projects. No Child Left Behind Liaison Team. Two members for terms not to exceed two years.

**ARTICLE XII**

**Presidential Appointments**

**LIAISONS**

**Section 1.**

The president shall appoint one Board member, or more where needed, to serve as liaison(s) to:

(a) The Advisory Commission on Special Education.


(c) The Advisory Commission on Charter Schools.

(d)-(c) The National Association of State Boards of Education, if the Board participates in that organization.

(e)-(d) The Commission on Teacher Credentialing.

(e) The California Postsecondary Education Commission: one member to serve as the president’s designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.
OTHER

Section 2.

The president shall make all other appointments that may be required of the Board or that require Board representation.

Proposed Amendment #5 - Process for Amendment of the Bylaws: Amend Article XIII to delete the requirement that proposed amendments to the Bylaws must first be presented in writing at the previous regular meeting prior to approval by the Board. Because the SBE no longer meets monthly, this amendment is necessary to help streamline Board operations and shorten the existing four-month process to adopt Bylaw amendments.

ARTICLE XIII
Amendment to the Bylaws

These Bylaws may be amended at any regular meeting of the Board, provided that the amendment has been submitted in writing at the previous regular meeting to the Board and members of the public with the meeting notice.

Proposed Amendment #6 - Miscellaneous Technical Clean-Up:. The following proposed amendments delete outdated language and more accurately reflect current law and SBE practice: (a) Article V, Section 1 revise the order of meetings to reflect Board members' terms of office; (b) Article V, Section 8 delete bullets to allow for the president’s discretion with regards to the ordering of the agenda and to more accurately reflect current SBE practice; (c) Article VII, Section 1(b) delete audiotape as the type of recording because the SBE no longer uses that type of technology; (d) delete Article VII, Section 2 and Article VIII, Section 2 to no longer request written testimony in advance of a public hearing because SBE encourages electronic submission of materials, and (e) Article IX delete specific fees to more accurately reflect the Public Records Act and to specify that fees may be collected in accordance with law.

ARTICLE V
Meetings

REGULAR MEETINGS

Section 1.

Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: July, September, November, January, March, and May, July, September, and November. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose. (EC 33007)
ORDER OF BUSINESS
Section 8.

The order of business for all regular meetings of the Board shall generally be:

- Call to Order
- Salute to the Flag
- Reorganization of the Board (if necessary)
- Approval of Minutes
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
- Agenda Items
- Reports of Board Ad Hoc Committee and Liaisons (as necessary)
- Ordering of the Agenda
- Consent Calendar
- Full Board Items
- Reports of Board Standing Committees
- President's Report
- Member Reports
- Adjournment

ARTICLE VII
Public Hearings: General

SUBJECT OF A PUBLIC HEARING
Section 1.

(a) The Board may hold a public hearing regarding any matter pending before it after giving the notice as required by law.

(b) The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then an audiotape recording of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled in accordance with law.
COPIES OF STATEMENTS

Section 2.

A written copy of the testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be given to appropriate staff in advance of or at the public hearing.

ARTICLE VIII
Public Hearings: School District Reorganization

STATEMENTS
Section 4.

All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.

ARTICLE IX
Public Records

Public records of the Board shall be available for inspection and duplication in accordance with law, including the collection of any permissible fees for research and duplication.
State Board of Education Implementation System for Standards, Assessment, and Accountability

Introduction
With the adoption of the Common Core State Standards (CCSS) in August 2010, and the upcoming reauthorization of the statewide pupil assessment program in 2014, California is uniquely poised to update policies that link curriculum, instructional materials, assessment, and accountability in a coherent education system.

This paper describes work completed to date and identifies future activities of the State Board of Education (SBE). (See Appendix A for a graphic depiction.) Although identifying resources is critical to successful policy implementation, educational funding considerations are outside the scope of this analysis.

State Policy-Making Bodies
The development of education policy in California follows two key paths: statutory and regulatory. In addition, changes in federal laws and funding affect the outcome of California education policy.

The Legislature and the Governor
Although California voters can place initiatives on the ballot to change the State Constitution or the California Education Code, statutory revisions occur through legislation that is signed into law by the Governor.

The State Board of Education
The SBE, members of which are appointed by the Governor and confirmed by the State Senate, is the governing and policy-making body for California’s kindergarten through grade twelve public education system. The SBE establishes educational policy by adopting rules and regulations. Other responsibilities of the SBE include, but are not limited to:

- Approving statewide academic standards in core subjects
- Adopting curriculum frameworks in eight core subjects and model frameworks in other subject areas such as career technical education
- Adopting instructional materials for kindergarten through grade eight
• Adopting tests and setting policies for statewide assessment programs

• Establishing accountability systems to comply with federal and State laws

Multiple advisory bodies provide information and recommendations to the SBE, among them the Instructional Quality Commission (IQC) and the Public Schools Accountability Act (PSAA) Advisory Committee. These advisory bodies consist of various appointees from the SBE, the State Superintendent of Public Instruction (SPI), the Legislature, and the Governor.

Recent state law, Assembly Bill (AB) 250 (Chapter 608, Statutes of 2011), established the IQC, which is charged with recommending curriculum frameworks and instructional materials to the SBE, as well as advising and making recommendations to the SBE on the alignment of academic standards, curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems.

**The California Department of Education**
The State Superintendent of Public Instruction is a constitutional officer elected by the people on a nonpartisan ballot for a four-year term. The SPI directs the California Department of Education (CDE), which administers and ensures the implementation of laws, regulations, and policies for California public schools.

**The Development of California Education Policy**
The development of California education policy is based on a complex educational governance structure that includes many organizations, schools, districts, and county, state and federal agencies, with overlapping responsibilities. This document describes key policy areas of development in progress and outlines expectations ongoing revisions and implementation.

Over the past two decades, states and communities across the country have embarked on far-reaching systemic efforts to increase the success of their schools. Central to these diverse efforts has been an emphasis on high academic standards—describing what all children should know and be able to do, high-quality assessments geared to those standards, and accountability systems to determine academic success.

**Standards, Frameworks, and Instructional Materials**
The federally reauthorized Elementary and Secondary Education Act (ESEA) of 1996 required states to adopt challenging state content standards in at least reading and mathematics by the beginning of the 1997–98 school year, and performance standards showing the level students are expected to attain. In 1997, California adopted nationally-recognized standards for mathematics and English language arts, followed by the adoption of standards for science and history-social science in 1998. In addition to the adoption of standards for these core courses, the State Board has also adopted standards for visual and performing arts, physical education, health education, world languages, and school libraries.
In June of 2010, the National Governors Association and the Council of Chief State School Officers released the CCSS for mathematics and English language arts, which have been adopted by 45 states to date. The standards build upon the strengths of the initial 1997 California standards and are research-based and internationally benchmarked. In August 2010, the SBE adopted the CCSS for California with amendments. Senate Bill 1200 (Chapter 654, Statutes of 2012) authorizes the SBE to adopt college and career readiness anchor standards developed by the CCSS Initiative Consortium and to modify the English language arts and mathematics standards. Timelines for these activities are provided in Appendix B.

The CCSS provide a consistent, clear understanding of what students are expected to learn in the areas of English language arts, literacy standards for history/social studies, science, and technical subjects, and mathematics for kindergarten through grade twelve. They are designed to be robust and relevant to the real world, reflecting the knowledge and skills needed for high school graduates to succeed in entry-level, credit-bearing academic college courses and workforce training programs.

Building upon the adoption of the CCSS for English language arts and mathematics, California is also updating, revising, and aligning its English language development standards. The SPI convened a group of experts in English language instruction, curriculum, and assessment, and after receiving public input, the SPI will present revised English language development standards for adoption to the SBE in November 2012. Following the SBE’s adoption of the English language development standards, the IQC will develop a framework that incorporates both the English language arts and English language development standards and addresses how educators in the state will address the standards using best instructional practices.

In addition, California is one of 20 lead state partners for developing next generation science standards. The release of the Framework for K-12 Science Education in July 2011 was the first of two steps to develop new science standards. This framework identified the core ideas and practices in natural sciences and engineering with which all students should be familiar by the time they graduate from high school. As a second step, through a state-led process, new K–12 science standards are being developed that will be rich in content and practice, arranged in a coherent manner across disciplines and grades to provide all students an internationally benchmarked science education. The final version of the standards will be presented by the SPI in July 2013 to be adopted by the SBE in November 2013.

While standards designate what to teach at specific grade levels, curriculum frameworks provide guidelines and research-based approaches for implementing instruction to ensure optimal learning for all students. Frameworks also include guidance and criteria to publishers for developing instructional materials for kindergarten through grade eight that are aligned to the standards. AB 1246 (Chapter 668, Statutes of 2012) addresses the adoption of instructional materials aligned to the standards. The bill establishes timelines for these adoptions, as
presented in Appendix B. The IQC will recommend revised frameworks for mathematics and English language arts/English language development to the SBE, followed by 60-day public reviews and final recommendations to the SBE.

Adoption of new, CCSS-aligned materials is scheduled for mathematics by 2014, with English language arts/English language development to follow. During the interim, the SPI invited publishers of mathematics and English language arts instructional materials to submit supplemental instructional materials that bridge the gap between programs currently used by local educational agencies and California’s CCSS. Teachers and content experts recruited by the SPI and the SBE reviewed the supplemental materials for alignment to the CCSS and made recommendations to the IQC, for recommendation for adoption by the SBE in November 2012. The SBE action will result in a list of approved supplemental materials that are aligned to the CCSS and may be considered by districts for purchase to support the local implementation of the CCSS.

Local districts will then determine curricular priorities, adopt supplemental and core materials for kindergarten through grade eight, and adopt high school materials as determined by their local needs for supporting student success.

Assessment Programs
California’s assessment system currently assesses a broad range of grades and subjects. (See Appendix C.) The vast majority of these assessments are included in the Standardized Testing and Reporting (STAR) program, which is scheduled to sunset in 2014.

In anticipation of the reauthorization of the assessment program, AB 250 (Chapter 608, Statutes of 2011) requires the SPI to consult with a broad constituency of stakeholders and provide a recommendation to the Legislature by November 2012. (See Appendix D for a list of the sixteen considerations required by AB 250.) Among many key considerations to be included in the recommendation are the following:

• The extent to which California will develop assessments for grades and subjects not required by ESEA

• The future of the high school exit examination requirement

• The relationship between secondary pupil assessments and college/career readiness

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1 ESEA requires states to assess all pupils each year in grades three through eight and at least once in high school in English language arts and mathematics. In addition, ESEA requires that each state assess the English language proficiency of all English learner pupils in kindergarten through grade twelve. The results of these assessments are used for state and federal accountability purposes.
• The role of the state in developing diagnostic, interim, and/or formative assessments

• The use, if any, of matrix testing to decrease individual pupil testing time

• The use of technology to enhance assessments and provide more rapid feedback to teachers, parents, and students

• Ensuring that assessments are fair, reliable, and valid for all pupils, including English learners, students with disabilities, and pupils who may have limited access to technology

In 2010, the United States Department of Education awarded grants to two assessment consortia, the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC) to develop new assessments that are aligned to the Common Core State Standards for English language arts and mathematics and provide information about college and career readiness. State participation in the two consortia is voluntary, and in June 2011, California joined SBAC as a governing state, which provides California with an active role in the development of the assessments. SBAC will provide assessments that are scheduled for full implementation in the 2014–15 school year and will meet ESEA testing requirements.

Because the extension or revision of the statewide assessment program will occur through future legislation, many details regarding the number and types of assessments have yet to be determined. Once the statewide assessments are in place and details are released regarding the use of SBAC interim and formative assessments, LEAs will determine what, if any, additional assessments to implement locally.

**Accountability Systems**

The primary statewide accountability system in California is the Academic Performance Index (API), established by the Public Schools Accountability Act of 1999 (PSAA). This legislation also established a PSAA Advisory Committee to advise the SPI and the SBE on matters related to accountability. To date, the API has been calculated based on pupil performance on the STAR program assessments and the California High School Exit Examination (CAHSEE); however, legislation requires that graduation and dropout rates be included in the API at such time as the SPI determines the accuracy of the data. The PSAA has yet to recommend to the SPI that graduation and dropout rates be included in the API. As the assessment system is reauthorized, it is likely that further legislative changes to align the API with any new or revised assessments will be required.

In addition to the API, Proposition 98, approved by California voters in 1988, added the requirement for local educational agencies to publish annual School Accountability Report Cards (SARCs) to guarantee accountability for dollars spent. Since 1988, SARC requirements have been revised more than ten times, and the resulting SARC reports
include a long list of detailed information related to school climate and staffing, academic achievement, and college and career preparation. The CDE and the SBE are in the process of considering how the SARC could be improved to be more accessible and useful as an accountability tool.

Currently, ESEA requires each state to ensure that all schools and districts make adequate yearly progress (AYP) for all pupils to become proficient in English language arts and mathematics and by 2013–14. In California, to be considered as making AYP, each school and LEA must meet requirements both school and LEA-wide, and for all numerically significant subgroups at the school or LEA, in four categories:

- Pupil participation on statewide tests
- Percentage of pupils scoring at or above the proficient level in English-language arts and mathematics on statewide tests (STAR program assessments for grades three through eight and the CAHSEE for grade ten)
- Meeting growth targets set in place by the statewide accountability system (school or LEA-wide targets only)
- Graduation rate (if grade twelve students are enrolled)

Schools and LEAs that receive federal Title I, Part A, funds and that do not meet AYP criteria for two consecutive years are identified in Program Improvement and must provide certain types of services and/or interventions. A school or LEA that makes AYP for two consecutive years will exit Program Improvement and will not be subject to additional corrective actions or other ESEA sanctions. In addition to meeting AYP, schools that receive federal funds may also be subject to various federal accountability systems, including, but not limited to, accountability regarding special education, English learners, and teacher qualifications.

**Conclusion**

While much work has been done to create coherent policies integrating standards, assessment, and accountability, much work lies ahead. Participation from stakeholders, including districts and county offices of education, teachers, parents, students, and communities will ensure that this work results in improved achievement for California’s students.

Many avenues exist by which the public can participate. Updates to the SBE and to the public will continue to occur at each scheduled meeting of the SBE. (Past updates on the CCSS and the reauthorization of the pupil assessment system can be found on the SBE Agenda Web page at [http://www.cde.ca.gov/be/ag/ag/](http://www.cde.ca.gov/be/ag/ag/) and meeting schedules can be found on the SBE Schedule Web page at [http://www.cde.ca.gov/be/mt/st/](http://www.cde.ca.gov/be/mt/st/).)

The IQC meets publically, and past meeting agendas and future meeting schedules can be found on the IQC Web page at [http://www.cde.ca.gov/be/cc/cd/index.asp](http://www.cde.ca.gov/be/cc/cd/index.asp).
In addition, a comprehensive view of the integration of the CCSS can be found on the CCSS Systems Implementation Significant Milestones Web page at http://www.cde.ca.gov/re/cc/tl/index.asp. This interactive timeline includes multiple opportunities for participation and feedback.
## Appendix B: Planned Implementation of Assessment, Standards, and Accountability Programs

<table>
<thead>
<tr>
<th>Month</th>
<th>Events</th>
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| November | - Statewide Pupil Assessment Reauthorization Report to Legislature and State Board  
             - Submission to the State Board of Education (SBE) of Supplemental Instructional Materials aligned to the Common Core State Standards in English-language arts (ELA) and mathematics  
             - Submission of the English Language Development (ELD) Standards to the SBE  
             - SBE appoints ELA Curriculum Framework and Evaluation Committee |
| January  | - Submission of career technical education model curriculum standards to the SBE |
| February | - Supplemental instructional materials review report posted online       |
| March    | - Anticipated submission of modified mathematics standards and anchor standards to the SBE  
             - Draft mathematics framework presented to the Instructional Quality Commission (IQC)  
             - Submission of review criteria for mathematics instructional materials to the SBE |
| Spring   | - Pilot testing of Smarter Balanced summative assessments                |
| June     | - Draft mathematics framework presented to SBE                         |
| September| - Draft English-language arts (ELA)/ELD framework presented to IQC       |
| November | - Submission of Next Generation Science Standards to the SBE            
             - Submission of mathematics frameworks to the SBE                   |
| January  | - IQC recommends draft ELA/ELD framework to the State Board             |
| March    | - Submission of mathematics instructional materials for adoption by the SBE  
             - Submission of draft ELA/ELD supplementary instructional materials list to the SBE |
| Spring   | - Field testing of Smarter Balanced Assessment summative assessments     |
| May      | - Submission of ELA/ELD frameworks to the SBE                           
             - Submission of ELA/ELD supplementary instructional materials list for approval by the SBE |
| Spring   | - Administer operational Smarter Balanced summative assessments          |
### Appendix C: Range of Assessments Required by State and Federal Laws and Proposed by the Smarter Balanced Assessment Consortium (SBAC)

<table>
<thead>
<tr>
<th>Grade</th>
<th>English Language Arts (ELA)</th>
<th>Mathematics</th>
<th>History/Social Science</th>
<th>Science</th>
<th>Physical Fitness Test (PFT)</th>
<th>English Proficiency²</th>
<th>ELA</th>
<th>Mathematics</th>
<th>History/Social Science</th>
<th>Science</th>
<th>Physical Fitness</th>
<th>English Proficiency</th>
<th>ELA</th>
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1. Much of the current assessment system is scheduled to sunset in 2014. Future assessments will be determined by legislation.
2. English language proficiency: the California English Language Development Test (CELDT) is administered to English learner (EL) pupils whose primary language is not English and to students previously identified as EL pupils who have not been reclassified as fluent English proficient.
3. The Standardized Testing and Reporting (STAR) Program assessments include California Standards Tests (or if designated on a pupil's individualized education plan, the California Modified Assessment or the California Alternate Performance Assessment); a direct writing assessment at least once in elementary and once in middle or junior high school; and the Standards-based Tests in Spanish for pupils who receive instruction in Spanish or who have been enrolled in a school in the United States for less than 12 months.
4. Pupils must satisfy both the ELA and mathematics portions of the California High School Exit Examination (CAHSEE) requirement as a condition of receiving a diploma. The CAHSEE is first administered to all pupils in grade ten. If pupils do not satisfy the requirement in grade ten, they may retake the ELA and/or mathematics portion of the CAHSEE twice in grade eleven, and up to five times in grade twelve.
5. To satisfy federal law, all pupils take a life science assessment in grade ten. According to state law, grade ten pupils also take EOC assessments for science courses in which they are enrolled.
6. College/Career Readiness: The Early Assessment Program (EAP) is a voluntary program designed to provide students, their families, and high schools with early signals about students' readiness for college-level English and mathematics. The EAP is taken as a part of the grade eleven California Standards Tests for ELA and Algebra II or Summative High School Mathematics.
Appendix D: Considerations for the Reauthorization of the Statewide Pupil Assessment System

Pursuant to Assembly Bill 250 (Chapter 608, Statutes of 2011), no later than November 1, 2012, the State Superintendent of Public Instruction shall submit a recommendation to the Legislature regarding the reauthorization of the statewide pupil assessment system. The recommendation shall include the following considerations:

(1) Aligning the assessments to the standards adopted or revised pursuant to Education Code Section 60605.8.

(2) Implementing and incorporating any common assessments aligned with the common set of standards developed by the Common Core State Standards Initiative consortium or other interstate collaboration in which the state participates.

(3) Conforming to the assessment requirements of any reauthorization of Elementary and Secondary Education Act or any other federal law that effectively replaces that act.

(4) Enabling the valid, reliable, and fair measurement of achievement at a point in time and over time for groups and subgroups of pupils, and for individual pupils.

(5) Allowing the comparison from one year to the next of an individual pupil’s scale scores in each content area tested, so as to reflect the growth in that pupil’s actual scores over time.

(6) Enabling and including the valid, reliable, and fair measurement of achievement of all pupils, including pupils with disabilities and English language learners.

(7) Providing for the assessment of English language learners using primary language assessments.

(8) Ensuring that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation.

(9) Incorporating a variety of item types and formats, including, but not limited to, open-ended responses and performance-based tasks.

(10) Generating multiple measures of pupil achievement, which, when combined with other measures, can be used to determine the effectiveness of instruction and the extent of learning.
(11) Including the assessment of science and history-social science in all grade levels at or above grade four.

(12) Assessing a pupil’s understanding of and ability to use the technology necessary for success in the 21st century classroom and workplace.

(13) Providing for both formative and interim assessments in order to provide timely feedback for purposes of continually adjusting instruction to improve learning.

(14) Making use of test administration and scoring technologies that will allow the return of test results to students, parents, and teachers as soon as is possible in order to support instructional improvement.

(15) Minimizing testing time while not jeopardizing the validity, reliability, fairness, or instructional usefulness of the assessment results.

(16) Including options for diagnostic assessments for pupils in grade two.
State of American Indian and Alaskan Education (AIAN) in California

Prepared for James Ramos,
State Board of Education
• The California Indian Culture and Sovereignty Center (CICSC) at California State University San Marcos (CSUSM) is proud to present the first report on the state of American Indian and Alaskan Native (AIAN) education in California.

• This presentation is a sample of some of the findings in the report.
This report compiles publicly available data to provide much needed information about AIANs in:

- K–12
- Community College
- California State University
- University of California
Legacy of Neglect and Denial

• In Public Ed. AIANs have been neglected
• “Naturalized Neglect”
• Exclusion as historical truth
California Demographics

• 2010 AIAN Population- 723,225 (1.9%)
• 109 Federally Recognized tribes
• 2 of the largest Indian populations in U.S.
  – Los Angeles 54,236
  – San Diego 17,865
1. 9th-and 12th-grade AIANs have disproportionately high dropout rates and do not receive high school diplomas.

2. Although AIAN make up 1.9% of California’s population they are underrepresented, in California’s three-tier higher education system.

3. Graduation rates at CSU are lower than the state average for the 2004 cohort.

4. AIAN personnel at all levels of public education are lacking.
Poverty Rates: AIAN in Comparison To State

- **AIAN**: 18%
- **California**: 24%

**Poverty Rate**
AIAN Enrollment

- K-12 42,552 (.7%)
- CCC-15,307 (.6%)
- CSU-2,005 (.5%)
- UC-1,539 (.7%)
K-12 Graduation & Dropout Rates 2011

Graduation Rate
- AIAN: 68%
- CA: 76%

Dropout Rate
- AIAN: 21%
- CA: 14%
CSU/UC Requirements

- 27% AIAN
- 40% CA State
CSU Enrollment over 10 Years
Graduation Rates by Race/Ethnicity - CSU

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Graduation Rates CSU

- 4 years (2008): AIAN 14%, CSU 17%
- 5 years (2009): AIAN 35%, CSU 41%
- 6 years (2010): AIAN 45%, CSU 52%
Graduation Rates by Race/Ethnicity-UC

- 60% (48%)
- 80% (69%)
- 83% (71%)

4 year (2008):
- UC System Wide: 60%
- Asian: 48%

5 year (2009):
- UC System Wide: 80%
- African American: 69%
- Chicano/Latino: Unknown

6 year (2010):
- UC System Wide: 83%
- African American: 71%
- White: Unknown
CICSC Recommendations

1. Data collection needs to be centralized, coherent, and accessible.
2. Discussions need to be held to determine what type of data is beneficial and informative to tribal communities.
3. Funding allocations must be targeted toward AIAN populations.
4. Teacher training and resources need to be increased for all levels of education.
5. Significant increase of Native Educators in the classroom.
For additional information please contact us at 760-750-3535 or cicsc@csusm.edu
California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM 11
SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60604.5 requires the State Superintendent of Public Instruction (SSPI) to develop recommendations, including a transition plan, for the reauthorization of the statewide pupil assessment system.

The California Department of Education (CDE) is providing the State Board of Education (SBE) with a preview of the SSPI’s purposes and guiding principles for the development of the new assessment system. Attachment 1, Considerations for Developing California’s Future Assessment System, is a discussion paper on the major components to consider and decisions that need to be made regarding California’s future assessment system.

RECOMMENDATION

The CDE recommends that the SBE engage in discussions about priorities for California’s future assessment system and the resulting decisions that will need to be recommended regarding the content areas to assess, the type of assessment tools to be used and the overall scope of California’s assessment system.

BRIEF HISTORY OF KEY ISSUES

Authorization for the Standardized Testing and Reporting (STAR) Program ends July 1, 2014. In preparation for the transition to a new testing program, the process defined in EC Section 60604.5 began in early 2012. Over the past several months, the CDE, the SBE, educational stakeholders, technical experts, and members of the public have been engaged in various discussions about the future of the assessment system in California. To facilitate the collaboration of these groups, the CDE created multiple opportunities to
provide input and suggestions. These opportunities included the Statewide Assessment Reauthorization Work Group meetings, regional public meetings, an online survey, focus groups, and a special e-mail account for receiving comments on reauthorization from the public. The complete report on the information gathered will be reported to the legislature with the SSPIs recommendations for the future statewide assessment system.

**Background**
With approximately six million students in more than 11,000 schools, the CDE is responsible for assessing more students than any other state in the nation. It has been California’s priority to assess all students with its assessment programs, including students with disabilities and English learners. Our current state assessment system was originally designed in 1997. In 2001, the assessment system was modified to accommodate the reauthorization of the federal Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB). The STAR Program was reauthorized in 2004, and was recently extended through July 1, 2014.

The reauthorization of ESEA in 2001 led to numerous changes in the STAR Program and accountability system. Those changes included:

- Two new tests were developed: the California Modified Assessment (CMA) and the Standards-based Tests in Spanish (STS).
- The CMA provided an assessment tool for measuring the achievement of low performing students with disabilities.
- Science assessments were added to the STAR Program in grades five and eight.
- A special, grade ten Life Science assessment was added to meet the requirement of testing students in science not less than once in grades ten through twelve.
- The California Alternate Performance Assessment (CAPA), a test for severely disabled students, added science testing.
- The California High School Exit Examination (CAHSEE) became part of the accountability system, assessing all students in ELA and mathematics in grade ten.
- The California English Language Development Test (CELDT) began to be employed as an accountability measure.

In addition to the assessments required by NCLB, California has continued to provide statewide end-of-course (EOC) assessments in many subjects (See Attachment 2). These include:
• Mathematics: Algebra I, Algebra II, Geometry, and Integrated Mathematics tests at three levels

• Science: Biology, Chemistry, Earth Science, Physics, and Integrated Science at four levels

• History–Social Science: Grade eight History–Social Science, U.S. History, and World History

With the exception of writing assessments in grades four and seven, all of the assessments have been based on selected response (multiple-choice) items. The primary purpose of the STAR Program at the beginning was to hold schools accountable for teaching students the knowledge and skills embodied in the California content standards. While individual pupil scores have been reported to parents, schools, and teachers, the primary accountability use for the data was intended to be a cross sectional view of the performance of groups of students. The current assessments measure how well students have learned the California content standards in grades two through eleven. The system is not designed to measure growth in achievement at the individual pupil level.

California’s Participation in the Smarter Balanced Assessment Consortium

In June, 2011, Governor Brown, State Superintendent Torlakson, and Board President Kirst agreed to join the Smarter Balanced Assessment Consortium (SBAC) as a governing state. This represents a significant commitment to a new set of more complex and richer assessments. California’s membership in the SBAC will allow assessment of student achievement with respect to the Common Core State Standards (CCSS) in ELA and mathematics using both selected response and constructed response items and performance tasks. Currently, the system is being designed to provide summative information at the end of each school year for grades two through eight and grade eleven as well as provide schools with optional formative assessment tools and interim assessments that can be customized by teachers to examine specific content that students are studying.

Recent Developments in Alternative Assessments

Recently, California joined the National Center and State Collaborative (NCSC) consortium in September 2012 as a Tier II state. This decision resulted from numerous conversations with the SSPI’s assessment advisory group, members of the Advisory Commission on Special Education as well as SBE staff and liaisons. The NCSC is responsible for developing alternate assessments based on alternate achievement standards for students with significant cognitive disabilities. Representing a Tier II state, the California team will:

• Dedicate a staff member to coordinate the work.
Work directly with members of the Special Education Administrators of County Offices of Education (SEACO) and with directors of special education local plan areas (SELPA) to build a community of practice.

Meet directly with the field implementers every other month with technology supported meetings in between and as needed.

Deliver electronically the comprehensive curriculum, instruction, and professional development modules available from the NCSC on the CCSS expected by fall 2012.

California expects, as do other Tier II states, to develop an individualized plan to implement the professional development and curriculum and instruction resources, including formative assessment strategies and progress monitoring tools. The CDE’s Assessment Development and Administration Division and Special Education Division will collaborate on this project to provide support and information to the field and work with NCSC. It is expected that California will be able to adopt the NCSC developed alternate assessment; however, that decision will need to follow piloting the resulting resources.

Guiding Principles in Defining and Developing a New Assessment System

The CDE has been seeking advice from its STAR/CAHSEE technical advisory group to provide ongoing evaluation of the assessment system. This advisory group consists of renowned assessment and psychometric professionals from higher education institutions throughout the nation as well as California local educational agencies’ (LEA) assessment and accountability administrators. Working together has resulted in the development of a set of guiding principles to consider when designing future assessments. These five principles serve to ensure the development of high-quality and fair assessments for California.

1. **Assess subjects and learning in ways that promote high-quality instruction.** In addition to mandated assessments, incorporate a variety of methods for measuring student achievement to provide achievement information on those subjects beyond SBAC that are critically important to the success of students. For example, teachers and administrators may need more resources and tools that help them select or build high-quality formative and interim assessments and performance tasks in multiple subject areas. Common to all assessments (summative, interim, and formative), a key goal of item development should be high student engagement. Quality items should not only measure student achievement, but should additionally lend themselves to good instruction.

2. **Conform to rigorous industry standards for test development.** The statewide summative assessments must be valid and reliable. Assessments with high-stakes outcomes for students or schools require the highest levels of comparability, reliability, and security. However, assessments of lesser consequence can be
implemented at the local level. These assessments will not require the level of technical quality and security required for high-stakes statewide testing. This includes formative and interim assessments, which can be administered in a more flexible manner than the high-stakes summative assessments and these assessments can be scored locally.

At a minimum, the system should:

- Create an assessment framework as a guide for test development. Such a document would clearly demonstrate the link between the content standards and the assessments designed to measure student achievement.

- Ensure that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, sexual orientation, and socioeconomic status. Insist that contractors provide documents revealing the procedures and analyses used to eliminate bias and documents showing their effectiveness.

- Explore standard setting methodologies that incorporate multiple measurements of student learning in establishing proficiency.

3. Use resources efficiently and effectively. Time and money spent on assessment programs need to provide results commensurate with the investment. Student, teacher, and administrator time is precious and should be used as effectively as possible. Continuous improvement to the assessment system requires stakeholders to understand that a balance must be found between the costs of the system and the level of assessment desired. For example, if a given assessment needs to be made more informative and reliable, it is very likely that the test will either need be lengthened or the number of standards assessed reduced. If the test is lengthened, testing time and overall cost likely will be increased.

4. Provide for inclusion of all students. To ensure the effective participation of students with disabilities and English learners, all state assessments must be developed with these populations in mind. The system needs to provide an acceptable alternative for severely disabled students or for cases in which one type of test (e.g., a computer-based test) cannot be accessed by a particular student (e.g., the student is blind). A clearly articulated set of variations, accommodations, and modifications should be available for every assessment.

At a minimum, the system should:

- Conform to the principles of universal design to ensure equity and access.

- Consider linguistic complexity when developing assessments.
• Provide appropriate assessments and accommodations as needed for all students with disabilities, including an alternate assessment for students with significant cognitive disabilities.

• Incorporate research on assessment of English learners, students with disabilities, and economically disadvantaged students into the development of state assessment programs.

5. **Provide information on the assessment system that is readily available and understandable to parents, teachers, schools, and the public.** California educators must work to inform the public about the appropriate use and interpretation of the various types of test results. This is of greater importance than ever as the common core assessments go beyond the traditional standardized tests to include new types of items (e.g., performance tasks, extended response items), computer-adaptive assessments, interim assessments, and formative assessment tools. Information about the purpose of a test, interpretation of results, and appropriate uses of the test must be readily available. Likewise, teachers and parents will want ready access to cumulative information about the progress of students. The availability of longitudinal data and improvements to California’s student data system should be leveraged to provide ready access to assessment results.

At a minimum, the system should:

• Provide information for each assessment that describes the purpose of the test, the relationship of the test to the content standards, and a guide to the interpretation and use of results.

• Provide resources such as sample test items and student responses. Link items to content standards and levels of achievement.

• Utilize technology to provide results that are easily interpreted by students, teachers, administrators, parents and guardians, and the general public. A reporting application should be developed that integrates results from multiple measures over time and allows users to analyze and compare data, whether from state or SBAC assessments.

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

EC Section 60604.5 requires the SSPI to develop recommendations for the reauthorization of the statewide pupil assessment program, which includes a plan for transitioning to a system of high-quality assessments as defined in EC Section 60603. While the law specifically addresses the current STAR Program, the CDE’s position is
that it is appropriate to consider other current California statewide assessments, including, but not limited to, the Early Assessment Program, which utilizes specific STAR assessments, and the CAHSEE.

In September, July, May, and March 2012, the SBE received updates regarding the statewide assessment reauthorization activities, including Work Group summaries.

In January 2012, the SBE was provided the requirements pursuant to EC Section 60604.5 and proposed activities to develop the SSPI’s recommendations, including a plan for transition, for the reauthorization of the statewide pupil assessment system.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The activities to develop the SSPI’s recommendations will stay within budgetary guidelines. Activities have included Work Group meetings, regional public meetings, focus group meetings, survey data collection from an e-mail account established for public input, and data analysis.

**ATTACHMENT(S)**

Attachment 1: Considerations for Developing California’s Future Assessment System (10 Pages)

Attachment 2: Appendix C: Range of Assessments Required by State and Federal Laws and Proposed by the Smarter Balanced Assessment Consortium (SBAC) (1 Page)
Considerations for Developing California’s Future Assessment System

Introduction

Adoption of the Common Core State Standards (CCSS) for English–language arts (ELA) and mathematics in August 2010 along with the sunset of the Standardized Testing and Reporting (STAR) Program in July 2014 presents a set of challenges and opportunities for California’s assessment system. The Governor, the State Superintendent of Public Instruction (SSPI), the State Board of Education (SBE), and the Legislature have a unique opportunity to shape the future of California’s assessment system.

Adoption of the CCSS means that, at a minimum, the state will need to review and revise the current assessments in ELA and mathematics to align with the new standards. Additionally, the state has an opportunity to rethink the purposes of the assessment system, and to consider the various ways those purposes may be met.

A set of common national science standards (the Next Generation Science Standards) is currently under development, and the possible adoption of these standards will require consideration of the current set of science assessments and their appropriateness and alignment to the new standards.

There are many paths the state can take with respect to transitioning to a new assessment system. This document outlines some of the major choices the state will need to make regarding student assessment, and what will be the likely consequences of these choices.

Framing the Conversation

In order to appropriately develop the next generation of California assessments, the state must first decide what information it wants from these tests.

The current generation of standardized tests essentially does one thing: it measures the achievement of individual students against a set of specific standards in that student’s grade level, for that particular content area. In addition, aggregations of these scores can tell us how specific groups of students are doing against these same content standards.

Before determining what California assessments should do, it’s important to understand what a test, by itself, does not do. It does not measure how much more a student has learned from year-to-year (although that is often presumed). And it cannot, by itself, say how good a school or district is doing in educating its students (although we do use the results in this way). Comparing schools in this way is not perfect as students in
California are not randomly distributed among the schools. As a result, scores of individual schools or districts represent the students enrolled at the time the test was administered making such comparisons difficult. There are ways of compensating for this lack of random distribution, but these are difficult and California makes little attempt to do so.

Even so, we place great reliance on the movement of scores within districts and schools from one year to the next. In fact, this is a reasonable assumption since students in that school and district probably change little from year to year. It is because of this that we can have great confidence that the state’s steadily increasing test scores represent improvements in the quality of the education we are delivering in California.

With the adoption of the CCSS, the state has agreed that the next generation of tests will be different. The tests in ELA and mathematics are designed to place individual students along a continuum of knowledge. This will allow us to determine how much progress a student, or a group of students, is making from year to year. The scores will reflect progress along a continuous scale, not progress within an individual grade level.

Furthermore, this new generation of tests is designed to measure in greater depth just how much students know. It relies less on specific facts learned and more on tasks that require complex cognitive processes, such as analysis and evaluation. But this advance in assessments comes with a price. These assessments will take longer to administer and will be more expensive to develop and administer.

Since resources available for testing, either in terms of dollars or time, are unlikely to substantially increase, the state will face some difficult decisions about what subjects to test, when to administer those tests, how to administer those tests, and how many students and/or grades are to be tested.

For example, is it important to test in more subjects than ELA and mathematics? These currently are required by the federal government and comprise the totality of the federal accountability system. Yet we know from past experience, that to a degree that is alarming to many, what gets tested is what gets taught. In light of that, do we also need to have standardized tests in science, social studies, history, arts, foreign languages and physical education in order to insure that those subjects also receive the attention they deserve? How often should these be administered and to what group of students?

And most crucial of all, what do we plan to do with the results we receive? Are tests being administered so that we can inform parents about the progress of their individual child? If so, is the standardized test the best way to do that? Are tests being administered to see how well schools and districts are performing? If so, what’s the standard of measure we will use to determine success or failure? And what will the consequences be for failing to meet those standards. If so, do we have in place an adequate system for accounting for the differences in student populations in making this judgment?
And if what we test shapes how we teach, are we developing tests that will help create the kind of instruction, both in terms of breath and depth, that we want to see in our classrooms?

Do we expect statewide assessments to inform us about areas of knowledge an individual student might lack so that we can provide, early on, appropriate remedial help?

The answers to these questions can help inform the type of tests we administer, how often they are administered and to whom, and the type of the test itself.

**Strengths and Weaknesses of the Current Assessment System**

The primary purpose of the STAR Program has been to hold schools accountable for teaching students the knowledge and skills embodied in the California content standards. The assessments served as the basis for monitoring the progress of schools in improving student performance and to provide data for program evaluation. The current assessments are designed to measure how well students have learned the California content standards for their grade. The assessments are built from blueprints that delineate the grade level content standards to be tested in each subject, and the number of items to be developed for each standard. The system provides accountability information about the progress of successive cohorts of students for a given grade and subject. However, the system is not designed to measure growth in achievement from year to year for individual students.

With the exception of writing assessments administered in grades four and seven and as part of the California High School Exit Examination (CAHSEE), all of the STAR assessments are multiple-choice (selected response) tests.

**Strengths**

One advantage of the paper and pencil multiple-choice assessments lies in their ability to be inexpensively developed, administered and scored. Further, they yield results that are especially reliable. Additionally, they provide secure measures of achievement. Moreover, the STAR assessments have been shown to have a high degree of alignment with the standards they are intended to measure and to be of high technical quality. Use of the multiple-choice approach has allowed California to offer the wide variety of tests that currently make up the STAR Program and to have a high level of reliability and objectivity in its accountability system.
Weaknesses, Limitations, and Unintended Consequences

Despite strong alignment to the standards and a high level of reliability, the use of multiple-choice assessments has limited the types of knowledge and skills that are measured. The tests have been criticized for not measuring the standards in great enough depth. This is a fair criticism and is a reflection of the fact that the tests were designed to determine if the content standards were being taught in a given grade and subject for a particular school. The system has favored breadth over depth. This is demonstrated by the fact that the test blueprints generally include a small number of questions for any one standard.

The multiple-choice format also precludes measuring content standards that call for students to demonstrate complex processes, such as critical thinking and problem solving. There is a legitimate concern that an unintended consequence of using multiple-choice tests is that in-depth understanding of subject matter is devalued because it is not measured. Likewise, critical thinking and complex problem solving skills have the potential to become devalued because the STAR tests’ capacity to measure these attributes is limited.

Assessing more complex instructional concepts requires different types of test items that ask students to provide more complex responses and/or respond to more complex stimuli than the current assessments allow. These items require students to provide answers in the form of short responses consisting of a few words or sentences, or longer essay type responses in which students explain their understanding. Even more involved items are performance tasks that require students to complete a multifaceted assignment or project that demonstrates competence in a variety of areas. These types of items also have the benefit of informing and supporting instruction to a higher degree than is possible with multiple-choice assessments. To date, these types of assessments have been used to only a limited extent in various state summative assessments primarily because they are more costly to develop and score than multiple-choice assessments. The cost of using these types of items is elevated if they are part of high-stakes assessments where standardized administration and security are imperative.

The current system of assessments has also been criticized for negatively influencing instruction through the narrowing of the curriculum to only those subjects that are tested. Currently, ELA and mathematics are tested in every grade, two through eleven. In the elementary grades, science is tested less than either of these subjects, and history and social science is tested even less.

It can be argued that pressure to perform well on the major components of the accountability program (ELA and mathematics) has led to less time spent on other components of the curriculum. Subjects that are not part of the current statewide assessment system include career technical education and visual and performing arts. Focus group interviews conducted with elementary school teachers by the CDE found
substantial evidence confirming that the current system has the effect of narrowing instruction, particularly in lower performing schools.

Many have expressed a desire for diagnostic information to guide instructors in determining what to teach and how to teach it for individual students. The current statewide assessments are neither focused enough nor sufficiently detailed to provide this type of information. It has not been the purpose of the tests to do this, and to be valid for this purpose, testing would need to take place at different points in the school year and likely, consume more instructional time.

Another unintended consequence of the current system of assessments has been devaluing or de-emphasis of assessments not associated with accountability. The statewide assessments, because of the high level of attention paid to the results and high level of technical quality ascribed to them, are viewed as most important. This has inadvertently facilitated a shift in importance from informal assessments that have a variety of item types such as constructed response items, performance tasks, and assessment projects.

**Purposes of the New Assessment System**

The SSPI and the CDE are committed to designing an assessment system that includes a variety of assessment approaches and item types that has as its primary purpose to model and promote high quality teaching and student learning activities. In accomplishing this purpose, the system can also:

- Produce scores that can be aggregated for the purpose of holding schools and districts accountable for the progress of their students in learning the California academic content standards.

- Provide assessments and/or assessment tools in multiple grades covering the full breadth of the curriculum to provide clear expectations and incentives for teaching the full curriculum.

The delineation of the purposes of the testing system has a direct impact on the types of assessments that should be developed. The validity of an assessment is based on its purpose. While the current STAR assessments are valid for comparing school and district performance, they are not valid for measuring individual student growth, providing diagnostic information, or for supporting instruction that develops 21st century skills.

However, all of the assessments in a system do not need to be designed to serve all purposes. Some components of a comprehensively designed system may be valid and useful for one purpose, but not for another. In selecting the above purpose for the system, the SSPI and the CDE have begun to outline what will be assessed in terms of content as well as determine the types of instruments that will be used. What to test and
how to test involve numerous trade-offs and choices, each with particular implications for validity as well as for the use of resources, principally, teaching and learning time and money.

**Determining What to Test**

*The CCSS and the Smarter Balanced Assessment Consortium (SBAC)*

The CCSS will require a more integrated approach to delivering instruction across all subject areas. Specifically, the CCSS provide a consistent, clear description of what students are expected to learn, so teachers and parents know what they need to do to help them. The standards are designed to be robust and relevant to the real world, reflecting the knowledge and skills that our young people need for success in college and careers. With participation in the SBAC, California will have access to assessments that measure student achievement of the CCSS in grades three through eight and grade eleven.

California’s membership in the SBAC will allow assessment of student achievement with respect to the CCSS in ELA and mathematics using both selected and constructed response items and performance tasks. Currently, the system is being designed to provide summative information at the end of each school year as well as provide schools with optional formative assessment tools and interim assessments that can be customized by teachers to examine specific content that students are studying. The summative assessments will include at least one performance task incorporating real life applications and require students to demonstrate their critical thinking, analysis, and problem solving skills. It is anticipated that these assessments will form the core of the accountability system and will provide the bulk of the data used for the purposes of program evaluation and accountability.

Current thinking is that advances in computer based testing (CBT) and automated scoring of constructed responses will enable the new assessments to measure student achievement more accurately and also capture information about depth of learning and the ability to apply more complex skills. It is anticipated that the format of the new assessments will have the effect of focusing instruction on these important aspects of student learning. The performance tasks, in particular, are seen as providing examples of the kinds of activities students should be engaged in when learning the content outlined by the new standards.

Given the types of items being considered for the SBAC assessment system, the cost is likely to be greater per student to implement and operate than the current California Standards Tests (CSTs). This means that California will need to consider allocating additional resources for assessment, finding more efficient ways to assess subjects not included in SBAC, and reducing the number of grades and subjects assessed.
Changing the way tests are administered, scored, and reported has the potential for realizing greater efficiencies. For example, some statewide assessments could rely on LEA staff to score and report assessment results. Local scoring of results could also have the benefit of allowing the results to be incorporated into evaluations of student performance. Teachers involved in the scoring process would be provided a valuable professional development opportunity, particularly if the assessments were primarily performance tasks. The transition to a new system provides opportunities to think differently about how assessment fits into the entire educational endeavor. California will need to be as vigilant and astute as possible to maximize the benefit of assessment expenditures.

**Choices beyond SBAC**

Which subjects should California assess at the statewide level beyond SBAC? The discussion that follows pre-supposes the implementation of the SBAC summative assessments. Currently, California is committed to its membership within SBAC, overseeing the development of the ELA and mathematics assessments to which the consortium is committed. However, if California chooses not to implement the SBAC assessments, the choices outlined below would still remain.

**Accountability Considerations**

The current state assessment and accountability system includes a wide variety of assessments beyond those currently required by federal law. California is not required to implement assessments in every subject and every grade. The degree to which end–of-course (EOC) science, mathematics, and history–social science assessments are used in accountability measures influences the type of assessments that can be used as well as how they are administered and scored.

The distinction needs to be made between the general concept of accountability as opposed to specific accountability measures that have been developed to judge and compare the performance of schools. In general, accountability pertains to ensuring that the elements of the system are doing what they were intended to do. This can be done without making all results part of high-stakes accountability measures such as the Academic Performance Index (API) and Adequate Yearly Progress (AYP). In some ways, completion of a classroom performance task or a portfolio of student work may provide more authentic and valid information than is provided by a highly reliable and secure standardized test.

The SSPI and the CDE feel strongly that the teaching and learning of science, history–social science, and other subject areas not be compromised by virtue of the assessment system that is developed. Assessments in these subjects and in multiple grades should include techniques to inform and supports instruction. While an SBAC-like testing system in every grade for every subject would incorporate more advanced item and assessment types than the current CSTs, the amount of money and student
time invested on assessment will need to be considered. Some trade-offs are inevitable. For example, it may be that a subject is tested only in selected grades, or that the primary state assessment would be completion of a state-developed performance task that is produced and scored locally using state-developed prompts and rubrics.

Limiting the use of non-SBAC assessments and assessment results for high-stakes accountability purposes could have both financial and instructional benefits. High-stakes tests require a high degree of reliability and security. For example, test items must be kept confidential and secure until they are used; many new items need to be developed each year. While these steps are essential for high-stakes accountability, these measures also incur high costs.

Lower stakes assessments that are locally reproduced, scored, and reported can greatly reduce the cost of assessment. For example, security and reliability costs would likely be less than they are currently. However, the results could still be appropriate for the purpose of adequately and fairly evaluating student performance. Local or regional scoring and calibration procedures can be designed to develop consistent scoring and prevent teachers from scoring their own students’ work, and a reasonable level of security can be guaranteed through state-level control of prompts and scoring rubrics. This is routinely done in many of the highest-achieving nations, such as Australia, Canada, and Singapore.

A major implication of the purposes envisioned for the new assessment system is the desire to promote high quality teaching and student learning activities. As discussed earlier, this purpose is poorly achieved using the current selected response assessments. The state could choose to develop sets of performance tasks and scoring rubrics for use at the local level, but treat these assessments as a lesser component of any future accountability system. This would greatly reduce costs associated with item development, scoring, and test security. Reducing or eliminating the contribution of these tests to high-stakes accountability measures would also allow the assessments to be scored locally by instructors teaching the subjects being assessed allowing for high quality, high value professional development activities.

Allowing teachers to participate in the assessment and scoring process, particularly when constructed response items or performance tasks are used, can have a direct impact on instruction. When teachers are involved in administering and scoring these types of assessments, they recognize the depth to which students need to understand the content standards, and the kinds of skills students need to successfully demonstrate what they know and can do. Teachers involved in scoring writing assessments regularly report that one of the major benefits of participating in such activities is that it gives them an enhanced understanding of what is required from their students, and provides insights into how to improve instruction.
Interim and Formative Assessments

What to test may also include decisions about supporting more in-depth assessment of the common core. California could elect to reduce or alter high school EOC testing in order to support the participation of LEAs in the interim assessments and formative tools being developed by SBAC. The SBAC interim assessment system will provide a series of benchmarks for assessing progress at different points in the school year. These will be an additional cost to the system.

The SBAC formative assessment tools will be embedded in instruction and will provide the most detailed information about where individual students are and what they need to learn with respect to specific standards. While these are only being developed for ELA and mathematics, the interdisciplinary aspect of the CCSS provides for the development and assessment of literacy and numeracy skills in science and social studies.

One of the choices might be whether to support richer and deeper assessment tools at the local level that can improve teaching and learning, or to continue administering high-stakes EOC assessments for use in accountability.

Reducing Redundant Testing

The current assessment system arguably requires substantial investments of student and teacher time because of the redundant nature of some assessments. For example, currently the CAHSEE is administered to every high school student in California in grade ten. Currently, this assessment measures much of the same content that the STAR assessments measure in ELA and mathematics in grade ten and earlier. The grade 11 SBAC or corresponding SBAC interims at earlier grades have the potential to serve as a substitute for the CAHSEE.

Another example of redundancy is testing Life Science for all grade ten students as required by the current ESEA. This test may be given to students that are also taking an EOC biology test. Redesigning the assessment system provides an opportunity to reduce redundancy. However, each decision made will likely have a cascading effect on decisions regarding accountability as well as costs.

The SBAC assessments promise to reduce testing time through the use of Computer Adaptive Testing (CAT) which uses information gained during testing to better target questions. Additionally, it is expected the grade eleven SBAC will serve as the measure of college readiness to ensure continuation of California’s Early Assessment Program.

Matrix Testing

Another way to reduce testing time or to gather more information in the same amount of time is through matrix testing. Matrix testing expands the breadth of content measured by creating “blocks of questions” that are only taken by a fixed proportion of students. This means that a relatively higher number of items are distributed across all students.
rather than all students each taking all items. However, for a test of a given length, using a matrix approach will reduce the comparability of individual student results. The benefit is that the results yield more performance information regarding groups of students. This in turn would support the purpose of informing teaching and learning.

Matrix testing is also an efficient way of focusing on the measurement of specific areas of the curriculum. For example, students might normally take a 60 item mathematics test in grade four. In this test, the students might normally answer 6 to 10 questions on fractions. This gives data of borderline reliability for any one student, and limited information about the population as a whole. However, using matrix testing, several “blocks of questions” could be randomly assigned to students. This would result in several times more information being assessed. The students could receive overall scores only, but information on groups of students would be enhanced.

Matrix testing may not necessarily decrease the cost and complexity of testing. For example, more items may need to be developed, and scoring procedures will need to be carefully implemented to ensure the various blocks are scored and aggregated appropriately. However, matrix testing could allow students to tackle more ambitious items and tasks rather than only multiple choice items. Since each student may take a smaller number of items, some of them can be lengthier. The National Assessment of Educational Progress takes advantage of matrix testing and is able to address rigorous content in a comprehensive way.

Conclusions

Time and money spent on assessment programs needs to provide results commensurate with the investment. Student, teacher, and administrator time is valuable and should be invested as effectively as possible. A balance must be found between the costs of the system and the kind of assessment and reporting desired. For example, if a given assessment needs to be made more informative for instructional use or reliable for accountability, it is very likely that the test will either need be lengthened, or the number of standards assessed reduced. If a test is lengthened, testing time and overall cost will likely be increased. Also, if California chooses to support the use of formative and interim assessments to replace some of its current summative high-stakes EOC assessments, how these assessments might be used in an accountability system will need to be seriously considered and likely used in different ways than our current set of assessments.

The emphasis on supporting and informing instruction calls for the use of new and innovative item types, and also involves greater support for formative and interim assessments. Focusing on this purpose of the assessment system and, secondarily on the need for accountability, will greatly aid in making choices about what and how to assess.
### Appendix C: Range of Assessments Required by State and Federal Laws and Proposed by the Smarter Balanced Assessment Consortium (SBAC)

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¹ Much of the current assessment system is scheduled to sunset in 2014. Future assessments will be determined by legislation.

² English language proficiency: the California English Language Development Test (CELDT) is administered to English learner (EL) pupils whose primary language is not English and to students previously identified as EL pupils who have not been reclassified as fluent English proficient.

³ The Standardized Testing and Reporting (STAR) Program assessments include California Standards Tests (or if designated on a pupil’s individualized education plan, the California Modified Assessment or the California Alternate Performance Assessment); a direct writing assessment at least once in elementary and once in middle or junior high school; and the Standards-based Tests in Spanish for pupils who receive instruction in Spanish or who have been enrolled in a school in the United States for less than 12 months.

⁴ Pupils must satisfy both the ELA and mathematics portions of the California High School Exit Examination (CAHSEE) requirement as a condition of receiving a diploma. The CAHSEE is first administered to all pupils in grade ten. If pupils do not satisfy the requirement in grade ten, they may retake the ELA and/or mathematics portion of the CAHSEE twice in grade eleven, and up to five times in grade twelve.

⁵ To satisfy federal law, all pupils take a life science assessment in grade ten. According to state law, grade ten pupils also take EOC assessments for science courses in which they are enrolled.

⁶ College/Career Readiness: The Early Assessment Program (EAP) is a voluntary program designed to provide students, their families, and high schools with early signals about students’ readiness for college-level English and mathematics. The EAP is taken as a part of the grade eleven California Standards Tests for ELA and Algebra II or Summative High School Mathematics.
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) delegates oversight of its SBE-authorized charter schools to the California Department of Education (CDE). The CDE collects data and information from these schools and conducts an annual site visit of each school as required pursuant to California Education Code (EC) Section 47604.32(b). Using the data collected, the CDE provided an Information Memorandum in October 2012 consisting of annual summary report on the status of each SBE-authorized charter school to the SBE beginning with the 2011-12 school year. In the analysis of the data presented in the Information Memorandum, the CDE continued to review and analyze the data and has identified concerns for several of the SBE-authorized charter schools. Details of the analysis and concerns are provided in this item.

RECOMMENDATION

CDE staff reviewed and analyzed the data from the 2011-12 school year for each of the SBE-authorized charter schools. Using pupil academic achievement as the most important factor, the CDE identified several schools that did not meet their Academic Performance Index growth targets, had an API score below 800, and did not meet Adequate Yearly Progress (AYP) (refer to Table 1). Therefore, the CDE will send letters of concern to Aspire APEX Preparatory Academy, High Tech High North County, Lifeline Education Charter School (LECS), Long Valley Charter School (LVCS), the School of Arts and Enterprise, and San Francisco Flex Academy on November 1, 2012. Each of these schools is also required to prepare and submit a Student Achievement Plan (SAP), per the Memorandum of Understanding (MOU).

LECS and LVCS had submitted a SAP in the prior schools year for the same concerns, with little to no improvement in their academic achievement. Therefore, the CDE recommends that LECS and LVCS submit their SAP to the CDE by November 13, 2012 for SBE review and approval at the January SBE meeting.
BRIEF HISTORY OF KEY ISSUES

Currently, the SBE authorizes 33 charter schools. Of those 33, 32 charter schools are in operation, and one charter school has been approved and plans to open in the 2013-14 school year.

The SBE has established a Memorandum of Understanding (MOU) with each of the SBE-authorized charter schools. The MOU provides guidance on the SBE oversight processes and procedures, which are delegated to the CDE. The MOU outlines the parties’ agreements governing their respective fiscal and administrative responsibilities and legal relationships.

As defined in Senate Bill 1290, signed by the governor on September 26, 2012, the chartering authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining charter renewal or revocation.

The CDE has reviewed analyzed the Accountability Progress Reporting (APR) data for the 2011-12 for the SBE-authorized charter schools and provided an update to the SBE in the October 2012 Information Memorandum.

In the Information Memorandum, the CDE included a SBE Charter Schools Annual Summary Report, which provided information in the following areas:

- SBE- Authorized Charter School Oversight Monitoring
- Academic Accountability
- Summary of 2011–12 Accountability Results
- Student Demographic Data
- Measurable Pupil Outcomes
- Fiscal Management
- Governance
- Events of 2011–12 School Year
- Looking Forward to 2012–13 School Year

In addition, individual school reports and Webpage links to each of the SBE-authorized charter school Quality Snapshots were provided as attachments to the Information Memorandum.

As the charter authorizer, the SBE may take a various actions as deemed necessary and appropriate for a school that is operating in non-compliance with the MOU, or state and federal laws. Actions may include, but are not limited to: Student Achievement Plan (SAP), place on a watch list, corrective action plan, letter of concern, notice of concern, notice of violation, or revocation.

As outlined in the MOU, SBE-authorized charter schools who did not meet their API growth targets and/or their AYP are required to submit a Student Achievement Plan (SAP) to the CDE. The SAP requires the school to establish specific goals and actions
the school will take to improve student academic achievement in areas identified through the API and AYP as not meeting performance criteria. The School must identify how it will evaluate progress toward goals and outcomes, and the data that will be collected to measure progress. Based on the 2011–12 data, 21 of the SBE-authorized charter schools are required to submit a SAP.

The data provided in the October 2012 Memorandum indicates that a majority of the SBE-authorized schools had a growth API at or above the state benchmark of 800. Of the 21 SBE-authorized charter schools that will submit a SAP based on the 2011–12 APR, 15 of them met their API growth target, but did not meet their AYP. However, there are six SBE-authorized charter schools that did not meet their API growth target and did not meet their AYP, as shown in Table–1. Additionally, four of these six schools are also in year one or two of Program improvement (PI).

As part of the analysis, CDE staff reviewed the MOU requirements, academic achievement based on API growth, AYP criteria, Program Improvement (PI) status, and fiscal conditions for each SBE-authorized charter schools. The CDE identified concerns for six SBE-authorized charter schools.

The six SBE-authorized charter schools identified in Table–1 did not meet their API growth target, earned an API under the state benchmark of 800, and did not meet AYP criteria for the 2011–12 school year. Additionally, two of the six schools had in the prior year submitted a SAP for the same concern with little or no improvement.

<table>
<thead>
<tr>
<th>School</th>
<th>Title I School</th>
<th>Program Improvement</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspire APEX Preparatory Academy</td>
<td>Yes</td>
<td>Year 1</td>
<td>SAP letter of concern will be sent November 1, 2012</td>
</tr>
<tr>
<td>High Tech High North County</td>
<td>No</td>
<td>n/a</td>
<td>SAP letter of concern will be sent November 1, 2012</td>
</tr>
<tr>
<td>Lifeline Education Charter School</td>
<td>Yes</td>
<td>Year 1</td>
<td>SAP approved by SBE letter of concern will be sent November 1, 2012</td>
</tr>
<tr>
<td>Long Valley Charter School</td>
<td>Yes</td>
<td>Year 1</td>
<td>SAP approved by SBE letter of concern will be sent November 1, 2012</td>
</tr>
<tr>
<td>The School of Arts and Enterprise</td>
<td>Yes</td>
<td>Year 2</td>
<td>SAP letter of concern will be sent November 1, 2012</td>
</tr>
<tr>
<td>San Francisco Flex Academy</td>
<td>No</td>
<td>n/a</td>
<td>SAP letter of concern will be sent November 1, 2012</td>
</tr>
</tbody>
</table>
Program Improvement

All Title I funded schools and local educational agencies (LEAs) that do not make AYP are identified for PI under the Elementary and Secondary Education Act (ESEA).

In California, PI is the formal designation for Title I-funded schools and LEAs that fail to make AYP for two consecutive years. Thirteen SBE-authorized charter schools are in PI Year 1 through Year 3, as illustrated in Table 2, based on the 2011–12 assessment data. Table 2 also provides the PI requirements for each year, as defined in ESEA:

<table>
<thead>
<tr>
<th>Program Improvement (PI) Year 1 Schools</th>
<th>Program Improvement Year 1 Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Aspire APEX Preparatory Academy</td>
<td>• LEAs must notify parents of the PI status of school and offer a choice to attend another public school in the same district that is not in PI.</td>
</tr>
<tr>
<td>• Aspire Port City Academy</td>
<td>• School must set aside at least ten percent of their Title I funding for professional development to meet highly qualified staff requirements.</td>
</tr>
<tr>
<td>• Barack Obama Charter School</td>
<td>• School must complete Academic Program Survey (APS) as a needs assessment to determine academic deficits</td>
</tr>
<tr>
<td>• High Tech Middle Chula Vista</td>
<td>• School must revise Single Plan for Student Achievement (SPSA) within three months based on results from APS needs assessment</td>
</tr>
<tr>
<td>• High Tech High Chula Vista</td>
<td></td>
</tr>
<tr>
<td>• Lifeline Education Charter School</td>
<td></td>
</tr>
<tr>
<td>• Long Valley Charter School</td>
<td></td>
</tr>
<tr>
<td>• Pacific Technology School Orangevale</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Improvement (PI) Year 2 Schools</th>
<th>Program Improvement Year 2 Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Aspire Alexander Twilight College Preparatory Academy</td>
<td>• Program Improvement Year 1 Requirements</td>
</tr>
<tr>
<td>• Aspire Vanguard College Preparatory Academy</td>
<td>• LEAs must provide Supplemental Education Services (SES) to all eligible students</td>
</tr>
<tr>
<td>• Doris Topsy-Elvord Academy</td>
<td>• School must analyze student data</td>
</tr>
<tr>
<td>• The School of Arts and Enterprise</td>
<td>• Schools must continue to implement and revise the SPSA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Improvement (PI) Year 3 Schools</th>
<th>Program Improvement Year 3 Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Today’s Fresh Start Charter School</td>
<td>• Program Improvement Year 2 Requirements</td>
</tr>
<tr>
<td></td>
<td>• LEAs must select and define one or more Corrective Actions based upon the results of the comprehensive needs analysis</td>
</tr>
<tr>
<td></td>
<td>• School must implement Corrective Action</td>
</tr>
</tbody>
</table>

Enrollment

The MOU between the SBE and each of the SBE-authorized charter schools states that a charter school must submit a material revision to the SBE if there are proposed changes in enrollment that differ by more than 25 percent of the enrollment approved by
the SBE. The CDE monitors enrollment and compares it to the enrollment capacity outlined in each SBE-authorized charter school’s petition. CDE staff reviewed the enrollment numbers. Although the CDE identified six schools with enrollment more than 25 percent below the approved cap, upon further analysis, those schools did not appear to have fiscal concerns due to the declining enrollment. Three of the schools are in the process of adding grades, which is consistent with their petition.

The CDE has been working with Doris Topsy-Elvord Academy (DTEA) to address fiscal concerns related to enrollment. As outlined in the October 2012 Memorandum to the SBE, DTEA has submitted a corrective action plan to address fiscal concerns. The DTEA charter term ends on June 30, 2013 and will therefore be up for renewal during the 2012–13 school year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE received an Information Memorandum from Tom Torlakson, State Superintendent of Public Instruction, on July 24, 2012, regarding the CSD Reporting Plan for SBE-authorized Charter Schools. In October 2012, the SBE received an Information Memorandum consist of an annual update of each schools.

FISCAL ANALYSIS (AS APPROPRIATE)

The SBE delegates oversight of the SBE-authorized charter schools to the CDE which receives a one percent oversight fee from the SBE-authorized charter schools, pursuant to EC Section 47613, which is estimated at $590,915.02 for the 2011–12 fiscal year. Oversight fees collected from SBE-authorized charter schools are used to fund 4.4 positions in the CSD and associated oversight and monitoring costs.

ATTACHMENT(S)

Attachment 1: State Board of Education-Authorized Charter Schools Summary Chart 2011–12 (4 Pages)
<table>
<thead>
<tr>
<th>School Name</th>
<th>Open Date / Charter Expiration</th>
<th>Grades Served</th>
<th>Enrollment Cap</th>
<th>Enrollment (2011-12)</th>
<th>2012 Growth API</th>
<th>2011-12 Growth</th>
<th>API 2011-12</th>
<th>Growth 2012 to 2011</th>
<th>API 2010</th>
<th>Receive Title I Funds</th>
<th>PI Year Met AYP</th>
<th>Student Achievement Plan (SAP) 2012-13</th>
<th>Student Achievement Plan (SAP) 2011-12</th>
<th>Numerically Significant Subgroups (2011-12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspire Alexander Twilight College Preparatory Academy</td>
<td>9/1/09 6/30/17</td>
<td>K-5</td>
<td>360</td>
<td>414</td>
<td>829</td>
<td>27</td>
<td>N/A</td>
<td>Yes</td>
<td>Year 2</td>
<td>no 18 of 21</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Black or African American, Hispanic or Latino, SED</td>
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<tr>
<td>Aspire Alexander Twilight Secondary Academy</td>
<td>8/3/10 6/30/17</td>
<td>6-12</td>
<td>420</td>
<td>189</td>
<td>745</td>
<td>45</td>
<td>94%</td>
<td>Yes</td>
<td>not in PI</td>
<td>yes 13 of 13</td>
<td>no</td>
<td>n/a</td>
<td>SED</td>
<td></td>
</tr>
<tr>
<td>Aspire APEX Preparatory Academy</td>
<td>9/7/10 6/30/17</td>
<td>K-5</td>
<td>360</td>
<td>273</td>
<td>712</td>
<td>-31</td>
<td>N/A</td>
<td>Yes</td>
<td>Year 1</td>
<td>no 6 of 13</td>
<td>yes</td>
<td>n/a</td>
<td>Hispanic or Latino, SED</td>
<td></td>
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<tr>
<td>Aspire Junior Collegiate Academy</td>
<td>8/14/07 6/30/17</td>
<td>K-6</td>
<td>420</td>
<td>296</td>
<td>841</td>
<td>-27</td>
<td>N/A</td>
<td>Yes</td>
<td>at risk</td>
<td>no 13 of 17</td>
<td>yes</td>
<td>no</td>
<td>Hispanic or Latino, SED, EL</td>
<td></td>
</tr>
<tr>
<td>Aspire Port City Academy</td>
<td>9/4/07 6/30/17</td>
<td>K-5</td>
<td>360</td>
<td>405</td>
<td>855</td>
<td>-13</td>
<td>N/A</td>
<td>Yes</td>
<td>Year 1</td>
<td>no 12 of 17</td>
<td>yes</td>
<td>yes</td>
<td>Black or African American, Hispanic or Latino, SED</td>
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<tr>
<td>Aspire Titan Academy</td>
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<td>360</td>
<td>294</td>
<td>854</td>
<td>5</td>
<td>N/A</td>
<td>Yes</td>
<td>not in PI</td>
<td>yes 17 of 17</td>
<td>no</td>
<td>no</td>
<td>Hispanic or Latino, SED, EL</td>
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<tr>
<td>Aspire Vanguard College Preparatory Academy</td>
<td>8/10/09 6/30/14</td>
<td>6-12</td>
<td>500</td>
<td>314</td>
<td>837</td>
<td>-10</td>
<td>92% 100%</td>
<td>Yes</td>
<td>Year 2</td>
<td>no 15 of 17</td>
<td>yes</td>
<td>yes</td>
<td>Hispanic or Latino, White, SED</td>
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<tr>
<td>Barack Obama Charter</td>
<td>9/8/09 6/30/14</td>
<td>K-6</td>
<td>432</td>
<td>340</td>
<td>750</td>
<td>175</td>
<td>N/A</td>
<td>Yes</td>
<td>Year 1</td>
<td>yes 13 of 13</td>
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<td>yes</td>
<td>Black or African American, SED</td>
<td></td>
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<td>Dixon Montessori Charter</td>
<td>8/11/10 6/30/15</td>
<td>K-8</td>
<td>432</td>
<td>287</td>
<td>809</td>
<td>-27</td>
<td>N/A</td>
<td>No</td>
<td>not in PI</td>
<td>no 8 of 13</td>
<td>yes</td>
<td>n/a</td>
<td>White</td>
<td></td>
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<tr>
<td>Doris Topsy-Elvord Academy</td>
<td>9/29/08 6/30/13</td>
<td>6-8</td>
<td>385</td>
<td>92</td>
<td>687</td>
<td>33</td>
<td>N/A</td>
<td>Yes</td>
<td>Year 2</td>
<td>no 8 of 9</td>
<td>yes</td>
<td>yes</td>
<td>Black or African American, SED</td>
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<tr>
<td>School Name</td>
<td>Open Date / Charter Expiration</td>
<td>Grades Served</td>
<td>Enrollment Cap</td>
<td>Enrollment (2011-12)</td>
<td>2012 Growth API</td>
<td>2011-12 Growth</td>
<td>CARSEE Pass Rate: 2012 2011 2010</td>
<td>Receive Title I Funds</td>
<td>PI Year</td>
<td>Met AYP</td>
<td>Student Achievement Plan (SAP) 2012-13</td>
<td>Student Achievement Plan (SAP) 2011-12</td>
<td>Numerically Significant Subgroups (2011-12)</td>
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<tr>
<td>Everest Public High</td>
<td>8/24/09 6/30/14</td>
<td>9-12</td>
<td>410</td>
<td>300</td>
<td>825</td>
<td>-4</td>
<td>97% 93%</td>
<td>Yes at risk</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>Hispanic or Latino, White, SED</td>
<td></td>
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<tr>
<td>High Tech Elementary - Chula Vista</td>
<td>9/6/11 6/30/17</td>
<td>K-5</td>
<td>500</td>
<td>395</td>
<td>778</td>
<td>base line year</td>
<td>N/A</td>
<td>No</td>
<td>no</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>High Tech Middle - Chula Vista</td>
<td>9/6/11 6/30/17</td>
<td>6-8</td>
<td>420</td>
<td>336</td>
<td>778</td>
<td>base line year</td>
<td>N/A</td>
<td>No</td>
<td>Year 1</td>
<td>no</td>
<td>Year 1 9 of 17</td>
<td>Year 1 9 of 17</td>
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<tr>
<td>High Tech High Chula Vista</td>
<td>8/27/07 6/30/17</td>
<td>9-12</td>
<td>560</td>
<td>608</td>
<td>763</td>
<td>13</td>
<td>96% 98% 95%</td>
<td>Yes Year 1</td>
<td>yes</td>
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<td>yes 17 of 17</td>
<td>Hispanic or Latino, SED, EL</td>
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<tr>
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<td>9/10/07 6/30/17</td>
<td>9-12</td>
<td>560</td>
<td>539</td>
<td>790</td>
<td>-11</td>
<td>91% 93% 92%</td>
<td>No At risk</td>
<td>no</td>
<td>yes</td>
<td>yes 8 of 9</td>
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<td>Black or African American, Hispanic or Latino, White, SED</td>
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<td>420</td>
<td>337</td>
<td>836</td>
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<td>no 15 of 17</td>
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<td>K-6</td>
<td>414</td>
<td>255</td>
<td>807</td>
<td>-17</td>
<td>N/A</td>
<td>Yes at risk</td>
<td>no</td>
<td>yes</td>
<td>yes 7 of 13</td>
<td>no 7 of 13</td>
<td>none</td>
<td></td>
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<td>Lifeline Education Charter</td>
<td>9/27/07 6/30/17</td>
<td>6-12</td>
<td>340</td>
<td>335</td>
<td>658</td>
<td>2</td>
<td>73% 59% 70%</td>
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<td>Livermore Valley Charter</td>
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<td>K-8</td>
<td>865</td>
<td>931</td>
<td>916</td>
<td>14</td>
<td>N/A</td>
<td>No not in PI</td>
<td>yes</td>
<td>no</td>
<td>yes 9 of 9</td>
<td>no</td>
<td>White</td>
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<tr>
<td>School Name</td>
<td>Open Date / Charter Expiration</td>
<td>Grades Served</td>
<td>Enrollment Cap</td>
<td>Enrollment (2011-12)</td>
<td>2012 Growth API</td>
<td>2011-12 Growth</td>
<td>CARSEE Pass Rate: 2012 2011 2010</td>
<td>Receive Title I Funds</td>
<td>PI Year</td>
<td>Met AYP</td>
<td>Student Achievement Plan (SAP) 2012-13</td>
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<td>Numerically Significant Subgroups (2011-12)</td>
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<td>Livermore Valley Charter Preparatory High</td>
<td>8/24/10 6/30/14</td>
<td>9-12</td>
<td>540</td>
<td>191</td>
<td>819</td>
<td>-1</td>
<td>87%</td>
<td>No</td>
<td>at risk</td>
<td>no 3 of 5</td>
<td>yes</td>
<td>n/a</td>
<td>none</td>
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<tr>
<td>Long Valley Charter</td>
<td>7/1/00 6/30/15</td>
<td>K-12</td>
<td>600</td>
<td>474</td>
<td>676</td>
<td>-56</td>
<td>63% 71% 83%</td>
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<td>Year 1</td>
<td>no 6 of 13</td>
<td>yes</td>
<td>yes</td>
<td>White, SED</td>
<td></td>
</tr>
<tr>
<td>Mission Preparatory</td>
<td>8/15/11 6/30/16</td>
<td>K-6</td>
<td>540</td>
<td>42</td>
<td>less than 11 valid scores</td>
<td>N/A</td>
<td>N/A</td>
<td>No</td>
<td>not in PI</td>
<td>no 1 of 3</td>
<td>n/a</td>
<td>n/a</td>
<td>none</td>
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<tr>
<td>New West Charter Middle</td>
<td>9/2/02 6/30/17</td>
<td>6-12</td>
<td>600</td>
<td>338</td>
<td>942</td>
<td>12</td>
<td>no 10th grade</td>
<td>No</td>
<td>not in PI</td>
<td>yes 13 of 13</td>
<td>no</td>
<td>no</td>
<td>Hispanic or Latino, White</td>
<td></td>
</tr>
<tr>
<td>Pacific Technology School Orangevale</td>
<td>8/24/09 6/30/14</td>
<td>6-12</td>
<td>880</td>
<td>152</td>
<td>858</td>
<td>29</td>
<td>no 10th grade</td>
<td>Yes</td>
<td>Year 1</td>
<td>no 6 of 9</td>
<td>yes</td>
<td>yes</td>
<td>White</td>
<td></td>
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<tr>
<td>Pacific Technology School Santa Ana</td>
<td>9/9/09 6/30/14</td>
<td>6-12</td>
<td>880</td>
<td>145</td>
<td>838</td>
<td>61</td>
<td>85%</td>
<td>Yes</td>
<td>not in PI</td>
<td>yes 13 of 13</td>
<td>no</td>
<td>yes</td>
<td>SED</td>
<td></td>
</tr>
<tr>
<td>Ridgecrest Charter</td>
<td>9/4/01 6/30/14</td>
<td>K-8</td>
<td>350</td>
<td>330</td>
<td>845</td>
<td>19</td>
<td>N/A</td>
<td>Yes</td>
<td>at risk</td>
<td>no 11 of 13</td>
<td>yes</td>
<td>yes</td>
<td>White, SED</td>
<td></td>
</tr>
<tr>
<td>River Montessori Elementary Charter</td>
<td>9/15/09 6/30/14</td>
<td>1-6</td>
<td>190</td>
<td>153</td>
<td>843</td>
<td>-6</td>
<td>N/A</td>
<td>No</td>
<td>at risk</td>
<td>no 6 of 9</td>
<td>yes</td>
<td>no</td>
<td>White</td>
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<td>9-12</td>
<td>550</td>
<td>192</td>
<td>645</td>
<td>1</td>
<td>69% 88%</td>
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<td>at risk</td>
<td>no 4 of 5</td>
<td>yes</td>
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<td>430</td>
<td>401</td>
<td>702</td>
<td>1</td>
<td>83% 82% 73%</td>
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<tr>
<td>School Name</td>
<td>Open Date / Charter Expiration</td>
<td>Grades Served</td>
<td>Enrollment Cap</td>
<td>Enrollment (2011-12)</td>
<td>2012 Growth API</td>
<td>2011-12 Growth API</td>
<td>Receive Title I Funds</td>
<td>PI Year</td>
<td>Met AYP</td>
<td>Student Achievement Plan (SAP) 2012-13</td>
<td>Student Achievement Plan (SAP) 2011-12</td>
<td>Numerically Significant Subgroups (2011-12)</td>
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CALIFORNIA STATE BOARD OF EDUCATION  
NOVEMBER 2012 AGENDA  

SUBJECT  
Petition for Renewal of a Charter School Under the Oversight of the State Board of Education: Hold a Public Hearing to Consider Rosie the Riveter Charter High School, which was denied by the Long Beach Unified School District and denied consideration of appeal by the Los Angeles County Office of Education.  

| ☒ Action  | ☒ Information  | ☒ Public Hearing  |

SUMMARY OF THE ISSUE(S)  
Rosie the Riveter Charter High School (RRCHS) was a Long Beach Unified School District (LBUSD) authorized charter school, with a five year charter term that expired on June 30, 2012. In school year 2010–11, RRCHS was inactive and did not serve any students. The following school year 2011–12, RRCHS’s enrollment was 32 students in grades nine through twelve. Due to the non-renewal by the LBUSD, RRCHS is not in operation this school year, 2012–13.  

On June 18, 2012, the LBUSD voted to deny the renewal petition from RRCHS. On August 7, 2012, the Los Angeles County Office of Education (LACOE) at its regularly scheduled board meeting voted not to hear the appeal of the renewal petition for RRCHS. The RRCHS petitioners submitted an appeal to the State Board of Education (SBE) on August 23, 2012.  

Pursuant to California Education Code (EC) sections 47607.5 and 47605(j), the petitioners of a charter school that has been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.  

RECOMMENDATION  
The California Department of Education (CDE) recommends that the SBE hold a public hearing to deny the RRCHS renewal petition based on the CDE’s findings pursuant to EC sections 47605(b)(1), 47605(b)(2), and 47605(b)(5) as well as California Code of Regulations, Title 5 (5 CCR) Section 11967.5 that the petitioners are unlikely to successfully implement the program set forth in the petition.  

If the SBE approves the RRCHS renewal petition, the CDE recommends that the SBE incorporate the SBE’s Conditions on Opening and Operation as set forth in Attachment 5 of Agenda item 2 on the ACCS October 10, 2012, Meeting Notice for ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-oct12item02a5.pdf.
Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the RRCHS petition at its October 10, 2012 meeting. The ACCS voted unanimously to accept the CDE recommendation to deny the petition to establish RRCHS charter school under the oversight of the SBE.

BRIEF HISTORY OF KEY ISSUES

RRCHS proposes to serve students in grades nine through twelve in Long Beach, California, which is located in the southwestern area of Los Angeles County. The targeted population reflects the ethnic, cultural, and economic diversity of the area where the school proposes to operate.

In considering the RRCHS renewal petition, CDE staff reviewed the following:


- Educational and demographic data of the schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 2 on the ACCS October 10, 2012, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-oct12item03a2.xls.

- Board agendas, minutes, and findings from the LBUSD and LACOE regarding the denial of the RRCHS renewal petition, along with the petitioners’ responses available as Attachment 4 of Agenda Item 2 on the ACCS October 10, 2012, meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-oct12item02a4.pdf.

Charter School renewal criteria as set forth in EC Section 47607(b) states that a charter school in operation for four years must meet at least one of four specific criteria. Based on review and analysis, the CDE has determined that RRCHS has met one of the four criteria outlined in EC Section 47607(b) for charter renewal. Refer to Attachment 2, Table 3.

Requirement 1: Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
MET: RRCHS was inactive in the prior year 2010–11; therefore the 2009–10 data was used as the prior year. RRCHS met its API growth target in the 2009–10 school year.

Requirement 2: Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

NOT MET: RRCHS was inactive in the prior year and did not rank in deciles 4 to 10, inclusive, on the API in two of the last three years.


RRCHS did not meet this requirement in any year of operation.

Requirement 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.

NOT MET: RRCHS was inactive in the prior year and did not rank 4 to 10, inclusive, on the API for a demographically comparable school in two of the last three years.


RRCHS did not meet this requirement in any year of operation.

Requirement 4: The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school 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.

NOT MET: RRCHS is not at least equal to the academic performance of the public school that the charter school pupils would otherwise be required to attend. Refer to Attachment 2, Table 4.

In a thorough review and analysis of the charter renewal petition, the CDE finds that the RRCHS charter petitioners are demonstrably unlikely to successfully implement the intended program, and the petition does not contain reasonably comprehensive descriptions of the 16 charter elements pursuant to EC Section 47605(b)(5) and 5 CCR Section 11967.5.1. See Attachment 1 of Agenda Item 2 on the ACCS October 10, 2012, Meeting Notice for the ACCS Web page located at
The CDE identifies the RRCHS budget and cash flow reports to be unsustainable.

The budget information submitted in the RRCHS petition only included the unaudited actuals for fiscal year (FY) 2011-12, which only reflected the year of operation after the temporary inactive status in FY 2010-11. The fiscal outlook/cashflow data for FY 2012-13 and beyond were not provided to the CDE in the petition. However, LBUSD provided to the CDE RRCHS’s multiyear financial budget projections, which was part of the original petition submission to the district. Refer to Attachment 6. The RRCHS budget multiyear projection covers the period from FY 2012-13 through 2016-17. CDE staff reviewed those budget documents when analyzing the petition to determine a recommendation. The CDE finds a lack of fiscal capacity demonstrated by RRCHS in the preparation of its budget multiyear projection. The CDE concludes that the budget is not sustainable and demonstrates the petitioners lack of fiscal capacity to implement the educational program during the proposed five year term of the charter. The CDE identifies the following deficiencies within the petition:

- **Revenues**
  - State revenues: General purpose and categorical block grants for charter schools are funded based on the average daily attendance (ADA). Normally, a school uses its historical ADA/Enrollment ratio as a basis to project future ADA. An acceptable attendance ratio should average between 94 percent and 96 percent. RRCHS is estimating enrollment to grow from 28 to 100 by 2016–17 and projected its attendance ratios for a four-year period after 2012–13 at 90 percent, 84 percent, 76 percent and 75 percent. Further, in the two years prior to being inactive in 2010–11, RRCHS’s ratio was 83 percent and 89 percent. RRCHS’s prior and projected attendance ratios demonstrate a lack of fiscal capacity to control and monitor its attendance, which can have a significant impact on the state revenues for RRCHS.
  - Local Revenues: RRCHS projections include $25,000 each year from the non-profit organization, Women In Non-Traditional Employment Roles (WINTER). WINTER oversees RRCHS and has been subsidizing RRCHS. The petition indicates that WINTER is projected to continue its subsidies through 2016–17. However, in the latest available independent audit (fiscal year 2009–10) for WINTER, the auditor issued a going concern disclosure. Generally, a going concern disclosure is issued by an independent auditor if they are concerned that the financial condition of the organization may be under financial stress and that their continued existence may be in jeopardy. WINTER is dependent on successfully obtaining grants and fundraising; hence this source of revenue may not be reliable.
  - Local Revenues: Over 25 percent of RRCHS revenue budget is supported with donations and fundraising. Such revenue sources are considered one-time sources and may have restrictions. In its response to the district’s findings, RRCHS stated that it raised six to seven times the
amount budgeted. There was no documentation provided to substantiate or determine the unrestricted nature of these revenues.

- Expenditures
  
  o Certificated and Classified Salaries: The projected salary cost for the 2012–13 and 2013–14, are the same even though enrollment is projected to increase from 28 to 50. The amount of $126,360 projected for all salaries does not include any administrative salaries. However, for the fiscal year 2011–12, RRCHS reported salaries of $264,700. There were no assumptions provided to account for variances or to substantiate the reasonableness of salary costs budgeted and projected.

  o Books and Materials: Although RRCHS projected enrollment increasing from 50 to 100; the amount projected to provide for books and materials was the same, at $5,400 each year. However, for the fiscal year 2011–12, RRCHS reported books and material costs of $125,150. There were no assumptions provided to account for variances or to substantiate the reasonableness of books and material costs budgeted and projected.

  o Rent: The budget or five year projection did not include any rent costs. However, for the fiscal year 2011–12, RRCHS reported rent costs of $97,500.

  o Other Expenses (Object codes 4000–5900): Other Expenses averaged under 14 percent of total expenses for the five years projected. However, for the fiscal year 2011–12, RRCHS reported Other Expenses that represented 49 percent of total expenses. There were no assumptions provided to account for or to substantiate the reasonableness of other non-salary and benefit costs budgeted and projected.

Based on the analysis, the CDE finds that the proposed financial plan is overly optimistic and unsustainable. The petitioners do not demonstrate the fiscal capacity needed to monitor and/or sustain a budget.

Further, the CDE finds that the RRCHS charter petition does not describe an educational program that is likely to be of educational benefit to the pupils who attend, specifically the English Learner (EL) students and special education students.

- In comparing RRCHS educational performance, the CDE found the school is outperformed by the surrounding area schools where students would otherwise be required to attend. Refer to Attachment 2, Table 4.

  Data tables provided as Attachment 2 reflect information for the school year 2009–10, because RRCHS was inactive in the 2010–11 school year.

- The English Language Learner (ELL) section is unclear and incomplete.
• The petition does not describe parent involvement, consultation and communication nor (EL) placement and assessment.

• The petition indicates only an English teacher will be required to have Crosscultural, Language, and Academic Development (CLAD) certification. Per EC Section 44253.1, all teachers who teach EL students must have an EL authorization.

• The petition lacks details regarding EL intervention. The petition mentions an English Language Development (ELD) class for struggling EL students but no criteria is provided to define a struggling EL student or the frequency of the intervention class.

  • There is no process identified in the petition for ELL reclassification as required in EC sections 305–306, 310, 313, 48985, 60615, and 5 CCR sections 11301–11302, and 11308–11309. The petition did not include all four reclassification requirements.

RRCHS makes assurances that it intends to comply with all applicable State and Federal Laws in serving students with disabilities and will provide special education instruction and related services in accordance with the Individuals with Disabilities in Education Improvement Act (IDEA) and EC requirements. However, the petition does not demonstrate that the petitioners understand their responsibilities under the law and how the school intends to meet this responsibility as is required in EC Section 47641.

Based upon the above deficiencies, the CDE concurs with the LBUSD and the LACOE’s decision to deny the renewal of the RRCHS.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 33 charter schools operate under SBE authorization as follows:

  • Three statewide benefit charters, operating a total of 13 schools
  • One countywide benefit charter
  • Nineteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as a SBE authorized charter school, the CDE would receive approximately one percent of RRCHS’s general purpose apportionment for CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight. The numerous areas of budget deficiencies within the petition present a potential fiscal liability for the CDE.
ATTACHMENT(S)

None
ITEM 14
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT
Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs; Approval of a Revised Definition of Corrective Action 6.

SUMMARY OF THE ISSUE(S)
This standing item allows the California Department of Education (CDE) to brief the State Board of Education (SBE) on timely topics related to the Elementary and Secondary Education Act (ESEA) and other federal programs.

The SBE has previously approved a definition of Corrective Action 6 for five cohorts of local educational agencies (LEAs) assigned Corrective Action as a result of progressing to Program Improvement (PI) Year 3. The most recent definition of Corrective Action 6 no longer aligns with SBE actions and recent legislation.

RECOMMENDATION
The CDE recommends that the SBE approve a revised definition of Corrective Action 6 to reflect the SBE’s adoption of Common Core State Standards (CCSS) as well as recent legislation regarding the purchase and use of instructional materials. If adopted, this definition will supersede any previously approved definitions.

BRIEF HISTORY OF KEY ISSUES
An LEA is identified for PI when it does not meet Adequate Yearly Progress (AYP) targets for two consecutive years. Once identified, the LEA must meet its AYP targets for two consecutive years to exit PI. If an LEA continues to progress in PI, it is identified for Corrective Action when it reaches PI Year 3. At that time, the State Superintendent of Public Instruction recommends and the SBE approves assignment of one of seven corrective actions as defined in California Education Code Section 52055.57 (c). The most commonly assigned corrective action has been Corrective Action 6, requiring an LEA to implement “a new curriculum that is based on state academic content and achievement standards, including providing appropriate professional development.”

Recent legislation has broadened and clarified the guidelines for purchasing and using instructional materials to facilitate the transition to the CCSS. This revision to the
definition of Corrective Action 6 reflects those changes in order to avoid conflicting guidance to LEAs. (See Attachment 1.)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE adopted the CCSS in 2010.

FISCAL ANALYSIS (AS APPROPRIATE)

Any state or LEA that does not abide by the mandates or provisions of the ESEA is at risk of losing federal funding.

ATTACHMENT(S)

Attachment 1: Corrective Action 6 Revised Definition (1 Page)
Corrective Action 6 Revised Definition

In light of the State Board of Education (SBE) action to adopt and implement the Common Core State Standards (CCSS) and the upcoming enactment of AB 1246 (Brownley), the California Department of Education (CDE) recommends that the SBE adopt a revised definition of Corrective Action 6 for local educational agencies (LEAs) identified for Corrective Action (Program Improvement Year 3) and assigned Corrective Action 6.

Revise the definition of Corrective Action 6 to read:

- Implement a coherent standards-based/standards-aligned instructional program using instructional materials which may be aligned to CCSS resources for all students in kindergarten through grade twelve (K–12) in reading/English/language arts and mathematics and interventions as needed.

- Provide appropriate professional development, including, but not limited to, professional development focused on standards-based/standards-aligned instruction and materials, implementation of CCSS, and the use of effective instructional strategies.

- Target the instructional needs of students not meeting proficiency targets, especially English learners, students with disabilities, and any racial, ethnic, and socioeconomically disadvantaged student groups not meeting standards.
Elementary and Secondary Education Act: Assignment of Corrective Action and Associated Technical Assistance for Each of the Local Educational Agencies in Cohort 6 of Program Improvement Year 3 and Submission of Annual Evidence of Progress for Local Educational Agencies in Cohorts 1–6 of Program Improvement Year 3.

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 52055.57(c) states that a local educational agency (LEA) identified for corrective action under the federal No Child Left Behind Act of 2001 shall be subject to one or more specific sanctions as recommended by the State Superintendent of Public Instruction (SSPI) and approved by the State Board of Education (SBE). To date, the SBE has assigned Corrective Action 6 to 282 LEAs in Program Improvement (PI) Year 3. (See Attachment 1.)

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE:

- Assign Corrective Action 6 and technical assistance resources to each of the 56 LEAs in Cohort 6 of PI Year 3 as indicated in Attachments 2 and 3, consistent with federal requirements to provide technical assistance to support implementation of any corrective action, and direct those LEAs to proceed with the steps outlined in California EC sections 52055.57 and 52059, available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=52001-53000&file=52055.57-52055.60 and http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=52001-53000&file=52059, respectively.

- Require each LEA in Cohorts 1–6 of PI Year 3 to demonstrate progress of LEA Plan implementation and monitoring through annual electronic submission of local evidence to the CDE. (See Attachment 2.)

BRIEF HISTORY OF KEY ISSUES

In accordance with Elementary and Secondary Education Act (ESEA) Section 1116(c)(10)(C) and California EC Section 52055.57(c), any LEA that has advanced to PI Year 3 shall be subject to one or more of the following corrective actions as recommended by the SSPI and approved by the SBE:
1. Replacing LEA personnel who are relevant to the failure to make Adequate Yearly Progress (AYP).

2. Removing schools from the jurisdiction of the LEA and establishing alternative arrangements for the governance and supervision of those schools.

3. Appointing, by the SBE, a receiver or trustee to administer the affairs of the LEA in place of the county superintendent of schools and the governing board.

4. Abolishing or restructuring the LEA.

5. Authorizing pupils to transfer from a school operated by the LEA to a higher performing school operated by another LEA, and providing those pupils with transportation to those schools in conjunction with carrying out not less than one additional action described in this list of allowable corrective actions.

6. Instituting and fully implementing a new curriculum that is based on state academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff that offers substantial promise of improving educational achievement for high-priority pupils.

7. Deferring programmatic funds or reducing administrative funds.

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

Number 6 above, known as Corrective Action 6 in California, and associated technical assistance was assigned to five previous cohorts by the SBE at its March 2008, November 2008, January 2010, March 2010, and November 2011 meetings. The total number of LEAs assigned Corrective Action 6 in the previous five cohorts is 282.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The California State Budget for 2012, Assembly Bill 1464, Item 6110-134-0890, Schedule (2), appropriated approximately $32 million for LEAs in Corrective Action. California EC Section 52055.57(d) provides a formula to allocate $100,000 per PI school for LEAs with moderate performance problems and $50,000 per PI school for LEAs with minor or isolated (light) performance problems. No fiscal resources are identified for LEAs in PI Corrective Action that do not have any schools in PI.

There are sufficient funds in Budget Line Item 6110-134-0890 to support the recommendations in Attachments 2 and 3. Funds will be used to support the implementation of assigned corrective actions, including professional development related to the Common Core State Standards (CCSS), and District Assistance and Intervention Team (DAIT) or other technical assistance provider recommendations. As provided in California EC Section 52059(f), an LEA that is required to contract with a DAIT or other technical assistance provider shall reserve funding provided for this
purpose to cover the entire cost of the team or technical assistance provider before using funds for other reform activities. Costs to LEAs associated with the annual electronic submission of evidence are not considered to be any greater than current costs incurred for local board review and oversight of assigned corrective actions.

ATTACHMENT(S)

Attachment 1: Three-Year Review Schedule of Local Educational Agencies in Cohorts 1–6 of Program Improvement Year 3 Subject to Corrective Action (2 pages)

Attachment 2: Assignment of Corrective Action 6 and Associated Technical Assistance Requirements for Each of the 56 Local Educational Agencies in Cohort 6 of Program Improvement Year 3 (3 pages)

Attachment 3: Application of Objective Criteria for the 56 2012 Local Educational Agencies in Cohort 6 of Program Improvement Year 3 Corrective Action (4 pages)

Attachment 4: Local Educational Agencies with 2012 District Academic Performance Index Growth At or Above 800 Recommended for Moderate Technical Assistance Based on Numerically Significant Subgroup Performance (3 pages)
Three-Year Review Schedule of Local Educational Agencies in Cohorts 1–6 of Program Improvement Year 3 Subject to Corrective Action

- **Cohort 1**:
  - 89 LEAs assigned in March 2008
  - 50 LEAs assigned in November 2008

- **Cohort 2**:
  - 26 LEAs assigned in January 2010

- **Cohort 3a**:
  - 3 LEAs assigned in March 2010

- **Cohort 3b**:
  - 60 LEAs assigned in March 2011

- **Cohort 4**:
  - 54 LEAs assigned in November 2011

- **Cohort 5**:
  - 56 LEAs pending assignment in November 2012

Legend:
- ■ Time Completed
- □ Time Remaining
- ■ Time Past 3 Years
### Three-Year Review Schedule of Local Educational Agencies in Cohorts 1–6 of Program Improvement Year 3 Subject to Corrective Action

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Assignment of Corrective Action 6 and Associated Technical Assistance Requirements for Each of the 56 Local Educational Agencies in Cohort 6 of Program Improvement Year 3

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take the following individual actions for each of the local educational agencies (LEAs) in Cohort 6 newly identified for Program Improvement (PI) Year 3 based on the 2012–13 Accountability Progress Report:

1. Assign the category of light performance problems to 11 LEAs with a Relative Adequate Yearly Progress (AYP) Performance Index greater than 90 or a 2012 Growth Academic Performance Index (API) at or above 800 as an LEA and, for each numerically significant subgroup, a 2012 API at or above 800 for that subgroup, or a 2012 API above the state average for that subgroup. Assign the category of light performance problems to 6 county offices of education (COEs). Assign the category of moderate performance problems to the remaining 39 LEAs.

2. Assign resources to each of the LEAs in Cohort 6 of PI Year 3 consistent with federal requirements to provide technical assistance while instituting any corrective action:

   • The 11 LEAs and 6 COEs assigned the light performance problems category will be required to access technical assistance to assist with the implementation of Corrective Action 6. The 39 LEAs assigned the moderate performance problems category in Cohort 6 will be required to contract with a self-selected District Assistance and Intervention Team (DAIT) or other technical assistance provider to receive guidance, support, and technical assistance pursuant to California Education Code (EC) Section 52059(e).

   • All LEAs and COEs assigned the moderate or light performance problem categories in Cohort 6 that have PI schools will be provided with fiscal resources to access technical assistance. The purpose of the technical assistance is to analyze the needs of the LEA and its schools, amend the LEA Plan, and implement key action steps. Those LEAs in the light performance category that do not have PI schools will not receive fiscal resources to access technical assistance.

3. Require, as consistent with previous SBE action taken in November 2011, that each LEA in Cohort 6 of PI Year 3 (both moderate and light category) revise its LEA Plan documenting:

   • The steps the LEA is taking to fully implement Corrective Action 6 and, for those LEAs assigned the moderate category of technical assistance, any additional recommendations made by a DAIT or other technical assistance
provider. DAITs or other technical assistance providers will be directed to make specific recommendations to address the learning needs of any student group whose academic performance contributed to the inability of the LEA to make AYP.

- The steps each LEA is taking to support any of its advancing PI schools to restructure and implement school-level corrective action activities.

4. Require, as consistent with previous SBE action taken in November 2011, that each LEA in Cohort 6 of PI Year 3 post its revised LEA Plan on its local Web site and send the Web link to the CDE for posting on the CDE LEA Plans for LEAs in PI Year 3 Web page at http://www.cde.ca.gov/ta/ac/ti/leaplanpiyr3.asp.

5. Adopt the following proposed timeline for each of the Cohort 6 LEAs in PI Year 3 in 2012–13:

   **November 7–8, 2012:** The SBE assigns corrective actions and technical assistance to each of the 56 LEAs in Cohort 6 that advanced to PI Year 3 in 2012–13 and provides these LEAs with the opportunity to address the SBE concerning their assigned corrective action.

   **February 2013:** As required in EC Section 52059(e)(2), for those LEAs assigned the moderate category of technical assistance, the DAIT or other technical assistance provider completes a report that is based on the findings of the needs assessment. The report shall include, at a minimum, recommendations for improving the areas that are found to need improvement. The report also shall address the manner in which existing resources should be redirected to ensure that the recommendations can be implemented.

   **March 11, 2013:** Each of the LEAs in Cohort 6 of PI Year 3 (both moderate and light categories) submits a revised LEA Plan to the CDE for review and feedback. For those LEAs assigned the moderate category of technical assistance, the plan incorporates the recommendations for improvement and the redirection of resources outlined in the DAIT or other technical assistance provider’s report.

   **March 2013:** The governing board of any LEA assigned the moderate category of technical assistance submits any appeals to the State Superintendent of Public Instruction (SSPI) to be exempted from implementing one or more of the recommendations made in the DAIT or other technical assistance provider’s report. The SSPI, with approval of the SBE, may exempt the LEA from complying with one or more of the recommendations made in the report.
March 2013: The CDE reviews all revised LEA plans (from both moderate and light category LEAs) and provides feedback to the LEAs based upon an SBE-approved rubric.

April 2013: The CDE reports to the SBE on its review of the Cohort 6 LEA revised plans.

April 2013: For those LEAs assigned the moderate category of technical assistance, the governing board of the LEA shall adopt the report recommendations made by the DAIT or other technical assistance provider, as modified by any exemptions granted by the SSPI. The local governing boards of both the moderate and light category LEAs adopt the revised LEA plan at a regularly scheduled meeting of the local governing board.

May 2013: Cohort 6 LEAs post their LEA Plans on local Web sites.

6. Require each LEA in Cohorts 1–6 of PI Year 3 to demonstrate progress of LEA Plan implementation and monitoring through annual electronic submission of local evidence to the CDE as described here:

   • An end-of-year summary description of the LEA’s progress towards implementation of the strategies and actions in the LEA plan

   • Documentation of an end-of-year data analysis of the LEA’s progress towards student achievement goals in the LEA Plan based on local assessment data

   • Documentation of annual communication with the local governing board regarding the LEA’s progress toward student achievement goals in the LEA Plan
### Table 1: Local Educational Agencies Recommended for Light Technical Assistance

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<th>District Name</th>
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<th>Component 3: Percentage of Title I Schools Not in PI</th>
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Prepared by the California Department of Education
Local Educational Agencies with 2012 District Academic Performance Index Growth At or Above 800
Recommended for Moderate Technical Assistance Based on Numerically Significant Student Subgroup Performance

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Prepared by the California Department of Education
October 25, 2012
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

General Waiver

SUBJECT
Request by two school districts to waive portions of California Code of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.

Waiver Numbers: Acton-Agua Dulce Unified School District 28-7-2012
Westside Elementary School District 16-7-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions:

1. Each charter school will operate five tracks; each track will offer a minimum of 175 days.

2. For each track, each charter school will offer the minimum annual instructional minutes as specified by California Education Code (EC) Section 47612.5.

3. No track will have fewer than 55 percent of its school days completed prior to April 15.

4. Average daily attendance (ADA) will be calculated separately for each track by the method set forth in California Code of Regulations, Title 5 (5 CCR), Section 11960, and then the resulting attendance figures will be totaled.

5. For each pupil attending more than one track over the course of the fiscal year, including intersessions and supplemental tracks, attendance must be calculated individually by pupil. In that event, the charter school is directed to work with the CDE to determine the appropriate method for configuring individual student’s ADA to ensure that each student does not generate more than one ADA.

Because the waivers for Acton-Agua Dulce Unified School District and Westside Elementary School District are granted for two consecutive years, EC 33051(b) will apply, and the districts will not be required to reapply annually if information contained in the requests remain current. If the charter schools no longer operate five tracks as
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2000 meeting, the State Board of Education (SBE) approved SBE’s Policy #00-05 Charter School ADA: Alternative Calculation Method, available at http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc, which applies to these waiver requests. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past 11 years.

SUMMARY OF KEY ISSUES

Section 11960(a) of 5 CCR defines regular 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 days if the school operates fewer than 175 days in any fiscal year. (This requirement has been reduced to 170 days by EC Section 46201.2, through the 2014–15 fiscal year.)

As referenced in the SBE Policy #00-05:

"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.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 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.

Acton-Agua Dulce Unified School District is requesting this waiver on behalf of the Assurance Learning Academy Charter School to operate a multi-track year round education calendar with five tracks. The reason for offering a multi-track calendar is that the school will be an Alternative Schools Accountability Model school. The student population, comprised mainly of at-risk students, will benefit from a year round calendar which will help them catch up academically and ensure they get back on the road to
earning a high school diploma. The total number of days the school is teaching per year may be as high as 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55 percent of its school days prior to April 15. The charter school will not be claiming attendance credit for any of the supplemental days included in each of the five tracks on the calendar.

The calendars presented for two of the five tracks (Tracks A and B) for the Assurance Learning Academy Charter School include a scheduled school day in the middle of the off track intersessions for supplemental days. Specifically, Track A starts on July 2 and ends on June 28, and the off track period is from December 3 through March 22, with the exception of one school day in the middle, February 25. Track B is very similar. The charter school explained that it created these schedules with its annual independent audit in mind, to streamline the auditing process for its auditors.

Westside Elementary School District is requesting this waiver on behalf of Opportunities for Learning - Fresno Charter School to operate a multi-track year round education calendar with five tracks. The reason for offering a multi-track calendar is that the school's target population, comprised mainly of at-risk students, will benefit from a year round calendar which will help them academically and ensure they get back on the road to earning a high school diploma. The total number of days the school is teaching per year may be as high as 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55 percent of its school days prior to April 15. The charter school will not be claiming attendance credit for any of the supplemental days included in each of the five tracks on the calendar.

On the basis of this analysis, the CDE recommends approval of this waiver with the conditions noted above.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: See Attachment 1

Authority for Waiver: EC Section 33050

Period of request: See Attachment 1

Period recommended: See Attachment 1

Local board approval date(s): See Attachment 1

Public hearing held on date(s): See Attachment 1

Bargaining unit(s) consulted on date(s): See Attachment 1
Name of bargaining unit/representative(s) consulted: See Attachment 1

Position of bargaining unit(s) (choose only one): See Attachment 1

☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):

☐ posting in a newspaper ☐ posting at each school ☒ other (specify)

See Attachment 1

Advisory committee(s) consulted: See Attachment 1

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: See Attachment 1

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Acton-Agua Dulce Unified School District General Waiver Request 28-7-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Westside Elementary School District General Waiver Request 16-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
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<th>District</th>
<th>Period of Request</th>
<th>Demographic Information</th>
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<th>Bargaining Unit/Representatives Consulted and Dates/Position</th>
<th>Advisory Committee and Date Consulted</th>
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<td>The charter school has a student population of 250 and is located in the city of Los Angeles in Los Angeles County.</td>
<td><strong>Board Approval:</strong> 8/23/2012</td>
<td>The district does not have any employee bargaining units.</td>
<td>Superintendent’s Advisory Committee 6/26/2012</td>
<td>Notice posted at district office.</td>
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<tr>
<td></td>
<td></td>
<td><strong>Recommended:</strong> 7/1/2012 to 6/30/2014</td>
<td></td>
<td><strong>Public Hearing:</strong> 6/26/2012</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-7-2012</td>
<td>Westside Elementary School District</td>
<td><strong>Requested:</strong> 7/1/2012 to 6/30/2014</td>
<td>The district has a student population of 858 and is located in a small city in Fresno County.</td>
<td><strong>Board Approval:</strong> District: 7/17/2012 Charter: 7/13/2012</td>
<td>The district does not have any employee bargaining units.</td>
<td>Opportunities for Learning Public Charter Schools 7/13/2012</td>
<td>Notice posted at district office.</td>
</tr>
</tbody>
</table>
**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 11-30-10)  [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

**First Time Waiver: X**  **Renewal Waiver: ___**

Send Original plus one copy to: Waiver Office, California Department of Education 1430 N Street, Suite 5602 Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

---

**Local educational agency:** Acton/Agua Dulce Unified School District on behalf of Assurance Learning Academy

**Contact name and Title:** District: Brent Woodard, Superintendent School: Steve Gocke, Sr. VP, Education

**Contact person’s e-mail address:** bwoodard@aadusd.k12.ca.us

**Address:** District: 32248 Crown Valley Road, Acton, CA 93510 School: 5701 South Western Avenue, Los Angeles, CA 90062

**Phone (and extension, if necessary):**
- District: (661) 269-0750
- School: (323) 291-9441
- School Fax: (323) 291-6945

**Period of request:** From: 7/1/2012 To: 6/30/14

**Local board approval date:** 08/23/2012

**Date of public hearing:** June 26, 2012

---

### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):
   
   Circle One: **EC** or **CCR**

   **11960(a)**

   **Topic of the waiver:** Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **No** and date of SBE Approval _______

3. Collective bargaining unit information. Does the district have any employee bargaining units? **X** No ___ Yes If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**

   **Name of bargaining unit and representative(s) consulted:**

   **The position(s) of the bargaining unit(s):** __ Neutral ___ Support ___ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ____ Notice in a newspaper ____ Notice posted at each school ____ Other: (Please specify) Notice Posted at District Office

5. **Advisory committee or school site councils.** Please identify the council(s) or committee that reviewed this waiver:

   Superintendent’s Advisory Committee

   **Date the committee/council reviewed the waiver request:** June 26, 2012

   **Were there any objection(s)?** No **X** Yes ___ (If there were objections please specify)
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   School Accountability Report Card
   **Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the Charter school attendance to be calculated as a regular multi track school.**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   This Waiver is being requested because this Charter School proposes to operate a multi-track year round education calendar, with no more than 5 tracks. As a result, the number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15th. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our school will be moving to an ASAM school and our student population will be comprised of mainly at-risk students who will benefit for a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.

8. **Demographic Information:**

   Assurance Learning Academy has a student population of 250 and is located in the city of Los Angeles in Los Angeles County.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
   (If yes, please attach explanation or copy of audit finding)  
   No ☒  Yes ☐

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒  Yes ☐  
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee:  
   Title:  
   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 DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _XX_
Renewal Waiver: ____

Send Original plus one copy to:  Send Electronic copy in Word and
Waiver Office, California Department of Education back-up material to:
waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE
1 0 6 2 5 4 7

Local educational agency:
WESTSIDE ELEMENTARY SCHOOL DISTRICT
Opportunities For Learning – Fresno

Contact name and Title:
Baldomero Hernandez
William Toomey

Contact person’s e-mail address:
btoomey@emsofl.com

Address:  (City)  (State)  (ZIP)
19191 Excelsior  CA  93624
320 N. Halstead St, Suite #220  Pasadena  CA  91107

Phone (and extension, if necessary): 626-921-8200 ext. 8210
Fax Number: 626-921-8250

Period of request: (month/day/year)
From: 07/01/2012  To: 06/30/2014

Legal Criteria

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the charter school attendance to be calculated as a regular multi track school. Circle One: EC or CCR

Topic of the waiver: Multi Track School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A  and date of SBE Approval ______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? X No  __ Yes  If yes, please complete required information below: Not Applicable
No employees of the charter are covered by or affected by a collective bargaining agreement

Bargaining unit(s) consulted on date(s):

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s):  __ Neutral  __ Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper  ___ Notice posted at each school  X___ Other: (Please specify) District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Opportunities For Learning Public Charter Schools (07/13/2012)

Date the committee/council reviewed the waiver request: N/A

Were there any objection(s)?  No  ___ Yes  ____ (If there were objections please specify)
6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the charter school attendance to be calculated as a regular multi track

<table>
<thead>
<tr>
<th>7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Attachment #2</td>
</tr>
</tbody>
</table>

| 8. Demographic Information: (District/school/program) District has a student population of 858 and is located in a small city in Fresno County. |

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☒ Yes ☐ |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☒ Yes ☐ |

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: SUPERINTENDENT | Date: |

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
<th>Staff Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Manager (type or print):</td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Division Director (type or print):</td>
<td>Division Director Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
7. Apply for waiver under CCR-Title 5 Section 11960 (a), to allow the charter school attendance to be calculated as a regular multi track school.

This waiver is being requested because the Opportunities for Learning Fresno charter proposes to operate a multi-track year round education calendar, with 5 tracks. As a result, the total number of days this school is actually teaching per year is 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15. Therefore the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in CCR Title 5 Section 11960 (a) and then total the resulting figures. This is the same method that is required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is our target population of students which is comprised of mainly at-risk students benefit from a year round calendar which helps them catch up academically to ensure they get back on the road to earning a high school diploma.
California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM W-02
California Department of Education
Executive Office
SBE-007 Federal (REV. 10/2009)

California State Board of Education

November 2012 Agenda

Federal Waiver

Subject

Request by Middletown Unified School District for Middletown High School for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Number: Fed-8-2012

Recommendation

☐ Approval ☐ Approval with conditions ☐ Denial

Summary of Previous State Board of Education Discussion and Action

Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270) (Perkins Act) requires local educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area and is unable to join a consortium.


The SBE has approved all waivers of this statute that have been presented to them to date.

Summary of Key Issues

The criterion for qualifying for this waiver is demonstration that the LEA cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium.

Middletown High School is located in Lake County and has a student population of 1,714. Middletown Unified School District is seeking a waiver to function independently in order to meet the needs of the students in the district.
The Department recommends approval of this waiver.

**Authority for Waiver:** Federal Waiver Authority (Public Law 109-270) Section 131 (c)(2)

**Local board approval date(s):** July 1, 2012 to June 30, 2016

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval will enable this district to receive an annual Perkins Act allocation of $13,526.00. The waiver has no significant effect on the distribution of Perkins Act funds statewide.

**ATTACHMENT(S)**

Attachment 1: List of Districts (1 page)

Attachment 2: Federal Waiver Request Fed-08-2012 Middletown Unified School District for Middletown High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)
## Districts Requesting Carl D. Perkins Career and Technical Education Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>SBE Streamlined Waiver Policy</th>
<th>NCES Locale Code</th>
<th>Demographic Information</th>
<th>Perkins Act Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fed-08-2012</td>
<td>Middletown Unified School District for Middletown High School</td>
<td>Period of Request: July 1, 2012 to June 30, 2016</td>
<td>No</td>
<td>42</td>
<td>Student population of 1,714 located in Lake County.</td>
<td>$13,526</td>
</tr>
</tbody>
</table>

Prepared by the California Department of Education
August 21, 2012
CALIFORNIA DEPARTMENT OF EDUCATION

FEDERAL WAIVER REQUEST

Carl D. Perkins Program Waiver

FW-1 (Rev. 10-2-2009)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:  Send electronic copy in Word and
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov
1430 N Street, Room 5602  707 987-1410 ext 4010
Sacramento, CA 95814

CD CODE

1 7 6 4 0 5 5

Local educational agency:  Middletown Unified School District
Name of school(s):  Dan Renninger
Contact name and Title:  Perkins Coordinator
Contact person’s e-mail address:  Dan.renninger@middletonusd.org
Address:  20932 Big Canyon Road  Middletown  CA.  95461
(City) (State) (ZIP)  Phone (and extension, if necessary):  707 987-1410 ext 4010
Fax number:  707 987 1662

Period of request:  (month/day/year) (4 years maximum)
From:  July 1st 2012  To:  June 30th 2016
Local board approval date:  May 9th, 2012

LEGAL CRITERIA


2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.


   Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency:

   (a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;

   (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

   Please document your efforts: At one time our district belonged in a consortium with the Kelseyville and Konocti Unified School Districts located in Lake County. Because of the distance between our districts it was impossible for our students to participate at programs at other sites. Because our districts had duplicate programs at our sites in violation of Perkins Consortium rules we were directed by CDE staff to take advantage of the waiver option offered in the Perkins program.

4. Demographic Information:  (District/school/program) has a student population of _1,714__ and is located in a _small rural district _ in Lake County.

   District or County Certification – I hereby certify that the information provided on this application is correct.

Signature of Superintendent or Designee:  Title:  Superintendent  Date:  May 9th, 2012

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:
## General Waiver

### SUBJECT
Request by three local educational agencies to waive *California Code of Regulations, Title 5, Section 3051.16(b)(3)*, the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow three educational interpreters to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: Lindsay Unified School District 12-7-2012  
San Luis Obispo County Office of Education 25-7-2012  
Stanislaus County Office of Education 39-7-2012

### RECOMMENDATION

- Approval with conditions

The California Department of Education (CDE) recommends approval of the waiver requests for these three interpreters, with the individual conditions noted in the attached spreadsheet.

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

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the national RID, or equivalent, or to have achieved a score of 4.0 on specified assessments.

### SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are deaf or hard of hearing meet state-approved or state-recognized certification, licensing, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations, Title 5 (5 CCR), Section 3051.16(b)(3)* require the following:
By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California Education Code (EC) 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE website at http://www.cde.ca.gov/re/lr/wr/hottopics.asp#Educational.

Authority for Waiver: EC Section 33050

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waivers, Numbers, Interpreters, SBE Streamlined Waiver Policy, Period of Request, Local Board Approval, Date of Public Hearing, and New or Renewal (1 page)

Attachment 2: List of Waiver Numbers, Districts, Collective Bargaining Unit Information, Public Hearing Requirement, and Advisory Committee Information (1 page)

Attachment 3: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 4: List of Waiver Conditions (3 pages)

Attachment 5: Lindsay Unified School District General Waiver Request 12-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 6: San Luis Obispo County Office of Education General Waiver Request 25-7-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Stanislaus County Office of Education General Waiver Request 39-7-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>SBE Streamlined Waiver Policy</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Date of Public Hearing</th>
<th>New or Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td><strong>Period Recommended:</strong> August 1, 2012, to June 30, 2013 (from CDE)</td>
<td></td>
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</tr>
<tr>
<td>25-7-2012</td>
<td>San Luis Obispo County Office of Education</td>
<td>Caitlin Bresnahan</td>
<td>No</td>
<td><strong>Period of Request:</strong> August 13, 2012, to June 30, 2013 (from LEA)</td>
<td>August 16, 2012</td>
<td>August 16, 2012</td>
<td>New</td>
</tr>
<tr>
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<td></td>
<td><strong>Period Recommended:</strong> August 13, 2012, to June 30, 2013 (from CDE)</td>
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<tr>
<td>39-7-2012</td>
<td>Stanislaus County Office of Education</td>
<td>Jill Brown</td>
<td>No</td>
<td><strong>Period of Request:</strong> August 1, 2012, to July 1, 2013 (from LEA)</td>
<td>August 14, 2012</td>
<td>August 14, 2012</td>
<td>New</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td><strong>Period Recommended:</strong> August 1, 2012, to June 30, 2013 (from CDE)</td>
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</tbody>
</table>

Created by the California Department of Education
September 17, 2012
List of Waiver Numbers, Districts, Collective Bargaining Unit Information, Public Hearing Requirement, and Advisory Committee Information

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Date Bargaining Unit Consulted</th>
<th>Name of Bargaining Unit and Representative</th>
<th>Bargaining Unit Position</th>
<th>Public Hearing Requirement</th>
<th>Advisory Committee Consulted</th>
<th>Date Committee Reviewed Request</th>
<th>Were there any objections?</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-7-2012</td>
<td>Lindsay Unified School District</td>
<td>May 29, 2012</td>
<td>California School Employees Association Freddy Martinez, President</td>
<td>Support</td>
<td>Notice posted at each school</td>
<td>Kennedy Elementary School Site Council</td>
<td>June 26, 2012</td>
<td>No</td>
</tr>
<tr>
<td>25-7-2012</td>
<td>San Luis Obispo County Office of Education</td>
<td>July 26, 2012</td>
<td>California School Employees Association Gill LaChance, President Matt Gentile, Union Representative</td>
<td>Support</td>
<td>Notice in a newspaper</td>
<td>Personnel Commission</td>
<td>August 10, 2012</td>
<td>No</td>
</tr>
</tbody>
</table>
# List of Waiver Numbers, Districts, and Information Regarding Each Waiver

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>Name, Date, and Score of Most Recent Evaluation</th>
<th>Name, Dates, and Scores of Previous Evaluations</th>
<th>Date of Hire</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-7-2012</td>
<td>San Luis Obispo COE</td>
<td>Caitlin Bresnahan</td>
<td>EIPA 9/16/2011 3.3</td>
<td>NA</td>
<td>8/13/2012</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EIPA 7/16/2012 Scores Pending</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39-7-2012</td>
<td>Stanislaus County Office of Education</td>
<td>Jill Brown</td>
<td>EIPA Pre-Hire Screen 5/31/2012 “OK to Hire/Hire with Caution”</td>
<td>NA</td>
<td>8/13/2012</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EIPA 4/28/2012 Scores Pending</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Created by the California Department of Education
September 17, 2012
**September 2012 Educational Interpreter Conditions**

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-7-2012</td>
<td>Lindsay USD</td>
<td>Nicholas Cervantes</td>
<td>1. The Lindsay USD must provide Mr. Cervantes with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. By January 30, 2013, the Lindsay USD must provide CDE with evidence that the mentor interpreter has met the regulatory qualification standards.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>3. By January 2013, Mr. Cervantes must be registered to retake the receptive portion of the ESSE. The Lindsay USD must notify CDE as soon as Mr. Cervantes is registered to take the assessment.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>4. By June 2013, the Lindsay USD must provide CDE with new ESSE receptive skills assessment scores for Mr. Cervantes.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>5. Mr. Cervantes must demonstrate growth on the assessment in order to be considered a candidate for an educational interpreter waiver for the 2013-14 school year.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. The CDE will make two site visits during the 2012-13 school year, to observe Mr. Cervantes in his daily work.</td>
</tr>
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<td>7. Mr. Cervantes, the site principal, the Lindsay USD Special Education Director, and the mentor interpreter will participate in CDE provided staff development on the role of the educational interpreter. The staff development will include training on the Registry of Interpreters Code of Professional</td>
</tr>
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Conduct. Other staff members, including other educational interpreters, may be invited to the training.

8. The Lindsay USD must attest, in writing, understanding that educational interpreters may not be hired without assessment scores demonstrating their current level of skill.

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<th>Date</th>
<th>Department</th>
<th>Name</th>
<th>Requirements</th>
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| 25-7-2012  | San Luis Obispo COE     | Caitlin Bresnahan  | 1. The San Luis Obispo COE must provide Ms. Bresnahan with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.  
2. By June 2013, the San Luis Obispo COE must provide CDE with new assessment scores for Ms. Bresnahan. The scores must be from one of the assessments named in 5 CCR 3051.16.  
3. Ms. Bresnahan must demonstrate growth on the assessment in order to be considered a candidate for an educational interpreter waiver for the 2013-14 school year. |
| 39-7-2012 | Stanislaus COE | Jill Brown | 1. The Stanislaus COE must provide Ms. Brown with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.  
2. By June 2013, the Stanislaus COE must provide CDE with new assessment scores for Ms. Brown. The scores must be from one of the assessments named in 5 CCR 3051.16.  
3. Ms. Brown must demonstrate growth on the assessment in order to be considered a candidate for an educational interpreter waiver for the 2013-14 school year. |

Created by the California Department of Education  
September 17, 2012
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER  
GW-1 (Rev. 1-8-10)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver: _X__  
Renewal Waiver: ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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Local educational agency:  
Lindsay Unified School District

Contact name and Title:  
Suzzane Terrill

Contact person’s e-mail address: sterrill@lindsay.k12.ca.us

Address:  
371 E. Hermosa  
Lindsay  
CA  
93247

Period of request: (month/day/year)  
From: 8/1/12  
To: 6/30/13

Local board approval date: (Required)  
7/23/12

Date of public hearing: (Required)  
7/23/12

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section to be waived:  
5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities

Topic of the waiver: Educational Interpreter not Meeting State and Federal Qualifications

Name of Interpreter: Nicholas Cervantes

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   ____  and date of SBE Approval_____  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X__ Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
May 23, 2012

Name of bargaining unit and representative(s) consulted:  
CA School Employees Association, Freddy Martinez, President

The position(s) of the bargaining unit(s):  
__ Neutral _X_ Support __ Oppose (Please specify why)

Comments (if appropriate):  

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
___ Notice in a newspaper  _X__ Notice posted at each school  ____ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Kennedy Elementary School Site Council

Date the committee/council reviewed the waiver request: 6/26/12

Were there any objection(s)? No _X__ Yes ____ (If there were objections please specify)
EDUCATIONAL INTERPRETER

6. **Education Code or California Code of Regulations** section to be waived: *(Strike-out below indicates the exact language being waived.)*

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment.** If providing Cued Language transliteration, a transliterator shall possess **TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.**

7. Required Attachments:

1. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI) **ESSE in March 2012, with 4.0 on expressive skill and 3.4 on receptive skill**

2. Copy of the latest Test Certification page: **Attached**

3. Name, dates and scores of previous assessments **Pre-hire screening offered by Boys Town National Research Hospital, 6/29/11, Overall Recommendation: Hire with caution/supervision, Full EIPA Assessment within 1 year of employment/ Not recommended for employment**

4. Date of hire **May 10, 2011**

5. A Remediation Plan, specific to that interpreter, including the LEA’s plans help the interpreter to achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands (s)he might not be able to stay in their job is certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration

8. **Demographic Information:** *(District/school/program) *has a student population of __4,103________ and is located in a _small town _(urban, rural, or small city etc.)__ in __Tulare___ County.

**District or County Certification – I hereby certify that the information provided on this application is correct and complete.**

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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EDUCATIONAL INTERPRETER
Certification Remediation Plan (2012-13)
Effective July 1, 2009 as required by CA Code of Regulations, Sections 3051.16(b)(3) and 3065, an educational interpreter shall be certified by the national RID; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ES SEI/R, or the NAD/ACCI assessment.

If an educational interpreter has not met the standard, the district may apply for a one year waiver on their behalf. As a condition for waiver approval, a remediation plan must be in place and evidence must be submitted to prove that the educational interpreter is making satisfactory progress towards meeting certification requirements.

I understand that I do not meet the standard for educational interpreters as outlined above and in order to become a certified educational interpreter, I must meet one of the following options:

(Check assessment you plan on taking.)
☐ RID National Certification
Score 4.0 or above on one of the following assessments:
☐ EIPA      ☒ ESSE-I/R      ☐ NAD/ACCI

Actions I will take to complete the above requirements:
(Describe your plan)
☒ Take on-line opportunities for Interpreter Trainings: Central Coast Sign Language Interpreters
   Date(s): Unknown at this time, TBD
☒ Take the test preparation interpreter course offered by Cypress College or other accredited college on:
   Date(s): Fall 2012/Spring 2013 Semesters
☒ Participate in district sponsored staff development for interpreter test preparation led by the certified lead educational interpreter and supervised by the Director of Special Education.
   Date(s): Each Wednesday during district-wide staff development time.
☒ Participate in monthly meetings with the Director of Special Education and Principal to review educational interpreter effectiveness and improvement of educational interpreter skills.
   Date(s): Unknown at this time, TBD with Principal
☒ Participate in supplemental educational interpreter training workshops as directed by the Director of Special Education.
   Date(s): Unknown at this time, TBD
☒ Meet with mentor for individualized coaching on a weekly basis:
   Mentor: Linda Sanders, Certified Educational Interpreter
☒ Use/work with resources offered at Tulare County Office of Education/Deaf and Hard of Hearing Service Center:
   Date(s): Fall 2012/Spring 2013 Semesters
☒ Take the ESSE-I/R assessment before the last day of school as sponsored by Tulare County Office of Education on:
   Date: Unknown at this time, TBD

I further understand that the Director of Special Education and I will discuss my Certification Remediation Plan regularly to ensure that I am actively working toward the required interpreter certification.

Employee (Print Name) ___________________________  Signature ___________________________  Date ____________
Administrator (Print Name) ___________________________  Signature ___________________________  Date ____________

Administrator Title ___________________________

**Return a copy of this document to the Human Resources Department**

10/29/2012 1:40 PM
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER

GW-1 (Rev. 1-8-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
San Luis Obispo County Office of Education

Contact name and Title:
Cynthia Mauch, HR Specialist

Contact person’s e-mail address:
cmauch@slocoe.org

4 0 1 0 4 0 5

CD CODE

Address: 3350 Education Drive  (City) San Luis Obispo  (State) CA  (ZIP) 93405

Phone (and extension, if necessary): 805-782-7221
Fax Number: 805-541-1105

Period of request: (month/day/year) From: 8/13/12 To: 6/30/13

Local board approval date: (Required) 8/16/12
Date of public hearing: (Required) 8/16/12

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section to be waived: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities

Topic of the waiver: Educational Interpreter not Meeting State and Federal Qualifications

Name of Interpreter: __Caitlin Bresnahan__________________________

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X__ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 7/26/12

Name of bargaining unit and representative(s) consulted: Gill LaChance, CSEA President. Matt Gentile, CSEA Union Representative

The position(s) of the bargaining unit(s): __ Neutral _X__ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_ X__ Notice in a newspaper ___ Notice posted at each school ___ Other: (Please specify)

5 Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Personnel Commission
Date the committee/council reviewed the waiver request: 8/10/12

Were there any objection(s)? No _X__ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived: *(Strike-out below indicates the exact language being waived.)*

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment**. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a **score of 4.0 or above on the EIPA—Cued Speech**.

### Required Attachments:

6. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI) **EIPA Assessment attached**

7. Copy of the latest Test Certification page **EIPA Assessment attached**

8. Name, dates and scores of previous assessments **EIPA Assessment attached**

9. Date of hire **Cover letter attached**

10. A Remediation Plan, specific to that interpreter, including the LEA’s plans help the interpreter to achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands (s)he might not be able to stay in their job is certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration. **Remediation Plan attached**

8. Demographic Information:

   (District/school/program) **San Luis Obispo County Office of Education** has a student population of **132** and is located in a **rural** (urban, rural, or small city etc.) in **San Luis Obispo** County.

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: 
Title: 
Date: 

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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REMEDIATION PLAN FOR CAITLYNN BRESNAHAN
August 3, 2012

Caitlin Bresnahan reported that she re-took the certified interpreter examination on July 14, 2012, and she indicated that she anticipates the report of the results within two to three months (somewhere between September and October 14th, 2012). Her proposed assignment is at Santa Margarita Elementary School in a kindergarten to second grade special day class.

In this assignment, she will have access to Abby Kopp, a Certified Interpreter for the Deaf. Abby will consult with Caitlin for up to one hour per week to mentor and help her continue to improve her sign language skills. In addition, Caitlin and Abby will work together as colleagues to support students during student lunchtimes, breaks, and special events, and Abby will provide feedback to Caitlin about her performance as an interpreter during these times.

By signing below, Caitlin understands that if she fails to pass the required interpreter examination or if a waiver is not granted, she may not be able to continue in the position.

Signed,

______________________________________
Chris Ungar (Executive Director, Special Education)

_______________________________________
Caitlin Bresnahan

_______________________________________
Gill LaChance (CSEA President)
**GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER**

**GW-1 (Rev. 1-8-10) [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)**

First Time Waiver: _X_

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

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<th>Contact person’s e-mail address:</th>
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<tr>
<td>Stanislaus County Office of Education</td>
<td>Barbara Tanner</td>
<td><a href="mailto:btanner@stancoe.org">btanner@stancoe.org</a></td>
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<th>(ZIP)</th>
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<td>95354</td>
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<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
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<td>From: 8/1/2012</td>
<td>To: 7/1/2013</td>
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**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section to be waived: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities

**Topic of the waiver:** Educational Interpreter not Meeting State and Federal Qualifications

**Name of Interpreter:** Jill Brown

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 7-9-2012

   Name of bargaining unit and representative(s) consulted: CSEA Chapter #668- Terri Stone, Para Professional Rep.

   The position(s) of the bargaining unit(s): __ Neutral  _X Support ___ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised? Postings at JFKennedy School, County Library and County Office of Education

   ___ Notice in a newspaper ____ Notice posted at each school _X__ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   PAC Committee

   Date the committee/council reviewed the waiver request: 8-23-12

   Were there any objection(s)? No _X Yes ___ (If there were objections please specify)
8. *Education Code or California Code of Regulations* section to be waived: (**Strike-out** below indicates the exact language being waived.)

EC 3051.16. Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment.** If providing Cued Language transliteration, a transliterator shall possess **TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.**

7. Required Attachments:

   11. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI)  
      EIPA Pre-Hire Screening  May 31, 2012, Okay to hire/Hire with caution and supervision

12. Copy of the latest Test Certification page

13. Name, dates and scores of previous assessments

14. Date of hire

15. A Remediation Plan, specific to that interpreter, including the LEA’s plans help the interpreter to achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands (s)he might not be able to stay in their job is certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration.

8. Demographic Information:
   The DHH program has a student population of 30 and is located in a rural area in Stanislaus County.

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

| Signature of Superintendent or Designee: Barbara Tanner | Title: Division Director, Human Resources | Date: 8-28-12 |

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July 9, 2012

To: California Department of Education
From: Stanislaus County Office of Education
Re: Sign Language Interpreter Waiver
Attn: Nancy Sager

Staff: Jill Brown
Phone Number: 209-541-2320

Jill Brown has been working as a certified Deaf and Hard of Hearing Teacher for the past two years. Through changes in the DHH program, Jill was laid off. With her advanced skill set in sign language, she took the EIPA to qualify for the open interpreter position we have posted.

List of assessments/results to date:

- April 28, 2012  EIPA Performance Assessment
- May 12, 2012  EIPA Written Assessment
- May 31, 2012  EIPA Pre-Hire Screening

The pre-hire screening indicates an overall recommendation of Okay to hire/Hire with caution and supervision. The remainder of the test results have not been received.

Remediation Plan for Interpreter/Tutors for Certification by 6/30/2013:

1. Register for and take a certification test within the 2012-2013 school year.
2. Meet with other interpreters to practice receptive and expressive skills.
3. Use materials provided by SCOE (video tapes, books, internet) to practice in groups or individually.
4. Attend deaf events to help practice skills in authentic deaf cultural situations (socials, bingo, church, etc.).
5. Attend interpreter workshops and trainings as appropriate.

Employee __________________________________________ Date ____________

Bargaining Representative ___________________________ Date ____________
ITEM W-04
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

Specific Waiver

SUBJECT

Request by Los Angeles Unified School District, under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Noelle Taniguchi is assigned to Crenshaw Arts Tech Charter School.

Waiver Number: 152-2-2012

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: the district must provide instructional aide time of at least five hours daily whenever the resource specialist’s caseload exceeds the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per California Code of Regulations, Title 5 (5 CCR), Section 3100(d)(2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California Education Code (EC) Section 56101 allows the State Board of Education (SBE) to waive any provision of EC or regulation if the waiver is necessary or beneficial when implementing a student individualized education program (IEP). California Code of Regulations, Title 5, specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1) The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.
2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their individualized education programs.

4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.

5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

**SUMMARY OF KEY ISSUES**

A resource specialist is a credentialed teacher who provides instruction and services to children with IEPs that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for each district requesting a caseload waiver is examined. If it appears that a particular local educational agency is requesting large numbers of waivers, or upon complaint from an individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up.

This waiver request meets the requirements of 5 CCR 3100(d):

1) The excess resource specialist caseload results from extraordinary fiscal conditions during the 2011–12 school year. Funds for one resource specialist were budgeted; however, State budget cuts and revenue deferrals prevented the hiring of a second resource specialist during the period in question. On August 1, 2012, an additional resource specialist was hired for the 2012–13 school year, and this alleviates the need for a caseload waiver beyond the requested time period.
2) The affected resource specialist had the assistance of an instructional aide eight hours per day, Monday through Friday during the waiver's effective period.

3) The resource specialist and the designated administrator confirmed that the students served by the resource specialist received all of the services called for in their individualized education programs.

4) The waiver was agreed to by the affected resource specialist, who does not belong to an employee bargaining unit.

5) The resource specialist confirmed that the excess caseload was reasonably managed by her with respect to (A) pupil contact time and other assigned duties, and (B) the programmatic conditions faced by the resource specialist.

The Department recommends waiver approval. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students.

**Demographic Information:** Los Angeles Unified School District has a student population of 659,639 and is located in the city of Los Angeles in Los Angeles County.

**Authority for Waiver:** EC Section 56362(c), 5 CCR 3100

**Period of request:** February 8, 2012 to June 23, 2012

**Period recommended:** February 8, 2012 to June 23, 2012

**Local board approval date(s):** February 8, 2012

**Bargaining unit(s) consulted on date(s):** The affected resource specialist does not belong to an employee union.

**Name of bargaining unit/representative(s) consulted:** The affected resource specialist does not belong to an employee union.

**Position of bargaining unit(s) (choose only one):**

☐ Neutral ☐ Support ☐ Oppose

The affected resource specialist does not belong to an employee union.

Comments (if appropriate):

**Advisory committee consulted:** Kenneth Stewart, President of the Crenshaw Arts Tech Charter School Parent Council, stated that the Council approved the waiver request at its meeting of January 20, 2012.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date consulted:** August 9, 2012
FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Los Angeles Unified School–Crenshaw Arts Tech Charter School;
Specific Waiver Request for Resource Specialist Caseload (5 Pages)
(Original waiver request is signed and on file in the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD

SW-RSC (Rev. 6-23-2010)  http://www.cde.ca.gov/re/lr/wr/

Send original plus one copy to:
Send electronic copy in Word and
Waiver Office, California Department of Education
back-up material to:
waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles Unified School District</td>
<td>Patricia Smith Executive Director</td>
<td><a href="mailto:Catchcharter@sbcglobal.net">Catchcharter@sbcglobal.net</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>Zip:</th>
<th>Phone (and extension, if necessary):</th>
<th>Fax number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4120 11th Ave</td>
<td>Los Angeles</td>
<td>90008</td>
<td>(323) 293-3917 EXT 206</td>
<td>(323) 778-7712</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Period of request: (month/day/year)</th>
<th>Date approved by district board or COE board, SELPA, or other public education agency as defined by EC Section 56500.</th>
</tr>
</thead>
</table>

**LEGAL CRITERIA**

1. Authority for the waiver:

   *Education Code (EC) Section 56101, and California Code of Regulations (CCR), Title 5, Section 3100, resource specialist caseload waiver:* "A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in EC Section 56362(c), only if the waiver is necessary or beneficial to either; (1) to the content and implementation of a pupil’s individualized educational plan (IEP) and does not abrogate any right provided individuals with exceptional needs by specified federal law or; (2) to the agency’s compliance with specified federal law.”  

2. *Education Code Section to be waived: EC 56362 (c):* No resource specialist shall have a caseload that exceeds 28 students.  

Note: the waiver request may be up to but no more than 4 students above the statutory caseload (32 students maximum).
3. Requesting a caseload waiver for: ____1__ (number) of resource specialists.

Please use separate SW-RSC form for Resource Specialist (RS) teachers who agree with the waiver request, and those who disagree with the waiver request.

<table>
<thead>
<tr>
<th>Resource specialist(s) name:</th>
<th>Assigned school and mailing address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Noelle Taniguchi</td>
<td>Crenshaw Arts Tech Charter School</td>
</tr>
<tr>
<td>4120 11th Ave Los Angeles, CA 90008</td>
<td></td>
</tr>
<tr>
<td>2. ________________________</td>
<td>at</td>
</tr>
<tr>
<td>3. ________________________</td>
<td>at</td>
</tr>
<tr>
<td>4. ________________________</td>
<td>at</td>
</tr>
</tbody>
</table>

Please add list of additional teacher names and schools/district as needed.

**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**

SW-RSC (Rev. 6-23-2010)

Per CCR, Title 5, Section 3100(d)(4) participation of the resource specialist teacher’s bargaining unit is required in the waiver development.

Does (do) the resource specialist(s) belong to an employee bargaining unit(s)? _X__ No ___ Yes

If yes, please complete required information below:

- Date(s) the bargaining unit(s) participated in the waiver development:
- Name of bargaining unit and name of representative(s) consulted:
- Telephone contact for bargaining representative:
- The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (Please provide comments)
- Comments (if appropriate):

Note: For each resource specialist attached page 3 of 4 SW-RSC waiver request to be completed by the Administrator and page 4 of 4 SW-RSC waiver request to be completed by the Resource Specialist.

**Certification** - I hereby certify that the information provided on this application is correct and complete. I also certify this waiver request will never result in the same resource specialist having a caseload in excess of the statutory maximum for more than two years and that this waiver request will result in the resource specialist(s) above having the assistance of an instructional aide at least 5 hours daily.

Signature of Superintendent or Designee: OR  
Dr. John Deasy  
Title: Superintendent  
Date: 2/20/2012
Note: If this waiver request comes from a SELPA Director, a vote by the district of COE governing board is not necessary. Please put the date of SELPA approval in the approval box on the first page of this waiver. This will speed processing.

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Is there a Complaint or Compliance issue regarding Resource Specialist for the LEA? Yes ___ No ___

Staff (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: ___________________________

SW-RSC (Rev. 6-23-2010)

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

<table>
<thead>
<tr>
<th>1. SELPA/District/COE Name: Los Angeles Unified School District</th>
<th>2. Name of Resource Specialist*: Noelle Taniguchi</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Number of students: (caseload) proposed _<strong>31</strong> students</td>
<td>6. Full time Equivalent (FTE): 75% Caseload Manager 25% RSP Teacher (In class)</td>
</tr>
<tr>
<td>7. Number of periods or hours taught by Resource Specialist: _<strong>2</strong> periods ___ hours</td>
<td>8. Average number of students per hour taught: 9</td>
</tr>
</tbody>
</table>

8. Indicate amount of Instructional Aide Time _o__ (hours) to be provided to this resource specialist with this waiver. Aide works full-time (8 hrs Monday-Friday) Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100 (d)(2):

9. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

The waiver will not hinder the implementation of a student’s individualized educational program for all student’s involved with the waiver. Crenshaw Arts Tech Charter High will meet the needs of all students with special needs and implement their IEP regardless of the waiver.
10. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

Crenshaw Arts Tech Charter High (C.A.T.C.H.) is an independent charter high school serving approximately 280 students. For the 2011-2012 school year budget, based on 280 students, funds for one Resource Specialist Teacher were calculated and justified. Due to state budget cuts and revenue deferrals, C.A.T.C.H. cannot allocate additional funds for the hiring of a second resource specialist at this time.

11. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

The plan of action to resolve conditions by the time the waiver expires or is denied, will be to: (1) ensure that all students with IEP’s are serviced, (2) monitor current special education costs on a monthly basis, (3) re-evaluate the current special education budget revenues and expenses, (4) allocate additional funds to cover unexpected special education enrollment increases for the upcoming school year.

Certification – I hereby certify that the information provided on this application is correct and complete.

Administrator/Designee Name (Type or print):
Patricia Smith  
Title: Executive Director

Authorized/Designee Signature:  
Date: 12/13/2011

Telephone number (and extension):  
Fax Number:

*Resource Specialist as defined in EC Section 56362.5
SW-RSC (Rev. 6-23-2010)

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name:  
Assigned at:

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   YES __X__  NO ___  If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.
   I will meet all of my students needs on my caseload and assure that all students will receive all of the services called for in their IEP’s. Such services and instruction will be provided by myself (RSP Teacher), general education teachers, DIS Counselor, Speech and Language Pathologist, and Physical Therapist. I follow a set schedule that incorporates the number of RSP students, areas of needs, grade level of students, and timing of other support services.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.
   Yes, I will reasonably manage my caseload in relation to my student contact time and other assigned duties with the assistance of my full-time paraprofessional. I have a set schedule of IEP’s that are scheduled throughout the entire school year and a set daily schedule that allocates time for instruction and services as stated in the students’ IEP.
4. **EC Section 56362(c)** states that no resource specialist shall have a caseload which exceeds 28 students, per **CCR, Title 5, Section 3100 Regulations** allow your agency to request a waiver of the **EC**, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box.

- **X** AGREE – to the increase in my student caseload from 28 students to not more than 32 students.
- ____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:

- **X** I did not have a student caseload of more than 28 during the last school year.
- ____ I did have a student caseload of more than 28 during the last school year.
  
  If yes, please respond below:
  
  (a) Did you have an approved waiver for this caseload?
  
  (b) Specify which months/weeks you were over caseload: ___ to ___
  
  (c) Other pertinent information?
  
  — I have had a student caseload of **more than 28** for **MORE than Two consecutive years**.

<table>
<thead>
<tr>
<th>Resource Specialist Signature: Noelle Taniguchi</th>
<th>Date Signed: 12/13/2011</th>
<th>Telephone/extension: (323) 293-3917 EXT 206</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Fax Number:</td>
</tr>
</tbody>
</table>
ITEM W-05
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

☐ General Waiver

SUBJECT
Request by Perris Elementary School District to waive the State Testing Apportionment Report and Certification deadline of December 31 in the California Code of Regulations, Title 5, Section 862(c)(2)(A), for the Standardized Testing and Reporting Program.

Waiver Number: 6-7-2012

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all waiver requests since the deadline for submission of the State Testing Apportionment Information Reports was added to the California Code of Regulations (CCR), and the SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline (available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc).

SUMMARY OF KEY ISSUES

Regulations for the State Testing Apportionment Information Report, amended in 2005, include an annual deadline of December 31 for the return of the Apportionment Information Report for prior year testing for the California English Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), and the Standardized Testing and Reporting (STAR) Program. The California Department of Education (CDE) sent letters in September 2005 announcing the new deadline in regulations to every local educational agency (LEA). This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The LEA filing for this waiver request missed the 2010-11 fiscal year deadline for requesting reimbursement due to personnel changes and misfiled documents. Staff verified that this LEA needed the waiver and had submitted its report after the deadline.

The LEA now understands that it must submit its reports to the Assessment Development and Administration Division by the deadline for reimbursement. Therefore, the CDE recommends the approval of this waiver request as required by regulation prior to final reimbursement.
Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Authority for Waiver: EC Section 33050

Period of request: October 1, 2011, to June 30, 2012
Period recommended: December 31, 2011, to November 8, 2012

Local board approval date(s): June 21, 2012

Public hearing held on date(s): June 21, 2012

Bargaining unit(s) consulted on date(s): June 13, 2012

Name of bargaining unit/representative(s) consulted: Francine Perry, Bargaining Unit President

Position of bargaining unit(s) (choose only one):
- [ ] Neutral
- [x] Support
- [ ] Oppose

Public hearing advertised by (choose one or more):
- [x] posting in a newspaper
- [x] posting at each school
- [x] Web site, district office, library, or board agenda

Objections raised (choose one): [x] None
- [ ] Objections are as follows:

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, this LEA will be reimbursed for the costs of the STAR for the 2010–11 school year. Total costs are indicated on Attachment 1.

ATTACHMENT(S)

Attachment 1: Local Educational Agency Requesting Waiver of State Testing Apportionment Information Report Deadline - November 2012 (1 Page)

Attachment 2: Perris Elementary School District Waiver Request 6-7-2012 (1 Page) (Original waiver request is signed and on file at the Waiver Office)
<table>
<thead>
<tr>
<th>Local Educational Agency</th>
<th>Waiver Number</th>
<th>Period of Request</th>
<th>Test Report Missing</th>
<th>Report Submitted</th>
<th>Fiscal Year</th>
<th>Reimbursement Amount</th>
<th>Union Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perris Elementary School District</td>
<td>6-7-2012</td>
<td>Requested 10-1-2011 to 6-30-2012</td>
<td>Standardized Testing and Reporting</td>
<td>Yes</td>
<td>2010-11</td>
<td>$10,048.56</td>
<td>Support</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recommended 12-31-2011 to 11-8-2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STATE TESTING
APPORTIONMENT INFORMATION
REPORT WAIVER

6-7-2012

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
AIRW (10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Send original plus one copy to: Send electronic copy in
Waiver Office, California Department of Education back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency: Perris Elementary School District
Contact name and recipient of approval/denial notice: Jean Marie Fréy
Contact person’s e-mail address: frey@perris.k12.ca.us

Address: 143 E. First St. (City) Perris (ZIP) 92570
Phone (and extension, if necessary): (951) 657-3118
Fax number: (951) 940-5115

Period of request: From October 1, 2011 to June 30, 2012
Local board approval date: (Required) June 21, 2012
Date of public hearing: (Required) June 21, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the California Code of Regulations (CCR) section(s) to be waived (check one): X STAR – CCR, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   ___ CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
   ___ CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No X Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.
   Bargaining unit(s) consulted on date(s): June 13, 2012
   Name of bargaining unit and representative(s) consulted: Francine Perry, Bargaining Unit President
   The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (Please specify why)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
   How was the required public hearing advertised?
   ___ Notice in a newspaper X Notice posted at each school X Other: District Office

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). Both the district superintendent and the assistant superintendent of educational services (district STAR Coordinator) retired 6/30/11. The apportionment notification from CDE was never passed on to the new people holding those positions during the transition period.

5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. CDE has been notified of the change in personnel to ensure future notifications are received by the people currently holding those positions. Completion of the report has been added to a yearly calendar of month by month duties/responsibilities to be completed by the assistant superintendent of educational services.

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Date:
Title: Superintendent

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Deputy (type or print): Deputy Signature: Date:

Revised: 10/29/2012 1:40 PM
ITEM W-06
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

General Waiver

SUBJECT
Request by Covina-Valley Unified School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5, Section 4701, to remove Manzanita Elementary School from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

Waiver Number: 9-7-2012

RECOMMENDATION

☐ Approval ☑ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of one waiver request for a school on the 2012-13 Open Enrollment list (Attachment 2) that meets the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). This waiver is recommended for approval on the condition that the local educational agency (LEA) granted this waiver must honor any transfer requests pursuant to the Open Enrollment Act. Granting this waiver would allow the school to have their name removed from the 2012–13 Open Enrollment List as requested. This waiver does not affect the standing of any other school, as this waiver is specific to the individual school named in the attached waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the fourth time the SBE has heard a request from an LEA that meets the SBE streamlined waiver criteria to be removed from the 2012-13 Open Enrollment list. The SBE approved the streamlined waiver requests presented at the July 2012 meeting.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a “low-achieving” school can have a significant educational, economic, and political impact on the school community. The label of “low-achieving” does not take
into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is “low-achieving” may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: Los Angeles County

Authority for Waiver: EC Section 33050

Period of recommendation: July 1, 2012 to June 30, 2013

Local board approval date(s): July 16, 2012

Public hearing held on date(s): July 16, 2012

Bargaining unit(s) consulted on date(s): California School Employees Association consulted on 02/10/2012, Covina Unified Education Association consulted on 03/06/2012.

Public hearing advertised by (choose one or more): Notice posted at each school, district office and public library.

Advisory committee(s) consulted: Manzanita School Site Council

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Chart of School Requesting a General Waiver from the 2012-13 Open Enrollment List (1 page).

Attachment 2: Covina Valley Unified School District General Waiver Request 9-7-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office).
<table>
<thead>
<tr>
<th>Waiver #</th>
<th>County District School</th>
<th>2011 District Growth API</th>
<th>2011 School API Growth*</th>
<th>2011 API Target Met?</th>
<th>Met API Growth Targets (3 of last 5 yrs)</th>
<th>Meets SBE Waiver Policy (Yes/No)</th>
<th>Decile, Similar Schools Rank</th>
<th>Current PI Status</th>
<th>Position of Bargaining Unit/Date Consulted</th>
<th>Period of Request</th>
<th>Recommend for Approval (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-7-2012</td>
<td>Los Angeles Covina-Valley Unified Manzanita Elementary</td>
<td>789</td>
<td>Schoolwide 757</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>3, 2</td>
<td>Year 2</td>
<td>Support 02/10/2012 and 03/06/2012</td>
<td>Requested: Oct. 1, 2012 to Sept. 30, 2013</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Only student groups that are numerically significant are included in this column.

SED – Socioeconomically Disadvantaged
EL – English learner

Prepared by the California Department of Education
Revised: 08/22/2012 8:53 AM
**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

<table>
<thead>
<tr>
<th>CD CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 9 6 4 4 3 6</td>
</tr>
</tbody>
</table>

First Time Waiver: ___  
Renewal Waiver:   _X_

Send Electronic copy in Word and 
back-up material to: waiver@cde.ca.gov

---

**Local educational agency:**  
Covina Valley Unified School District on behalf of  
Manzanita Elementary School

| Address: 519 E. Badillo Street, Covina, CA 91723 |
| (City) | (State) | (ZIP) |

| Period of request: (month/day/year) | Local board approval date: (Required) | Date of public hearing: (Required) |
| From: 10/1/2012 | To: 9/30/2013 | July 16, 2012 | July 16, 2012 |

**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 48352(a)  
Circle One: EC or CCR

Topic of the waiver: Inclusion on list of low performing schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 1964436 and date of SBE Approval 9/8/2011  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _No_ _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): California School Employees Association 2/10/12, Covina Unified Education Association 3/6/12  
Name of bargaining unit and representative(s) consulted: Shannon Medrano, President/California School Employees Association, Adam Hampton, President /Covina Unified Education Association  
The position(s) of the bargaining unit(s): _Neutral_ _X_ Support _Oppose_ (Please specify why)

Comments (if appropriate): Both employee bargaining units strongly support the waiver request.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper  _X_ Notice posted at each school  X Other: (Please specify) District Website, Public Library

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Manzanita School Site Council  
Date the committee/council reviewed the waiver request: June 29, 2012  
Were there any objection(s)? _No_ _X_ Yes ___ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following: (1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year. (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following: (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list. (C) Charter schools shall not be included on the list.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Covina-Valley Unified School District is requesting the removal of Manzanita Elementary from the 2012-13 Open Enrollment - Low Achieving Schools List. The inclusion of Manzanita Elementary School on this list is inappropriate because Manzanita is not a low achieving school. Manzanita Elementary continues to improve their Academic Performance Index (API) with a gain of 98 points since 2006. This past school year, Manzanita Elementary School's API increased 13 points, and is currently 757, very close to the statewide target of 800 for a high achieving school. In addition, to the school-wide academic growth with an increase of 22 API points and the socio-economically disadvantaged subgroup of students increased 18 API points.

8. **Demographic Information:** Manzanita Elementary has a student population of 329 students and is located in a suburb in Los Angeles County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: Title: Superintendent Date: June 29, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<th>Staff Name (type or print):</th>
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<td>Unit Manager (type or print):</td>
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<td>Division Director (type or print):</td>
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<td>Deputy (type or print):</td>
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<td>Date:</td>
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California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM W-07
California Department of Education
Executive Office
SBE-005 General (REV. 08/2011)

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

☐ General Waiver

SUBJECT

Request by four districts, under the authority of California Education Code Section 33050, to waive portions of California Education Code sections 48660 and 48916.1(d) relating to the allowable grade spans for community day schools and/or California Education Code Section 48661 relating to the colocation of a community day school with other types of schools.

Waiver Numbers: Barstow Unified School District 10-7-2012
Milpitas Unified School District 8-7-2012
Palo Verde Unified School District 29-5-2012
Tehama County Office of Education 19-7-2012

☐ Action
☐ Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval that the colocation limitations for the following community day schools (CDS) be waived subject to the conditions stated in the findings below:

1. The Barstow Unified School District (USD) is requesting a renewal waiver (Waiver Number 10-7-2012) to permit the colocation of School of Opportunity, a CDS, on the same site as Central High School, a continuation high school, upon a two-thirds vote of the local board. They have had no negative interactions in the past year.

2. The Milpitas USD is requesting a waiver (Waiver Number 8-7-2012) to permit the colocation of Milpitas CDS, on the same site as Calaveras Hills Continuation High School, upon a two-thirds vote of the local board.

3. The Palo Verde USD is requesting a renewal waiver (Waiver Number 29-5-2012) to permit the colocation of a CDS on the same site as Twin Palms Alternative High School and a Junior Reserve Officers' Training Corps, upon a two-thirds vote of the local board. They have had no negative interactions in the past year.

The CDE recommends approval that the grade span limitations for the following CDS be waived subject to the conditions stated in the findings below:
1. The Tehama County Office of Education (COE) is requesting a waiver (Waiver Number 19-7-2012) to permit a CDS to serve students in grades one through twelve, inclusive.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests in the past to allow the colocation of a CDS with another school when the CDS could not be located separately and the district has been able to provide for the separation of students from the other schools. The SBE has also approved previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

SUMMARY OF KEY ISSUES

The California Education Code (EC) Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. The Barstow USD serves 5,853 students. The Milpitas USD serves 9,870 students. The Palo Verde USD serves 3,471 students. These waivers, if approved, would allow these districts the same local determination option as a smaller district.

Given the extremely challenging fiscal environment presently facing all California schools, some districts are finding that they do not have the resources to operate a CDS at a fully separate location.

Each of the districts seeking a colocation waiver has selected these sites to avoid any interaction with students on traditional school campuses. Separation is maintained through means that include combinations of the use of fencing and other physical barriers, open space between the schools through which any student transit would be observed, separate arrival and departure points, different arrival and departure times, different break and lunch times, separate restrooms, and the presence of campus monitors.

The EC sections 48660 and 48916.1(d) provide, respectively, for the allowable grade spans of CDSs and educational services for expelled students. The EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

The EC Section 48660 provides that a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. It further provides that if a school district is organized as a district that serves kindergarten through grade eight (K–8), inclusive, but no higher grades, the governing board of the school district may establish a CDS for any of K–8, inclusive, upon a two-thirds vote of the board.
The Tehama COE does not expect more than a small number of students to be enrolled in the CDS, which means it is not fiscally feasible to operate two CDSs, one for students up to grade six, and a second for grades seven and above. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students. Additionally, it is difficult to predict when and if a student in any specific grade level will need to be served in a CDS. This means that at any given time, all of the students might be in elementary grades, middle grades, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled.

In order to ensure that students receive adequate academic support despite the wider span of grades, the Tehama COE has committed to provide grade level appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: See Attachment 1

Authority for Waiver: EC Section 33050

Period of request: See Attachment 1

Local board approval date(s): See Attachment 1

Public hearing held on date(s): See Attachment 1

Bargaining unit(s) consulted on date(s): See Attachment 1

Name of bargaining unit/representative(s) consulted: See Attachment 1

Position of bargaining unit(s) (choose only one): See Attachment 1
☐ Neutral ☐ Support ☐ Oppose:

Advisory committee(s) consulted: See Attachment 1

Objections raised (choose one): See Attachment 1
☐ None ☐ Objections are as follows:

Date(s) consulted: See Attachment 1

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of Waiver approval.
**ATTACHMENT(S)**

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (2 pages)

Attachment 2: Barstow Unified School District General Waiver Request 10-7-2012 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 3: Milpitas Unified School District General Waiver Request 8-7-2012 (6 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 4: Palo Verde Unified School District General Waiver Request 29-5-2012 (4 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 5: Tehama County Office of Education General Waiver Request 19-7-2012 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District Name, Size of District and Approval Date</th>
<th>Grade Span Requested (if waiver of EC sections 48660 and 48916.1(d))</th>
<th>Type(s) of School(s) with which Community Day School will be Colocated (if waiver of ECSection 48661(a))</th>
<th>Period of Request</th>
<th>Renewal Waiver?</th>
<th>If granted this waiver will be &quot;permanent &quot; per EC Section 33501(b)</th>
<th>Certificated Bargaining Unit Name and Representative, Position and Date of Action</th>
<th>Advisory Committee/School Site Council Name, Date of Review and any Objections</th>
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<tr>
<td>10-7-2012</td>
<td>Barstow Unified School District (USD) 5,853 Total Students June 12, 2012</td>
<td>Continuation High School</td>
<td>Requested: August 1, 2012, through July 31, 2013 Recommended: August 1, 2012, through June 12, 2013</td>
<td>YES No negative interactions in past year</td>
<td>NO</td>
<td>Barstow Education Association (BEA) (Candice Michelson) and Classified Services Education Association (CSEA) (Diane Patty) Support</td>
<td>BEA: June 11, 2012 CSEA: June 12, 2012</td>
<td>District Parent Advisory Committee June 12, 2012 No objections</td>
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<tr>
<td>Waiver Number</td>
<td>District Name, Size of District and Approval Date</td>
<td>Grade Span Requested (if waiver of EC sections 48660 and 48916.1(d))</td>
<td>Type(s) of School(s) with which Community Day School will be Colocated (if waiver of EC Section 48661(a))</td>
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<td>Advisory Committee/School Site Council Name, Date of Review and any Objections</td>
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<tr>
<td>19-7-2012</td>
<td>Tehama County Office of Education 187 Total Students August 15, 2012</td>
<td>Grades one through twelve; maximum of six students in community day school (CDS); very small rural county; small numbers and unpredictability as to grade levels of CDS students enrolled at any time, so that fiscally unable to support two small schools</td>
<td>Recommended: July 1, 2012, through June 30, 2013 Recommended: July 1, 2012, through July 31, 2013</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>Tehama County Certificated Teachers Association (TCCEA) (Brian Osak) CSEA, Chapter 408 (Rhonda Latham and Joan Nevarez) TCCEA: Neutral August 6, 2012 CSEA: Support August 8, 2012</td>
<td>Lincoln Street School Site Council August 6, 2012 No objections</td>
</tr>
</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: _ ___
Renewal Waiver: _X__

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

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<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barstow Unified School District</td>
<td>Joni James; Director II Pupil Services</td>
<td><a href="mailto:joni_james@busdk12.com">joni_james@busdk12.com</a></td>
</tr>
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<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
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<tbody>
<tr>
<td>551 South Avenue H</td>
<td>Barstow</td>
<td>CA</td>
<td>92311</td>
<td>760-255-6032</td>
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| Fax Number: | 760-2556319 |

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<th>Date of public hearing:</th>
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<td>From: August 1, 2012 To: July 31, 2013</td>
<td>June 12, 2012</td>
<td>June 12, 2012</td>
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LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):
   Circle One: EC or CCR

   Topic of the waiver: 48661. Co-Location of the CDS with a Continuation High School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 4-6-2011 and date of SBE Approval 09/08/11

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Barstow Education Association: June 11, 2012 and Classified Services Education Association June 12, 2012

   Name of bargaining unit and representative(s) consulted: Candice Michelson (BEA President) and Diane Patty (CSEA President)

   The position(s) of the bargaining unit(s): ___ Neutral _ _ Support ___ Oppose (Please specify why)

   Comments (if appropriate): The program was successful at this location this school year and should remain in place.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held During a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X_ Notice posted at each school ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: District Parent Advisory Committee on June 12, 2012

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

In an effort to provide our students who are the most at-risk and at-promising with a learning environment that will prepare them to return to the comprehensive school with the resiliency they need to be successful following their expulsion or placement by SARB or Probation, the Board of Trustees unanimously voted that the District would apply to open a community day school. With this goal in mind the District Office began the search for the proper site to house the CDS that would be a safe place for students to attend. An evaluation of possible sites was conducted. District officials evaluated various sites and facilities owned by the District. During these difficult economic times it was not feasible for the District to rent a space and still cover the cost of the program. Each site was evaluated and found by the District to be inappropriate due to location, age of the facility, lack of facilities or that it created a challenge for administrative support the program must have to be successful. After much deliberation it was determined that the best location for students and staff would be a single self-contained classroom currently located at the back of the Central High School campus, the District’s Continuation High School. Central is the home to two other alternative programs for students, Independent Study and CAL Safe. The classroom sits away from the main building which houses the classes for the continuation school. The CDS classroom is set apart from the Independent Study classrooms which are fenced to allow access to the continuation school and provides security to the classrooms. Though the CDS classroom is next door to the CALSAFE program it is

8. Demographic Information:
Barstow Unified School District, School of Opportunity, Barstow California, has a student population of 5,853 and is located in a small city in San Bernardino County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No X Yes ☐
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
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<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tr>
<td></td>
<td>Director II, Pupil Services</td>
<td>May 25, 2011</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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fenced on all sides by chain link and there is no access from the CDS classroom into the Cal SAFE area. To reach the classroom the students of the School of Opportunity will enter through a gate at the back of the school and cross a parking lot to reach their classroom. They will have no contact with other students as the student from Cal Safe, Central Continuation and Independent Study all enter and exit the school through the front door of the main building and utilize a back door of the main building to gain access to their classroom. This entire area is fenced and is only accessible from the CDS classroom through a gate that is locked during school hours. The CDS students will have the support of a principal that believes in at-risk and at-promise students yet will not have access to other students and facilities.

The Board of Trustees of Barstow Unified School District found this location to be a safe location as well as providing our expelled students with an environment that will permit them to build the resiliency they need to return to the comprehensive program.

We thank you for supporting us in providing the best for all our students including those who make mistakes.
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver:  X  
Renewal Waiver:  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Milpitas Unified School District  

Contact name and Title:  
Michelle Dimas  
Assistant Superintendent, Educational Services  

Contact person’s e-mail address:  
mdimas@musd.org

Address:  
1331 East Calaveras Blvd.  
Milpitas  
CA 95035

Phone (and extension, if necessary):  
408.635.2600 ext. 6006

Fax Number:  
408.635.2624

Period of request:  
From: Aug 1, 2012  
To: July 31, 2013

Local board approval date: (Required)  
July 10, 2012

Date of public hearing: (Required)  
July 10, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
portions of 48661(a)  
circle One: EC or CCR  
Topic of the waiver:  
Location of Community Day School

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  
and date of SBE Approval:  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
No  X  Yes   
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
Tuesday June 12, 2012

Name of bargaining unit and representative(s) consulted:

Milpitas Teachers Association – President Larry Whalen  
California School Employees Association, Chapter 281 – President Machelle Kessinger

The position(s) of the bargaining unit(s):  
Neutral  X  Support  
Oppose (Please specify why)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
X Notice in a newspaper  
X Notice posted at each school

The notices have been placed at summer school sites, and District Office, and on the District website.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
School Site Council- Betty Won (Secretary), Bruce Cockayne (president), Tanya Salazar (teacher), Roger Mupas (teacher), Kathy Tessimond (teacher), Daniel Bobay (board member), Kerri Knapp & Shanika Hampton were (student members)

Date the committee/council reviewed the waiver request:  
June 15, 2012

Were there any objection(s)?  
No  X  Yes  
(If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

With the waiver, our district will be able to house the Milpitas Community Day School in the District Office complex of buildings. The waiver will allow the Milpitas Unified School District, which has a greater than 2,500 ADA, to locate the Milpitas Community Day School within the multiple buildings/wings of the District Office. The District's Calaveras Hills Continuation School is currently located in one of the wings of the District Office. (The District Office was the site of a comprehensive high school, with multiple wings and buildings.)

The Milpitas Community Day School previously was located in a cluster of buildings one mile up the hill from the District Office; the school was staffed with a principal, two teachers, one classroom adult assistant, and one secretary. Staffing reductions (elimination of the principal, one teacher, and secretary positions) and closing of the buildings became necessary. The District has previously requested this waiver and it was approved. The school subsequently closed due to declining resources and staff shortages, there were no student issues concerning discipline, inappropriate interactions of students, or incidents leading to unsafe environment due to the proximity of the CDS.

Administrative responsibilities for the Community Day School have been reassigned to the Assistant Principal of Alternative Education, which is a new position, supervised by the Principal of Calaveras Hills Continuation School. The proximity of the two schools will enable the principal and support staff to provide supervision and safety for the Community Day School students. A safety plan has been developed to ensure separation of the students in the two schools- separate buildings with separated surrounding grounds, separate entries/exits, separate restroom facilities, different start/end times, and different break and lunch times. The Director of Student Services is available in an adjacent building to provide supplemental support as needed to the CDS campus. There is also a School Resource Officer available to provide support and interventions as appropriate. The program was not placed at a fully separate site for a few reasons. One of the reasons is that placing it at the current location there is a variety of administrative and other staffing support being located on the campus of the District Office and Continuation High School Campus. Furthermore, the facilities in the proposed location are much more adequate than any stand alone location within the district. We have avoided placing this location on any traditional elementary, middle, junior high, or high school campus and have selected our Continuation High School as the site.

8. **Demographic Information:**

**Milpitas Unified School District** has a student population of **9,870** and is located in a **suburban area**, in the city of **Milpitas**, in the **Santa Clara County**. **Calaveras Hills Continuation High School** has a student population of **160**, Milpitas Community day school will have a capacity of up to 20-25 students for the 2012/2013 school year.
<table>
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<th><strong>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</strong></th>
<th>No ☒ Yes ☐</th>
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<tbody>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
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| **District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.* |
|---|---|---|
| Signature of Superintendent or Designee: | Title: Superintendent | Date: |

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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<td><strong>Deputy Signature:</strong></td>
<td><strong>Date:</strong></td>
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</tbody>
</table>
July 1, 2012
Safety Plan to address the re-locating of the Milpitas Community Day School on the District Office grounds and complex of buildings:

- Community Day School (CDS) will be housed in Room 704 of the District Office; it is in the far end of the 700 building, providing separation from the Cal Hills classrooms in the 300 and 600 buildings.
- A fence has been erected around the area next to Room 704 to provide additional separation and reduce student accessibility between buildings; fencing will define the CDS classroom and adjacent grounds for entry/exit, off the back driveway and parking lot. The fence has a lock on it to secure the entrances and exit.
- Times for CDS-start of day, end of day, breaks, and lunch, will be different than those of Cal Hills. The start time and the dismissal time will be later than Cal Hills.
- Restroom facilities for CDS students are close by to Room 704, away from Cal Hills classrooms.
- A computer laboratory is available for CDS student use in the 700 building
- An adjacent conference room is available for principal use in meeting with students for disciplinary matters.
- Students will not be on the Cal Hills grounds at any time.
- Students will be supervised at all times during the school day.
## Milpitas Community Day School Bell Schedule
### Draft
#### June 13, 2012

<table>
<thead>
<tr>
<th>Instructional Minutes</th>
<th>Non-Instructional Minutes</th>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>90</td>
<td></td>
<td>9:00-10:30</td>
<td>Class</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>10:30-10:40</td>
<td>Break</td>
</tr>
<tr>
<td>110</td>
<td></td>
<td>10:40-12:30</td>
<td>Class</td>
</tr>
<tr>
<td>30</td>
<td></td>
<td>12:30-1:00</td>
<td>Lunch</td>
</tr>
<tr>
<td>90</td>
<td></td>
<td>1:00-2:30</td>
<td>Class</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>2:30-2:35</td>
<td>Break</td>
</tr>
<tr>
<td>70</td>
<td></td>
<td>2:35-3:45</td>
<td>Class</td>
</tr>
</tbody>
</table>
Calaveras Hills Continuation High School Bell Schedule

<table>
<thead>
<tr>
<th>Time</th>
<th>Period</th>
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</thead>
<tbody>
<tr>
<td>8:30-9:15</td>
<td>First Period</td>
</tr>
<tr>
<td>9:15-10:00</td>
<td>Second Period</td>
</tr>
<tr>
<td>10:00-10:10</td>
<td>Home Room</td>
</tr>
<tr>
<td>10:10-10:55</td>
<td>Third Period</td>
</tr>
<tr>
<td>10:55-11:40</td>
<td>Fourth Period</td>
</tr>
<tr>
<td>11:40-12:05</td>
<td>Lunch</td>
</tr>
<tr>
<td>12:05-12:50</td>
<td>Fifth Period</td>
</tr>
<tr>
<td>12:50-1:35</td>
<td>Sixth Period</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Period</th>
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</thead>
<tbody>
<tr>
<td>8:30-9:00</td>
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<td>9:00-9:30</td>
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<tr>
<td>9:30-9:40</td>
<td>Home Room</td>
</tr>
<tr>
<td>9:40-10:10</td>
<td>Third Period</td>
</tr>
<tr>
<td>10:10-10:40</td>
<td>Fourth Period</td>
</tr>
<tr>
<td>10:40-11:10</td>
<td>Fifth Period</td>
</tr>
<tr>
<td>11:10-11:40</td>
<td>Sixth Period</td>
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</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___  Renewal Waiver: _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency:
Palo Verde Unified School District
Contact name and Title:
Bob Bilek, Acting Superintendent
Contact person’s e-mail: bbilek@pvusd-bly.k12.ca.us
Address:                                         (City)                              (State)                        (ZIP)
295 1st Street                                 Blythe                               CA                          92225
Phone (and extension, if necessary): 760 922-4164 ext 233
Fax Number: 760 922-8416

Period of request: (month/day/year)           Local board approval date: (Required)
From: July 1, 2012   To: June 30, 2013         May 15, 2012
Date of public hearing: (Required)            May 15, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):

Topic of the waiver: 48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 34-5-2011-W-10 and date of SBE Approval: September 8, 2011

   Renewals of waivers must be submitted two months before the active waiver expires.

   (No previous waiver)

3. Collective bargaining unit information. Does the district have any employee bargaining units? (Yes) If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): May 9, 2012
   Name of bargaining unit and representative(s) consulted: Mary Roberson, President of Palo Verde Teachers Assn.
   The position(s) of the bargaining unit(s): _X_ Neutral _ __ Support _ __ Oppose (Please specify why)
   No action taken by bargaining group to oppose waiver.
   Comments (if appropriate): Discussion with bargaining unit is ongoing; issues will be addressed.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper   _X_ Notice posted at each school   _X_ Other: (Please specify)

CD CODE

3 3 6 7 1 8 1

10/29/2012 1:40 PM
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: 6/28/2012: A site advisory committee comprised of two teachers, a classified staff member, two parents, an administrator and a student have met and discussed the waiver application. They are in support of the waiver and have no objection to the grade level change and placement of the Community Day School on the grounds of the school district's Alternative Learning Center, which is separated by fencing and gates from the Twin Palms Alternative High School

Were there any objection(s)? No _X__ Yes ___ (If there were objections please specify)

***PVUSD Community Day School does not have a school site council.

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 48661: Situation of Community Day School.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The current school campus requires repair. It does not meet Ed Code regulation or Williams Act facility requirements. The district has newer and more modern unused facilities at a location adjacent to an Alternative High School. It is fiscally prudent for the district and better for student/staff that the Community Day School be moved to that location. The location will be isolated from the Alternative High School using fencing and walls. The campuses will have different addresses, parking lots, staff lounges, restrooms, and other resources.

8. Demographic Information:
(District/school/program) Community Day School has a student population of 20 and is located in a remote, small town (urban, rural, or small city etc. in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.
<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td></td>
<td>Acting Superintendent</td>
<td>May 15, 2012</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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</table>
48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

CD CODE

5 2 1 0 5 2 0

Local educational agency:
Tehama County Department of Education

Contact name and Title:
Larry Champion, County Superintendent

Address: (City) (State) (ZIP)
1135 Lincoln Street/P.O. Box 689, Red Bluff, CA 96080

Phone (and extension, if necessary):
(530) 528-7323

Fax Number: (530) 529-4120

Period of request: (month/day/year)
From: 7/1/12 To: 6/30/13

Local board approval date: (Required)
August 15, 2012

Board Vote: Unanimous approval

Date of public hearing: (Required)
August 15, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Education Code 48660 Circle One: EC

Topic of the waiver: Grade Span for Community Day School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):
Tehama County Certificated Employees Association (TCCEA) - August 6, 2012
California School Employees Association (CSEA) - August 8, 2012

Name of bargaining unit and representative(s) consulted:
Tehama County Certificated Employees Association - Brian Osak, Vice President, TCCEA
California School Employees Association - Rhonda Latham, Chapter President, CSEA Chapter #408 and Joan Nevarez, CSEA Labor Representative

The position(s) of the bargaining unit(s): x Neutral (TCCEA) x Support (CSEA)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

x__ Notice in a newspaper ___ Notice posted at each school x__ Other: (Please specify) Posted at the Tehama County Department of Education and on website; Red Bluff Daily News; Corning Observer; Evergreen School District; Gerber School District; Corning Elementary School District; Antelope School District; Los Molinos Unified School District; Lassen View School District

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Lincoln Street School Site Council

Date the committee/council reviewed the waiver request: August 6, 2012

Were there any objection(s)? No x Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school or any kindergarten and grades 1 to 8, inclusive, up on a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We do not expect to have more than six students in the community day school at one time. In that number of students, we may only have elementary or may only have secondary, or may have both. In these fiscal times it does not make sense to have two schools when one might not be needed. At any time a teacher feels stretched by the grade span, age appropriateness, or grade level appropriateness, a subject area teaching mentor will be assigned to support the community day school teacher. As a result of this waiver we would be able to operate a single small community day school to serve students in any of grades 1-12.

8. **Demographic Information**

The Tehama County Department of Education has a student population of 187 and is located in a rural area in Tehama County.

<table>
<thead>
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**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: | Title: County Superintendent of Schools | Date: |

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| Deputy (type or print): | Deputy Signature: | Date: |
48916.1(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.
ITEM W-08
Specific Waiver

Subject

Request by two local educational agencies under the authority of California Education Code Section 52863 for waivers of Education Code Section 52852, relating to school site councils regarding changes in shared, composition, or shared and composition members.

Waiver Numbers:  
Tahoe-Truckee Joint Unified 17-7-2012  
Tahoe-Truckee Joint Unified 18-7-2012  
Woodland Joint Unified 4-7-2012

Recommendation

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: See Attachment 1.

Summary of Previous State Board of Education Discussion and Action

Specific authority is provided in California Education Code (EC) Section 52863 to allow the State Board of Education (SBE) to waive the School Site Council (SSC) requirements of the School-Based Coordination Program (SBCP) Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

Summary of Key Issues

Tahoe-Truckee Joint Unified is requesting an SSC composition change for Sierra High School (3 classroom teachers serving 26 students in grades nine through twelve). The school does not employ enough teachers to meet the SSC membership requirements. Also, this district meets the criteria for the SBE Streamlined Waiver Policy, found in the Web document located at http://www.cde.ca.gov/re/lr/wr/documents/sbstreamlined.doc, achieving an Academic Performance Index (API) score of 800 or above in the current scoring cycle. Tahoe-Truckee Joint Unified School District has a 2010 API of 806.

Tahoe-Truckee Joint Unified is requesting an SSC composition change for Cold Stream Alternative (2.5 classroom teachers serving 14 students in kindergarten and grades one through twelve). The school does not employ enough teachers to meet the SSC membership requirements. Also, this district meets the criteria for the SBE Streamlined
Waiver Policy, found in the Web document located at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) score of 800 or above in the current scoring cycle. Tahoe-Truckee Joint Unified School District has a 2010 API of 806.

Woodland Joint Unified is requesting an SSC composition change for Cache Creek Continuation High School (10 classroom teachers serving 130–160 students in grades nine through twelve). Student enrollment fluctuates throughout the year and the school is located in a remote rural area.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: Local Educational Agencies Requesting a School Site Council Waiver (2 pages)

Attachment 2: Tahoe-Truckee Joint Unified School District Specific Waiver Request 17-7-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Tahoe-Truckee Joint Unified School District Specific Waiver Request 18-7-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Woodland Joint Unified School District Specific Waiver Request 4-7-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Local Educational Agencies Requesting a School Site Council Waiver

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA for School(s) (CDS Code[s])</th>
<th>LEAs Request</th>
<th>CDE Recommendation</th>
<th>Previous Waiver Yes or No Period of Request/ Period Recommended</th>
<th>Collective Bargaining Unit Position/ Current Agreement</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-7-2012</td>
<td>Tahoe-Truckee Joint Unified School District for Sierra High School (31 300 77)</td>
<td>Composition Change</td>
<td>Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by peers), and one student (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: August 29, 2012 to June 20, 2014</td>
<td>Period Recommended: August 29, 2012 to June 30, 2014</td>
<td>Tahoe Truckee Educators' Association, Ed Hilton; on June 5, 2012 Support</td>
</tr>
<tr>
<td>18-7-2012</td>
<td>Tahoe-Truckee Joint Unified School District for Cold Stream Alternative (31 301 92)</td>
<td>Composition Change</td>
<td>Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by peers), and one student (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: August 29, 2012 to June 30, 2014</td>
<td>Period Recommended: August 29, 2012 to June 30, 2014</td>
<td>Tahoe Truckee Educators' Association, Ed Hilton; on June 5, 2012 Support</td>
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<td>Waiver Number</td>
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<tr>
<td>4-7-2012</td>
<td>Woodland Joint Unified School District for Cache Creek Continuation High School (5772710 5738810)</td>
<td>Composition Change</td>
<td>Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by peers), and two students (selected by peers).</td>
<td>No</td>
<td>Period of Request: July 1, 2011 to June 30, 2013</td>
<td>Collective Bargaining Unit Position/Current Agreement</td>
<td>SSC, on January 24, 2012 Approve</td>
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CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST

SW-1 (Rev. 4/17/08)     http://www.cde.ca.gov/re/lr/wr/

Local educational agency: Tahoe Truckee Unified School District
Sierra High School

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Faxed originals will not be accepted!

CD CODE

3 1 3 0 0 7 7

Contact name and recipient of approval/denial notice: Jane Marie Loomis
Contact person’s e-mail address: jloomis@ttusd.org

Local board approval date: Approved 8/8/2012

Period of request: From: 08/29/2012 To: 06/20/2014

LOCAL CRITERIA

1. Authority for the waiver: Ed.Code 52863 Specific code section: EC 52852
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.
   Under the authority of Education Code Section 52863 for a waiver of EC Section 52852, to allow a reduction in the number and type of members required for a school site council (SSC) for a small continuation high school.

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: (number) 52852 Circle One: EC
   Brief Description of the topic of the waiver: To allow a reduction in the number and type of members required for a school site council (SSC) for a small continuation high school, Sierra Continuation High School to four members: school principal, one teacher, one parent or community member, and one student.

3. If this is a renewal of a previously approved waiver, please list Waiver No: 14-9-2009-W-15 and date of SBE approval January 7, 2010

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)
   Does the district have any employee bargaining units? ☐ No x Yes If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s): June 5, 2012
   Name of bargaining units and representative(s) consulted: Tahoe Truckee Educators’ Association, Ed Hilton
   The position(s) of the bargaining unit(s): ☐ Neutral x Support ☐ Oppose (Please specify why)
   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: Sierra High SSC
   Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.
   Date advisory committee/council reviewed request: May 8, 2012
   x Approve ☐ Neutral ☐ Oppose
   Were there any objection? Yes ☐ No x (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 4/17/08)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

For a secondary school EC 52852 states in part: \"At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils\"

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.) To meet the current composition requirements of EC 52852, a secondary school SSC must have twelve members including the principal, four classroom teachers, one other school employee, three parents and three students. This membership requirement is not feasible and greatly encumbers local agency operations. Sierra High is requesting the SSC be composed of four members, including the school principal, one teacher, one parent or one community member and one pupil. The SHS teaching staff consists of three teachers. The site is not geographically located to a neighboring site to combine site councils.

8. Demographic Information:
For this waiver, Sierra High School involved has a student population of twenty-six and is located in Truckee, CA in Placer County.

9. For a renewal waiver only, district also must certify:

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The facts that precipitated the original waiver request have not changed.
The remedy for the problem has not changed.
Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.

Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)

| ☐ | ☒ |

(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue?

| ☐ | ☒ |

(If yes, please attach explanation or copy of CCR finding)

District or County Certification – I hereby certify that the information provided on this application is correct and 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 DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency:
Tahoe Truckee Unified School District
Cold Stream Alternative School

Contact name and recipient of approval/denial notice:
Jane Marie Loomis
jloomis@ttusd.org

Address: 11661 Donner Pass Road, CA 91616
(City) Truckee
Phone (and extension, if necessary): 530 582 - 2640
Fax number: 530 582 - 7687

Period of request: (month/day/year)
From: 08/29/2012 To: 6/20/2014

Local board approval date: (Required)
Approved 8/8/2012

LEGAL CRITERIA

1. Authority for the waiver: Ed.Code 52863
Specific code section: EC 52852
Under the authority of California Education Code Section 52863 for a waiver of EC Section 52852, to allow a reduction in the number and type of members required for a small school site council (SSC) for a small alternative school.

2. Education Code or California Code of Regulations or portion to be waived.
Section to be waived: (number) 52852
Circle One: EC
Brief Description of the topic of the waiver: To allow a reduction in the number and type of members required for a school site council (SSC) for a small alternative high school – Cold Stream Alternative - to four members: school principal, one teacher, one parent or community member, and one student.

3. If this is a renewal of a previously approved waiver, please list Waiver No: 15-9-2009-W-16 and date of SBE approval January 7, 2010

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)
Does the district have any employee bargaining units? No x Yes
If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): June 5, 2012
Name of bargaining units and representative(s) consulted: Tahoe Truckee Educators’ Association, Ed Hilton
The position(s) of the bargaining unit(s): Neutral XX Support Oppose (Please specify why)
Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: Cold Stream School Site Council
Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.
Date advisory committee/council reviewed request: May 8, 2012
XX Approve Neutral Oppose
Were there any objection? Yes No x (If there were objections please specify)
6. **Education Code or California Code of Regulations section to be waived.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

For a secondary school EC 52852 states in part: "At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils".

7. **Desired outcome/rationale.** State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

To meet the current composition requirements of EC 52852, a secondary school SSC must have twelve members including the principal, four classroom teachers, one other school employee, three parents and three students. This membership requirement is not feasible and greatly encumbers local agency operations. Cold Stream is requesting the SSC be composed of four members, including the school principal, one teacher, one parent or community member and one pupil. The CSA's teaching staff consists of 2.5 teachers. Geographically, the site is not accessible to any neighboring school to combine site councils.

8. **For a renewal waiver only, district also must certify:**

   - True
   - False
   - X

   - The facts that precipitated the original waiver request have not changed.
   - X
   - The remedy for the problem has not changed.
   - X
   - Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.

Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

- X No
- ☐ Yes

(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?**

- X No
- ☐ Yes

(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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### CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL - COMPOSITION OF MEMBERS**

**First Time Waiver:** ___  
**Renewal Waiver:** ___

SW-1 (Rev. 10-2-2009)  
http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

---

**Local educational agency:**  
Woodland Joint Unified School District

**Contact name and recipient of approval/denial notice:**  
Denise Parnell

**Contact person’s e-mail address:**  
Denise.parnell@wjusd.org

**Address:**  
435 Sixth Street Woodland, CA 95695

**Phone (and extension, if necessary):**  
530 406 3255

**Fax number:**

---

**Period of request:** (month/day/year)  
From: July 2011  
To: June 2013

**Local board approval date:** (Required)  
March 22, 2012

---

**LEGAL CRITERIA**

1. **Authority for the waiver:** Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

   **EC 52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. **California Education Code or California Code of Regulations or portion to be waived.**  
   Section to be waived: (number) EC 52852

   Requesting reduced composition in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).

3. **If this is a renewal of a previously approved waiver, please list Waiver No:** and date of SBE approval

   Renewals of waivers must be submitted two month before the active waiver expires.

4. **Collective bargaining unit information.**

   Does the district have any employee bargaining units? ___ No ___X_ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 28, 2012

   Name of bargaining units and representative(s) consulted: President of Woodland Education Association (Certificated Union) & President of the Woodland School Employees Association (Classified Union) Dave Nardinelli, Anne Mapalo, Bobby Rogers, Tracy Yust and Debi Sterling

   The position(s) of the bargaining unit(s): ___ Neutral ___X_ Support ___ Oppose (Please specify why)

   Comments (if appropriate):

5. **Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:** Olga Nevarez, Margaret Geluso, Elaine Cummings, Angela Vega, Evangelina Gonzales, James Richardson, Ursula Salinas & Lisa Sanchez

   Date advisory committee/council reviewed request: January 24, 2012

   ___X__ Approve ___ Neutral ___ Oppose

   Were there any objection? Yes ___ No ___X_ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

   EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   We are requesting approval for Cache Creek Continuation High School’s, School Site Council to be approved for a composition of 8 members verses 12 members. The required 50:50 ratio of Staff to Community/Students will be observed.

   The first rationale for the request is that the school community is made up of students from all over our rural district, yet the school is physically located 6 to 10 miles north of town just off Interstate 5 (actual miles depends on the student’s address). The school’s location also prevents the opportunity for a shared School Site Council. The second rationale for requesting a smaller composition is the size of the school: one principal, 10 teachers and 130 to 160 students (Enrollment fluctuates as students graduate or return to the comprehensive high school). The final rationale is the fact that student enrollment does fluctuate throughout the year causing parental qualification for School Site Council difficult and inconsistent.

   The desire to maintain consistent participation is very important in building a comprehensive data driven educational program. Maintaining a quorum of a smaller School Site Council will facilitate our local operations as it will aid in streamlining data analyzes, program development and budget approvals to within one meeting verses having to reschedule due to lack of a quorum, consistent attendance hinders program development and utilizing funding in a timely manner.

   All parents will continue to be informed of all meetings, site programs, student achievement and site funding regardless if they are officially on the School Site Council.

8. Demographic Information:

   Cache Creek Continuation High School has a student population of 160 students and is located in a rural in Yolo County.

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Is this waiver associated with an apportionment related audit penalty? (per EC 41344)   _X_ No   ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue?   _X_ No   ___ Yes
(If yes, please attach explanation or copy of CCR finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:          Title:          Date:

10/29/2012 1:41 PM
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California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM W-09
General Waiver

SUBJECT
Request by Saddleback Valley Unified School District to waive portions of California Education Code sections 17466, 17472, and 17475, all of 17473 and 17474, specific statutory provisions for the lease of surplus property.

Waiver Numbers: 13-7-2012, 14-7-2012, and 15-7-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following condition, that the proposals the governing board determines to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for those determinations shall be discussed in public session and included in the minutes of the meeting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The district is requesting to waive similar provisions for the lease of surplus property.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore this waiver has been scheduled for the consent calendar. Saddleback Valley Unified School District has a 2010 API 860.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the district requests that specific portions of the EC relating to the lease of district property be waived. The district states that waiving these sections will allow the district to maximize its return on the lease of the properties to the greatest extent possible. The district states the bid process does not allow the district to take advantage of the potential of the property and is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to determine what constitutes the most “desirable” bid and set their own terms and conditions of the lease of the surplus property.
Currently the three properties are leased pursuant to EC Section 17477, which allows districts, after following the statutory requirements and not receiving an acceptable bid, to lease the property for up to three years. The district will work to develop a strategic plan for advertising and marketing the properties in order to solicit proposals from potential leasees.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at [http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053).**

**FISCAL ANALYSIS (AS APPROPRIATE)**

The flexibility in property disposition requested herein will allow the district to maximize revenue. There is no fiscal impact.

**ATTACHMENT(S)**

Attachment 1: Summary Table (3 pages)

Attachment 2: General Waiver Request 13-7-2012 Aliso Elementary School Site (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: General Waiver Request 14-7-2012 O’Neill Elementary School Site (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: General Waiver Request District 15-7-2012 Warehouse Site (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
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<th>School District</th>
<th>Property</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Public Hearing Date</th>
<th>Bargaining Unit Consulted – Date</th>
<th>Position of Bargaining Unit Consulted – Date</th>
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<th>Streamlined Waiver Policy</th>
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Saddleback Valley Pupil Services Association (SVPSA) - 6/8/2012  
Saddleback Valley Management Team Association (SVMTA) - 6/13/2012  
Saddleback Valley Educators Association (SVEA) - 6/1/2012 | CSEA – Support  
SVPSA – Support  
SVMTA – Support  
SVEA – Support | 7/11  
Advisory Committee  
6/27/2012 | Yes - 860                   |
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  --X--
Renewal Waiver:  ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

CD CODE

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Local educational agency: Saddleback Valley Unified School District
Contact name and Title: Jeff Starr, Director of Business Services
Contact person’s e-mail address: Jeffrey.Starr@svusd.org

Address: 25631 Peter Hartman Way  Mission Viejo  CA  92691

Period of request: From: 5/10/12  To: 5/10/13

Local board approval date: 7/10/12

Date of public hearing: 7/10/12

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 17466, 17472, 17473, 17474 and 17475  Circle One: EC or CCR

Topic of the waiver: Public Bid Auction Requirement

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  N/A  and date of SBE Approval:  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  No  X  Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): CSEA – 6/8/12, SVPSA – 6/8/12, SVMTA – 6/13/12, SVEA – 6/19/12

Name of bargaining unit and representative(s) consulted: CSEA – Amanda Vega De Garcia ,  SVPSA – Lauren Whittaker,  SVMTA – Rick Jameson, SVEA – Daniel Moon

The position(s) of the bargaining unit(s):  __ Neutral  X  Support  __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper  X Notice posted at each school  X Other: Noticed per Brown Act

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

7/11 Advisory Committee

Date the committee/council reviewed the waiver request: 6/27/12

Were there any objection(s)?  No  X  Yes  If there were objections please specify) N/A
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please See Attachment “A”

---

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please See Attachment “B”

---

8. Demographic Information:
   
   Aliso Elementary Site has a student population of 350 and is located in the city of Lake Forest in Orange County.

---

**Is this waiver associated with an apportionment related audit penalty?** (per EC 41344)  
No ☐ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

---

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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Attachment A

The Saddleback Valley Unified School District desires to waive the following sections and portions of the Education Code lined out below:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it, and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

EC 17472. At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

EC 17473. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.

EC 17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.

EC 17475. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same board meeting held within 60 days next following.
7. Desired Outcome/ Rationale

The Saddleback Valley Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the lease of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential lessees; however, the District’s past experience with a public auction indicates that such a process will not allow the District to take advantage of the potential of the Property. Thus, the District would like to lease the Property via an alternative process.

The Property

The District owns approximately 8.15 acres of land located at 22882 Loumont Drive, Lake Forest, California 92630 ("Property"). The Property was formerly a school site known as the District’s Aliso Elementary School. The Property is currently improved with classroom and administration buildings, as well as field areas.

A map depiction of the Property is attached.

Previous Bid Auctions

On May 10, 2011 the District adopted and approved a resolution approving the District’s Advisory Committee’s recommendations to lease the Property, declaring the Property surplus, and authorizing the offer of the entire Property for lease pursuant to California law. The District offered the entire Property for lease to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 et seq. and to public benefit non-profit organizations pursuant to Education Code section 17464.

After concluding all required negotiation and notice periods with applicable agencies and organizations, completing title analyses, complying with posting and publication requirements, and preparing and disseminating bid package documents, the District conducted a public bid hearing for the lease of the Property on October 24, 2011. Despite the District’s efforts, the District received no written bids or oral bids. No bidders even attended the bid hearing. The public bid procedure did not attract any meaningful interest in the Property.

Therefore, despite good faith efforts, the District was not able to lease the Property under the surplus property bid procedures set forth in Education Code section 17466 et seq. Following the unsuccessful bid, the District was able to lease the Property pursuant to Education Code section 17477, which allows districts, after following the statutory requirements and not receiving an acceptable bid, to lease the property for up to three years.
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Conclusion

The lease of the Property will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with legal counsel to ensure that the process by which the Property is leased is fair and open. As indicated above, such a process will produce a better result than a second attempt at a bid auction for both the District and the community.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: --X--
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

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Local educational agency: Saddleback Valley Unified School District
Contact name and Title: Jeff Starr, Director of Business Services
Contact person’s e-mail address: Jeffrey.Starr@svusd.org

Address: 25631 Peter Hartman Way
City: Mission Viejo
State: CA
ZIP: 92691
Phone (and extension, if necessary): (949) 580-3335
Fax Number: (949) 454-1039

Period of request: From: 5/10/12 To: 5/10/13
Local board approval date: 7/10/12
Date of public hearing: 7/10/12

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 17466, 17472, 17473, 17474 and 17475
   Circle One: EC or CCR

   Topic of the waiver: Public Bid Auction Requirement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A_ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): CSEA – 6/8/12, SVPSA – 6/8/12, SVMTA – 6/13/12, SVEA – 6/19/12

   Name of bargaining unit and representative(s) consulted: CSEA – Amanda Vega De Garcia, SVPSA – Lauren Whittaker, SVMTA – Rick Jameson, SVEA – Daniel Moon

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held
during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does
not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time,
date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal
notice at each school and three public places in the district.

   How was the required public hearing advertised?
   _X_ Notice in a newspaper   _X_ Notice posted at each school   _X_ Other: (Please specify) Noticed per Brown Act

9. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   7/11 Advisory Committee

   Date the committee/council reviewed the waiver request: 6/27/12

   Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify) N/A
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

10. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

Please See Attachment “A”

11. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please See Attachment “B”

12. Demographic Information:
O’Neill Elementary Site has a student population of 400 and is located in the city of Mission Viejo in Orange County.

Is this waiver associated with an apportionment related audit penalty? (per *EC 41344*)
No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?
No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: [Signature]
Title: [Title]
Date: [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:
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The Saddleback Valley Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the lease of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential lessees; however, the District’s past experience with a public auction indicates that such a process will not allow the District to take advantage of the potential of the Property. Thus, the District would like to lease the Property via an alternative process.

The Property

The District owns approximately 7.4 acres of land located at 24701 San Doval Lane, Mission Viejo, California 92691 ("Property"). The Property was formerly a school site known as the District’s O’Neill Elementary School. The Property is currently improved with classroom and administration buildings, as well as field areas.

A map depiction of the Property is attached.

Previous Bid Auctions

On May 10, 2011 the District adopted and approved a resolution approving the District’s Advisory Committee’s recommendations to lease the Property, declaring the Property surplus, and authorizing the offer of the entire Property for lease pursuant to California law. The District offered the entire Property for lease to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 et seq. and to public benefit non-profit organizations pursuant to Education Code section 17464.

After concluding all required negotiation and notice periods with applicable agencies and organizations, completing title analyses, complying with posting and publication requirements, and preparing and disseminating bid package documents, the District conducted a public bid hearing for the lease of the Property on November 3, 2011. Despite the District’s efforts, the District received only one written bid and no oral bids. The written bid was a counteroffer and did not meet the terms that the District desires for this lease and the District’s Board rejected the counteroffer. The public bid procedure did not attract any meaningful interest in the Property.

Therefore, despite good faith efforts, the District was not able to lease the Property under the surplus property bid procedures set forth in Education Code section 17466 et seq. Following the unsuccessful bid, the District was able to lease the Property pursuant to Education Code section 17477, which allows districts, after following the statutory requirements and not receiving an acceptable bid, to lease the property for up to three years.
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CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

First Time Waiver: --X-
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word a
back-up material to: waiver@cde.ca.gov

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<th>Contact name and Title:</th>
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<td>Saddleback Valley Unified School District</td>
<td>Jeff Starr, Director of Business Services</td>
<td><a href="mailto:Jeffrey.Starr@svusd.org">Jeffrey.Starr@svusd.org</a></td>
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**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 17466, 17472, 17473, 17474 and 17475

Circle One: EC or CCR

Topic of the waiver: Public Bid Auction Requirement

---

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A_ and date of SBE Approval ______

Renews of waivers must be submitted two months before the active waiver expires.

---

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No  _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): CSEA – 6/8/12, SVPSA – 6/8/12, SVMTA – 6/13/12, SVEA – 6/19/12

Name of bargaining unit and representative(s) consulted: CSEA – Amanda Vega De Garcia, SVPSA – Lauren Whittaker, SVMTA – Rick Jameson, SVEA – Daniel Moon

The position(s) of the bargaining unit(s): _X_ Support  _X_ Oppose (Please specify why)

Comments (if appropriate):

---

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other: (Please specify) Noticed per Brown Act

---

13. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

7/11 Advisory Committee

Date the committee/council reviewed the waiver request: 6/27/12

Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify) N/A
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

14. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Please See Attachment “A”

15. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please See Attachment “B”

16. Demographic Information:
Redistribution Warehouse Site has no student population is located in the city of Mission Viejo in Orange County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
(If yes, please attach explanation or copy of audit finding)

| No ☒ | Yes ☐ |

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
(If yes, please attach explanation or copy of CPM finding)

| No ☒ | Yes ☐ |

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

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<th>Signature of Superintendent or Designee:</th>
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<tbody>
<tr>
<td>Director of Business Services</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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Attachment A

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The Property

The District owns approximately 1.58 acres of land located at 23602 Via Fabricante, Mission Viejo, California 92691 (“Property”). The Property was formerly a District warehouse site known as the Warehouse Property. The Property is currently improved with warehouse buildings.

A map depiction of the Property is attached.

Previous Bid Auctions

On May 10, 2011 the District adopted and approved a resolution approving the District’s Advisory Committee’s recommendations to lease the Property, declaring the Property surplus, and authorizing the offer of the entire Property for lease pursuant to California law. The District offered the entire Property for lease to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 et seq. and to public benefit non-profit organizations pursuant to Education Code section 17464.

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California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM W-10
## General Waiver

### SUBJECT

Request by Black Oak Mine Unified School District to waive portions of California Education Code Section 15282, regarding term limits for membership of a Citizens’ Oversight Committee for all construction bonds in the district.

Waiver Number: 26-7-2012

### RECOMMENDATION

- **Approval**  
- **Approval with conditions**  
- **Denial**  

The California Department of Education recommends approval that five of the current seven members of the Citizens’ Oversight Committee (COC) be allowed to continue for an additional two-year term.

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

The State Board of Education (SBE) has approved all previous waivers regarding Citizens’ Oversight Committees. The district is requesting to waive the same provision of the term limits of members of the Citizens’ Oversight Committee.

### SUMMARY OF KEY ISSUES

Under the provisions of Education Code (EC) sections 33050 through 33053, the Black Oak Mine Unified School District requests that specific language of EC Section 15282(a) relating to term limits for members of a COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews and reports on the proper expenditure of taxpayers’ money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

The extension of time would allow the continued participation of these five experienced members and will aid the district in its efforts to successfully complete the building projects and would reserve continuity and provide advice and guidance.

It should be noted that Assembly Bill 1199 (Brownley, Chapter 73, Statutes of 2012) will go into effect January 1, 2013. This legislation extends the term of local bond citizens’ oversight committee members from two consecutive two-year terms to three consecutive two-year terms.
Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval or denial.

**ATTACHMENT(S)**

Attachment 1: COC members requesting extension (1 page).

Attachment 2: Summary Table (1 page).

Attachment 3: Black Oak Mine Unified School District General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
Citizens’ Oversight Committee Member Appointments

The following members were originally appointed February 8, 2008. Their current terms expired February 8, 2012.

John Daniels
Representing: Community at Large
Senior Citizens Organization, Acting in a bona fide taxpayers organization

Patti Smith
Representing: Community at Large
Active in a business organization representing the business community within the district.

Ken Herr
Representing: Community at Large

Scott Maytac
Representing: Parent

John Plymer
Representing: Community at Large
Senior Citizens Organization
<table>
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<tr>
<th>Waiver Number</th>
<th>School District</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Public Hearing Date</th>
<th>Bargaining Unit Consulted – Date</th>
<th>Position of Bargaining Unit</th>
<th>Advisory Committee Consulted – Date</th>
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CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  _X_
Renewal Waiver:  ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Black Oak Mine Unified School District

Contact name and Title:
Sherre Garcia, Superintendent's Secretary

Contact person’s e-mail address:
sgarcia@bomusd.org

Address:  P.O Box 4510  Local board approval date: (Required)
City:  Georgetown  Date of public hearing: (Required)
State:  CA  August 9, 2012
ZIP:  95634

Period of request: (month/day/year)
From:  July 1, 2012  To:  June 30, 2014

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  15282
Circle One:  EC or CCR

Topic of the waiver:  Terms for a Citizens’ Bond Oversight Committee

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   _____  and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  ____ No  ____ Yes  If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s):  May 16, 2012
   Name of bargaining unit and representative(s) consulted:
   Black Oak Mine Teachers Association – Bill Sammons, President
   California School Employees Association, Gold Chain #660 – Pat Holbrook, President
   The position(s) of the bargaining unit(s):  _X_  Neutral  __  Support  __ Oppose (Please specify why)

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
   How was the required public hearing advertised?
   ____ Notice in a newspaper  ____ Notice posted at each school (Schools were not in session)  _X_ Other:  Local Post Offices

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Date the committee/council reviewed the waiver request: Citizens’ Bond Oversight Committee  April 17, 2012
   Were there any objection(s)?  No  ____ Yes  (If there were objections please specify)

Revised:  10/29/2012 1:41 PM
6. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   The citizens’ oversight committee shall consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The completion timelines for the district’s bond projects were delayed due to the State budget crisis. The current committee was convened at the beginning of the projects, is up to date on all aspects of the projects, and would like to see the projects through to completion.

8. Demographic Information:
   District has a student population of ____1570____ and is located in a rural area in El Dorado County.

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<td>Signature of Superintendent or Designee:</td>
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<td>Superintendent</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM W-11
REQUEST BY RIVERSIDE UNIFIED SCHOOL DISTRICT TO WAIVE CALIFORNIA EDUCATION CODE SECTION 5020, AND PORTIONS OF SECTIONS 5019, 5021, AND 5030, THAT REQUIRE A DISTRICT-WIDE ELECTION TO ESTABLISH NEW TRUSTEE AREAS.

Waiver Number: 36-7-2012

APPROVAL

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests during the past four years—the most recent ones were waiver requests from four school districts that were approved at the July 18, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Riverside Unified School District (USD). Voters in the district will continue to elect all board members—however, if the waiver is approved, all board members will be elected by trustee areas, beginning with the next board election.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to California Education Code (EC) Section 5020, county committee approval of trustee areas and methods of election constitutes an order of election; thus, voters in the district have final approval.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect itself from potential litigation, the Riverside USD is taking action to establish trustee areas and adopt a by-trustee-area method of election for the governing board. In order to establish these trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a district-wide election.
This waiver request has been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waiver was initiated by action of the governing board; and, (2) there was no significant public opposition to the waiver at the public hearing held by the governing board.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in EC Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Riverside USD to waive EC Section 5020 in its entirety and portions of EC sections 5019, 5021, and 5030.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at [http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053).**

**Demographic Information:** The Riverside USD has a student population of 42,335 and is located in an urban setting in Riverside County.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2012, to June 30, 2013 (requested)

July 1, 2012, to June 29, 2014 (recommended)

**Local board approval date(s):** July 16, 2012

**Public hearing held on date(s):** July 16, 2012

**Bargaining unit(s) consulted on date(s):** California School Employees’ Association (CSEA): July 5, 2012; River City Teachers’ Association (RCTA): July 5, 2012

**Name of bargaining unit/representative(s) consulted:** CSEA: Richard Carpenter, President; RCTA: Tim Martin, President

**Position of bargaining unit(s) (choose only one):**

- [ ] Neutral
- [x] Support
- [ ] Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

- [x] posting in a newspaper
- [ ] posting at each school
- [x] other (specify): notice posted at multiple offices and on District web page.
Advisory committee(s) consulted: Community representatives of Latino and African American Committee.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: July 11, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in the additional costs to the district for a district-wide election.

ATTACHMENT(S)

Attachment 1: Riverside Unified School District (36-7-2012) General Waiver Request. (8 pages) (Original waiver request is signed and on file in the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X
Renewal Waiver:  ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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Local educational agency: Riverside Unified School District  
Michael H. Fine  
Deputy Superintendent  
Contact person’s e-mail address: mfine@rusd.k12.ca.us

| Address: 3380 14th Street, Riverside, CA 92501  
Phone (and extension, if necessary): 951.788.7135 x80423  
Fax Number: 951.778.5668 |
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<td>(City) Riverside (State) CA (ZIP) 92501</td>
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Period of request:  (month/day/year)  
From: 07/01/12 To: 06/30/13  
Local board approval date: (Required)  
July 16, 2012  
Date of public hearing: (Required)  
July 16, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020  
Circle One: EC or CCR  
Topic of the waiver: Requirement that establishment of trustee areas/ adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______  
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  X Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): July 5, 2012  
   Name of bargaining unit and representative(s) consulted: CSEA: Richard Carpenter; RCTA: Tim Martin  
   The position(s) of the bargaining unit(s):  
   CSEA: __ Neutral  X Support  __ Oppose (Please specify why); RCTA: __ Neutral  X Support  __ Oppose  
   Comments (if appropriate): None

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   X Notice in a newspaper  __ Notice posted at each school  X Other: (Please specify) Notice posed at multiple offices and District web page

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
All school site councils and DELAC

Date the committee/council reviewed the waiver request: None  
Were there any objection(s)? __ No  X Yes  (If there were objections please specify)
6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment B

8. Demographic Information: 
*(District/school/program)* District has a student population of 42,335 and is located in an urban setting (*urban, rural, or small city etc.*) in Riverside County.

| Is this waiver associated with an apportionment related audit penalty? (per *EC 41344*) | No ☒ | Yes ☐ |
| (If yes, please attach explanation or copy of audit finding) |

| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☒ | Yes ☐ |
| (If yes, please attach explanation or copy of CPM finding) |

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

| Signature of Superintendent or Designee: | Title: | Date: |
| Rick Miller, Ph.D. | Superintendent of Schools | 7-16-12 |

**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: |
| | | |
6. Education Code or California Code of Regulations section to be waived

The Riverside Unified School District desires to waive the following sections and portions of sections of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision
(a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.
(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No.”

“For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes” and “For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No.”

“For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes” and “For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No.”

“For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No.”

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes” and “For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No.”

“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No.”

“For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes” and “For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No.”

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.
§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
6. Desired Outcome/ Rationale

The Riverside Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting from its current at-large election process for electing its governing board members.

It is imperative that the District adopt trustee areas and complete the implementation process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001 (see California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement.
Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys’ fees from that District.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2013 which will reduce the District’s liability under the CVRA going forward.
ITEM W-12
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

Specific Waiver

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by five districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32. Waiver Numbers: Capistrano Unified School District 7-7-2012 Carlsbad Unified School District 38-7-2012 Cotati-Rohnert Park Unified School District 3-7-2012 Palm Springs Unified School District 1-7-2012 Snowline Joint Unified School District 35-7-2012</td>
<td></td>
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</tbody>
</table>

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. The waivers do not exceed two years, less one day.

Finding: Given the extremely challenging fiscal environment for California schools and the specific financial circumstances described by each district in its waiver application, the State Board of Education (SBE) finds that the districts’ continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the districts would otherwise incur without approval of the requested waiver. In these circumstances, the SBE finds specifically that the class size penalty provisions of Education Code (EC) sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the districts’ applications.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

*Education Code* Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of this and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten through grade three or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district’s most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.
The CDE recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.

**FISCAL ANALYSIS (AS APPROPRIATE)**

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

**ATTACHMENT(S)**

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (2 pages)

Attachment 2: Capistrano Unified School District Specific Waiver Request 7-7-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Carlsbad Unified School District Specific Waiver Request 38-7-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Cotati-Rohnert Park Unified School District Specific Waiver Request 3-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Palm Springs Unified School District Specific Waiver Request 1-7-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Snowline Joint Unified School District Specific Waiver Request 35-7-2012 (9 pages) (Original waiver request is signed and on file in the Waiver Office.)
# Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code* sections 41376 and 41378: For Kindergarten:
Overall average 31; No class larger than 33. For Grades 1-3:
Overall average 30; no class larger than 32.

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District's Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-7-2012</td>
<td>Capistrano Unified School District</td>
<td>Requested: July 1, 2012 to June 30, 2013</td>
<td>For K: Overall average 33; no class size larger than 35 For 1-3: Overall average 34; no class size larger than 35</td>
<td>For K: Overall average 33; no class size larger than 35 For 1-3: Overall average 34; no class size larger than 35</td>
<td>Capistrano Unified Education Association, Vicki Soderberg, President 2/13/12 &amp; 4/5/12 Neutral</td>
<td>July 9, 2012</td>
<td>$1,500,000 FY 2012-13</td>
<td>Qualified</td>
<td>No</td>
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<tr>
<td>38-7-2012</td>
<td>Carlsbad Unified District</td>
<td>Requested: July 1, 2011 to June 29, 2013</td>
<td>For 2011-12: K-3: Overall average 32; no class size larger than 33 For 2012-13: K-3 Overall average 33; no class size larger than 35</td>
<td>For 2011-12: K-3: Overall average 32; no class size larger than 33 For 2012-13: K-3 Overall average 33; no class size larger than 35</td>
<td>Carlsbad Unified Teachers Association, Sally Estep, President 10/5/11 Neutral Laborers’ International Union of North America, Jan Tokorcheck, President, 8/23/11 Support</td>
<td>October 12, 2011</td>
<td>$694,738 each year</td>
<td>Qualified</td>
<td>No</td>
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<tr>
<td>3-7-2012</td>
<td>Cotati-Rohnert Park Unified School District</td>
<td>Requested: July 1, 2011 to June 30, 2012</td>
<td>For 1-3: Overall average 30; no class size larger than 33</td>
<td>For 1-3: Overall average 30; no class size larger than 33</td>
<td>Rohnert Park Educators Association, Stacie Allen, President 6/6/12, 6/7/12, and 6/12/12 Neutral</td>
<td>June 12, 2012</td>
<td>$190,507 FY 2011-12</td>
<td>Negative</td>
<td>No</td>
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<td>1-7-2012</td>
<td>Palm Springs Unified School District</td>
<td>Requested: July 1, 2011 to June 29, 2013</td>
<td>For K-3: Overall average 33; no class size larger than 35</td>
<td>For K-3: Overall average 33; no class size larger than 35</td>
<td>Palm Springs Teachers Association, Bev Bricker, President 6/26/12 Support</td>
<td>June 26, 2012</td>
<td>$454,808 each year</td>
<td>Qualified</td>
<td>No</td>
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## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code* sections 41376 and 41378: For Kindergarten: Overall average 31; No class larger than 33. For Grades 1-3: Overall average 30; no class larger than 32.

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District’s Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
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<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
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<tbody>
<tr>
<td>35-7-2012</td>
<td>Snowline Joint Unified School District</td>
<td><strong>Requested:</strong> July 1, 2010 to June 30, 2012</td>
<td>For 1-3: Overall average 31; no class size larger than 33</td>
<td>For 1-3: Overall average 31; no class size larger than 33</td>
<td>California School Employees Association, David Frederickson, President 8/22/12 <strong>Support</strong></td>
<td>August 28, 2012</td>
<td>$104,557 FY 2011-12</td>
<td>Positive</td>
<td>Yes 8/13/09 to 6/4/10</td>
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Created by California Department of Education
September 4, 2012

Revised: 10/29/2012 1:41 PM
**CALIFORNIA DEPARTMENT OF EDUCATION**

**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

**First Time Waiver:** _X_  
**Renewal Waiver:** __

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

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<th>4</th>
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**Local educational agency:**  
Capistrano Unified School District

**Contact name and Title:**  
Julie Hatchel, Asst. Supt., Education

**Contact person’s e-mail address:**  
jhatchel@capousd.org

**Address:**  
33122 Valle Road, San Juan Capistrano, CA 92675

**Phone (and extension, if necessary):**  
(949) 234-9229

**Fax number:**  
(949) 489-0467

**Period of request:**  
From: 7/1/12  
To: 6/30/13  
Local board approval date: July 9, 2012

---

**LEGAL CRITERIA**

1. **Authority for the waiver:**  
   EC 41382  
   Specific code section:

   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

   EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions.

2. **Education Code or California Code of Regulations or portion to be waived.**  
   Section to be waived: (number)  
   41376(a) (c) (d) and 41378  
   Circle One: EC or CCR

   Brief Description of the topic of the waiver:  
   Waive the Class Size Penalty – Kindergarten  
   Waive the Class Size Penalty – Grades 1-3

3. **If this is a renewal of a previously approved waiver, please list Waiver No:**  
   N/A  
   and date of SBE approval: N/A

   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. **Collective bargaining unit information. (Not necessary for EC 56101 waivers)**

   Does the district have any employee bargaining units? __ No  
   _X_ Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  
   February 13, 2012, April 5, 2012

   Name of bargaining units and representative(s) consulted:  
   Capistrano Unified Education Association, Vicki Soderberg, President

   The position(s) of the bargaining unit(s):  
   _X_ Neutral  
   ___ Support  
   ___ Oppose (Please specify why)

   Comments (if appropriate):
5. Advisory committee or school site council that reviewed the waiver. Name: Achievement For All Advisory Committee

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request. Date advisory committee/council reviewed request: February 14, 2012; April 5, 2012

_X__ Approve    ___ Neutral    ___ Oppose

Were there any objection? Yes ___ No  _X__ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 4 to 8, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The District is requesting the class size limit be waived and allow the overall class size average in kindergarten to increase from 31 to 33 and in grades 1-3 from 30 to 34. The District is also requesting that individual class size maximums be increased from 33 in kindergarten to 35 and from 32 in grades 1-3 to 35.

With the current class size limits, it is anticipated that the District will need a waiver to eliminate potential penalties in 2012-2013. The District is expecting a budget shortfall of 30-50 million dollars due to the elimination of federal stimulus funding and declining enrollment. To address the shortfall, the District has responded with certificated and classified reductions, and in negotiations for potential increased class sizes, additional furlough days, and possible salary rollbacks. Additional financial reductions due to class size penalties will create a further decline to classroom programs resulting in reductions that reach core academic programs such as reading, math, and science. This will negatively affect the District’s ability to serve students as we transition to Common Core standards and implement innovative, data-driven strategies to close the achievement gap.

If this waiver is approved, a projected penalty of up to $1.5 million could be eliminated. This calculation was projected based on 2010-2011 data. If one class had been over the maximum, the penalty computation would have included a total of 235 classes and based on the revenue limit, the total would have been $1,531,731. Note: with a reduction in revenue limit, the penalty would be lower.

8. Demographic Information:
Capistrano Unified School District has a student population of 50,488 and serves the suburban cities of Aliso Viejo, Rancho Santa Margarita, San Clemente, Dana Point, San Juan Capistrano, Laguna Niguel, and Mission Viejo in Orange County. Demographic information regarding tested subgroups is attached.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? (If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  Joseph M. Farley  Title:  Superintendent  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 DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) [http://www.cde.ca.gov/re/lr/wr/]

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Carlsbad Unified School District

Contact name and Title:
Suzanne O’Connell Assistant Superintendent – Instructional Services

Contact person’s e-mail address:
soconnell@carlsbadusd.net

Address: (City) (State) Phone (and extension, if necessary):
6225 El Camino Real, Carlsbad, CA 92009 (760) 331-5000 x 5013

Fax number:

Period of request: (month/day/year) Local board approval date: (Required)
From: July 1, 2011 To: June 29, 2013 October 12, 2011

LEGAL CRITERIA

1. Authority for the waiver: EC Specific code section: 41382
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

   EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the bases that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: 41376 (a)(c) and (d) and 41378 Circle One: EC or CCR

   Brief Description of the topic of the waiver: Class Size Waiver Grades 1-3 and Class Size Waiver Kindergarten

3. If this is a renewal of a previously approved waiver, please list Waiver No: ______ and date of SBE approval _______. Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)
   Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Carlsbad Unified Teachers Association (CUTA) on 10/05/2011, and (Laborers’ International Union of North America (LIUNA) on 08/23/2011.

   Name of bargaining units and representative(s) consulted: Sally Estep (CUTA President) and Christine Parr (Part of CUTA leadership team); Jan Tokorcheck (LIUNA President) and Melody Flanagan (Part of LIUNA leadership team)

   The position(s) of the bargaining unit(s): _X_ Neutral ___ Support ___ Oppose (Please specify why)

   Comments (if appropriate): The certificated bargaining unit (CUTA) was neutral. The classified bargaining unit (LIUNA) was in support of the request.
5. Advisory committee or school site council that reviewed the waiver. Name:

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request. Date advisory committee/council reviewed request:

_X_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes _X_ No ___ (If there were objections please specify)

The Teacher Parent Advisory Committee reluctantly approved the district pursuing a waiver on October 12, 2011. These were their concerns:

- Meeting AYP Targets / Test score decline
- Student safety / Negative behaviors my increase
- Morale
- “No Child Left Behind / No Teacher Left Standing”
- Classes already too big
- Instruction may be less effective
- Harder to connect with students
- Education will become less chosen as a profession by quality people because it will be too difficult and less rewarding.
- Parents are unhappy
- Teachers object to increased workload
- Fears exist about no specific maximum for class size.

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess for thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provision of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1,2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the product.
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The Carlsbad Unified School District is considering temporarily increase class size in grades K-3 in order to provide flexibility in staffing and to reduce expenditures during this period of severely reduced revenue. The district faces a shortfall of almost $11 million in the 2012-13 due to the State budget crisis and sharp revenue reductions. Increasing the average class size would require a waiver of Education Code section 41376(a), (c), and (d), which states that a district will be penalized for exceeding an enrollment of 32 or whose average size for all the classes exceeds 30. It would also require a waiver of Education Code 41378 which states that a district will be penalized for exceeding an enrollment of 33 or an average number of pupils in excess of 31. The District is asking that E. Code section 41378 and 41376(a), (c), (d) and the associated penalty be waived in order to increase class sized in grades K-3. We are requesting that our average class size be permitted to be 32 with a maximum of 33 in 2011-2012 and an average of 33 with a maximum of 35 in 2012-2013.

The fiscal crisis at the state level has created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics, and science. The Carlsbad Unified School District continues to set priorities that result in the least impact on our students. While increased class size is never desirable, CUSD believes that this is a more prudent course of action than reducing the instructional calendar. Should the waiver be denied, we will have no other recourse but to further reduce the school year resulting in significant loss of class time.

8. Demographic Information:
Carlsbad Unified School District has a student population of 11,151 students and is located in a suburb of San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
X  No  ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
X  No  ___ Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title: Superintendent  
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:
Specific Waiver Request

First Time Waiver:  X
Renewal Waiver:  

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency:
Cotati-Rohnert Park Unified School District

Contact name and Title: Anne Barron, Chief Business Official

Contact person’s e-mail address: anne_barron@crpusd.org

Address: 7165 Burton Avenue Rohnert Park CA 94928

Phone (and extension, if necessary): 707-792-4705
Fax number: 707-792-4739

Period of request: From 7/1/2011 To 6/30/2012
Local board approval date: June 12, 2012

Legal Criteria

1. Authority for the waiver:  X  Specific code section: EC 41382
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.
   EC 41382 Exemption from penalty provisions: application to State Board of Education

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: (number) EC 41376 (a), (c) and (d)  Circle One: EC or CCR
   Brief Description of the topic of the waiver: Waiver of class size penalties for grades 1-3.

3. If this is a renewal of a previously approved waiver, please list Waiver No: ______ and date of SBE approval _______
   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)
   Does the district have any employee bargaining units?  No  X Yes  If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s): June 6, 7 and 12, 2012
   Name of bargaining units and representative(s) consulted: Rohnert Park Cotati Educators Association president Stacie Allen
   The position(s) of the bargaining unit(s):  X  Neutral  ___ Support  Oppose (Please specify why)
   Comments (if appropriate): See attached.

5. Advisory committee or school site council that reviewed the waiver. Name: Superintendent’s Advisory Committee
   Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request.
   Date advisory committee/council reviewed request: June 20, 2012
   X  Approve  ___ Neutral  ___ Oppose
   Were there any objection? Yes ___ No  X  (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

   See attached.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   See attached.

8. Demographic Information:

   (District/school/program) Cotati Rohnert Park Unified School District has a student population of 5,912 and is located in a suburban area in Sonoma County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  x  No  ___  Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  x  No  ___  Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee: Anne W. Barron</th>
<th>Title: Chief Business Official</th>
<th>Date: June 27, 2012</th>
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<tr>
<td>Signature of SELPA Director (only if a Special Education Waiver)</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<td>Deputy (type or print):</td>
<td>Deputy Signature:</td>
<td>Date:</td>
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Item 4. Collective bargaining unit statement.

The Rohnert Park Cotati Educators Association is taking a neutral position on this Specific Waiver Request. We understand the need to have this waiver approved in order to save the District from the severe penalties that would otherwise apply and do appreciate the District taking the action it has to retain student enrollment in our District. We cannot take a support position as we have the responsibility of ensuring the integrity of our contract and agreements on class-size for our members.

Stacie Allen  
Rohnert Park Cotati EA, President


EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.
Item 7. Desired outcome/rationale:

The current state fiscal crisis has led to significant reduction in revenues to our District. In response to these reductions Cotati-Rohnert Park USD has implemented extensive budget cuts since 2008-09, including closing two elementary schools and one middle school, reducing the instructional year to 175 days, and negotiating reductions in salary and district contributions toward benefits for all employee groups. The District has self-certified its financial condition as negative in both the first and second interim reports for 2011-12.

In order to meet current budget challenges and remain fiscally solvent, the District is pursuing every opportunity to reduce costs to the unrestricted general fund. Current bargaining agreements with certificated staff allow for class sizes up to 30 in grades K through 6. Since salaries and benefits are the largest expense item in the budget, we have had to increase class sizes to the contract maximum in order to meet our budget reduction goals. Our District has been in declining enrollment for years and we lose significant numbers of students to neighboring districts, both on interdistrict transfer agreements and to charter schools. In the current year the total loss for all grades is over 800 students compared to total enrollment of 5,912 for 2011-12. When new families arrive and request their neighborhood school or a specific site, we are reluctant to refuse their request because we don’t want them to leave the district. As a result, there were a few classes that ended up having more students than originally anticipated.

We request that Cotati-Rohnert Park Unified be allowed to have our individual class sizes for grades 1 to 3 at 33 for 2011-2012. Funding reductions imposed due to class-size penalties are estimated to be $201,200 for the 2011-12 fiscal year. Any loss of revenue will severely impact our educational programs through reductions that reach the core academic programs such as reading and mathematics. The District has had to make so many cuts that only the core program remains. This waiver will help the District protect its fragile fiscal condition and preserve core instructional programs that directly benefit students.
**LEGAL CRITERIA**

1. **Authority for the waiver:** _EC_ Specific code section: _41382_.
   Write the **EC** Section citation, which allows you to request, or authorizes the waiver of the specific **EC** Section you want to waive.

   **EC 41382.** The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. **Education Code or California Code of Regulations** or portion to be waived.
   Section to be waived: (number) 41376(a)(c)(d) and 41378 (a) through (e)  
   Circle One: **(EC)** or **CCR**

   Brief Description of the topic of the waiver: Waiver of class size penalties for grades K-3. Under the provisions of Education Code Sections 41376 (a), (c) and (d) and 41378 (a) through (e) to avoid class size penalties.

3. **If this is a renewal of a previously approved waiver,** please list Waiver No: N/A and date of SBE approval ________
   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.
4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining units and representative(s) consulted:

The position(s) of the bargaining unit(s): ____ Neutral  _X_ Support  ___ Oppose (Please specify why)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: District Executive Cabinet

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request. Date advisory committee/council reviewed request:

_X_ Approve  ____ Neutral  ___ Oppose

Were there any objection? Yes ___ No _X_ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Our district is requesting a specific waiver to temporarily increase the class size for grades K-3 to be able to reduce expenditures. Prior to the current school year we had been able to stay within the class size guidelines. Due to the increased population in some of our school boundaries, it was not possible to maintain the class size within the guidelines. We have 15 elementary schools within our district boundaries covering approximately 500 square miles. We were forced to increase the student to teacher ratio so that we would not have to reduce programs being offered within the current fiscal year. We are requesting the temporary waiver so that we will be able to keep our expenditures within budget and remain fiscally solvent. Our district’s intent is to reduce the class sizes once the State budgetary constraints are removed.

In summary, we are specifically requesting that we be allow to increase our K-3 class size averages to 33 and class sizes not to exceed 35.

8. Demographic Information:

The Palm Springs Unified School District has a student population of 22,833. It covers approximately 500 square miles which includes the cities of Palm Springs, Desert Hot Springs, Cathedral City, Rancho Mirage and portions of Palm Desert plus the incorporated area of Thousand Palms located in the Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  _X_ No   __  Yes

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  _X_ No   __  Yes

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Title:  
Date:

Signature of SELPA Director (only if a Special Education Waiver)

Date: 

N/A

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:
Response:

The Palm Springs Unified School District is respectfully requesting a temporary waiver of class size penalties to reduce expenditures. Without this temporary waiver Palm Springs Unified would face a significant reduction in services to students in both Math and Language Arts.

The Palm Springs Unified School District has experienced a 28-point growth in our LEA-wide API since 2009, including a 27-point growth for our English Learners and a 34-point growth for our Socioeconomically Disadvantaged (SED) Learners, respectively. The District has been working diligently with the Riverside County Office of Education (RCOE) to implement systems and curriculum to meet the needs of our extremely diverse student population.

With a school district covering six cities and more than 500 square miles, we are constantly faced with the challenge of insuring appropriate class sizes throughout the district. The past four years have been especially challenging due to the California budget crisis and the reductions in revenues for K-12 education. Palm Springs like most districts has reduced spending to maintain fiscally solvency during this difficult times. These economic challenges have forced our district to maintain a very conservative staffing and budget policy.

Our situation is further impacted in that Palm Springs USD has experienced declining enrollment over the past several years. In addition, we are a Program Improvement district with nearly 85% of our student population qualifying as SED Learners.

Palm Springs is committing significant resources to train teachers in the reading/language arts and math subject areas and implementing systems with the assistance of RCOE to better meet the needs of our student population. In addition, it is our goal to ensure that each student has the resources they need to be successful. Without the waiver of the CSR penalties, Palm Springs would be forced to reduce and/or eliminate programs and services in both math and language to some of the most needy students in California.
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09)  [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

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</table>

Local educational agency: Snowline Joint Unified School District

Contact name and Title: Luke Ontiveros, Asst. Supt., HR

Contact person’s e-mail address: luke_ontiveros@snowline.schools.com

Address: P.O. Box 296000

City: Phelan

State: CA

ZIP: 92329

Phone (and extension, if necessary): 760-868-5817, ext. 7234

Fax number: 

Period of request: From: 07/01/2010 To: 06/30/2012

Local board approval date: 08/28/2012

**LEGAL CRITERIA**

1. Authority for the waiver: Education Code Specific code section: 41382__

   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

2. **Education Code or California Code of Regulations or portion to be waived.**

   Section to be waived: (number) 41376  Circle One: EC or CCR

   Brief Description of the topic of the waiver: Class Size Limit Penalties

3. If this is a renewal of a previously approved waiver, please list Waiver No: 31-5-2010-W-4 and date of SBE approval 11/10/2010__

   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)

   Does the district have any employee bargaining units? _X_ Yes  ____ No

   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 08/22/2012

   Name of bargaining units and representative(s) consulted: California School Employees Association (CSEA), Chapter 278: David Frederickson, President

   The district has no certificated bargaining unit

   The position(s) of the bargaining unit(s): Neutral Support Oppose (Please specify why)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name:

   Per EC 33051(a) if the waiver affects a program that requires a school site council that council must approve the request. Date advisory committee/council reviewed request:

   _X_ Approve _X_ Neutral  ____ Oppose

   Were there any objection? Yes ____ No ____ (If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

Please see attached Exhibit A

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

In accordance with Education Code section 41382 (attached as Exhibit B),

“the governing board may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.”

Snowline Joint Unified School District, beginning with the 2009-2010 school year, implemented at its six elementary schools the position of RTI² Instructional Coach, the primary role of which is to work with teachers at each of the elementary sites to improve instruction in reading and mathematics for students in grades K-5 specifically, as well as to provide direct instruction and intervention to students (the associated job description is included as Exhibit C). The model was implemented with the support of the Desert-Mountain SELPA along with assistance from a consultant supplied by the Desert-Mountain SELPA from the Diagnostic Center, Southern California, which serves as “the California Department of Education's primary provider of direct services and assistance to California school districts and their special education students.” (http://www.dcs-cde.ca.gov/abt/mission.htm) The benefit to students and staff has been considerable and in order to build sustainability for this model in light of the current fiscal crisis, Snowline would benefit from the flexibility afforded in allowing classes at grades 1-3 to reach enrollment of 33 without penalty.

The RTI² model adopted by Snowline is closely aligned with the direction advocated by State Superintendent of Instruction Jack O’Connell’s correspondence forwarded to all district Superintendents in November of 2008 (see attached Exhibit D), which calls for “a process that utilizes all resources within a school and district in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data.”

In order for Snowline to implement this model and support the critical role of the RTI² Coach under the current economic conditions, flexibility in class sizes is paramount. Snowline Joint Unified School District respectfully requests that a waiver of Education Code section 41376 be permitted in order to allow the district to implement the RTI² model as designed to benefit students without penalty.

8. Demographic Information:
Snowline Joint Unified School District has a student population of 8,300 and is located in a rural area in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  _X_  No  __  Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  _X_  No  __  Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.
| Signature of Superintendent or Designee: | Title: Assistant Superintendent | Date: 08/28/2012 |
| 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: |
The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

1. Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

2. Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

3. Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:
He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.
EXHIBIT B

The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.
EXHIBIT C

TEACHER ON ASSIGNMENT
RTI² INTERVENTION COACH

DEFINITION:

Under the direction of the Principal, responsible for development and implementation of a reading and mathematics intervention program for students who are identified as performing below grade level utilizing the district’s identified Response to Instruction and Intervention (RTI²) model.

EXAMPLES OF DUTIES:

1. Assist classroom teachers in collecting, analyzing and using student achievement data to guide instruction.
2. Provide direct intervention strategies to students identified as performing below grade level within the RTI² model.
3. Establish a system for evaluating student performance relative to intervention strategies.
4. Attend site leadership, grade-level meetings.
5. Assist grade-level teams in developing short and long-term goals relative to student performance.
6. Assist site administration in determining school-wide student support needs relative to implementation of RTI² model.

QUALIFICATIONS:

Knowledge and understanding of:

Scientifically, research-based instructional strategies for teaching reading and mathematics; Program assessment and evaluation techniques, strategies and procedures;

Ability to:

Communicate effectively in oral and written form;
Analyze and assess project needs and make recommendation pertaining to implementation;
Organize and participate in assessment and program evaluation procedures.

Experience:

Minimum of two years classroom experience.
Certification of Employment:

Possession of a California Clear Teaching Credential.

License Requirement:

Possession of a valid California Motor Vehicle Operator’s license.

Condition of Employment:

Insurability by the District’s insurance carrier.

Physical Demands:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to stand; walk; and use hands to finger, handle, or feel objects tools, or controls. The employee is occasionally required to sit and reach with hands and arms.

The employee must regularly lift and/or move up to 25 pounds, frequently lift and/or move up to 10 pounds, and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

Work Environment:

The work environment characteristics described here are representative of those an employee encounters while performing the essential function of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employees occasionally work in outside weather conditions.

The noise level in the work environment is usually moderate.
November 14, 2008.

Dear County and District Superintendents and Charter School Administrators:

RESPONSE TO INSTRUCTION AND INTERVENTION

Response to Intervention (RtI) is emerging nationally as an effective strategy to support every student. The California Department of Education (CDE) is squaring the term RtI to Response to Instruction and Intervention (RtI²) to define a general education approach of high quality instruction, early intervention, and prevention and behavioral strategies. Attached are the CDE’s definition, philosophy, and core components of RtI². RtI² offers a way to eliminate achievement gaps through a school-wide process that provides assistance to every student, both high achieving and struggling learners. It is a process that utilizes all resources within a school and district in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data. RtI² is fully aligned with the research on the effectiveness of early intervention and the recommendations of the California P-16 Council’s themes of access, culture and climate, expectations, and strategies.

RtI is cited in the reauthorization of the Individuals with Disabilities Education Act (IDEA) of 2004 related to the determination of Specific Learning Disability (SLD) and 34 Code of Federal Regulations sections 300.307, 300.309, and 300.311. The IDEA regulations allow for the use of a process, based on a child’s response to scientific, research-based intervention, as a component to determine if a child has a specific learning disability. Thus, the data gained during the implementation of an effective RtI² system can be part of the process to identify students with learning disabilities. Research shows that implementation of RtI² in general education reduces the disproportionate representation of certain groups of students identified as needing special education services.

Together, we can close the achievement gap and open the door to a better future for every student, without exception. I look forward to continuing our work together.

If you have any questions regarding RtI², please contact Anthony Monreal, Deputy Superintendent, Curriculum and Instruction Branch, at 916-319-0806 or by e-mail at amonreal@cde.ca.gov.

Sincerely,

JACK O’CONNELL

Last Reviewed: Monday, November 09, 2009
ITEM W-13
General Waiver

SUBJECT
Request by two districts to waive portions of California Education Code Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district’s current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district’s 1964 average.

Waiver Numbers: Carlsbad Unified School District 37-7-2012
Cottonwood Union Elementary School District 11-7-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, Education Code (EC) Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of EC Section 41376, which relates to class size penalties for grades four through eight that reduce a district’s revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district’s class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.

The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.
A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district’s most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Carlsbad Unified School District General Waiver Request 37-7-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Cottonwood Union Elementary School District General Waiver Request 11-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>1964 Class Size Average (Current Maximum)</th>
<th>District's Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Advisory Committee(s) Consulted, Date/Position</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>37-7-2012</td>
<td>Carlsbad Unified School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 29, 2013</td>
<td>31.3</td>
<td>34</td>
<td>34</td>
<td>Carlsbad Unified Teachers Association, Sally Estep, President 10/5/11 <strong>Neutral</strong> Laborers’ International Union of North America, Jan Tokorcheck, President 8/23/11 <strong>Support</strong></td>
<td>October 12, 2011</td>
<td>Teacher Parent Advisory Committee 10/12/2011 <strong>Objections</strong></td>
<td>$2,043,478 FY 2012-13</td>
<td>Qualified</td>
<td>No</td>
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<tr>
<td>11-7-2012</td>
<td>Cottonwood Union Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2013</td>
<td>32.8</td>
<td>34.4</td>
<td>34.4</td>
<td>Cottonwood Teachers Association, Glenda White, President 7/3/12 &amp; 9/4/2012 <strong>Neutral</strong></td>
<td>July 19, 2012</td>
<td>School Site Committee (North Cottonwood) 8/30/12 Parent Club (West Cottonwood) 9/5/12 <strong>No Objections</strong></td>
<td>$201,195 FY 2012-13</td>
<td>Negative</td>
<td>No</td>
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</table>

Created by California Department of Education
September 11, 2012
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  _X_
Renewal Waiver:  ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Carlsbad Unified School District

Contact name and Title:
Suzanne O'Connell Assistant Superintendent – Instructional Services

Address:  6225 El Camino Real, Carlsbad, CA 92009

Phone (and extension, if necessary):  (760) 331-5000 x 5013

Fax Number:

Period of request:  (month/day/year)  From: Jul 1, 2012  To: June 29, 2013

Local board approval date:  (Required)  October 12, 2011

Date of public hearing:  (Required)  October 12, 2011

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  E.C. 41376 (b) and (c)  Circle One:  _EC or _CCR
   Topic of the waiver:  Class Size Grades 4-8

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  ______  and date of SBE Approval________
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  _X_ Yes  _No
   Please complete required information below:
   Bargaining unit(s) consulted on date(s):  Carlsbad Unified Teachers Association (CUTA) on 10/05/2011, and Laborers’ International Union of North America (LIUNA) on 08/23/2011.
   Name of bargaining unit and representative(s) consulted:  Sally Estep (CUTA President) and Christine Parr (Part of CUTA leadership team), Jan Tokorcheck (LIUNA President) and Melody Flanagan (Part of LIUNA leadership team)
   The position(s) of the bargaining unit(s):  _X_ Neutral  _Support  _Oppose (Please specify why)
   Comments (if appropriate):  The certificated bargaining unit (CUTA) was neutral. The classified bargaining unit (LIUNA) was in support of the request.

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include:  (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
   How was the required public hearing advertised?
   ___ Notice in a newspaper  _X_ Notice posted at each school  _X_ Other:  Posted in three (3) public places

CD CODE

| 3 | 7 | 7 | 3 | 5 | 5 | 1 |

Revised: 10/29/2012 1:42 PM
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:

Were there any objection(s)? No ___ Yes _X_  (If there were objections please specify)

The Teacher Parent Advisory Committee reluctantly approved the district pursuing a waiver on October 12, 2011. These were their concerns:

- Meeting AYP Targets / Test score decline
- Student safety / Negative behaviors my increase
- Morale
- “No Child Left Behind / No Teacher Left Standing”
- Classes already too big
- Instruction may be less effective
- Harder to connect with students
- Education will become less chosen as a profession by quality people because it will be too difficult and less rewarding.
- Parents are unhappy
- Teachers object to increased workload
- Fears exist about no specific maximum for class size.

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

EC 41376 (b) and (e). The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Carlsbad Unified School District is considering temporarily increasing class size in grades 4-8 in order to provide flexibility in staffing and to reduce expenditures during this period of severely reduced revenue. The district faces a shortfall of almost $11 million in 2012-13 due to the State budget crisis and sharp revenue reductions. Increasing the average class size would require a waiver of Education Code section 41376 (b) and (e), which states that a district will be penalized for exceeding the greater of its average class size in grades 4-8 or the statewide average of 29.9. The District is asking that E. Code section 41376 (b) and (e) and the associated penalty be waived in order to increase class sized in grades 4-8.

The penalties that will be imposed as a result of a waiver denial could only be mitigated by an additional instructional furlough day resulting in lost instructional time in core areas particularly math and language arts. Additionally it is our intent to mitigate the increase in class sizes with greater support for classroom teachers by providing additional staff development in the areas of differentiated instruction, classroom management and addressing the needs of a larger student population. We are counting on the waiver in order to provide the necessary support. We are requesting that our average class size be permitted to be 34 in 2012-2013.

The fiscal crisis at the state level has created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics, and science. The Carlsbad Unified School District continues to set priorities that result in the least impact on our students. While increased class size is never desirable, CUSD believes that this is a more prudent course of action than reducing the instructional calendar. Should the waiver be denied, we will have no other recourse but to further reduce the school year resulting in significant loss of class time.

8. Demographic Information:
Carlsbad Unified School District has a student population of 11,151 students and is located in a suburb of San Diego County.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☒ Yes ☐ |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☒ Yes ☐ |

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<td></td>
<td>Superintendent</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<th>Staff Name (type or print):</th>
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**GENERAL WAIVER REQUEST**

**GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/**  

**First Time Waiver: ** _X_  
**Renewal Waiver: ** ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

---

**Local educational agency:**  
Cottonwood Union School District

**Contact name and Title:**  
Laura Merrick, Business Manager

**Contact person’s e-mail address:**  
lmerrick@cwusd.com

**Address:**  
20512 W. First Street, Cottonwood, CA 96022

**Period of request:** (month/day/year)  
From: July 1, 2012 To: June 30, 2013

**Local board approval date:** (Required)  
July 19, 2012

**Date of public hearing:** (Required)  
July 19, 2012

---

**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
Circle One: EC or CCR

**Topic of the waiver:**  
Waive Class Size Penalty Grades 4-8

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _No _X_ Yes  
If yes, please complete required information below:

**Bargaining unit(s) consulted on date(s):**  
7/3/2012, 9/4/2012

**Name of bargaining unit and representative(s) consulted:**  
CTA (Cottonwood Teachers’ Association)  
Glenda White, CTA President

**The position(s) of the bargaining unit(s):**  
_X_ Neutral _ Support _ Oppose  
(Please specify why)

**Comments (if appropriate):**  
See attached page for CTA’s position

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

**How was the required public hearing advertised?**  
_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: (Please specify)  
District Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

**Date the committee/council reviewed the waiver request:**  
School Site Committee (North Cottonwood) 8/30/12  
Parent Club (West Cottonwood) 9/5/12

**Were there any objection(s)?**  
No _X_ Yes ___  
(If there were objections please specify)
10. **Education Code** or **California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out** key).

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

11. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District currently has a negative certification and had made major expenditure cuts in order to meet the large revenue reductions for the 2012/2013 year. Over $1.2 million in budget cuts have been made, mostly in personnel reductions, but also include closing a school site. The district has made projected enrollment calculations based upon the historical averages and then reduced staffing to meet those enrollment projections. A waiver would allow the district to go over the state class size requirement slightly in Grades 4-8, in order to keep staffing down but still provide a quality education to our students.

12. Demographic Information:  
* Cottonwood Union School District* has a student population of 959 and is located in a *Rural area in Shasta County*.  

Revised: 10/29/2012 1:42 PM
Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No ☐  Yes ☐  
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒  Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

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<th>District or County Certification – I hereby certify that the information provided on this application is correct and complete.</th>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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To: Laura Merrick, CWUSD  
From: Glenda White, Cottonwood Teachers Association  
Re: General Waiver Request  
The Association's position on the General Waiver Request to waive the class size penalty for Grades 4-8 is:  
- All of the cuts that have been made are in anticipation of reduction of funds to the district, not actual reductions.  
- If the Governor’s Tax Initiative in November 2012 passes, or the district receives new money beyond the July 2012 adopted budget, or restored money, the Association expects that the district rehire laid off teachers or new hires if laid off teachers are unavailable to get the ratio down to the state/district's average as expected by the state.  
- The Association will not give permission to ignore the square footage requirement per student or any insurance provisions limiting class size.  
- The Association expects the district to have reasonable class sizes to best meet the educational needs of the students.
California State Board of Education
Meeting Agenda Items for November 7-8, 2012

ITEM W-14
## CALIFORNIA STATE BOARD OF EDUCATION

### NOVEMBER 2012 AGENDA

**General Waiver**

**SUBJECT**

Request by four local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:  
- Anaheim Union High 30-7-2012  
- Anaheim Union High 31-7-2012  
- Anaheim Union High 32-7-2012  
- Caruthers Unified 40-7-2012  
- Dinuba Unified 33-7-2012  
- Dinuba Unified 34-7-2012  
- Pond Union Elementary 41-7-2012

### RECOMMENDATION

- [ ] Approval  
- [ ] Approval with conditions  
- [ ] Denial

See Attachments 1, 3, 5, 7, 9, 11 and 13 for details.

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

The California Department of Education (CDE) Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the class size reduction (CSR) target as defined by the Quality Education Investment Act (QEIA). Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied.

### SUMMARY OF KEY ISSUES

#### Class Size Reduction

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.
Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school’s target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a) available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Anaheim Union High School District Request 30-7-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Anaheim Union High School District General Waiver Request 30-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Anaheim Union High School District Request 31-7-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 4: Anaheim Union High School District General Waiver Request 31-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5: Anaheim Union High School District Request 32-7-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 6: Anaheim Union High School District General Waiver Request 32-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Caruthers Unified School District Request 40-7-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 8: Caruthers Unified School District General Waiver Request 40-7-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Dinuba Unified School District Request 33-7-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 10: Dinuba Unified School District General Waiver Request 33-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Dinuba Unified School District General Waiver Request 34-7-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Dinuba Unified School District General Waiver Request 34-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Pond Union Elementary School District General Waiver Request 41-7-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 14: Pond Union Elementary School District General Waiver Request 41-7-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 30-7-2012  
Period of Request: July 1, 2012, to June 30, 2015  
Period Recommended: July 1, 2012, to June 29, 2014  
CDS Code: 30 66431 6058895

Sycamore Junior High School  
Anaheim Union High School District

Local Educational Agency Request:

Anaheim Union High School District (UHSD) is an urban school district located in Orange County and has a student population of approximately 32,700 students. Sycamore Junior High School (JHS) has a student population of approximately 1,505 students in grades seven and eight. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12 but is asking for an alternative QEIA CSR target for school years 2012–13, 2013–14, and 2014–15. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 23.2 in grade seven and 25.0 in grade eight.

Anaheim UHSD states that it has become increasingly challenging to meet Sycamore JHS’s QEIA CSR targets as state revenue to schools has been significantly reduced and carryover funds continue to diminish. The district states the program has been extremely beneficial and that parents, school staff, and district staff are all committed to continuing the program at Sycamore JHS.

Anaheim UHSD requests a waiver of the QEIA CSR target for grade seven at Sycamore JHS for school years 2012–13, 2013–14, and 2014-15, and the establishment of an alternative CSR target of 25.0 students on average in core classes in grade seven.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Anaheim UHSD’s request to increase its CSR target for grade seven at Sycamore JHS.

The CDE recommends approval with the following conditions: (1) Applies only to grade seven classes at Sycamore JHS for school years 2012–13 and 2013–14; (2) Sycamore JHS increases enrollment to 25.0 on average in core classes in grade seven for school years 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Anaheim UHSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Anaheim UHSD English Learner Advisory Committee on July 18, 2012.


Local Board Approval: August 16, 2012.
**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

First Time Waiver: X  
Renewal Waiver: __

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

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<td><a href="mailto:stocks_s@auhsd.k12.ca.us">stocks_s@auhsd.k12.ca.us</a></td>
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**LEGAL CRITERIA**

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740 (a)(1)  
Circle One: EC or CCR

Topic of the waiver: Quality Education Investment Act (QEIA) Class Size Reduction Targets at Sycamore Junior High School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______  
Renewals of waivers must be submitted two months before the active waiver expires: NA

3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No ___ X Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): July 23, 2012 (ASTA)

Name of bargaining unit and representative(s) consulted:

- Anaheim Secondary Teachers Association (ASTA)

The position(s) of the bargaining unit(s): ___ Neutral ___ X Support ___ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ X Notice in a newspaper  
___ X Notice posted at each school  
___ X Other: (Please specify) : AUHSD District Office and District website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: **AUHSD District English Learner Advisory Committee (July 18, 2012)**

Date the committee/council reviewed the waiver request: July 18, 2012

Were there any objection(s)? ___ No ___ X Yes ___ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

EC 52055.740 a For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see “Attachment to General Waiver Request Form”

8. Demographic Information:
Sycamore Junior High School, grades 7-8, has a student population of 1,505, and is located in the city of Anaheim in an urban setting. Students are 94.6% Hispanic/Latino, 92.6% socioeconomically disadvantaged, and 32.2% English learners.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
No ☒  Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
No ☒  Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:  
Elizabeth I. Novack, Ph.D.

Title: Superintendent  
Date: August 17, 2012

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:
Attachment to General Waiver Request Form

Sycamore Junior High School
Item 7: Desired outcome/rationale.

Rationale:
Sycamore Junior High School, grades 7-8, has a student population of 1,505, and is located in the city of Anaheim in an urban setting. Students are 94.6% Hispanic/Latino, 92.6% socioeconomically disadvantaged, and 32.2% English learners.

Since the inception of Sycamore Junior High School’s QEIA program, the school has made significant progress, and has met all QEIA performance indicators/monitoring requirements, including Teacher Experience Index (TEI), Williams Settlement reviews, professional development for teachers and paraprofessionals, Highly Qualified Teachers (HQT), and required Academic Performance Index (API) gains. Sycamore Junior High School’s current Base API is 725, an increase of 24 points from the previous school year, and an increase of 101 points since 2007-08. The implementation of QEIA program requirements has improved student achievement outcomes.

Since the inception of the QEIA program, Sycamore Junior High School has been dedicated to meeting QEIA class size reduction (CSR) requirements, as stated in Education Code Section 52055.740 (a)(1), and has largely spent QEIA funding on staffing, in order to have enough carryover to support the costs of additional teachers through June 30, 2015, the current ending date of the program. As QEIA carryover funds continue to diminish each year, and as state revenue to schools has been significantly reduced, it has become increasingly challenging to continue to meet Sycamore Junior High School’s QEIA CSR targets. Sycamore Junior High School’s seventh-grade target is 23.2:1 and the eighth-grade target is 25:1. Additionally, Sycamore Junior High School has utilized appropriate categorical program resources, such as Title 1, Part A, to fund the implementation of professional development requirements.

Desired Outcome:
The District is requesting a waiver to the requirement of Education Code Section 52055.740 (a)(1), “…five pupils fewer per classroom than was the average in 2006-07,” increase the seventh-grade QEIA CSR target from 23.2:1 to 25:1, and extend the term of the new seventh-grade QEIA CSR target through June 30, 2015, which is the current ending date of the QEIA program.

Sycamore Junior High School parents, school staff, and District staff are all committed to continuing the program at Sycamore Junior High School, which has proven to be extremely beneficial to Sycamore Junior High School students.

History of Sycamore Junior High School Class Size Averages (Grade 7-8) 2006 through 2012:

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Waiver Number: 31-7-2012

Period of Request: July 1, 2012, to June 30, 2015

Period Recommended: July 1, 2012, to June 29, 2014

South Junior High School
Anaheim Union High School District

CDS Code: 30 66431 6058887

Local Educational Agency Request:

Anaheim Union High School District (UHSD) is an urban school district located in Orange County and has a student population of approximately 32,700 students. South Junior High School (JHS) has a student population of approximately 1,551 students in grades seven and eight. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12 but is asking for an alternative QEIA CSR target for school years 2012–13, 2013–14, and 2014–15. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 23.5 in grade seven and 24.8 in grade eight.

Anaheim UHSD states that it has become increasingly challenging to meet South JHS’s QEIA CSR targets as state revenue to schools has been significantly reduced and carryover funds continue to diminish. The district states the program has been extremely beneficial and that parents, school staff, and district staff are committed to continuing the program at South JHS.

Anaheim UHSD requests a waiver of the QEIA CSR targets for grade seven and eight at South JHS for school years 2012–13, 2013–14, and 2014–15, and the establishment of an alternative CSR target of 25.0 students on average in core classes in grades seven and eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Anaheim UHSD’s request to increase its CSR target for grades seven and eight at South JHS.

The CDE recommends approval with the following conditions: (1) Applies only to grade seven and eight classes at South JHS for school years 2012–13 and 2013–14; (2) South JHS increases enrollment to 25.0 on average in core classes in grades seven and eight for school years 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Anaheim UHSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Anaheim UHSD English Learner Advisory Committee on July 18, 2012.


Local Board Approval: August 16, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X  Renewal Waiver:  

Send Original plus one copy to:  Send Electronic copy in Word and  
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov  
1430 N Street, Suite 5602  
Sacramento, CA 95814

CD CODE

| 3 | 0 | 6 | 6 | 4 | 3 | 1 |

Local educational agency:  Anaheim Union High School District  
Contact name and Title:  Susan Stocks, Ed.D., Director, Special Programs  
Contact person’s e-mail address:  stocks_s@auhsd.k12.ca.us

Address:  501 N. Crescent Way/P.O. Box 3520, Anaheim, CA 92803-3520  
Phone (and extension, if necessary):  714-999-3579  
Fax Number:  714-520-9754

From:  07/01/2012  To:  06/30/2015  
Local board approval date: (Required)  August 16, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  52055.740 (a)(1)  
   Circle One:  EC or CCR

   Topic of the waiver:  Quality Education Investment Act (QEIA) Class Size Reduction Targets at South Junior High School

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _____  and date of SBE Approval______  
   Renewals of waivers must be submitted two months before the active waiver expires.  NA

3. Collective bargaining unit information. Does the district have any employee bargaining units?  _ No  _ X Yes  
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  July 23, 2012 (ASTA)

   Name of bargaining unit and representative(s) consulted:
   - Anaheim Secondary Teachers Association (ASTA)

   The position(s) of the bargaining unit(s):  __ Neutral  _ X  Support  __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement:  A public hearing is not simply a board meeting, but a properly noticed public hearing held 
during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does 
not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, 
date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal 
notice at each school and three public places in the district.

   How was the required public hearing advertised?  
   _ X  Notice in a newspaper  _ X  Notice posted at each school  _ X  Other: (Please specify) :  AUHS District Office and District website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  AUHS District English Learner Advisory Committee (July 18, 2012)

   Date the committee/council reviewed the waiver request:  July 18, 2012

   Were there any objection(s)?  _ No  _ X Yes  (If there were objections please specify)

Revised: 10/29/2012 1:42 PM
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out* key).

**EC 52055.740 (a)** For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

1. Meet all of the following class size requirements:
   - (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
     - (i) At least five pupils fewer per classroom than was the average in 2006-07.
     - (ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**Please see “Attachment to General Waiver Request Form”**

8. Demographic Information:
   - South Junior High School, grades 7-8, has a student population of 1,551, and is located in the city of Anaheim in an urban setting. Students are 89.8% Hispanic/Latino, 87.0% socioeconomically disadvantaged, and 30.0% English learners.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**
- No ☒
- Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**
- No ☒
- Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

| Signature of Superintendent or Designee: Elizabeth I. Novack, Ph.D. | Title: Superintendent | Date: August 17, 2012 |

---

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

<table>
<thead>
<tr>
<th>Staff Name (type or print):</th>
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<th>Unit Manager (type or print):</th>
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<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
Attachment to General Waiver Request Form

South Junior High School
Item 7: Desired outcome/rationale.

Rationale:
South Junior High School, grades 7-8, has a student population of 1,551, and is located in the city of Anaheim in an urban setting. Students are 89.8% Hispanic/Latino, 87.0% socioeconomically disadvantaged, and 30.0% English learners.

Since the inception of South Junior High School's QEIA program, the school has made significant progress, and has met all QEIA performance indicators/monitoring requirements, including Teacher Experience Index (TEI), Williams Settlement reviews, professional development for teachers and paraprofessionals, Highly Qualified Teachers (HQT), and required Academic Performance Index (API) gains. South Junior High School's current Base API is 707, an increase of 17 points from the previous school year, and an increase of 42 points since 2007-08. The implementation of QEIA program requirements has improved student achievement outcomes.

Since the inception of the QEIA program, South Junior High School has been dedicated to meeting QEIA class size reduction (CSR) requirements, as stated in Education Code Section 52055.740 (a)(1), and has largely spent QEIA funding on staffing, in order to have enough carryover to support the costs of additional teachers through June 30, 2015, the current ending date of the program. As QEIA carryover funds continue to diminish each year, and as state revenue to schools has been significantly reduced, it has become increasingly challenging to continue to meet South Junior High School's QEIA CSR targets. South Junior High School's seventh-grade target is 23.5:1 and the eighth-grade target is 24.8:1. South Junior High School narrowly met the seventh-grade QEIA CSR target in 2011-12, as a result of reduced revenues and fluctuating enrollment.

In 2012-13, the AUHSD general fund must pay for three additional teachers at South Junior High School, in order maintain the current QEIA CSR targets. Additionally, South Junior High School has utilized appropriate categorical program resources, such as Title 1, Part A, to fund the implementation of professional development requirements.

Desired Outcome:
The District is requesting a waiver to the requirement of Education Code Section 52055.740 (a)(1), “…five pupils fewer per classroom than was the average in 2006-07,” increase the seventh-grade QEIA CSR target from 23.5:1 to 25:1, increase the eighth-grade QEIA CSR target from 24.8:1 to 25:1, and extend the term of the new QEIA CSR targets through June 30, 2015, which is the current ending date of the QEIA program.

South Junior High School parents, school staff, and District staff are all committed to continuing the program at South Junior High School, which has proven to be extremely beneficial to South Junior High School students.

History of South Junior High School Class Size Averages (Grade 7-8) 2006 through 2012:

<table>
<thead>
<tr>
<th>Grade</th>
<th>QEIA CSR Target</th>
<th>2006-07 Base Year</th>
<th>2007-08 Planning Year</th>
<th>2008-09 1st Year of Program</th>
<th>2009-10 2nd Year of Program</th>
<th>2010-11 Targets Met</th>
<th>2011-12 Targets Sustained</th>
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<td>Grade 7</td>
<td>23.5</td>
<td>28.5</td>
<td>25.7</td>
<td>23.7</td>
<td>25.4</td>
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<td>23.5</td>
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<td>Grade 8</td>
<td>24.8</td>
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Waiver Number: 32-7-2012  Period of Request: July 1, 2012, to June 30, 2015  Period Recommended: July 1, 2012, to June 29, 2014  
Anaheim High School  
Anaheim Union High School District  

Local Educational Agency Request:  

Anaheim Union High School District (UHSD) is an urban school district located in Orange County and has a student population of approximately 32,700 students. Anaheim High School (HS) has a student population of approximately 3,331 students in grades nine through twelve. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12 but is asking for an alternative QEIA CSR target for school years 2012–13, 2013–14, and 2014–15. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 23.0 in grade nine and 25.0 in grades ten through twelve.  

Anaheim UHSD states that it has become increasingly challenging to meet Anaheim HS’s QEIA CSR targets as state revenue to schools has been significantly reduced and carryover funds continue to diminish. The district states the program has been extremely beneficial and that parents, school staff, and district staff are committed to continuing the program at Anaheim HS.  

Anaheim UHSD requests a waiver of the QEIA CSR targets for grade nine at Anaheim HS for school years 2012–13, 2013–14, and 2014–15, and the establishment of an alternative CSR target of 25.0 students on average in core classes in grade nine.  

California Department of Education Recommendation and Conditions:  

The California Department of Education (CDE) supports Anaheim UHSD’s request to increase its CSR target for grade nine at Anaheim HS.  

The CDE recommends approval with the following conditions: (1) Applies only to grade nine classes at Anaheim HS for school years 2012–13 and 2013–14; (2) Anaheim HS increases enrollment to 25.0 on average in core classes in grade nine for school years 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Anaheim UHSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.  

Reviewed by Anaheim UHSD English Learner Advisory Committee on July 18, 2012.  


Local Board Approval: August 16, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to: Waiver Office, California Department of Education
Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

CD CODE

| 3 | 0 | 6 | 6 | 4 | 3 | 1 |

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<th>Contact name and Title:</th>
<th>Contact person's e-mail address:</th>
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<tr>
<td>Anaheim Union High School District</td>
<td>Susan Stocks, Ed.D., Director, Special Programs</td>
<td><a href="mailto:stocks_s@auhsd.k12.ca.us">stocks_s@auhsd.k12.ca.us</a></td>
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<th>(ZIP)</th>
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<td>August 16, 2012</td>
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LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740 (a)(1) Circle One: EC or CCR

| Topic of the waiver: Quality Education Investment Act (QEIA) Class Size Reduction Targets at Anaheim High School |

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires. NA

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X Yes  If yes, please complete required information below:

<table>
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<th>Bargaining unit(s) consulted on date(s):</th>
<th>Name of bargaining unit and representative(s) consulted:</th>
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<td>July 23, 2012 (ASTA)</td>
<td>Anaheim Secondary Teachers Association (ASTA)</td>
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<tr>
<th>The position(s) of the bargaining unit(s):</th>
<th>__ Neutral _X Support __ Oppose (Please specify why)</th>
</tr>
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</table>

Comments (if appropriate): 

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

<table>
<thead>
<tr>
<th>How was the required public hearing advertised?</th>
</tr>
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<tbody>
<tr>
<td>_X Notice in a newspaper _X Notice posted at each school _X Other: (Please specify) : AUHSD District Office and District website</td>
</tr>
</tbody>
</table>

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: AUHSD District English Learner Advisory Committee (July 18, 2012)

<table>
<thead>
<tr>
<th>Date the committee/council reviewed the waiver request:</th>
<th><em>X</em> Notice in a newspaper <em>X</em> Notice posted at each school <em>X</em> Other: (Please specify) : AUHSD District Office and District website</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 18, 2012</td>
<td>Date the committee/council reviewed the waiver request:</td>
</tr>
</tbody>
</table>

Were there any objection(s)? No _X Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   **EC 52055.740 (a)** For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
   (1) Meet all of the following class size requirements:
      (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
         (i) At least five pupils fewer per classroom than was the average in 2006-07.
         (ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please see “Attachment to General Waiver Request Form”

8. Demographic Information:
   Anaheim High School, grades 9-12, has a student population of 3,331, and is located in the city of Anaheim in an urban setting. Students are 92.9% Hispanic/Latino, 88.9% socioeconomically disadvantaged, and 31.3% English learners.

   Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☐ Yes ☐
   (If yes, please attach explanation or copy of audit finding)

   Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee: Elizabeth I. Novack, Ph.D.  Title: Superintendent  Date: August 17, 2012
Attachment to General Waiver Request Form

Anaheim High School
Item 7: Desired outcome/rationale.

Rationale:
Anaheim High School, grades 9-12, has a student population of 3,331, and is located in the city of Anaheim in an urban setting. Students are 92.9% Hispanic/Latino, 88.9% socioeconomically disadvantaged, and 31.3% English learners.

Since the inception of Anaheim High School’s QEIA program, the school has made significant progress, and has met all QEIA performance indicators/monitoring requirements, including Teacher Experience Index (TEI), Williams Settlement reviews, professional development for teachers and parapropfessionals, Highly Qualified Teachers (HQT), and required Academic Performance Index (API) gains. Anaheim High School’s current Base API is 734, an increase of 34 points from the previous school year, and an increase of 50 points since 2007-08. The implementation of QEIA program requirements has improved student achievement outcomes.

Since the inception of the QEIA program, Anaheim High School has been dedicated to meeting QEIA class size reduction (CSR) requirements, as stated in Education Code Section 52055.740 (a)(1), and has largely spent QEIA funding on staffing, in order to have enough carryover to support the costs of additional teachers through June 30, 2015, the current ending date of the program. As QEIA carryover funds continue to diminish each year, and as state revenue to schools has been significantly reduced, it has become increasingly challenging to continue to meet Anaheim High School’s QEIA CSR targets. Anaheim High School’s ninth-grade target is 23:1 and the target is 25:1 for grades ten through twelve. Additionally, Anaheim High School has utilized appropriate categorical program resources, such as Title 1, Part A, to fund the implementation of professional development requirements.

Desired Outcome:
The District is requesting a waiver to the requirement of Education Code Section 52055.740 (a)(1), “…five pupils fewer per classroom than was the average in 2006-07,” increase the ninth-grade QEIA CSR target from 23:1 to 25:1, and extend the term of the new ninth-grade QEIA CSR target through June 30, 2015, which is the current ending date of the QEIA program.

Anaheim High School parents, school staff, and District staff are all committed to continuing the program at Anaheim High School, which has proven to be extremely beneficial to Anaheim High School students.

History of Anaheim High School Class Size Averages (Grade 9-12) 2006 through 2012:

<table>
<thead>
<tr>
<th>Grade</th>
<th>QEIA CSR Target</th>
<th>2006-07 Base Year</th>
<th>2007-08 Planning Year</th>
<th>2008-09 1st Year of Program</th>
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Waiver Number: 40-7-2012  Period of Request: July 1, 2012, to June 30, 2013  
Period Recommended: July 1, 2012, to June 30, 2013  

Caruthers Elementary School  
Caruthers Unified School District  

CDS Code: 10 75598 6005813  

Local Educational Agency Request:  

Caruthers Unified School District (USD) is a rural school district located in Fresno County and has a student population of approximately 1,325 students. Caruthers Elementary School (ES) has a student population of approximately 758 students in kindergarten and grades one through eight. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12 but is asking for an alternative QEIA CSR target for school year 2012–13. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 22.3 in grade four, 23.3 in grade five, 22.0 in grade six, 22.7 in grade seven, and 24.9 in grade eight.  

Caruthers USD states that Caruthers ES is the only school in the district that serves students in kindergarten and grades one through eight. The district foresees the average class size for grade five exceeding the QEIA CSR target for school year 2012–13, and it cannot hire an extra teacher to maintain targets due to budget constraints.  

Caruthers USD requests a waiver of the QEIA CSR target for grade five at Caruthers ES for school year 2012–13 for core and non-core classes, and the establishment of an alternative CSR target of 25.0 students on average in core and non-core classes in grade five.  

California Department of Education Recommendation and Conditions:  

The California Department of Education (CDE) supports Caruthers USD’s request to increase its CSR target for grade five at Caruthers ES.  

The CDE recommends approval with the following conditions: (1) Applies only to grade five classes at Caruthers ES for school year 2012–13; (2) Caruthers ES increases enrollment to 25.0 on average in core and non-core classes in grade five for school year 2012–13; and (3) Within 30 days of approval of this waiver, Caruthers USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.  


Local Board Approval: August 27, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X  
Renewal Waiver:  ___

Send Original plus one copy to: Waiver Office, California Department of Education 1430 N Street, Suite 5602 Sacramento, CA 95814
Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency:  Caruthers Unified School District  On Behalf Of Caruthers Elementary School  
Contact name and Title:  Orin Hirschkorn, Superintendent  
Contact person’s e-mail address: orhirschkorn@caruthers.k12.ca.us

Address:  P.O. BOX 127  CARUTHERS CA  93609
Period of request:  From:  July 1, 2012  To:  June 30, 2013
Local board approval date:  (Required)  August 27, 2012
Date of public hearing:  (Required)  August 27, 2012

CD CODE  
1  0  7  5  9  8

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  52055.740(a)  Circle One:  EC  or  CCR

Topic of the waiver:  Regarding Class size reduction requirements under the Quality Education Investment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  _No__   and date of SBE Approval______
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  __ No  X  Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  CSEA on August 14, 2012 and CTA on August 21, 2012
Name of bargaining unit and representative(s) consulted:  Margie Conger (CSEA) and Carla Correia (CTA)
The position(s) of the bargaining unit(s):  ___ Neutral   X  Support   __ Oppose (Please specify why)
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
___ Notice in a newspaper  X  Notice posted at each school  ___ Other:  (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:  August 16, 2012
Were there any objection(s)?  No  X  Yes  (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (10-2-09)  

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

Request by **Caruthers Unified School District** to waive portions of California Education Code Section 52055.740 (a), regarding class size reduction requirements under the Quality Education Investment Act, that the funded school reduce its class sizes by an average of five students per class by the end of the 2010-11 school year for Caruthers Elementary School (requesting 25:1 ratio on average in grade five).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Caruthers Unified School District is a rural school district in Fresno County. Caruthers Elementary School is the only school in the district that serves students in grades kindergarten through eight. The district provided class size information from 2005-06, the base year upon which QEIA CSR targets are calculated, showing that the average size of core classes of English, mathematics, history-social science, and science in grade five of 23.3:1 along with 25.5:1 class size average in non-core classes. The district foresees that the average class size for grade 5 for 2012-13 will exceed the target. The District states that hiring an extra teacher to maintain the QEIA CSR targets is unattainable due to budget constraints. Caruthers Unified School District requests a waiver of the QEIA CSR target for grade five and requests to establish an alternative CSR target of 25:1 on average per class in grade five for core classes and 25:1 on average per class for non-core classes in grade five.

8. Demographic Information:

**CARUTHERS ELEMTNARY SCHOOL** has a student population of **758** and is located in a **RURAL COMMUNITY** in **FRESNO** County

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☒ Yes ☐ |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No ☒ Yes ☐ |

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

| Signature of Superintendent or Designee: | Title: Superintendent | 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: |
Waiver Number: 33-7-2012  
Period of Request: July 1, 2012, to June 30, 2013  
Period Recommended: July 1, 2012, to June 30, 2013  
CDS Code: 54 75531 6053979

Jefferson Elementary School  
Dinuba Unified School District  

Local Educational Agency Request:

Dinuba Unified School District (USD) is located in Tulare County and has a student population of approximately 6,151 students. Jefferson Elementary School (ES) has a student population of approximately 640 students in kindergarten and grades one through five. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12 but is asking for an alternative QEIA CSR target for school year 2012–13. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 23.5 in grade four, and 21.3 in grade five.

Dinuba USD states that its non-QEIA schools are being pushed to capacity in order to meet QEIA CSR targets. The district states that it has experienced an unprecedented growth in enrollment resulting in school sites exceeding maximum capacity; thus the request to increase class size targets at Jefferson ES. The district also states this waiver request would allow it to maintain contract class levels at non-QEIA schools and still maintain QEIA class sizes during this year of transition.

Dinuba USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Jefferson ES for school year 2012–13, and the establishment of alternative CSR targets of 25.0 students per class in core classes in kindergarten, 23.0 students per class in core classes in grades one and two, 25.0 students per class in core classes in grade three, and 25.0 students per class on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Dinuba USD’s request to increase its CSR targets for kindergarten and grades one through five at Jefferson ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five classes at Jefferson ES for school year 2012–13; (2) Jefferson ES increases enrollment to 25.0 per class in core classes in kindergarten, 23.0 per class in core classes in grades one and two, 25.0 students per class in core classes in grade three, and 25.0 students per class on average in core classes in grades four and five for school year 2012–13; and (3) Within 30 days of approval of this waiver, Dinuba USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Supported by Dinuba Teachers Association and Classified School Employees Association on August 22, 2012.

**Local Board Approval:** August 23, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Legal Criteria

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740 (a) (4)  Circle One: EC or CCR

Topic of the waiver: Class Sizes Quality Education Investment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number: Not Applicable and date of SBE Approval Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Dinuba Teachers Association DTA/CTA 8/22/2012
Classified School Employees Association 8/22/2012
Name of bargaining unit and representative(s) consulted: Rich White, President, Dinuba Teachers Association
Amanda Lowrey, President, Dinuba Chapter # 152 CSEA
The position(s) of the bargaining unit(s): _X_ Support _ Neutral _ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper  _X_ Notice posted at each school and District Office ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: Jefferson Elementary SSC August 28, 2012
Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a *strike out key*).

Education Code 52055.740 For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements: (c) For all classes in English Language Arts, reading, mathematics, science, or history and social science courses in grades K to 8, inclusive, and average classroom size that is the lesser of clause (i) or (ii) as follows: (i) At least five pupils fewer per classroom than was the average in 2006-07. (ii) An average of 25 pupils per classroom. (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that “grade” at the school site.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District is requesting a one time adjustment to the QEIA baseline targets for K-5. We are requesting K to 25:1, 1st and 2nd grade 23:1 and 3-5 25:1 to fiscally support and meet QEIA component mandates for the time period of July 1, 2012 through June 30, 2013.

With two of our five K-5 schools being QEIA our remaining three non-QEIA schools are being pushed to capacity as we increase student enrollments at those sites to maintain our QEIA CSR. In order to meet this need we are transitioning our all 6th grade Academy to a K-6 School and returning the other K-5 schools to K-6 configurations. The new boundaries for each of our schools should allow our schools to sustain our continued ADA increases. However, we have experienced an unprecedented growth in our enrollment this year especially in Kindergarten resulting in our sites exceeding maximum capacity unless we can increase our CSR numbers at our QEIA schools. This waiver would allow us to maintain contract class levels at our non-QEIA schools and still maintain QEIA class sizes at or below 25:1 during this year of transition.

8. **Demographic Information:**

Jefferson School is a K-5 Elementary School. It has a student population of 640 students: 98% Hispanic, 1.5% White. All students qualify for Free or Reduced Lunch under Provision II. Over 67% of the students are English Learners.

The school is located in the urban fringe of a mid-size city in northern Tulare County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td></td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
7. Desired outcome/rationale

Dinuba Unified School District and Jefferson School have met a number of challenges in meeting the QEIA CSR. Jefferson has added 3 classrooms to accommodate the reduction in class sizes since 2006-07. While Jefferson has had to keep enrollment stable over the last 5 years at around 600 students the remaining 3 non-QEIA schools have had to accommodate 13% to 18% increases in enrollment. In order to offset these large increases in enrollment at our non-QEIA schools the district will be reverting all K-5 schools to K-6 and converting our all-6th grade academy to a K-6 site. This conversion, along with new school boundary lines, will help equalize the enrollment at all of our sites. It was anticipated that we would be able to accomplish this without needing to increase class sizes at our QEIA schools. However, this year our enrollment had an additional growth of 80 students, with 28 of those students in Kindergarten alone. This unexpected growth has pushed us to capacity in all of our non-QEIA schools. The approval of this one-year waiver would give the district the needed capacity for our students while allowing Jefferson to hold Kinder numbers to 25:1, 1st-2nd grades at 23:1 and 3-5th grades at 25:1 until we are able to convert over to 6 K-6 schools.

Jefferson Elementary School has substantially met the following requirements at the previous benchmark years:
- Met the class size reduction requirements for full implementation 2011-2012.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past Four years.
- API increase of 106 points over the past four years.
- Exit Program Improvement in 2009

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction, repaired facilities and increased student learning evidenced by an average API growth of 34.5 points.

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Waiver Number: 34-7-2012  
Period of Request: July 1, 2012, to June 30, 2013  
Period Recommended: July 1, 2012, to June 30, 2013

Wilson Elementary School  
Dinuba Unified School District

Local Educational Agency Request:

Dinuba Unified School District (USD) is located in Tulare County and has a student population of approximately 6,151 students. Wilson Elementary School (ES) has a student population of approximately 483 students in kindergarten and grades one through five. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12 but is asking for an alternative QEIA CSR target for school year 2012–13. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 20.7 in grade four, and 24.7 in grade five.

Dinuba USD states that its non-QEIA schools are being pushed to capacity in order to meet QEIA CSR targets. The district states that it has experienced an unprecedented growth in enrollment resulting in school sites exceeding maximum capacity; thus the request to increase class size targets at Jefferson ES. The district also states this waiver request would allow it to maintain contract class levels at non-QEIA schools and still maintain QEIA class sizes during this year of transition.

Dinuba USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Wilson ES for school year 2012–13, and the establishment of alternative CSR targets of 25.0 students per class in core classes in kindergarten, 23.0 students per class in core classes in grades one and two, 25.0 students per class in core classes in grade three, and 25.0 students per class on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Dinuba USD’s request to increase its CSR targets for kindergarten and grades one through five at Wilson ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five classes at Wilson ES for school year 2012–13; (2) Wilson ES increases enrollment to 25.0 per class in core classes in kindergarten, 23.0 per class in core classes in grades one and two, 25.0 students per class in core classes in grade three, and 25.0 students per class on average in core classes in grades four and five for school year 2012–13; and (3) Within 30 days of approval of this waiver, Dinuba USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Supported by Dinuba Teachers Association and Classified School Employees Association on August 22, 2012.

**Local Board Approval:** August 23, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver: X  
Renewal Waiver: ___  

Send Original plus one copy to: Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov  

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Local educational agency:  
Wilson School CDS: 54 - 75531 – 6054001  
Dinuba Unified School District  
Contact name and Title:  
Michael Akins  
Director  
Contact person’s e-mail address:  
michaela@dinuba.k12.ca.us  

Address:  
305 East Kamm Avenue  
Dinuba  
CA  
93618  
1327 E. El Monte Way  
Dinuba  
CA  
93618  

Phone (and extension, if necessary):  
(559) 595-7200 ext 295  
Fax Number: (559) 591-3334  

Period of request: (month/day/year)  
From: July 1, 2012  
To: June 30, 2013  
Local board approval date: (Required)  
August 23, 2012  
Date of public hearing: (Required)  
August 23, 2012  

LEGAL CRITERIA  
1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740 (a) (4)  
Circle One: EC or CCR  

Topic of the waiver:  
Class Sizes  
Quality Education Investment Act  

2. If this is a renewal of a previously approved waiver, please list Waiver Number: Not Applicable and date of SBE Approval Renewals of waivers must be submitted two months before the active waiver expires.  

3. Collective bargaining unit information. Does the district have any employee bargaining units? _ No ___X___ Yes  
If yes, please complete required information below:  

Bargaining unit(s) consulted on date(s): Dinuba Teachers Association DTA/CTA  8/22/2012  
Classified School Employees Association  8/22/2012  
Name of bargaining unit and representative(s) consulted: Rich White, President, Dinuba Teachers Association  
Amanda Lowrey, President, Dinuba Chapter # 152 CSEA  
The position(s) of the bargaining unit(s): ___ Neutral ___X___ Support ___ Oppose (Please specify why)  
Comments (if appropriate):  

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  

How was the required public hearing advertised?  

___X___ Notice in a newspaper  
___X___ Notice posted at each school and District Office  
___ Other: (Please specify)  

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  

Date the committee/council reviewed the waiver request: Wilson SSC August 23, 2012  
Were there any objection(s)? _ No ___X___ Yes (If there were objections please specify)  

Revised: 10/29/2012 1:42 PM
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   Education Code 52055.740 For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
   (1) Meet all of the following class size requirements: (c) For all classes in English Language Arts, reading, mathematics, science, or history and social science courses in grades K to 8, inclusive, and average classroom size that is the lesser of clause (i) or (ii) as follows: (i) At least five pupils fewer per classroom than was the average in 2006-07. (ii) An average of 25 pupils per classroom. (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that “grade” at the school site.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The District is requesting a one time adjustment to the QEIA baseline targets for K-5. We are requesting K to 25:1, 1st and 2nd grade 23:1 and 3-5 25:1 to fiscally support and meet all of the QEIA component mandates for the time period of July 1, 2012 through June 30, 2013.

   With two of our five K-5 schools being QEIA our remaining three non-QEIA schools are being pushed to capacity as we increase student enrollments at those sites to maintain our QEIA CSR. In order to meet this need we are transitioning our all 6th grade Academy to a K-6 School and returning the other K-5 schools to K-6 configurations. The new boundaries for each of our schools should allow our schools to sustain our continued ADA increases. However, we have experienced an unprecedented growth in our enrollment this year especially in Kindergarten resulting in our sites exceeding maximum capacity unless we can increase our CSR numbers at our QEIA schools. This waiver would allow us to maintain contract class levels at our non-QEIA schools and still maintain QEIA class sizes at or below 25:1 during this year of transition.

8. Demographic Information:
   Wilson School is a K-5 Elementary School. It has a student population of 483 students: 95% Hispanic, 4% White. All students qualify for Free or Reduced Lunch under Provision II. Over 56% of the students are English Learners.
   The school is located in the urban fringe of a mid-size city in northern Tulare County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
   No ☒  Yes ☐
   (If yes, please attach explanation or copy of audit finding)

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
   No ☒  Yes ☐
   (If yes, please attach explanation or copy of CPM finding)

   **District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

   Signature of Superintendent or Designee:  
   Title: Superintendent  
   Date: 8/29/2012

   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 DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

7. Desired outcome/rationale

Dinuba Unified School District and Wilson School have met a number of challenges in meeting the QEIA CSR. Wilson has added 4 classrooms to accommodate the reduction in class sizes since 2006-07. While Wilson has had to keep enrollment stable over the last 5 years at around 500 students the remaining 3 non-QEIA schools have had to accommodate 13% to 18% increases in enrollment. In order to offset these large increases in enrollment at our non-QEIA schools the district will be reverting all K-5 schools to K-6 and converting our all 6th grade academy to a K-6 site. This conversion, along with new school boundary lines, will help equalize the enrollment at all of our sites. It was anticipated that we would be able to accomplish this without needing to increase class sizes at our QEIA schools. However, this year our enrollment had an additional growth of 80 students, with 28 of those students in Kindergarten alone. This unexpected growth has pushed us to capacity in all of our non-QEIA schools. The approval of this one-year waiver would give the district the needed capacity for our students and allow Wilson to hold Kinder numbers to 25:1, 1st-2nd grades at 23:1 and 3-5th grades at 25:1 until we are able to convert over to six K-6 schools.

Wilson Elementary School has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation 2011-2012.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past four years.
- Exited Program Improvement in 2011

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The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction, repaired facilities and increased student learning evidenced by a 36 point API growth this past year. Wilson Elementary School has made continuous improvement with the implementation of the QEIA grant.
Waiver Number: 41-7-2012  
Period of Request: July 1, 2011, to June 29, 2012
Period Recommended: July 1, 2011, to June 30, 2012

Pond Union Elementary School
Pond Union Elementary School District

CDS Code: 15 63719 6009963

Local Educational Agency Request:

Pond Union Elementary School District (UESD) is a rural single school district located in Kern County and has a student population of approximately 235 students at Pond Union Elementary School (UES) in kindergarten and grades one through eight. The district states that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2011–12 and is asking for an alternative QEIA CSR target for that year. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three and 22.0 in grades four through eight.

Pond UESD states that Pond UES is very small and is located in a rural community with a significant English Learner migrant population. The district states that there is a need to balance operating near capacity with the necessity to serve all students within the district’s boundary; and the number of students varies with the agricultural seasons. The district further states that QEIA funding is used to lower the student-teacher ratio and provide a more individualized education program for students.

Pond UESD requests a waiver of the QEIA CSR targets for grades six and eight at Pond UES for school year 2011–12, and the establishment of an alternative CSR target of 24.0 students on average in core classes in grade six and 23.0 students on average in grade eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pond UESD’s request to increase its CSR target for grades six and eight at Pond UES.

The CDE recommends approval with the following conditions: (1) Applies only to grade six and eight classes at Pond UES for school year 2011–12; (2) Pond UES increases enrollment to 24.0 on average in core classes in grade six and 23.0 on average in core classes in grade eight for school year 2011–12; and (3) Within 30 days of approval of this waiver, Pond UESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Pond Union Elementary School District indicated that it has no employee bargaining units.

Local Board Approval: August 14, 2012.
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _x__
Renewal Waiver:___

Send Original plus one copy to:       Send Electronic copy in Word and
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE

1 5 6 3 7 1 9

Local educational agency:                  Contact name and Title:
Pond Union Elementary School District                                    Frank Ohnesorgen, Superintendent

Contact person’s e-mail address:  fohnesorgen@pond.k12.ca.us

Address:                                         (City)                              (State)                        (ZIP)
29585 Pond Road                Wasco                               CA                         93280

Phone (and extension, if necessary): 661-792-2545
Fax Number: 661-792-2303

Period of request:  (month/day/year)
From:   07/01/11 To:  06/29/2012

Local board approval date: (Required)
August 14, 2012

Date of public hearing: (Required)
August 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 52055.740 Section (i) and (iii)  Circle One: EC or CCR

Topic of the waiver:  Quality Education Investment Act (QEIA) Class Size Waiver

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? _X_ No __ Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):
Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s):  __ Neutral __ Support __ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Pond School Site Council

Date the committee/council reviewed the waiver request: August 21, 2012

Were there any objection(s)? No _X__ Yes ___  (If there were objections please specify)

Revised: 10/29/2012 1:42 PM
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding: (1) Meet all of the following class size requirements: (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)). (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows: (i) At least five pupils fewer per classroom than was the average in 2006-07. (ii) An average of 25 pupils per classroom. (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The District is requesting CSR target for grades 6th and 8th to be modified from 22 to 24 and 23 students, respectively, to fully be able to comply with all five components of QEIA for the period of July 1, 2011 through June 30, 2012 (Please see attached table). Pond Elementary School is a Title 1 school with approximately 92% if its students identified as socio-economically disadvantaged. The school is very small and it is located in a rural community with a significant EL and migrant population. Pond Elementary School has approximately 235 ADA/235 enrollment. As a small district, there is a need to balance operating near capacity with the necessity of serving all students within the district’s boundary and that number varies, at times, with the agricultural seasons. QEIA funding is assisting Pond Elementary School in its efforts to provide a low student teacher ratio and a more individualized educational program for students. Without QEIA’s funding the school would not be able to continue to have a low student teacher ratio.

8. Demographic Information:

   Pond Union School has a student population of 235 students and is located in the small, impoverished, unincorporated rural community of Pond, California in Kern County. The student population is comprised of 50% English Learners, 87% Hispanic and 92% socio-economically disadvantaged. 50% of the students live on farms or ranches and farm labor is the immediate community’s primary source of employment. The other 50% of students come from the city of Delano.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

   (If yes, please attach explanation or copy of audit finding) No ☒ Yes ☑

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

   (If yes, please attach explanation or copy of CPM finding) No ☒ Yes ☑

---

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tr>
<td></td>
<td>Superintendent</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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ITEM W-15
# General Waiver

**SUBJECT**
Request by Madera County Office of Education to waive the *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow four interpreters to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum requirements.

Waiver Numbers: Richard Curtis Rollins 20-7-2012  
Lori Garris 21-7-2012  
Michelle Asby 22-7-2012  
Sheila Smith 23-7-2012

## RECOMMENDATION

- Approval  
- Approval with conditions  
- Denial

The California Department of Education (CDE) recommends denial of the waivers for Richard Curtis Rollins, Lori Garris, Michelle Asby, and Sheila Smith, pursuant to *California Education Code (EC) 33051* (a)(1). The educational needs of the pupils are not adequately addressed.

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

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the national RID, or equivalent, or to have achieved a score of 4.0 on specified assessments.

Since 2007, 176 of these waivers have been approved by the SBE, and 21 have been denied.

## SUMMARY OF KEY ISSUES

The Madera County Office of Education (COE) provides special education and related services for 20 deaf and 38 hard of hearing students.
The Madera COE’s job description for educational interpreters is reflective of the regulatory requirements.

The four interpreters named in Madera COE’s educational interpreter waiver request were all employed by the Madera COE before 2007, when the regulatory requirements went into effect. All four of these interpreters met the qualification standard at that time. When the regulatory requirement changed, in 2009, these interpreters did not meet the higher qualification standard. The Madera COE has continued to employ these unqualified interpreters for the past three years, from 2009 to 2012. Consequently, the Madera COE has been out of compliance with the state regulations for three years, and is now requesting a waiver of the regulatory requirement.

The waiver requests for these four interpreters are recommended for denial, because the Madera COE has failed to ensure that the educational needs of pupils are adequately addressed.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE website at http://www.cde.ca.gov/re/lr/wr/hottopics.asp#Educational.

Authority for Waiver: EC Section 33050

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waivers, Numbers, Interpreters, SBE Streamlined Waiver Policy, Period of Request, Local Board Approval, Date of Public Hearing, and New or Renewal (1 page)

Attachment 2: List of Waiver Numbers, Districts, Collective Bargaining Unit Information, Public Hearing Requirement, and Advisory Committee Information (2 pages)

Attachment 3: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (2 pages)

Attachment 4: List of Waiver Conditions (1 page)
Attachment 5: Madera County Office of Education General Waiver Request 20-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Madera County Office of Education General Waiver Request 21-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Madera County Office of Education General Waiver Request 22-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Madera County Office of Education General Waiver Request 23-7-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
List of Waivers, Numbers, Interpreters, SBE Streamlined Waiver Policy, Period of Request, Local Board Approval, Date of Public Hearing, and New or Renewal

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<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>SBE Streamlined Waiver Policy</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Date of Public Hearing</th>
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<td><strong>Period Recommended (if approved):</strong> August 13, 2012, to June 30, 2013 (from CDE)</td>
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<td>No</td>
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<td>California School Employees Association</td>
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<td>August 7, 2012</td>
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Created by the California Department of Education
September 17, 2012
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<th>Interpreter</th>
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<th>Name, Dates, and Scores of Previous Evaluations</th>
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<td>Madera COE</td>
<td>Richard Curtis Rollins</td>
<td>EIPA 8/14/2011 3.5</td>
<td>ESSE 5/29/1999 3.75 (not specified whether this score is Expressive of Receptive) ESSE 5/16/2003 3.0 Expressive 3.9 Receptive</td>
<td>8/30/91 Note: This interpreter has been unqualified since July 2009, but the Madera COE did not apply for a waiver during this time.</td>
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<tr>
<td>21-7-2012</td>
<td>Madera COE</td>
<td>Lori Garris</td>
<td>EIPA 8/14/2011 3.2</td>
<td>EIPA 10/25/2008 3.3</td>
<td>8/10/2001 Note: This interpreter has been unqualified since July 2009, but the Madera COE did not apply for a waiver during this time.</td>
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<th>Name</th>
<th>EIPA Test Date</th>
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<th>ESSE Test Date</th>
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<td>Michelle Asby</td>
<td>EIPA 8/14/2011</td>
<td>3.3</td>
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<td>Note: This interpreter has been unqualified since July 2009, but the Madera COE did not apply for a waiver during this time.</td>
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<tr>
<td>23-7-2012</td>
<td>Madera COE</td>
<td>Sheila Smith</td>
<td>EIPA 9/11/2011</td>
<td>3.4</td>
<td>ESSE 6/16/2003</td>
<td>2.0 Expressive 2.4 Receptive</td>
<td>Note: This interpreter has been unqualified since July 2009, but the Madera COE did not apply for a waiver during this time.</td>
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# September 2012 Educational Interpreter Conditions

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<th>Conditions (if SBE approves waivers)</th>
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<tr>
<td>20-7-2012</td>
<td>Madera COE</td>
<td>Richard Curtis Rollins</td>
<td>1. The Madera COE must provide Mr. Rollins, Ms. Garris, Ms. Asby, and Ms. Smith with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.</td>
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<tr>
<td>21-7-2012</td>
<td>Madera COE</td>
<td>Lori Garris</td>
<td>2. By January 30, 2013, the Madera COE must provide CDE with evidence that the mentor interpreter has met the regulatory qualification standards.</td>
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<tr>
<td>22-7-2012</td>
<td>Madera COE</td>
<td>Michelle Asby</td>
<td>3. By January 2013, Mr. Rollins, Ms. Garris, Ms. Asby, and Ms. Smith must be registered to retake an interpreter assessment approved by 5 CCR 3051.16. The Madera COE must notify CDE as soon as the interpreters are registered to take the assessment.</td>
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<td>23-7-2012</td>
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<td>Sheila Smith</td>
<td>4. By June 2013, the Madera COE must provide CDE with new assessment scores for these interpreters.</td>
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<td>5. The Madera COE will not employ these individuals as educational interpreters after June 30, 2012, if they have not met the regulatory qualification standard.</td>
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Created by the California Department of Education
September 17, 2012
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  X  Renewal Waiver:  

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

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Local educational agency:
Madera County Office of Education

Contact name and Title:
Cheryl Mohr, Director
Special Education

Contact person’s e-mail address: cmohr@maderacoe.k12.ca.us

Address:                                         (City)                              (State)                              (ZIP)
28123 Ave. 14                           Madera                                CA                     93638

Phone (and extension, if necessary): (559) 662-4669
Fax Number: (559) 674-7468

Period of request: (month/day/year)
From: 8/13/12 To: 8/13/13

Local board approval date: (Required)
August 14, 2012

Date of public hearing: (Required)
August 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 5 CCR 3051.16(b)(3) Circle One: EC or CCR

Topic of the waiver: Educational Interpreter not meeting state and federal qualifications

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   _____  and date of SBE Approval______
Renews of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  ____ X Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): February 16, 2012

Name of bargaining unit and representative(s) consulted: California School Employees Association, Chapter 713: Linda Cleaver, Kellie Stiles, Ludi Cuevas, Curtis Rollins, Deborah Garabedian

The position(s) of the bargaining unit(s):  ____ Neutral  ____ X Support  ____ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper  ____ X Notice posted at each school  ____ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Leadership Committee

Date the committee/council reviewed the waiver request: August 7, 2012

Were there any objection(s)?  No  ____ X Yes  ____ (If there were objections please specify)
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).  

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**  
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.  
(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment.** If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a **score of 4.0 or above on the EIPA – Cued Speech.**

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.  

Richard Curtis Rollins is an Educational Sign Language Interpreter employed by the Madera County Office of Education. Mr. Rollins has diligently participated in classes in an effort to attain the 4.0 certification. MCOE would like to continue to employ Mr. Rollins to serve hearing impaired students as ongoing recruitment efforts have failed to secure other staff members who meet the 4.0 standard.  

1. **Test:** EIPA **Date:** 8/14/11  
   **Score:** 3.5

2. **Copy of latest Test Certification page – attached**

3. **Previous Assessments:**  
   
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<thead>
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<th>Date</th>
<th>Test Score</th>
<th>Test</th>
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<td>5/16/03</td>
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<td>8/14/11</td>
<td>EIPA</td>
<td>3.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. **Date of hire:** 8/30/91

5. **Remediation Plan - attached**

8. **Demographic Information:**  
The Madera County Office of Education has a population of students with special needs of 496 ages birth to twenty-two in various Special Day Classes/Centers that are located in a small city and mountainous rural areas throughout Madera County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
(If yes, please attach explanation or copy of audit finding)  
**No** ☐  **Yes** ☑

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
(If yes, please attach explanation or copy of CPM finding)  
**No** ☐  **Yes** ☑

**District or County Certification – I hereby certify that the information provided on this application is correct and complete.**

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<tr>
<th>Signature of Superintendent or Designee:</th>
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<th>Date:</th>
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<td>Madera County Superintendent of Schools</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<th>Date:</th>
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<th>Unit Manager (type or print):</th>
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<table>
<thead>
<tr>
<th>Deputy (type or print):</th>
<th>Deputy Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
Remediation Plan  
Educational Interpreters  
For  
Deaf/Hard of Hearing  

Employee: Richard Curtis Rollins

The *California Code of Regulations*, Title 5 (5 CCR), Section 3051.16 (b)(3) states the following:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

Since the passage of these regulations, the Madera County Office of Education has supported its employees who have not yet achieved the score of 4.0 by providing training opportunities and by being fiscally responsible for continued testing on approved assessments.

Previous Training:
EIPA video conference workshops:
   1) Understanding the EIPA
   2) Effective interpreting for child signers
Leadership Institute Video workshops:
   1) Classifiers – Part I & Part II
   2) Interpreters Phobias

Current/Future Training:
Will attend a workshops provided by DHHSC
Will attend webinars provided by EIPA as they become available
Participate in weekly peer group meetings facilitated by a Certified Interpreter as mentor/coach

Previous Assessments (Type and Score):
- 5/29/99  ESSE  3.75
- 5/16/03  ESSE  Expressive - 3.0;
- Receptive – 3.9
- 8/31/07  EIPA  2.7
- 8/14/11  EIPA  3.5
Planned Future Assessments:
EIPA test

____________________________
Educational Interpreter

____________________________
CSEA Representative

____________________________
Administration
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09) [http://www.cde.ca.gov/re/lr/wr/](http://www.cde.ca.gov/re/lr/wr/)

First Time Waiver: **X**  
Renewal Waiver: **__**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: waiver@cde.ca.gov

---

<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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</thead>
<tbody>
<tr>
<td>Madera County Office of Education</td>
<td>Cheryl Mohr, Director Special Education</td>
<td><a href="mailto:cmohr@maderacoe.k12.ca.us">cmohr@maderacoe.k12.ca.us</a></td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Address:</th>
<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
</tr>
</thead>
<tbody>
<tr>
<td>28123 Ave. 14</td>
<td>Madera</td>
<td>CA</td>
<td>93638</td>
<td>(559) 662-4669</td>
</tr>
</tbody>
</table>

Fax Number: (559) 674-7468

<table>
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<tr>
<th>Period of request: (month/day/year)</th>
<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
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</thead>
<tbody>
<tr>
<td>8/13/12 to 8/13/13</td>
<td>August 14, 2012</td>
<td>August 14, 2012</td>
</tr>
</tbody>
</table>

---

**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):  
   5 CCR 3051.16(b)(3)  
   Circle One: **EC** or **CCR**

   Topic of the waiver: **Educational Interpreter not meeting state and federal qualifications**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: ____ and date of SBE Approval______,  
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  **X** Yes  
   If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** February 16, 2012

   **Name of bargaining unit and representative(s) consulted:** California School Employees Association, Chapter 713: Linda Cleaver, Kellie Stiles, Ludi Cuevas, Curtis Rollins, Deborah Garabedian

   **The position(s) of the bargaining unit(s):**  
   Neutral **X** Support  __ Oppose (Please specify why)

   **Comments (if appropriate):**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   **How was the required public hearing advertised?**

   ____ Notice in a newspaper  **X** Notice posted at each school  ____ Other: **(Please specify)**

5. **Advisory committee or school site councils.** Please identify the council(s) or committee that reviewed this waiver:

   **Leadership Committee**

   **Date the committee/council reviewed the waiver request:** August 7, 2012

   **Were there any objection(s)?** __ No  **X** Yes  
   **(If there were objections please specify)**
6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

7. **Desired outcome/rationale.** Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Lori Garris is an Educational Sign Language Interpreter employed by the Madera County Office of Education. Mrs. Garris has participated in classes/workshops/webinars in an effort to attain the 4.0 certification. MCOE would like to continue to employ Mrs. Garris to serve deaf/ hearing impaired students as ongoing recruitment efforts have failed to secure other staff members who meet the 4.0 standard.

1. Test: EIPA Date: 8/14/11 Score: 3.2

2. Copy of latest Test Certification page – attached

3. Previous Assessments:
   - 10/25/08 EIPA 3.3
   - 8/14/11 EIPA 3.2

4. Date of hire: 8/10/01

5. Remediation Plan - attached

8. **Demographic Information:**

   The Madera County Office of Education has a population of students with special needs of 496 ages birth to twenty-two in various Special Day Classes/Centers that are located in a small city and mountainous rural areas throughout Madera County.

   **Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

   (If yes, please attach explanation or copy of audit finding) No X Yes □

   **Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

   (If yes, please attach explanation or copy of CPM finding) No X Yes □

---

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Madera County Superintendent of Schools

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:
Remediation Plan
Educational Interpreters
For
Deaf/Hard of Hearing

Employee: Lori Garris

The California Code of Regulations, Title 5 (5 CCR), Section 3051.16 (b)(3) states the following:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

Since the passage of these regulations, the Madera County Office of Education has supported its employees who have not yet achieved the score of 4.0 by providing training opportunities and by being fiscally responsible for continued testing on approved assessments.

Previous Training:
I am a parent of a Deaf child who is 15 years old.
I attended 3 years of ASL instruction at the college Madera Center.
Participated in several Deaf events at Fremont School for the Deaf and DHHSC in Fresno.
EIPA video training via webcam through Boys Town.
Took workshop for “A Class on the Classifications of Classifiers-Part I”
Peer tutoring/feedback with ASL videos

Current/Future Training:
I will attend a workshop “Certifications, Cameras & Other Interpreter Phobias”
I will attend a workshop “A Class on the Classifications of Classifiers- Part II”
Both of these workshops will be via webcam.
Will participate in any and all functions at Fremont School for the Deaf
Participate in weekly peer group meetings facilitated by a Certified Interpreter as mentor/coach
Previous Assessments (Type and Score):
4/2/04 ESSE 3.0
10/25/08 EIPA 3.3
8/14/11 EIPA 3.2

Planned Future Assessments:
EIPA test

____________________________________
Educational Interpreter

____________________________________
CSEA Representative

____________________________________
Administration
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

First Time Waiver:  _X_  
Renewal Waiver: ___

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  

Send Electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

<table>
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Local educational agency:  
Madera County Office of Education

Contact name and Title:  
Cheryl Mohr, Director  
Special Education

Contact person's e-mail address: cmohr@maderacoe.k12.ca.us

Address:  
28123 Ave. 14  
Madera  
CA 93638

Phone (and extension, if necessary):  
(559) 662-4669

Fax Number:  
(559) 674-7468

Period of request:  
From: 8/13/12  
To: 8/13/13

Local board approval date:  
August 14, 2012

Date of public hearing:  
August 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number):  
5 CCR 3051.16(b)(3)  
Circle One:  EC or CCR

Topic of the waiver:  
Educational Interpreter not meeting state and federal qualifications

2. If this is a renewal of a previously approved waiver, please list Waiver Number:   ____  and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
__ No  _X_ Yes  
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  
February 16, 2012

Name of bargaining unit and representative(s) consulted:  
California School Employees Association, Chapter 713: Linda Cleaver, Kellie Stiles, Ludi Cuevas, Curtis Rollins, Deborah Garabedian

The position(s) of the bargaining unit(s):  _X_ Support  
__ Oppose (Please specify why)

Comments (if appropriate):

4. Public hearing requirement:  
A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include:  
(1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or  
(2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?  
__ Notice in a newspaper  _X_ Notice posted at each school  
__ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Leadership Committee

Date the committee/council reviewed the waiver request:  
August 7, 2012

Were there any objection(s)?  
__ No  _X_ Yes  
(If there were objections please specify)
6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/RI, or the NAD/ACCI assessment**. If providing Cued Language transliteration, a transliterator shall possess **TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech**.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Michelle Ashby is an Educational Sign Language Interpreter employed by the Madera County Office of Education. Mrs. Ashby has a BA in Interpreting/Deaf Studies and has participated in classes/workshops/webinars in an effort to attain the 4.0 certification. MCOE would like to continue to employ Mrs. Ashby to serve deaf/hearing impaired students as ongoing recruitment efforts have failed to secure other staff members who meet the 4.0 standard.

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<td>EIPA</td>
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7. Copy of latest Test Certification page – attached

8. Previous Assessments:

- Unknown NAD 3.0
- 8/31/07 EIPA 3.7
- 10/25/08 EIPA 3.5

9. Date of hire: 8/9/07

10. Remediation Plan - attached

8. Demographic Information:

The Madera County Office of Education has a population of students with special needs of 496 ages birth to twenty-two in various Special Day Classes/Centers that are located in a small city and mountainous rural areas throughout Madera County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No X Yes □

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No X Yes □

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<th>Deputy (type or print):</th>
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</table>
Remediation Plan
Educational Interpreters
For
Deaf/Hard of Hearing

Employee: Michelle Ashby

The California Code of Regulations, Title 5 (5 CCR), Section 3051.16 (b)(3) states the following:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

Since the passage of these regulations, the Madera County Office of Education has supported its employees who have not yet achieved the score of 4.0 by providing training opportunities and by being fiscally responsible for continued testing on approved assessments.

Previous Training:
B.A. Interpreting Deaf Studies/Communication Disorders from California State University – Fresno: oral interpreting, theater interpreting, voice to sign – sign to voice, cued speech, signing for the classroom use, ALS 1,2,3,4; Deaf Culture, Introduction to Interpreting, Medical Interpreting, Interpreting for Professional Use, ASL Folklore and Literature, Business Practices, Code of Ethics
EIPA Preparation workshops
“Did you say but or…?” workshop
“What's your sign? Special Education Interpreter Vocabulary”
“Direct Communicating and Performance”
“A Little of This; A Little of That”
Demand Control Schema

Current/Future Training:
EIPA Preparation videos and webinars
Classes at community college
Weekly mentoring with certified interpreter

Previous Assessments (Type and Score):
Unknown     NAD     3.0  
8/31/07      EIPA   3.0  
10/25/08     EIPA   3.7  
8/14/11      EIPA   3.3  

**Planned Future Assessments:**
EIPA          October 13, 2012

Educational Interpreter

CSEA Representative

Administration
Date__________________
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:

Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver:  X
Renewal Waiver:   

Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov

### CD CODE

| 2 | 0 | 1 | 0 | 2 | 0 | 7 |

Local educational agency: Madera County Office of Education
Contact name and Title: Cheryl Mohr, Director Special Education
Contact person’s e-mail address: cmohr@maderacoe.k12.ca.us

Address: 28123 Ave. 14 (City) Madera (State) CA (ZIP) 93638
Phone (and extension, if necessary): (559) 662-4669
Fax Number: (559) 674-7468

Period of request: From: 8/13/12 To: 8/13/13
Local board approval date: (Required) August 14, 2012
Date of public hearing: (Required) August 14, 2012

### LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): 5 CCR 3051.16(b)(3) Circle One: EC or CCR

**Topic of the waiver:** Educational Interpreter not meeting state and federal qualifications

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval______

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No  _X_ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 16, 2012
   Name of bargaining unit and representative(s) consulted: California School Employees Association, Chapter 713: Linda Cleaver, Kellie Stiles, Ludi Cuevas, Curtis Rollins, Deborah Garabedian

   The position(s) of the bargaining unit(s): ___ Neutral  _X_ Support  __ Oppose (Please specify why)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper  _X_ Notice posted at each school  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Leadership Committee

   Date the committee/council reviewed the waiver request: August 7, 2012

   Were there any objection(s)? No _X_ Yes  (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. **Education Code or California Code of Regulations** section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**EC 3051.16. Specialized Services for Low-Incidence Disabilities.**

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(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment.** If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a **score of 4.0 or above on the EIPA - Cued Speech.**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Sheila Smith is an Educational Sign Language Interpreter employed by the Madera County Office of Education. Mrs. Smith has participated in classes/workshops/webinars in an effort to attain the 4.0 certification. MCOE would like to continue to employ Mrs. Smith to serve deaf/ hearing impaired students as ongoing recruitment efforts have failed to secure other staff members who meet the 4.0 standard.

1. Test: EIPA    Date: 9/11/11    Score: 3.4

2. Copy of latest Test Certification page – attached

3. Previous Assessments:
   
   4/16/03   ESSE   Expressive 2.0   Receptive 2.4

   8/31/07   EIPA   3.1

   10/25/08  EIPA   3.5

4. Date of hire: 8/21/98

5. Remediation Plan – attached

8. Demographic Information:

   The Madera County Office of Education has a population of students with special needs of 496 ages birth to twenty-two in various Special Day Classes/Centers that are located in a small city and mountainous rural areas throughout Madera County.

Is this waiver associated with an appointment related audit penalty? (per **EC 41344**)

No X    Yes □

(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue?

No X    Yes □

(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:    Title:    Date:

Madera County Superintendent of Schools

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:
Remediation Plan
Educational Interpreters
For
Deaf/Hard of Hearing

Employee:  Sheila Smith

The *California Code of Regulations*, Title 5 (5 CCR), Section 3051.16 (b)(3) states the following:

By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

Since the passage of these regulations, the Madera County Office of Education has supported its employees who have not yet achieved the score of 4.0 by providing training opportunities and by being fiscally responsible for continued testing on approved assessments.

**Previous Training:**
- ASL 1, 2, and 3 at Fresno City College
- Voice interpreting class – California State University – Fresno
- Interpreter workshops through Deaf/Hard of Hearing Service Center (DHHSC) - Fresno
- Training/feedback with ASL videos with Deaf/CODA peers
- Training and interpreting with Northwest Church – Fresno and with Break the Barriers – Fresno
- “Certifications, Cameras, and other Interpreter Phobias” – webinar 4/4/2011
- EIPA Training webinars

**Current/Future Training:**
Advanced Interpreter Training – Deaf/Hard of Hearing Service Center (DHHSC) – Fresno
“A Class on The Classifications of Classifiers – Part II” – webinar

**Previous Assessments (Type and Score):**

<table>
<thead>
<tr>
<th>Date</th>
<th>Test Type</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/16/03</td>
<td>ESSE</td>
<td>Expressive 2.0 Receptive 2.4</td>
</tr>
<tr>
<td>8/31/07</td>
<td>EIPA</td>
<td>3.1</td>
</tr>
<tr>
<td>10/25/08</td>
<td>EIPA</td>
<td>3.5</td>
</tr>
<tr>
<td>9/11/11</td>
<td>EIPA</td>
<td>3.4</td>
</tr>
</tbody>
</table>
Planned Future Assessments:
EIPA October 6, 2012

Educational Interpreter

CSEA Representative

Administration
ITEM 16
PUBLIC COMMENT.
Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

SUMMARY OF THE ISSUE(S)
This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

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

BRIEF HISTORY OF KEY ISSUES
Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)
Not applicable.

ATTACHMENT(S)
Not applicable.
ITEM 17
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
Per state law, the California Department of Education (CDE) withholds 10 percent from progress payments invoiced for each component task in the Standardized Testing and Reporting (STAR) Program contract with Educational Testing Service (ETS).

The STAR contract establishes the process and criteria by which the CDE is to recommend, and the State Board of Education (SBE) approves the annual release of the 10 percent withheld from progress payments.

The STAR contract component tasks are listed in Attachment 1, and the approved contract provisions regarding the annual determination of successful completion of component tasks are outlined in Attachment 2.

RECOMMENDATION
The CDE recommends that the SBE release progress payment withholdings (10 percent) for all contract component tasks for all tests as part of the 2011–12 STAR Program contract with ETS, pending completion of all contract component tasks for the 2012 STAR Program test administration through December 2012.

BRIEF HISTORY OF KEY ISSUES
The CDE has performed an evaluation and determined that ETS has satisfactorily performed all the contract component tasks during the 2012 test administration to date, pending completion of all contract requirements during December 2012 and, as such, is recommending approval of the 10 percent release. If ETS fails to satisfactorily perform any component tasks, the CDE will recommend further action to the SBE at its next regular meeting regarding releasing the 10 percent of funds.
While the 2012 test results were rescheduled for release two weeks after the required date in the scope of work and completion criteria, that delay was in no part due to the contractor’s inability to complete the required tasks by the required date. The decision to delay was made by the CDE in order to determine the effect that the test security breaches caused by students posting images of test materials to social networking sites had on test results. ETS conducted a variety of psychometric and content analyses to assess the impact. These analyses found no evidence that exposure of any test materials had made a significant impact on any result. However, as a precaution, the CDE made a decision to exclude any exposed linking items from the equating process and to omit from the equating procedure any results from a school where confirmed security breaches occurred. Completing those critical analyses resulted in a delay of the reporting process by two weeks.

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

At the November 2011 meeting, the SBE did not approve the release of a total of $7,233.70 from the 10 percent of funds withheld from the progress payments to ETS.

In 2010 and 2008, the SBE approved the release of the 10 percent of funds withheld from the progress payments to ETS for all contract component tasks for all STAR Program tests.

At the November 2009 meeting, the SBE did not approve the release of a total of $107,992.91 from the 10 percent of funds withheld from the progress payments to ETS.

At the November 2007 meeting, the SBE did not approve the release of a total of $1,101,814.60 from the 10 percent of funds withheld from the progress payments to ETS.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The funds to be released were withheld during 2011–12 from invoices paid with existing STAR Program contract funding, shown in Attachment 3. The CDE recommends the release of $5,432,446.10. Any portion of the funds withheld during 2011–12 that are not released will revert back to the state General Fund.

**ATTACHMENT(S)**

Attachment 1: Completion Criteria (4 Pages)

Attachment 2: Standardized Testing and Reporting Program, Process for Determination of Successful Completion of Component Tasks (1 Page)

Attachment 3: Standardized Testing and Reporting Contract, 2012 Test Administration Component Task Budget (1 Page)
Completion Criteria

The criteria by which California Department of Education (CDE) will recommend and the State Board of Education (SBE) will determine successful completion of each component task for payment of the final 10 percent is set forth in the following table.

**CRITERIA FOR SUCCESSFUL COMPLETION OF COMPONENT TASKS**
**2007 through 2013 Test Administrations**

<table>
<thead>
<tr>
<th>COMPONENT TASK</th>
<th>CRITERIA</th>
<th>COMPLETION DATE SPECIFIED IN AGREEMENT</th>
</tr>
</thead>
</table>
| 3.1 Component Task 1 Comprehensive Plan and Schedule for Project Deliverables and Activities | • CDE received written results of the quality control audit.  
Delivered all electronic data files, documentation, and materials developed for the Standardized Testing and Reporting (STAR) Program to the bidder designated by the SBE in 2013. | • December 31, 2007 and each subsequent year  
• December 31, 2013 |
| 3.2 Component Task 2 Program Support Services                                   | • All materials specified were developed and distributed to local educational agencies (LEAs) within the specified timelines.  
• The California Technical Assistance Center processed all district orders as specified and responded to district requests for assistance.  
• CDE received electronic files and other reports as specified. | • July 30, 2007 and each subsequent year  
• December 31 of each year  
• December 31 of each year |
| 3.3 Component Task 3 Test Security Measures                                      | • Completed on-site visits of schools before, during, and after testing (for the 2007 through 2009 administrations only).  
• All test items, test materials, electronic files, and data were developed, used, transferred, delivered, and maintained in a secure manner. | • October 15, 2007 and each subsequent (for the 2007 through 2009 administrations only).  
• October 15, 2007 and each subsequent year |
<table>
<thead>
<tr>
<th>COMPONENT TASK</th>
<th>CRITERIA</th>
<th>COMPLETION DATE SPECIFIED IN AGREEMENT</th>
</tr>
</thead>
</table>
| 3.3 Component Task 3 Test Security Measures (cont.) | • Provided the CDE with summary reports of the results of each security breach investigation.  
• Provided the CDE with a complete report of each investigation. | • Within 10 working days of a security breach being reported  
• September 1 of each year |
| 3.4 Component Task 4 Norm-referenced Test | • Norm-referenced test was administered to students in grades 3 and 7 only (for 2007 and 2008 administrations only). | Within the California Standards Tests (CST) testing window each year for 2007 and 2008 administrations only |
| 3.5 Component Task 5 Electronic Item Bank, Data Management, and Documentation | • Delivered to the CDE all test items in the item bank, including existing items as well those newly developed. | December 31 of each year |
| 3.6 Component Task 6 Item and Task Development | • Developed for all grades and subjects the number of test items agreed upon under the contract.  
• The minimum number of items developed were field-tested and have adequate technical characteristics, as defined in the contract, to be used on operational tests.  
• A review of the scaling and equating processes showed them to meet or exceed industry standards.  
• The performance level settings generated results for all content areas and performance levels were reported to schools, districts, counties, and the state. | December 31 of each year  
December 31 of each year |
| 3.7 Component Task 7 Test Form, Test Booklet, and Answer Document Construction | • Test forms conformed to industry standards and Universal Design principles.  
• Answer documents allowed for demographic and identification data required by statute and regulations. | March 31 of each year  
March 31 of each year |
<table>
<thead>
<tr>
<th>COMPONENT TASK</th>
<th>CRITERIA</th>
<th>COMPLETION DATE SPECIFIED IN AGREEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.8 Component Task 8 Pre-Identification and Ordering</td>
<td>• Pre-identification data were processed in a timely manner to LEAs.</td>
<td>• December 31 of each year</td>
</tr>
<tr>
<td></td>
<td>• All orders were processed and were processed in a timely manner.</td>
<td>• December 31 of each year</td>
</tr>
<tr>
<td>3.9 Component Task 9 Test Materials Production and Packaging</td>
<td>• All test materials required for the program were produced on time in quantities sufficient for conducting the annual STAR testing in all districts, with no more than 0.5 percent printing or collating errors reported.</td>
<td>• September 30, 2007 and each subsequent year</td>
</tr>
<tr>
<td></td>
<td>• The CDE received copies of all tests materials.</td>
<td>• February 15 of each year</td>
</tr>
<tr>
<td>3.10 Component Task 10 Delivery and Collection of Test Materials</td>
<td>• Test materials were delivered to and retrieved from districts within the regulatory time and by the statutory limit.</td>
<td>• September 30, 2007 and each subsequent year</td>
</tr>
<tr>
<td>3.11 Component Task 11 Test Processing, Scoring, and Analysis</td>
<td>• All tests were correctly processed and scored within timelines specified in this scope of work.</td>
<td>• August 31, 2007 and each subsequent year</td>
</tr>
<tr>
<td></td>
<td>• Data analysis was completed as specified.</td>
<td>• August 31, 2007 and each subsequent year</td>
</tr>
<tr>
<td></td>
<td>• Mark Discrimination Report delivered to CDE (for 2007 and 2008 administrations only).</td>
<td>• August 31, 2007 and each subsequent year</td>
</tr>
<tr>
<td></td>
<td>• Returned materials reports were delivered to the CDE.</td>
<td>• September 30, 2007 and each subsequent year</td>
</tr>
<tr>
<td></td>
<td>• Demographic edit reports were delivered to the CDE.</td>
<td>• Biweekly June through September of each year</td>
</tr>
<tr>
<td>3.12 Component Task 12 Reporting Test Results to LEAs</td>
<td>• Accurate and complete reports of test results as required in statute were provided to all LEAs.</td>
<td>• No later than August 8 of each year or within five weeks of receipt of processable answer documents or</td>
</tr>
<tr>
<td>COMPONENT TASK</td>
<td>CRITERIA</td>
<td>COMPLETION DATE SPECIFIED IN AGREEMENT</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 3.13 Component Task 13 Reporting Test Results to CDE | • Accurate state-level reports of test results were provided to the CDE.  
• Complete and accurate Internet files were posted within statutory timelines, including results for all students and all subgroups. | • Preliminary complete files by August 8 of each year  
• Final files by November 8 of each year |
| 3.14 Component Task 14                             | • Annual Technical Report was received by the CDE.  
• Data files to use for apportionment purposes were received by the CDE.                                                                                                                                  | • December 31 of each year  
• September 1 of each year |
Standardized Testing and Reporting Program
Process for Determination of Successful Completion
of Component Tasks

California Education Code Section 60643 requires:

- The California Department of Education (CDE) to withhold no less than 10 percent of the amount budgeted for each separate and distinct component task provided for in the Standardized Testing and Reporting (STAR) Program contract pending final completion of all component tasks.

- The STAR contract to establish the process and criteria by which the successful completion of each component task will be recommended by the CDE and approved by the State Board of Education (SBE).

The approved STAR contract is the result of a collaborative process involving SBE staff, the SBE testing liaisons, the CDE, and Educational Testing Service (ETS). It includes the following contract provisions regarding the annual determination of successful completion of component tasks:

- On or before the annual November SBE meeting, the CDE shall present to the SBE for its consideration a recommendation regarding the performance of ETS for the SBE’s initial determination as to whether ETS has substantially complied with the terms and conditions of the agreement with the CDE.

- The criteria by which the CDE will recommend SBE adoption to determine successful completion of each component task for payment of the final 10 percent are set forth in Attachment 1.

- Once the SBE has determined that ETS has successfully completed a component task, the 10 percent withheld from invoices for the component task for the prior fiscal year may be released by the CDE.

- In the event that the SBE determines that ETS has not substantially complied with the terms and conditions of the agreement with the CDE, the SBE shall, within ten days of its determination, notify ETS and the CDE, in writing, of which component tasks the SBE has determined that ETS allegedly has failed to substantially perform; and a description of the failure shall be included. ETS shall submit an invoice for all tasks that are not set forth in the notice, and the invoice shall be paid within 30 days of receipt. ETS shall have ten days from receipt of the notice to respond in writing, and the response shall be promptly circulated to the CDE and each member of the SBE.

- At its next scheduled meeting, the SBE shall offer the CDE and ETS an opportunity to make any final oral presentation to the SBE regarding the alleged failures. At the same meeting, the SBE shall decide which component tasks, if any, ETS has failed to complete. ETS shall invoice the CDE for the remaining amount due to ETS, and the invoice shall be paid within 30 days of receipt.
The California Department of Education (CDE) recommends releasing a total of $5,432,446.10 from funds withheld during the 2012 test administration.

<table>
<thead>
<tr>
<th>Component Task</th>
<th>Total 2012 Administration Budget</th>
<th>Amount Paid/To Be Paid from Progress Payments*</th>
<th>10 Percent Withhold Pending Release</th>
<th>Recommend Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Comprehensive Plan</td>
<td>$929,629</td>
<td>$836,666.10</td>
<td>$92,962.90</td>
<td>$92,962.90</td>
</tr>
<tr>
<td>2 Program Support</td>
<td>$3,705,408</td>
<td>$3,334,867.20</td>
<td>$370,540.80</td>
<td>$370,540.80</td>
</tr>
<tr>
<td>3 Test Security Measures</td>
<td>$55,000</td>
<td>$49,500.00</td>
<td>$5,500.00</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>4 Norm-referenced Test (eliminated in 2009)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>5 Item Bank/Data Management/Documentation</td>
<td>$440,910</td>
<td>$396,819.00</td>
<td>$44,091.00</td>
<td>$44,091.00</td>
</tr>
<tr>
<td>6 Item and Task Development</td>
<td>$4,724,108</td>
<td>$4,251,697.20</td>
<td>$472,410.80</td>
<td>$472,410.80</td>
</tr>
<tr>
<td>7 Test Form/Test Booklet/Answer Document</td>
<td>$5,648,931</td>
<td>$5,084,037.90</td>
<td>$564,893.10</td>
<td>$564,893.10</td>
</tr>
<tr>
<td>8 Pre-Identification and Ordering</td>
<td>$1,602,108</td>
<td>$1,441,897.20</td>
<td>$160,210.80</td>
<td>$160,210.80</td>
</tr>
<tr>
<td>9 Test Materials Production/Packaging/Shipping</td>
<td>$8,476,198</td>
<td>$7,628,578.20</td>
<td>$847,619.80</td>
<td>$847,619.80</td>
</tr>
<tr>
<td>10 Delivery and Collection of Test Materials</td>
<td>$3,616,849</td>
<td>$3,255,164.10</td>
<td>$361,684.90</td>
<td>$361,684.90</td>
</tr>
<tr>
<td>11 Test Processing, Scoring, and Analysis</td>
<td>$18,721,328</td>
<td>$16,849,195.20</td>
<td>$1,872,132.80</td>
<td>$1,872,132.80</td>
</tr>
<tr>
<td>12 Reporting Results to Local Educational Agencies (LEAs)</td>
<td>$6,067,368</td>
<td>$5,460,631.20</td>
<td>$606,736.80</td>
<td>$606,736.80</td>
</tr>
<tr>
<td>13 Reporting Results to CDE</td>
<td>$79,469</td>
<td>$71,522.10</td>
<td>$7,946.90</td>
<td>$7,946.90</td>
</tr>
<tr>
<td>14 Technical Report/Other Reports/Analyses</td>
<td>$257,155</td>
<td>$231,439.50</td>
<td>$25,715.50</td>
<td>$25,715.50</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$54,324,461</strong></td>
<td><strong>$48,892,014.90</strong></td>
<td><strong>$5,432,446.10</strong></td>
<td><strong>$5,432,446.10</strong></td>
</tr>
</tbody>
</table>

*Pending completion of all contract component tasks for the 2012 test administration through December 2012.
SUBJECT

The Administrator Training Program, formerly Assembly Bill 430 (Chapter 364, Statutes of 2005): Approval of Applications for Funding from Local Educational Agencies.

SUMMARY OF THE ISSUE(S)

For the current fiscal year, the Legislature appropriated $1,275,000 in federal Title II funds for the Administrator Training Program (ATP) authorized pursuant to Education Code sections 44510 through 44517. Since January 2006, the State Board of Education (SBE) has annually approved funding for local educational agencies (LEAs) to participate in the ATP.

Historically, all LEAs that apply for funding have been approved, unless: (1) a participant defined as a principal or vice-principal has previously received funding for the program, or (2) the LEA has submitted an incomplete application.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve funding for all LEAs that have applied for funding under the ATP. These LEAs are listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

LEAs apply for the ATP through the online application system, via the Management System for Administrator Training (MSfAT). As part of the application process, the LEA completes an online funding application which acts as the LEA’s program proposal as referenced in EC Section 44512(a).

In addition, the application includes several assurances, including that the LEA will give priority to those school site administrators working at low performing schools, defined as schools in the bottom half of all schools based on the Academic Performance Index.
BRIEF HISTORY OF KEY ISSUES (Cont.)

rankings established pursuant to subdivision (a) of EC Section 52056 and hard-to-staff schools, defined as a school in which teachers holding emergency permits or credential waivers make up 20 percent or more of the teaching staff, the program will be completed no later than September 30, 2014, and the LEA will use only SBE-approved training providers. The application also includes the names and number of principals and vice principals to be trained. The application is reviewed to ensure that the program proposal includes the areas specified in EC Section 44511(a)(1) to (6).

Following SBE approval, each LEA will receive notification from the CDE that the initial application has been approved. A grant award will then be issued to the LEA which must be signed and returned within 10 days.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the enactment of EC sections 44510 through 44517 in January 2006, the SBE has annually approved funding for LEAs to participate in the ATP.

The grant funding application opportunity letter signed by the State Superintendent of Public Instruction is sent to all county and district superintendents and charter school administrators. There is a report to the legislature that was approved by the SBE on May 7, 2008. In the report there are written evaluations as well as informal comments from the LEAs indicating a positive response about the program.

The number of LEAs that applied for funding under the ATP is 110. There are 46 unified school districts, 21 elementary school districts, 0 high school districts, 9 joint unified school districts, 11 union high school districts, 15 union elementary school districts, 6 charter schools, and 2 county offices of education.

Historically, all LEAs that apply for funding have been approved, unless: (1) a participant defined as a principal or vice-principal has previously received funding for the program, or (2) the LEA has submitted an incomplete application.

FISCAL ANALYSIS (AS APPROPRIATE)

LEAs receive a payment of $1,500 per participant once the participant’s name is entered into the MSfAT and the Grant Award Notification has been signed and returned to the CDE. A second payment of $1,500 is dispersed once all the training hours (160) are recorded into the MSfAT and the required online survey is completed.

Historically, adequate funding has been available to all LEAs that have applied. In addition, the system, using a personal identifier, allows for each participant to receive funding one time throughout his/her career.
ATTACHMENT(S)

Attachment 1: Administrator Training Program, Local Educational Agencies Recommended for State Board of Education Approval, November 2012 (3 Pages)

Attachment 2: Administrator Training Program, Program Summary, November 2012 (1 Page)
<table>
<thead>
<tr>
<th>Local Educational Agencies</th>
<th>Total Number of Site Administrators</th>
<th>Total Amount of Federal Funding Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelanto Elementary</td>
<td>2</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Alvord Unified</td>
<td>2</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Antelope Valley Union High</td>
<td>5</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Apple Valley Unified</td>
<td>2</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Atascadero Unified</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Bellflower Unified</td>
<td>3</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>Bishop Unified</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Cajon Valley Union Elementary</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Camino Union Elementary</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Carpinteria Unified</td>
<td>2</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Cascade Union Elementary</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Castle Rock Union Elementary</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Ceres Unified</td>
<td>6</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>Chaffey Joint Union High</td>
<td>5</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Charter Oak Unified</td>
<td>1</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Chico Unified</td>
<td>3</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>Cloverdale Unified</td>
<td>1</td>
<td>$3,000.00</td>
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<td>Local Educational Agencies</td>
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# ADMINISTRATOR TRAINING PROGRAM
## Program Summary
### November 2012

## CURRENT REQUEST SUMMARY

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<td>Applications received in August 2012</td>
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<td>Total number of local educational agencies (LEAs) recommended for November approval</td>
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<td>Total State Funds Requested</td>
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<tr>
<td>300 LEA participants (300 x $3,000)</td>
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## SUMMARY TO DATE

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<tr>
<th>Description</th>
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<td>March 2011 (fiscal year 2010–11)</td>
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<tr>
<td>November 2011 (fiscal year 2011-12)</td>
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<tr>
<td>November 2012 (fiscal year 2012-13)</td>
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<td>Total number of administrators participating in program</td>
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<td>March 2009 (fiscal year 2008–09)</td>
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<tr>
<td>November 2012 (fiscal year 2012-13)</td>
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ITEM 19
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2012 AGENDA

SUBJECT

Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Local Educational Agencies Identified for Improvement as Providers to the 2012–14 State Board of Education-Approved Supplemental Educational Services Provider List Based on Appeal and Based on a Waiver Request Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act.

SUMMARY OF THE ISSUE(S)

Section 1116(e)(4)(C) of the Elementary and Secondary Education Act (ESEA) requires the State Educational Agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students.

RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve local educational agencies (LEAs) identified for improvement or corrective action as SES providers based on appeal for a two-year period beginning July 1, 2012, through June 30, 2014. The summary list of LEAs recommended for approval is provided as Attachment 2.

BRIEF HISTORY OF KEY ISSUES

Title I, Part A Section 1116(e)(1) and (4) of the ESEA requires an SES provider be approved by the SBE before offering tutoring services to low-income students attending schools advancing to Program Improvement (PI) Year 2 and beyond. The CDE has established and maintained a list of SBE-approved SES providers since June 2003.

The 34 Code of Federal Regulations (34 CFR) Section 200.47(b)(1)(iv)(A) and (B) prohibits an SEA from approving requests to provide SES services from LEAs identified for improvement or corrective action. However, the SEA may request a waiver of these provisions. A waiver request was submitted to the U.S. Department of Education (ED) on May 2, 2012. On August 17, 2012, ED granted the request for a two-year period. The response letter from ED is provided as Attachment 1.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2011 and January 2012 meetings, the SBE approved 21 PI LEAs based on an approved waiver of 34 CFR Section 200.47(b)(1)(iv)(A) and (B) granted for the 2011–12 school year.

At its January 2010 meeting, the SBE approved 14 PI LEAs based on an approved waiver for the 2009–10 school year.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: August 17, 2012, letter from Deborah S. Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, regarding California’s waiver to approve a school or a local educational agency identified for improvement, corrective action, or restructuring to serve as a supplemental educational service provider in the 2012–13 and 2013–14 school years (2 Pages)

Attachment 2: California Department of Education Recommended 2012–14 Local Educational Agencies Identified for Improvement Supplemental Educational Services Provider List Recommended on Appeal (1 Page)
California Department of Education
Recommended 2012–14 Local Educational Agencies Identified for Improvement
Supplemental Educational Services Provider List Recommended on Appeal

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<th>Local Educational Agencies</th>
<th>English-Language Arts</th>
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<th>Science</th>
<th>English Learners</th>
<th>SWD</th>
<th>Year Identified for Improvement</th>
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<td>X</td>
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<td>X</td>
<td>X</td>
<td>2011–12</td>
</tr>
</tbody>
</table>
The Honorable Michael W. Kirst  
President  
California State Board of Education  
1430 N Street, Suite 5111  
Sacramento, California 95814-5901

The Honorable Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education  
1430 N Street Sacramento  
Sacramento, California 95814-5901

Dear President Kirst and Superintendent Torlakson:

I am writing in response to California’s request to waive the regulatory requirements under 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. After review of California’s request, I am pleased to grant a two-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to permit California to approve a school or a local educational agency (LEA) identified for improvement, corrective action, or restructuring to serve as a supplemental educational service (SES) provider in the 2012–2013 and 2013-2014 school years.

This waiver is granted on the condition that California will satisfy conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of this waiver to the U.S. Department of Education (the Department) by September 30, 2013. Please be sure to review the enclosure carefully.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Ronald Friend of my staff by email to ronald.friend@ed.gov or by telephone at (202) 358-1440.

Sincerely,

[Signature]

Deborah S. Delisle

Enclosure

cc: Christine Swenson, Director  
Improvement and Accountability Division

www.ed.gov  
400 MARYLAND AVE., SW. WASHINGTON, DC  20202  
The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.
CONDITIONS ON TITLE I, PART A WAIVER

Approving schools and local educational agencies (LEAs) identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers [34 C.F.R. § 200.47(b) (1)(iv)(A) and (B)].

This waiver is granted on the condition that California will submit to the Department, by September 30, 2013, a report that includes:

○ The total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2012–2013 and 2013-2014 school years; and

○ The total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2012–2013 and 2013-2014 school year.
Dear President Kirst and Superintendent Torlakson:

I am writing in response to California's request to waive the regulatory requirements under 34 C.F.R. § 200.47(b)(l)(iv)(A) and (B) of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. After review of California's request, I am pleased to grant a two-year waiver of 34 C.F.R. § 200.47(b)(l)(iv)(A) and (B) to permit California to approve a school or a local educational agency (LEA) identified for improvement, corrective action, or restructuring to serve as a supplemental educational service (SES) provider in the 2012-2013 and 2013-2014 school years.

This waiver is granted on the condition that California will satisfy conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of this waiver to the U.S. Department of Education (the Department) by September 30, 2013. Please be sure to review the enclosure carefully.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Ronald Friend of my staff by email to ronald.friend@ed.gov or by telephone at 202-358-1440.

Sincerely,

Deborah S. Delisle (with signature)

Enclosure

c: Christine Swenson, Director
   Improvement and Accountability Division
Conditions on Title I, Part A Waiver

Approving schools and local educational agencies (LEAs) identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers [34 C.F.R. § 200.47(b) (1)(iv)(A) and (B)].

This waiver is granted on the condition that California will submit to the Department, by September 30, 2013, a report that includes:

- The total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2012-2013 and 2013-2014 school years; and
- The total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2012-2013 and 2013-2014 school year.

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

Last Reviewed: Friday, October 26, 2012

California Department of Education

Mobile site | Full site
ITEM 20
Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve the ConApps for approximately 1,600 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2012–13 ConApps submitted by LEAs in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

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. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE’s and CDE’s criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2012–13 ConApp consists of six federal programs and only one state-funded program. The state funding source is Economic Impact Aid (which is used for State Compensatory Education and/or English learners). The federal funding sources include:
• Title I, Part A Basic Grant (Low Income);
• Title I, Part D (Delinquent);
• Title II, Part A (Teacher Quality);
• Title III, Part A (Immigrant);
• Title III, Part A (Limited English Proficient Students); and
• Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2012–13 ConApp for these 936 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2011–12 because the figures for 2012–13 have not yet been determined. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2012–13 ConApps for 432 LEAs. Attachment 1 represents the second set of 2012–13 ConApps presented to the SBE for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,600 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid funds. CDE staff communicates with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2012–13) - Regular Approvals (35 pages)
Consolidated Applications List (2012–13) – Regular Approvals

The following local educational agencies (LEAs) have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education (CDE) recommends regular approval of these applications. The proficiency data are not available at this time.

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<tr>
<th>CDS Code</th>
<th>Local Educational Agency Name</th>
<th>Total 2011–12 Entitlement</th>
<th>Total 2011–12 Entitlement Per Student</th>
<th>Total 2011–12 Title I Entitlement</th>
<th>2011–12 Entitlement Per Free and Reduced Lunch Student</th>
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<td>2011–12 Entitlement Per Free and Reduced Lunch Student</td>
<td>2011–12* Percent At or Above Proficiency - Language Arts</td>
<td>2011–12* Percent At or Above Proficiency - Math</td>
</tr>
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<td>$1,328,705</td>
<td>$516</td>
<td>57.0</td>
<td>58.4</td>
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</table>

* The 2011–12 targets for elementary and middle schools are 67.6 percent for Language Arts and 68.5 percent for Math. The 2011–12 targets for high schools are 66.7 percent for Language Arts and 66.1 percent for Math.
Total Number of LEAs in the report: 936
Total ConApp entitlement funds for districts receiving regular approval: $942,801,904
ITEM 21
Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. Currently, only five new direct-funded charter schools submitted LEA Plans as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

RECOMMENDATION

The CDE recommends that the SBE approve five direct-funded charter schools LEA Plans, listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA’s Plan if the SEA determines that the LEA’s Plan is designed to enable its schools to substantially help children meet the academic standards expected for all children. As a requirement for receiving federal funding sub-grants for ESEA programs, the local school board and the SBE must approve the original LEA Plan. Subsequent approval of revisions to LEA Plans is made by the local school board and kept on file with the original LEA Plan. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.
CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; ensure that school environments are safe, drug-free, and conducive to learning; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff works with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their Plans and update them as necessary. Any changes to the LEA Plan must be approved by an LEA’s local governing board.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,651 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (4 Pages)
Direct-Funded Charter Schools Recommended for State Board of Education Approval

<table>
<thead>
<tr>
<th>Local Educational Agency Name</th>
<th>County-District-School Code</th>
<th>Academic Performance Data</th>
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</thead>
<tbody>
<tr>
<td>ASCEND</td>
<td>01-61259-6118608</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Downtown College Prep Alum Rock</td>
<td>43-10439-0123257</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Learning Without Limits</td>
<td>01-61259-0115592</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Redwood Preparatory Charter</td>
<td>12-76802-0124164</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Willits Elementary Charter</td>
<td>23-65623-0125658</td>
<td>None available; opened September 2012</td>
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</table>
## Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: ASCEND</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<tr>
<td>CDS CODE: 01-61259-0115592</td>
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<td>Percent At or Above Proficient (78.4%)</td>
<td>Met 2012 AYP Criteria?</td>
<td>Percent At or Above Proficient (79.0%)</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No</td>
<td>45.0</td>
<td>No</td>
<td>52.0</td>
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<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>33.3</td>
<td>**</td>
<td>26.7</td>
<td>**</td>
</tr>
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<td>--</td>
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<td>--</td>
</tr>
<tr>
<td>Asian</td>
<td>70.6</td>
<td>**</td>
<td>58.8</td>
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<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>44.2</td>
<td>No</td>
<td>52.4</td>
<td>No</td>
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<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<td>--</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>--</td>
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<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>42.6</td>
<td>No</td>
<td>47.7</td>
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<tr>
<td>English Learners</td>
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<tr>
<td>Students with Disabilities</td>
<td>29.6</td>
<td>**</td>
<td>29.6</td>
<td>**</td>
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</tbody>
</table>

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.
# Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval
of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Downtown College Prep Alum Rock</th>
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<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<td>Met 2012 AYP Criteria?</td>
<td>Percent At or Above Proficient (79.0%)</td>
</tr>
<tr>
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<td>No, met 9 of 17</td>
<td>53.3</td>
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<tr>
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<td>**</td>
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<tr>
<td>Asian</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Filipino</td>
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<td>--</td>
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<tr>
<td>Hispanic or Latino</td>
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<td>58.4</td>
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<td>Students with Disabilities</td>
<td>27.8</td>
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<td>33.3</td>
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-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum "2012 Growth API" score of 740 OR "2011–12 Growth" of at least one point.
## Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

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<th>Academic Performance Index (API)</th>
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<td>Met 2012 AYP Criteria?</td>
<td>Percent At or Above Proficient (79.0%)</td>
</tr>
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<td>Schoolwide</td>
<td>No, met 13 of 17</td>
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<tr>
<td>Two or More Races</td>
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--- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum "2012 Growth API" score of 740 OR "2011–12 Growth" of at least one point.

SH = Passed by safe harbor: The school, LEA, or subgroup met the criteria for safe harbor, which is an alternate method of meeting the Annual Measurable Objective (AMO) if a school, an LEA, or a subgroup shows progress in moving students from scoring at the below proficient level to the proficient level.
### Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

| LEA Name: Redwood Preparatory Charter  
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<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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<td>Met 2012 AYP Criteria?</td>
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</tr>
<tr>
<td>Asian</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Filipino</td>
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<td>Hispanic or Latino</td>
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<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<td>White (not of Hispanic origin)</td>
<td>63.1</td>
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<td>708</td>
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<tr>
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<td>--</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
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<td>**</td>
<td>--</td>
</tr>
<tr>
<td>English Learners</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
</tbody>
</table>

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.

CI = Passed using confidence intervals: Small schools and LEAs with fewer than 100 valid scores have adjusted Annual Measurable Objectives (AMO) to account for the small number of test scores. These schools and LEAs met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEAs with fewer than 50 valid scores are exempt from the API requirement for AYP. These schools and LEAs met the adjusted API criteria using confidence interval methodology.
ITEM 22
SUBJECT
Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2.

SUMMARY OF THE ISSUE(S)
California Education Code sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The charter schools listed in Attachment 1 are requesting SBE approval of their determination of funding request. Approval of these requests will allow the charter schools listed in Attachment 1 to receive apportionment funding.

RECOMMENDATION
California Department of Education Recommendation
Pursuant to California Code of Regulations, Title 5 (5 CCR) sections 11963.3, 11963.4, and 11963.6, the California Department of Education (CDE) recommends that the SBE approve a determination of funding, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation
The Advisory Commission on Charter Schools (ACCS) met on October 10, 2012, and voted to recommend approval of the determination of funding request for the charter schools identified in Attachment 1. The motion passed by a vote of seven to one except for Eleanor Roosevelt Community Learning Center (#0395), MET Sacramento Charter High School (#0586) and Harvest Ridge Cooperative Charter School (#1179).
The ACCS recommended approval of the determination of funding request for Eleanor Roosevelt Community Learning Center (#0395) and MET Sacramento Charter High School (#0586) by a vote of six to zero with one abstention. The ACCS also recommended approval of the determination of funding request for Harvest Ridge Cooperative Charter School (#1179) by a vote of six to one.

BRIEF HISTORY OF KEY ISSUES

Pursuant to 5 CCR sections 11963.3, 11963.4, and 11963.6, charter schools requesting a determination of full (100 percent) funding meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.

- At least 80 percent of all revenues are to be spent on instruction and related services.

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

Additionally, any SBE-approved determination of funding shall be in increments of a minimum of two years and a maximum of five years in length. 5 CCR Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation. Furthermore, EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. Long Valley Charter has met the API rank requirement and is therefore being recommended for five years. As a guide when making a recommendation for a funding determination, the CDE has recommended a three-year determination period for a charter school in operation for less than three years and a four-year determination period for a charter school in operation for three or more years. If an otherwise eligible charter school requests fewer years, the CDE makes a corresponding recommendation.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.
FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation (3 Pages)
California Department of Education  
Proposed Determination of Funding Recommendation

Proposed Recommendation – Continuing Charter Schools  
Fiscal Year 2012–13 through 2016–17

<table>
<thead>
<tr>
<th>Charter Number</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>Funding Request</th>
<th>CDE Proposed Recommendation</th>
<th>2010–11</th>
<th>2011–12</th>
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<tbody>
<tr>
<td>0320</td>
<td>Lassen</td>
<td>Long Valley Charter</td>
<td>2000–01</td>
<td>100% 5 Years</td>
<td>100% 5 Years</td>
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<td>6</td>
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Proposed Recommendation – Continuing Charter Schools  
Fiscal Year 2012–13 through 2015–16

<table>
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<th>CDE Proposed Recommendation</th>
<th>2010–11</th>
<th>2011–12</th>
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<tr>
<td>0395</td>
<td>Tulare</td>
<td>Eleanor Roosevelt Community Learning Center</td>
<td>2001–02</td>
<td>100% 5 Years</td>
<td>100% 4 Years</td>
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<td>0650</td>
<td>Sacramento</td>
<td>Folsom Cordova Community Charter School</td>
<td>2004–05</td>
<td>100% 5 Years</td>
<td>100% 4 Years</td>
<td>5</td>
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# Proposed Recommendation – Continuing Charter Schools
## Fiscal Year 2012–13 through 2015–16

<table>
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<tr>
<td>0277</td>
<td>Humboldt</td>
<td>Pacific View Charter School</td>
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<td>0586</td>
<td>Sacramento</td>
<td>MET Sacramento Charter High School</td>
<td>2003–04</td>
<td>100% 5 Years</td>
<td>100% 4 Years</td>
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<td>1</td>
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## Proposed Recommendation – Continuing Charter Schools
## Fiscal Year 2012–13 through 2014–15

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<th>2011–12</th>
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<tr>
<td>1135</td>
<td>Los Angeles</td>
<td>iQ Academy California – Los Angeles</td>
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<td>1158</td>
<td>Riverside</td>
<td>Keegan Academy</td>
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<td>100% 5 Years</td>
<td>100% 3 Years</td>
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Not Available
Proposed Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2013–14

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<td>1248</td>
<td>Placer</td>
<td>Milestones Cooperative Charter</td>
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<td>Not Applicable</td>
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<tr>
<td>1179</td>
<td>Placer</td>
<td>Harvest Ridge Cooperative Charter School</td>
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<td>100% 2 Years</td>
<td>100% 2 Years</td>
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<td>Not Applicable</td>
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</table>
ITEM 23
The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. The California Department of Education (CDE) staff presents this routine request for assignment of charter numbers as a standard action item.

**RECOMMENDATION**

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.

**BRIEF HISTORY OF KEY ISSUES**

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,495 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, 8 all-charter districts which currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California *Education Code (EC)* 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 stays within a statutory cap on the total number of charter schools authorized to operate. The cumulative statutory cap of the fiscal year 2012–13 is 1,650. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (1 page)
## Assignment of Numbers for Charter School Petitions

<table>
<thead>
<tr>
<th>Number</th>
<th>Charter Name</th>
<th>County</th>
<th>Authorizing Entity</th>
<th>Charter School Contact</th>
</tr>
</thead>
</table>
| 1495   | Westchester Secondary Charter School             | Los Angeles | Los Angeles County Office of Education     | Janet Landon  
7220 Ogelsby Ave.  
Los Angeles, CA  
90045                                           |
| 1496   | Redwood Coast Montessori Charter School          | Humboldt | Arcata School District                      | Bryan Little  
Post Office Box 6103  
Eureka, CA 95502                                   |
| 1497   | Abernathy Collegiate Charter School              | Kern    | Tehachapi Unified School District           | Teresa Foley  
24600 Tiara Court  
Tehachapi, CA 93561                                 |
| 1498   | Connect Community Charter School                 | San Mateo | Redwood City School District                | Alicia Yamashita  
1017 El Camino Real,  
#176  
Redwood City, CA 94063                              |
| 1499   | Golden Lakes Charter School at La Grange         | Stanislaus | Roberts Ferry Union Elementary School District | Mari Brabbin  
30237 Sloto St.  
La Grange, CA 95329                                |