Vision, Mission, and Goals
California State Board of Education--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: Monday, November 26, 2012
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.

EC 33008
GC 11125

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.

GC 11125.5
EC 33008
EC 33010

CLOSED SESSIONS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126

QUORUM

Section 7.

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

EC 33010

(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.
(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.

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

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.

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

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>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>Constitution of the State of California</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
</tr>
<tr>
<td>EC</td>
<td>California Education Code</td>
</tr>
<tr>
<td>GC</td>
<td>California Government Code</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<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>
</tr>
</tbody>
</table>

Dates of Adoption and Amendment

<table>
<thead>
<tr>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
</tr>
<tr>
<td>Amended</td>
<td>February 11, 1987</td>
</tr>
<tr>
<td>Amended</td>
<td>December 11, 1987</td>
</tr>
<tr>
<td>Amended</td>
<td>November 11, 1988</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
</tr>
<tr>
<td>Amended</td>
<td>December 8, 1989</td>
</tr>
<tr>
<td>Amended</td>
<td>December 13, 1991</td>
</tr>
<tr>
<td>Amended</td>
<td>November 13, 1992</td>
</tr>
<tr>
<td>Amended</td>
<td>February 11, 1993</td>
</tr>
<tr>
<td>Amended</td>
<td>June 11, 1993</td>
</tr>
<tr>
<td>Amended</td>
<td>May 12, 1995</td>
</tr>
<tr>
<td>Amended</td>
<td>January 8, 1998</td>
</tr>
<tr>
<td>Amended</td>
<td>April 11, 2001</td>
</tr>
<tr>
<td>Amended</td>
<td>July 9, 2003</td>
</tr>
</tbody>
</table>
SBE Agenda for January 2013

Agenda for the California State Board of Education (SBE) meeting on January 16, 2013.

State Board Members

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

Secretary & Executive Officer

Hon. Tom Torlakson

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wednesday, January 16, 2013</strong> 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 Public Session, adjourn to Closed Session - IF NECESSARY. The Closed Session will take place at approximately 8:30 a.m. (The public may not attend.)</td>
<td></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.

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:

- 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
- Doe, Jane, and Jason Roe v. State of California, Tom Torlakson, the California Department of Education, the State Board of Education, Los Angeles Superior Court, Case No. BC445151
- EMS-BP, LLC, Options for Youth Burbank, Inc., et al. v. California Department of Education, et al., Sacramento County Superior Court, Case No. 03CS01078 and 03CS01079 and related appeal
- Graham et al. v the State Board of Education, the California Department of Education, Jack O’Connell, Fred Balcom, Tom Torlakson, Los Angeles County Superior Court, Case No. BC482694
- Opportunity for Learning – PB, LLC; Opportunities Learning – C, LLC, and Opportunities for Learning WSH, LLC, Notice of Appeal Before the Audit Appeals Panel
- Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley, Notice of Appeal Before the Education Audit Appeals Panel, OAH Case No. 2006100966
- Options for Youth-Victor Valley, et al. v. California Department of Education, et al., Los Angeles County Superior Court, Case No. BC347454
- Perris Union High School District v. California State Board of Education, California Department of Education, et al., Riverside County Superior Court, Case No. RIC520862, CA Ct. of Appeal, 4th District, Case No. E055856
- Porter, et al., v. Manhattan Beach Unified School District, et al., United States District Court, Central District, Case No. CV-00-08402
- Reed v. State of California, Los Angeles Unified School District, State Superintendent of Public Instruction, Jack O’Connell, California Department of Education, and State Board of Education, et al., Los Angeles County Superior Court, Case No. BC432420, CA Ct. of Appeal, 2nd Dist., Case No. B230817, CA Supreme Ct., Case No. 5191256
- Shabazz, et al. v. Governor Edmund G. Brown Jr., California Attorney General Kamala Harris, Superintendent of Public Instruction Tom Torlakson, President California State Board of Education Dr. Michael Kirst, Does 1-50, Alameda County Superior Court, Case No. RG12636192
- Stoner Park Community Advocates v. City of Los Angeles, Department of Planning of the City of Los Angeles, Department of Transportation City of Los Angeles, New West Charter Middle School, and State Board of Education, Los Angeles County Superior Court, Case No. BS138051
- Today’s Fresh Start, Inc. v. Los Angeles County Office of Education, et al., Los Angeles County Superior Court, Case No. BS112656, CA Ct. of Appeal, 2nd Dist., Case Nos. B212966
- Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education, Los Angeles County Superior Court, Case No. BC484642

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>
<th>Schedule of Meeting</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wednesday, January 16, 2013</strong> 8:30 a.m. Pacific Time ±</td>
<td>California Department of Education</td>
</tr>
<tr>
<td>Upon Adjournment of Closed Session, if held.</td>
<td>1430 N Street, Room 1101</td>
</tr>
<tr>
<td></td>
<td>Sacramento, California 95814</td>
</tr>
<tr>
<td></td>
<td>916-319-0827</td>
</tr>
<tr>
<td><strong>STATE BOARD OF EDUCATION</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Public Session</strong></td>
<td></td>
</tr>
</tbody>
</table>

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; facsimile, 916 319-0175.

**CALIFORNIA STATE BOARD OF EDUCATION**

**FULL BOARD AGENDA**

**Public Session**

January 16, 2013

Wednesday, January 16, 2013 – 8:30 a.m. Pacific Time ±
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: 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 2 (DOC)

Type of Action: Action, Information

Item 3 (DOC)
Subject: Adoption of Modifications to the Common Core State Standards for Mathematics with California Additions.

Type of Action: Action, Information

Item 4 (DOC)
Subject: 2014 Mathematics Primary Adoption of Instructional Materials: Approval of Evaluation Criteria; Approval of Timeline; Approval of the Application for Instructional Materials Reviewers and Content Review Experts.
Item 4 Attachment 1 (DOC)

Item 5 (DOC)

Subject: Supplemental Instructional Materials Review, Mathematics Category 2: Approval of Reviewers and Continuation of Recruitment for March 2013 Approval.

Type of Action: Action, Information

Item 6 (DOC)

Subject: Career Technical Education Model Curriculum Standards 2013.

Type of Action: Action, Information

Item 7 (DOC)

Subject: 2013 United States Senate Youth Program Presentation.

Type of Action: Information

Item 8 (DOC)

Subject: Transitioning to California’s Future Assessment System: Recommendations and Transition Plan.

Type of Action: Information

Item 9 (DOC)

Subject: Overview of Amendments to the Public Schools Accountability Act and the California Department of Education’s Implementation Timeline and Process Consistent with Education Code Sections 52052 through 52052.9.

Type of Action: Action, Information

Item 9 Attachment 1 (PDF)

Item 10 (DOC)


Type of Action: Action, Information

Item 11 (DOC)

Subject: Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs.
Type of Action: Action, Information

Item 12 (DOC)

Subject: Presentation of the report *Special Education Expenditures, Revenues, and Provision in California* by American Institutes for Research as a Partner in the California Comprehensive Center at WestEd and in collaboration with the Advisory Commission on Special Education (ACSE).

Type of Action: Information

Item 13 (DOC)


Type of Action: Action, Information

Item 14 (DOC)


Type of Action: Action, Information

*** 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.

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

Item W-01 (DOC)

Subject: Request by the San Joaquin County Office of Education for a renewal 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 Brittany Pitsch to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum qualifications.

Waiver Number: 17-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CELDT)
**Item W-02** (DOC)

**Subject:** Request by two local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

**Waiver Numbers:**
- Lowell Joint School District 14-10-2012
- San Lorenzo Unified School District 6-10-2012

(Recommended for APPROVAL)

---

**Item W-03** (DOC)

**Subject:** Request 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:**
- Lindsay Unified School District 13-10-2012
- Mono County Office of Education 71-10-2012
- Mono County Office of Education 72-10-2012

(Recommended for APPROVAL)

---

**Item W-04** (DOC)

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

**Waiver Number:** 58-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

---

**Item W-05** (DOC)

**Subject:** Request by Jamestown Elementary School District to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove their schools from the Open Enrollment List of “low-achieving schools” for the 2013–14 school year.

**Waiver Number:** 28-10-2012

(Recommended for APPROVAL WITH CONDITIONS)
Schoolsite Council Statute (Number and Composition of Members)

**Item W-06** (DOC)

**Subject:** Request by fourteen 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:**

- Baker Valley Unified 7-10-2012
- Central Unified 57-10-2012
- Claremont Unified 64-10-2012
- Claremont Unified 65-10-2012
- Contra Costa County Office of Education 22-10-2012
- Culver City Unified 70-10-2012
- Cuyama Joint Unified 54-10-2012
- Elkins Elementary 16-10-2012
- Happy Valley Union Elementary 59-10-2012
- Indian Springs Elementary 60-10-2012
- Oak Run Elementary 18-10-2012
- Pacific Union Elementary 66-10-2012
- Placer Union High 39-10-2012
- Southern Trinity Joint Unified 20-10-2012
- Upper Lake Union High 12-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

Out-of-State Use of Funds and Transportation Allowances (Out-of-State Use of Funds and Transportation Allowances)

**Item W-07** (DOC)

**Subject:** Request by Alpine County Unified School District to waive a portion of California *Education Code* Section 35330(b)(3) to authorize expenditures of school district funds for students to attend curricular and extracurricular trips/events.

**Waiver Number:** 23-10-2012

(Recommended for APPROVAL WITH CONDITIONS) *EC 33051(b)* will apply.

Sale or Lease of Surplus Property (Sale of Surplus Property)

**Item W-08** (DOC)

**Subject:** Request by two districts, under the authority of California *Education Code* Section 33050, to waive all portions of California *Education Code* sections 17473 and 17474 and portions 17455, 17466, 17472, and 17475 relating to the sale and lease of surplus property. Approval of these waivers will allow the districts to lease or sell property using a “request for proposal process”, thereby maximizing the proceeds from the sale or lease of the properties.

**Waiver Numbers:**

- New Haven Unified School District 27-10-2012
School Construction Bonds (Citizens Oversight Committee - Term Limits)

**Item W-09** (DOC)

**Subject:** Request by Oxnard School District for a renewal 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:** 1-10-2012

(Recommended for APPROVAL)

School District Reorganization (Election Requirements and Speed Transfer Process)

**Item W-10** (DOC)

**Subject:** Request by Santa Clara County Office of Education to waive portions of California *Education Code* sections 35709 and 35534 that require (1) an election for approval of a transfer of territory from Campbell Union School District and Campbell Union High School District to Saratoga Union School District and Los Gatos-Saratoga Joint Union High School District, and (2) an effective date for the approved transfer that is July 1 of the year subsequent to the approval date.

**Waiver Number:** 52-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

**Item W-11** (DOC)

**Subject:** Request by Fairfield-Suisun 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:** 24-10-2012

(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

**Item W-12** (DOC)

**Subject:** Request by Green Point Elementary School District to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six.

**Waiver Number:** 9-11-2012

(Recommended for APPROVAL)
Class Size Penalties (Over Limit on Kindergarten through Grade Three)

Item W-13 (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:

- Orcutt Union Elementary School District 53-10-2012
- Orcutt Union Elementary School District 55-10-2012
- Milpitas Unified School District 78-10-2012
- Milpitas Unified School District 79-10-2012
- Shandon Joint Unified School District 26-10-2012
- Wasco Union Elementary School District 15-10-2012
- Wilsona Elementary School District 9-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Grades 4-8)

Item W-14 (DOC)

Subject: Request by four 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:

- El Tejon Unified School District 19-10-2012
- Milpitas Unified School District 77-10-2012
- Orcutt Union Elementary School District 35-10-2012
- Wilsona Elementary School District 82-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Grades 4-8)

Item W-15 (DOC)

Subject: Request by Shaffer Union Elementary School District 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 Number: 2-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)
**Item W-16** (DOC)

**Subject:** Request by two 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:**
- Ontario-Montclair Elementary 42-10-2012
- Ontario-Montclair Elementary 43-10-2012
- Ontario-Montclair Elementary 46-10-2012
- Ontario-Montclair Elementary 48-10-2012
- Ontario-Montclair Elementary 49-10-2012
- Ontario-Montclair Elementary 50-10-2012
- Salinas City Elementary 34-10-2012
- Salinas City Elementary 36-10-2012
- Salinas City Elementary 38-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Highly Qualified Teachers and/or Williams Settlement)

**Item W-17** (DOC)

**Subject:** Request by two local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding Highly Qualified Teachers and/or the *Williams* case settlement requirements under the Quality Education Investment Act.

**Waiver Numbers:**
- Compton Unified 30-10-2012
- Compton Unified 31-10-2012
- Compton Unified 32-10-2012
- Compton Unified 33-10-2012
- Santa Maria Joint Union High 5-11-2012

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Teacher Experience Index)

**Item W-18** (DOC)

**Subject:** Request by Salinas City Elementary School District to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

**Waiver Numbers:**
- Salinas City Elementary 40-10-2012
- Salinas City Elementary 51-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

**INDEPENDENT STUDY (Pupil Teacher Ratio)**

**Item W-19** (DOC)
Subject: Request by Kern County Office of Education for a renewal to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from a 25:1 to a 27.5:1 pupil-teacher ratio at Valley Oaks Charter School.

Waiver Number: 21-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

---

Item W-20 (DOC)

Subject: Request by Alpaugh Unified School District to waive portions of California Education Code Section 51745.6 and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school Independent study pupil-to-teacher ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Central California Connections Academy Charter School.

Waiver Number: 5-10-2012

(Recommended for DENIAL)

---

Item W-21 (DOC)

Subject: Request by Capistrano Unified School District for a renewal to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Capistrano Connections Academy Charter School.

Waiver Number: 14-3-2012

(Recommended for DENIAL)

---

Open Enrollment (Removal From the List of LEAs)

Item W-22 (DOC)

Subject: Request by Curtis Creek Elementary School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5, Section 4701, to remove their school from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

Waiver Number: 29-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

---

Class Size Penalties (Over Limit on Kindergarten through Grade Three)

Item W-23 (DOC)

Subject: Request by three 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:
• Fontana Unified School District 68-10-2012
• Fontana Unified School District 69-10-2012
• Lincoln Unified School District 25-5-2012
• Shaffer Union Elementary School District 3-10-2012
• Shaffer Union Elementary School District 4-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

*** END OF WAIVERS ***

**Item 15** (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 16** (DOC)

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

**Type of Action:** Action, Information

**Item 17** (DOC; 1MB)

**Subject:** Instructional Materials Mathematics Adoption – Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Section 9517.3.

**Type of Action:** Action, Information

**Item 18** (DOC)

**Subject:** Standardized Testing and Reporting Program: Approval of 2013 School District Apportionment Amounts.

**Type of Action:** Action, Information

**Item 19** (DOC)

**Subject:** Approval of 2012–13 Consolidated Applications.

**Type of Action:** Action, Information

**Item 20** (DOC)

**Subject:** Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

**Type of Action:** Action, Information
Item 21 (DOC)


Type of Action: Action, Information

Item 22 (DOC)

Subject: Request by Chula Vista Elementary School District regarding California Education Code sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Chula Vista Elementary School District and South Bay Family Young Men’s Christian Association (YMCA) to enter into leases and agreements relating to real property and buildings to be used jointly by the District and the South Bay Family YMCA.

Type of Action: Action, Information

- Item 22 Attachment 1 (PDF)
  - Accessible Alternative Version of Item 22 Attachment 1
- Item 22 Attachment 2 (PDF; 1MB)
- Item 22 Attachment 3 (PDF; 1MB)

Item 23 (DOC)

Subject: Assignment of Numbers for Charter School Petitions.

Type of Action: Action, Information

Item 24 (DOC)

Subject: 2012-13 Federal Public Charter Schools Grant Program Dissemination Grant Request for Applications.

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/]. 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: Friday, January 04, 2013

California Department of Education
Mobile site | Full site
ITEM 1
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 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 commenatory 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)

1. SBE Draft Preliminary Report of Actions/Minutes for the November 7-8, 2012 Meeting

2. SBE Screening Committee Recommendations for appointing members to the Advisory Commission on Special Education

3. SBE Screening Committee Recommendations for appointing members to the Title I Committee of Practitioners

4. Proposed Bylaws amendments presented at the November 2012 meeting

5. Election of State Board of Education (SBE) Officers – President and Vice President

6. Board member liaison reports

RECOMMENDATIONS

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the November 7-8, 2012 SBE meeting. (Attachment 1)

2. Approve the SBE Screening Committee’s recommendations for appointing members to the Advisory Commission on Special Education as specified in Attachment 2.

3. Approve the SBE Screening Committee’s recommendations for appointing members to the Title I Committee of Practitioners as specified in Attachment 3.
RECOMMENDATIONS (CON’T.)

4. Approve the proposed amendments to the SBE Bylaws which were presented at the November 2012 meeting

5. Take up the election of officers.

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.

Amendments to the SBE Bylaws

Proposed revisions to the SBE bylaws were presented at the November 2012 SBE meeting, 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. Specific amendments presented in November are detailed in Attachment 4.

In November 2012, the California Teachers Association provided public comment on the proposed amendments. Specifically, CTA suggested an amendment to Article V, Section 9 to allow any member of the public to request that an item be removed from the consent agenda. SBE staff recommends against this suggested amendment. Placing items on the consent agenda does not affect the decision-making process and members of the public still have the opportunity to provide comment. The consent agenda helps promote efficient meetings and allows the Board to focus its time on those issues deemed most critical.

Pursuant to Article XIII of the Bylaws, proposed amendments may now be voted upon by the SBE at the January 2013 meeting, having been presented in writing at the previous meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.
Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the November 2012 SBE meeting (18 Pages) may be viewed at the following link:

http://www.cde.ca.gov/be/mt/ms/documents/pra110712.doc

Attachment 2: SBE Screening Committee Recommendations for appointment to the Advisory Commission on Special Education. (The recommendations will be provided in an Item Addendum.)

Attachment 3: SBE Screening Committee Recommendations for appointment to the Title I Committee of Practitioners. (The recommendations will be provided in an Item Addendum.)

Attachment 4: Proposed revisions to the SBE Bylaws (9 Pages)

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

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

(e) 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.
ITEM 2
SUBJECT

SUMMARY OF THE ISSUE(S)
This agenda item is the tenth 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–November 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 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: November–December 2012 (5 pages)
Attachment 2: CCSS Implementation Outreach: State Board and Department of Education Activities (7 pages)
Common Core State Standards
Systems Implementation Plan
Highlights: November–December 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 four professional learning modules (PLMs). 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
- Mathematics: Kindergarten through Grade Twelve Standards for Mathematical Practice

The modules are located on the Brokers of Expertise Web site at [http://www.myboe.org](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](http://www.cde.ca.gov/re/cc/ccssplm.asp).
2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

- Information regarding the approval of the second cohort of supplemental instructional materials aligned to the CCSS provided in Item 5.

- Information regarding the approval of reviewers for the 2013 supplemental instructional materials review, mathematics category 2, is provided in Item 6.

- Information regarding the approval of evaluation criteria, timeline, and application for instructional materials advisory panel members for the 2014 mathematics primary adoption is provided in Item 4.

- Information regarding the adoption of modifications to the CCSS for mathematics with California additions is provided in Item 3.

- Information regarding the instructional materials mathematics adoption (approve the finding of emergency and proposed emergency regulations for additions to the California Code of Regulations, Title 5, Section 95817.3) is provided in Item 17.

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 was designed to collect information from March 2012 through August 2014 and data extracted twice per year. The second data extraction was conducted on December 14, 2012. The second data extraction covers the collection window from July 16 through December 14, 2012. Districts that had marked their data as “complete” in the first data collection window were reset to “not complete” for the second window. The primary reason for these multiple windows is to: (1) Maintain an accurate, up to date, state and consortium level database of technology used in schools and districts (2) provide the state and consortium a database of district technology readiness (3) continue to request data of non-reporting districts (3) provide opportunities to amend partial or inaccurate data previously submitted (4) and to provide opportunities to revise data, such as number of computers and network bandwidth that were previously submitted.

The second data collection window presented additional and clarifying questions not presented in the first data collection window of the TRT. For example, there were more options for network bandwidth, classification of schools, grade specific counts in grades K–12 (supplied by CDE), assessment environment, computing device owner, as well as
additional technical questions such as the type of the operating system, processor types, and screen resolution for computing devices.

A gap analysis and determination of readiness is scheduled to be incorporated into the TRT in mid-January 2013. On December 4, 2012 SBAC released a report titled, *Smarter Balanced Technology Strategy Framework & System Requirements Specifications*. This report outlines the technology specifications necessary to conduct computer adaptive assessments using the existing technology and infrastructure found in schools and districts and also provides the basis for the gap analysis and determination of readiness to be built into the TRT. A Web link to this report can be found at [http://www.cde.ca.gov/Ta/tg/sa/smarterbalanced.asp](http://www.cde.ca.gov/Ta/tg/sa/smarterbalanced.asp).

- The Smarter Balanced Pilot Test is scheduled to take place February 20 through May 10, 2013, in grades three through eleven (3–11). Smarter Balanced will select schools for the pilot test using two approaches or components:

  1. The “Scientific” component targets a representative sample of schools and yields critical data about the items developed to date as well as about how the system is functioning. Through January 2013, schools selected through the scientific component will be contacted by a Smarter Balanced vendor to confirm their participation in the Pilot Test.

  2. The “Volunteer” component will be open to all schools in Smarter Balanced states and will ensure that all schools have the opportunity to experience the basic functionality of the system. Interested schools can volunteer to participate via the online survey located at: [https://www.surveymonkey.com/s/SmarterBalancedPilot](https://www.surveymonkey.com/s/SmarterBalancedPilot).

The CDE has developed a Web-based search engine to query selected schools by county and district. The search engine can be accessed on the CDE Smarter Balanced Web page at [http://www3.cde.ca.gov/sbacpilots/selectedschools.aspx](http://www3.cde.ca.gov/sbacpilots/selectedschools.aspx).

LEAs should direct questions about the Pilot Test to: smarterbalancedpilot@air.org.

- Information regarding the State Superintendent of Public Instruction’s recommendations to the Legislature for transitioning to California’s future assessment system is provided in Item 9.
4. Collaborate with parents, guardians and the early childhood and extended learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting.

- The CDE has made available translations of several documents developed to communicate with parents regarding the CCSS. Four informational flyers regarding the CCSS and the parent flyer from the CCSS Systems Communications Toolkit for California are now available in the following languages:
  - English
  - Chinese (simplified)
  - Chinese (traditional)
  - Hmong
  - Pilipino (Tagalog)
  - Spanish
  - Vietnamese

These documents are available on the Students/Parents tab on the CDE CCSS Web page at [http://www.cde.ca.gov/re/cc/](http://www.cde.ca.gov/re/cc/).

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

- Information regarding the revised Career Technical Education Model Curriculum Standards is provided in Item 7.

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

- The State Superintendent of Public Instruction invited each of California’s district superintendents and direct-funded charter school administrators to participate in a survey designed to gather information regarding the progress of CCSS systems implementation across the state. The CDE will collate survey responses and use aggregate data that are not tied to a single respondent to identify trends and guide the future implementation activities of the state. A copy of the survey questions is available for review on the CDE CCSS Implementation Survey Web page at [http://www.cde.ca.gov/re/cc/ccsssurvey.asp](http://www.cde.ca.gov/re/cc/ccsssurvey.asp).

- 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:

<table>
<thead>
<tr>
<th></th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listserv Subscribers</td>
<td>5,510</td>
<td>5,685</td>
<td>Available January 1</td>
</tr>
<tr>
<td>Total Web Page Hits</td>
<td>251,186</td>
<td>252,843</td>
<td>Available January 1</td>
</tr>
</tbody>
</table>

- A summary of select outreach and communications activities of the CDE and SBE is provided in Attachment 2 of this item.
## Common Core State Standards 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>
</tr>
</thead>
<tbody>
<tr>
<td>November 1, 2012</td>
<td>40 Calaveras County Administrators</td>
<td>Presentation on the Common Core State Standards (CCSS), Sample Smarter Balanced Assessment Consortium (SBAC) items, and discussion about the implications for their schools and districts.</td>
</tr>
<tr>
<td></td>
<td>California Department of Education (CDE)/State Board of Education (SBE) Team: Nancy Brownell</td>
<td></td>
</tr>
<tr>
<td>November 2, 2012</td>
<td>250 Calaveras County teachers</td>
<td>Presentation on the CCSS, sample SBAC items, and discussion of strategies to consider now that increased teachers’ knowledge of the instructional changes expected.</td>
</tr>
<tr>
<td></td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td><strong>Key Learning:</strong> Teacher conversations related to shared ideas for selecting a few of the math and literacy strategies that will improve student learning and prepare for the changes in the new standards and assessments are very supportive of the next generation learning and teaching priorities. Challenges voiced related to need for professional learning and additional support for all to be successful.</td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>November 7, 2012</td>
<td>3 staff from Comprehensive Center</td>
<td>Preliminary planning meeting related to the priorities in the newly funded Comprehensive Assistance Center plan to provide technical assistance to CDE and SBE related to Common Core Systems’ implementation.</td>
</tr>
<tr>
<td>Conversation with WestEd’s California Comprehensive Center</td>
<td>CDE/SBE Team: Nancy Brownell, Barbara Murchison</td>
<td><strong>Key Learning:</strong> Timely opportunity for support and assistance from the Center and to increase capacity of CDE staff and SBE to guide the ongoing work of statewide implementation.</td>
</tr>
<tr>
<td>November 7 &amp; December 5, 2012</td>
<td>150 secondary teachers</td>
<td>Secondary Literacy Partnership is providing an online series of English Language Arts/Literacy modules for professional development. November was an Introduction to Common Core Reading standard 1 and its Relationship to Writing Standard 1 and December topic was Text Complexity in Reading and Writing.</td>
</tr>
<tr>
<td>Conversation with WestEd’s California Comprehensive Center</td>
<td>CDE/SBE Team: Carrie Roberts, Barbara Murchison</td>
<td></td>
</tr>
<tr>
<td>November 9, 2012</td>
<td>4 higher education leadership from the three segments</td>
<td>Planning call to determine priorities and plan “faculty to faculty” convenings to increase understanding of the common core standards and SBAC assessment development content and timelines.</td>
</tr>
<tr>
<td>Conference call with SBAC higher education leadership team</td>
<td>CDE/SBE Team: Deb Sigman, Barbara Murchison, Nancy Brownell</td>
<td><strong>Key Learning:</strong> Strategies and opportunities to engage with both higher education leadership and faculty on the implications for changes within a Career and College Ready set of standards and assessments continues to be both complex and necessary.</td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>November 14, 2012</strong>&lt;br&gt;Regional Assessment Network (RAN) conference</td>
<td>25 regional assessment leads&lt;br&gt;CDE/SBE Team: Carrie Roberts</td>
<td>Update on the professional learning modules to the statewide leads.&lt;br&gt;&lt;br&gt;<strong>Key Learning:</strong> Strategies and opportunities to engage with both higher education leadership and faculty on the implications for changes within a Career and College Ready set of standards and assessments continues to be both complex and necessary.</td>
</tr>
<tr>
<td><strong>November 15, 2012</strong>&lt;br&gt;Conference call with Santa Clara County Parent Liaisons</td>
<td>20 parent liaisons from across the state&lt;br&gt;CDE/SBE Team: Barbara Murchison</td>
<td>Conversation with parent liaisons to share common core timelines, information and resources for parents.</td>
</tr>
<tr>
<td><strong>November 15, 2012</strong>&lt;br&gt;Present to CA Environmental Education Interagency Network</td>
<td>12 members of the Network&lt;br&gt;CDE/SBE Team: Barbara Murchison</td>
<td>Present CCSS information, timelines and resources available for members of the network.</td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>November 16, 2012</td>
<td>60 assistant superintendents and other representatives from county offices</td>
<td>Presentation on selected topics related to CCSS implementation, including significant milestones, Professional Learning Modules, updates to the CDE Web-site and resources, and SBAC development.</td>
</tr>
<tr>
<td></td>
<td>CDE/SBE Team: Patrick Traynor, Nancy Brownell, Barbara Murchison</td>
<td><strong>Key Learning:</strong> County office leadership continues to provide a wide array of differentiated, ongoing support and assistance on implementation to their local schools, districts, and board members.</td>
</tr>
<tr>
<td>November 27, 2012</td>
<td>50 members of Teacher Preparation Advisory Panel</td>
<td>Collaborative conversations among teacher preparation program leaders, CTC, and the CDE are essential to the success of common core implementation and ensuring that teachers are prepared to teach to the standards.</td>
</tr>
<tr>
<td>November 29, 2012</td>
<td>100 school board trustees</td>
<td>Presentation on select common core implementation topics to California School Boards Association (CSBA) annual conference.</td>
</tr>
<tr>
<td></td>
<td>CDE/SBE Team: Cynthia Gunderson, Barbara Murchison</td>
<td><strong>Key Learning:</strong> Critical, ongoing conversations and policy considerations for local Governance Teams are a high priority in many districts.</td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>December 3, 2012</strong></td>
<td>100 local teachers, administrators and COE staff</td>
<td>Presentation on implementing CCSS and instructional rigor and what local schools and districts can be developing and discussing in their local contexts.</td>
</tr>
<tr>
<td>Present to San Diego County educators</td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td></td>
</tr>
<tr>
<td><strong>December 3-4, 2012</strong></td>
<td>400 California educators with leadership roles</td>
<td>Common Core implementation strand developed for the Conference to provide information and resources for instruction of English learners related to CCSS implementation.</td>
</tr>
<tr>
<td>Present to Annual Title III Accountability Institute</td>
<td>CDE/SBE Team: Karen Cadiero-Kaplan, Barbara Murchison, Tom Adams, Lily Roberts, Patrick Traynor</td>
<td></td>
</tr>
<tr>
<td><strong>December 4, 2012</strong></td>
<td>40 California Teachers of the Year</td>
<td>California Teachers of the Year meet at the CDE for a professional development day and lunch with the State Superintendent of Public Instruction.</td>
</tr>
<tr>
<td>Presentation on the Professional Learning Modules</td>
<td>CDE/SBE Team: Carrie Roberts, Cynthia Gunderson</td>
<td></td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td><strong>December 10, 2012</strong>&lt;br&gt;Present to IQC and CDE Staff on updates to the Common Core Web-site</td>
<td><strong>Instructional Quality Commission (IQC)</strong>&lt;br&gt;CDE/SBE Team: Barbara Murchison</td>
<td>Provide update on changes and new resources available on CDE web-site related to CCSS implementation.</td>
</tr>
<tr>
<td><strong>December 13, 2012</strong>&lt;br&gt;Present to California Science Project Directors</td>
<td><strong>35 regional Science Project Directors and teacher leaders</strong>&lt;br&gt;CDE/SBE Team: Barbara Murchison</td>
<td>Provide update on changes and new resources available on CDE web-site related to CCSS implementation.</td>
</tr>
<tr>
<td><strong>January 10, 2013</strong>&lt;br&gt;Present to Advisory Commission on updates related to CCSS implementation</td>
<td><strong>Advisory Commission on Special Education</strong>&lt;br&gt;CDE/SBE Team: Nancy Brownell, Tom Adams, Kristen Brown, Carrie Roberts</td>
<td>Provide update on common core implementation timelines and resources related to needs of special education programs.</td>
</tr>
<tr>
<td><strong>January 11, 14, 16, 18, 2013</strong>&lt;br&gt;Attend Regional Arts Meetings</td>
<td><strong>35 Arts Leads and Teachers</strong>&lt;br&gt;CDE/SBE Team: Carrie Roberts</td>
<td>Collaborate with Arts Leads on the infusion of CCSS into new and existing curriculum and professional learning modules for use across the state.</td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>January 15, 2013</td>
<td>50 Del Norte County teachers and administrators</td>
<td>Share CCSS implementation strategies and focus of instructional shifts with county leadership groups.</td>
</tr>
<tr>
<td>Present to Del Norte School District cabinet and county teachers and administrators</td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td></td>
</tr>
<tr>
<td>January 30, 2013</td>
<td>65 district teachers and administrators</td>
<td>Will present on the CCSS, sample SBAC items, and discussion of strategies to consider now to increase teachers' knowledge of the instructional changes expected.</td>
</tr>
<tr>
<td>Present to Bret Harte Union School District</td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td></td>
</tr>
</tbody>
</table>
ITEM 3
SUBJECT
Adoption of Modifications to the Common Core State Standards for Mathematics with California Additions.

SUMMARY OF THE ISSUE(S)
Senate Bill 1200 (Chapter 654, Statutes of 2012) authorizes the State Superintendent of Public Instruction (SSPI) to recommend, and the State Board of Education (SBE) to adopt, reject, or modify, modifications to the Common Core State Standards for Mathematics that were adopted by the SBE on August 2, 2010. The SSPI recommendations are presented in Recommended Modifications to the Common Core State Standards for Mathematics with California Additions and Model Courses for Higher Mathematics, located at http://www.cde.ca.gov/ci/ma/cf/documents/att1jan13item04.doc. Additionally, a summary of the recommended modifications to the California additions can be found at http://www.cde.ca.gov/ci/ma/cf/documents/att2jan13item04.doc.

RECOMMENDATION
The SSPI recommends that the SBE adopt the modifications to the Common Core State Standards for Mathematics with California Additions (CCSSM) and the Model Courses for Higher Mathematics as presented in the Recommended Modifications to the Common Core State Standards with California Additions and Model Courses for Higher Mathematics, located at http://www.cde.ca.gov/ci/ma/cf/documents/att1jan13item04.doc.

BRIEF HISTORY OF KEY ISSUES
When the SBE adopted the CCSSM, the standards included California additions to the Common Core State Standards for Mathematics developed by the Common Core State Standards Initiative (CCSSI) as published in June 2010. These California additions included adding words to the June 2010 standards and adding complete standards. A number of the additions strengthen or clarify the standards, and the SSPI recommends that these additions be maintained. These recommended additions are noted in boldface and underlined type in the Recommended Modifications to the Common Core State Standards with California Additions and Model Courses for Higher Mathematics.
Some California additions are problematic, and SB 1200 provides a remedy for them. One particular problem is the addition of a unique Grade 8 Algebra I course that is neither consistent with the Common Core State Standards for Mathematics developed by the CCSSI nor with any other definition of Algebra I. This unique Grade 8 Algebra I course would be very different from Algebra I courses taken by students in other grades and cover nearly twice as many standards. The addition of the Grade 8 Algebra I course also resulted in California having two sets of standards in grade eight, which is out of compliance with No Child Left Behind Act of 2001 requirements. The SSPI recommends that the unique Grade 8 Algebra I course be replaced with Algebra I and Mathematics I courses based upon the Common Core State Standards for Mathematics. The strikethrough lines on pages 52 to 61 in Attachment 1 identify the Grade 8 Algebra I course deletions. (See pages 73 to 81 and 98 to 106 for the model courses in Algebra I and Mathematics I.) Pursuant to SB 1200, the SSPI also recommends that the redundant standards in grades six and seven be eliminated as indicated by the strikethrough lines on pages 39 to 51 in the Recommended Modifications to the Common Core State Standards with California Additions and Model Courses for Higher Mathematics.

These changes clarify the mathematics standards for middle grades and provide the foundation for middle school courses, including Algebra and higher mathematics courses. The decision about placement of students in a course is a decision best made at the local level to ensure the unique needs of students are met. The Instructional Quality Commission and the SBE will consider the Mathematics Framework later this year; the framework will provide guidance about the appropriate advancement of students for middle and high school course sequences.

SB 1200 also provides an opportunity to remedy a problem in the higher mathematics (high school mathematics) standards. In the Common Core State Standards for Mathematics developed by the CCSSI and published in June 2010, the standards for higher mathematics were organized by conceptual categories not by courses. The SSPI recommends model higher mathematics courses in both the traditional pathway (Algebra I, Geometry, Algebra II) and integrated pathway (Mathematics I, II, and III). These model courses are based on Appendix A, which was published by the CCSSI in summer 2010 to address calls from the field for organizing the higher mathematics standards into courses. The SSPI-recommended courses are presented on pages 69 to 130 in the Recommended Modifications to the Common Core State Standards with California Additions and Model Courses for Higher Mathematics.

In developing the recommendations for modifications to the California additions to the CCSSM and the model courses, the SSPI was advised by the SBE-appointed Mathematics Curriculum Framework and Evaluation Criteria Committee (MCFCC). The MCFCC is a group of mathematics experts, the majority of whom are classroom teachers. Members of the MCFCC include mathematics teachers and professors providing instruction at all levels of education, from elementary to university, and district and county office administrators. In addition, in order to meet the requirements set forth in California Education Code (EC) Section 60605.11(a)(1), a school site principal who is a former mathematics teacher also advised the SSPI.

Two public hearings on the recommended modifications are scheduled for January 3 and 4, 2013. The January 3, 2013, public hearing will be held at the California Department of Education (CDE) building in Sacramento, and the January 4, 2013, public hearing will be held at the Orange County
Department of Education. A summary of comments from the public hearing will be provided as an addendum to this agenda item.

The SSPI recommendations are in accordance with SB 1200. (See below for relevant sections.) The recommended modifications maintain the rigor of the CCSSM; prepare students for college, career, and citizenship; and provide clarity to the field on the implementation of the CCSSM.

**Relevant Sections of SB 1200 (Hancock), Chapter 654, Statutes of 2012**

60605.11. (a) (3) On or before March 30, 2013, the Superintendent shall recommend modifications to the mathematics standards to the state board, and the state board, by that date, shall adopt, reject, or modify those recommendations.

(b) The modifications to the common core academic content standards in mathematics that the Superintendent recommends to the state board and that the state board approves shall ensure all of the following:

1. The rigor of the state common core academic content standards in mathematics is maintained so that all high school graduates are prepared for college and careers, as specified in the common core academic content standards.

2. All of the common core academic standards developed by the consortium or interstate collaboration set forth in Section 60605.7 are adopted.

3. One set of standards is adopted at each grade level.

4. The content standards for algebra I are based upon the common core academic content standards for mathematics.

5. Redundant mathematics standards are eliminated.

6. The implementation of standards is improved.

7. Any technical issues in the standards are resolved.

8. The modifications amount to no more than 15 percent of the common core academic content standards adopted by the state board.

(c) (1) Any modifications to the common core academic content standards in mathematics made pursuant to this section shall be incorporated into the curriculum framework and the evaluation criteria for mathematics for the purpose of adopting instructional materials in mathematics pursuant to Section 60207.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

August 2, 2010: Pursuant to SB X5 1 (EC 60605.8), the SBE adopted the academic content standards in mathematics as proposed by the Academic Content Standards Commission (ACSC). The standards include the Common Core State Standards for Mathematics developed by the CCSSI and published in June 2010, and specific additional standards recommended by the ACSC.

FISCAL ANALYSIS (AS APPROPRIATE)

Once the modifications to the CCSSM have been adopted, the CDE Press will edit and design a standards document for publication and posting on the Internet. Costs to edit, design, and then print a first-run of 10,000 copies is anticipated to be $22,103. This cost estimate is based on the costs for editing, designing, and printing the most recent standards document. The costs will be paid by State General Fund dollars. Some costs will be offset by sales of the standards document at a price that is yet to be determined.

In addition, the CDE budget will cover the anticipated CDE staff costs for Curriculum Frameworks and Instructional Resources Division and other CDE program staff involved in editing the standards publication.

ATTACHMENT(S)

Attachment 1: Summary of Comments from Public Hearings on Recommended Modifications to the Common Core State Standards for Mathematics with California Additions and Model Courses for Higher Mathematics. (The summary will be provided as an Item Addendum.)
ITEM 4
SUBJECT

2014 Mathematics Primary Adoption of Instructional Materials: Approval of Evaluation Criteria; Approval of Timeline; Approval of the Application for Instructional Materials Reviewers and Content Review Experts.

SUMMARY OF THE ISSUE

Assembly Bill 1246 (Chapter 668 of the Statutes of 2012) signed on September 27, 2012, authorizes the State Board of Education (SBE) to adopt instructional materials for kindergarten and grades one through eight (K–8), inclusive, that are aligned to the Common Core Content Standards for Mathematics (CCCSM) no later than March 30, 2014.

In accordance with statute and regulations, the SBE approval of the evaluation criteria, timeline, and the application for instructional materials reviewers (IMR) and content review experts (CRE) is required.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the evaluation criteria, timeline, and application for IMR and CRE.

BRIEF HISTORY OF KEY ISSUES

AB 1246 (Chapter 668 of the Statutes of 2012) authorizes the SBE to adopt instructional materials for K–8, inclusive, that are aligned to the CCCSM no later than March 30, 2014. The CCCSM can be found on the Sacramento County Office of Education Web page at http://www.scoe.net/castandards/agenda/2010/math_ccs_recommendations.pdf.

AB X4 2 (Chapter 2, Statutes of 2009–10 Fourth Extraordinary Session) suspended the process and procedures for adopting instructional materials until the 2013–14 school year. Senate Bill 70 (Chapter 7 of the Statutes of 2011) extended that suspension until the 2015–16 school year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The timeframe below represents the SBE actions pertaining to the previous Mathematics Primary Adoption of Instructional Materials:
• **November 8, 2007:** The SBE approved the recommendations of the Curriculum Development and Supplemental Materials Commission for the 2007 Mathematics Primary Adoption for instructional materials in K–8.

• **November 9, 2006, January 11, 2007, and March 8, 2007:** The SBE approved appointment of Instructional Materials Advisory Panel members and Content Review Panel experts to review K–8 mathematics instructional materials.

• **January 12, 2006:** The SBE adopted the 2007 Mathematics Primary Adoption Timeline.

• **March 9, 2005:** The SBE adopted the evaluation criteria for the 2007 Mathematics Primary Adoption.

**FISCAL ANALYSIS**

AB 1246 requires the CDE, before conducting the 2014 Mathematics Primary Adoption of Instructional Materials, to provide notice to all publishers or manufacturers that they are required to pay a fee to offset the cost of conducting the adoption process. The CDE estimates that the cost of the upcoming mathematics adoption will be $350,000 exclusive of staff costs.

During the spring of 2013, the CDE will collect letters of intent to participate from publishers and manufacturers of mathematics instructional materials. Thereafter, the CDE will assess fees from these entities based upon the number of programs and grade levels for which they indicate they will participate. Following the receipt of the assessed fees, the CDE will begin the process of associating costs via the approved accounting systems process.

**ATTACHMENTS**

Attachment 1: Criteria for Evaluating Mathematics Instructional Materials for Kindergarten through Grade Eight (Provided separately from item, 19 Pages).

Attachment 2: Schedule of Significant Events 2014 Mathematics Primary Adoption (1 Page)

Attachment 3: DRAFT The 2014 Mathematics Primary Adoption of Instructional Materials Application to Serve on the Review Panel (8 Pages)
## Schedule of Significant Events
### 2014 Mathematics Primary Adoption
(Accelerated Schedule per Assembly Bill 1246)

<table>
<thead>
<tr>
<th>Event</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey of publisher interest</td>
<td>October 2012</td>
</tr>
<tr>
<td>Curriculum Framework and Evaluation Criteria Committee meets to develop criteria</td>
<td>November 1–2, 2012</td>
</tr>
<tr>
<td>Instructional Quality Commission (IQC) approves reviewer application and adoption timeline</td>
<td>December 10, 2012</td>
</tr>
<tr>
<td>IQC recommends evaluation criteria to the State Board of Education (SBE)</td>
<td>December 10, 2012</td>
</tr>
<tr>
<td>Assembly Bill 1246 takes effect</td>
<td>January 1, 2013</td>
</tr>
<tr>
<td>SBE approves modifications to California additions to the Common Core State Standards for Mathematics</td>
<td>January 16–17, 2013</td>
</tr>
<tr>
<td>SBE approves reviewer application and adoption timeline</td>
<td>January 16–17, 2013</td>
</tr>
<tr>
<td>SBE approves initiation of emergency regulations process. Authorizing legislation must be in place; regulations are good for 180 days.</td>
<td>January 16–17, 2013</td>
</tr>
<tr>
<td>SBE adopts evaluation criteria for CCSS-aligned instructional materials</td>
<td>January 16–17, 2013</td>
</tr>
<tr>
<td>Recruitment of reviewers (at least 90 days per 5 CCR §9513)</td>
<td>January 18–April 18, 2013¹</td>
</tr>
<tr>
<td>Invitation to Submit Meeting; fee waiver requests due</td>
<td>Late January 2013</td>
</tr>
<tr>
<td>SBE takes action on publisher fee waiver requests</td>
<td>March 2013</td>
</tr>
<tr>
<td>IQC recommends reviewers to SBE</td>
<td>April 19, 2013²</td>
</tr>
<tr>
<td>SBE appoints reviewers</td>
<td>May 2013</td>
</tr>
<tr>
<td>Submission date</td>
<td>May 2013</td>
</tr>
<tr>
<td>Reviewer Training</td>
<td>June 2013</td>
</tr>
<tr>
<td>Publishers provide samples of instructional materials to reviewers and Learning Resource Display Centers</td>
<td>June 2013</td>
</tr>
<tr>
<td>Independent Review</td>
<td>June–August 2013</td>
</tr>
<tr>
<td>Reviewer Deliberations</td>
<td>September 2013</td>
</tr>
<tr>
<td>SBE holds public meeting to receive comment (EC 60203)</td>
<td>October 2013</td>
</tr>
<tr>
<td>IQC makes recommendation</td>
<td>January 2014</td>
</tr>
<tr>
<td>SBE takes action on recommendation</td>
<td>March 2014</td>
</tr>
<tr>
<td>New mathematics adoption list established</td>
<td></td>
</tr>
</tbody>
</table>

¹ Applications will continue to be accepted until sufficient reviewers are selected. If necessary, reviewers will serve provisionally until SBE action.

² May be a conference call and/or Mathematics Subject Matter Committee meeting.
DRAFT
The 2014 Mathematics Primary Adoption of Instructional Materials – Application to
Serve on the Review Panel

Applications must be received by 3 p.m. Thursday, April 18, 2013.

Assembly Bill 1246 (Chapter 668 of the Statutes of 2012) signed on September 27, 2012, allows the State Board of Education (SBE) to adopt instructional materials that are aligned to the common core academic state standards for mathematics.

The SBE and the State Superintendent of Public Instruction (SSPI) are seeking candidates to serve on review panels for the 2014 Mathematics Primary Adoption of Instructional Materials. Panel members will evaluate instructional materials for use in kindergarten and grades 1 through 8, inclusive that are aligned with the Common Core State standards in Mathematics. This review will include instructional materials in Algebra I and Mathematics I (Integrated Mathematics I) that are based upon the model course outlines being developed for the Mathematics Framework. Instructional materials in Geometry will not be included in this review.

Each panel will consist of multiple instructional materials reviewers (IMRs) and at least one content review expert (CRE). A majority of IMRs, as stated in regulation (California Code of Regulations, Title 5 (5 CCR) Section 9512), shall be teachers who teach students in kindergarten or grades 1-12 and have a professional credential under California law, and meet the definition of highly qualified under federal law, and who have experience with, and expertise in, standards-based-educational programs and practices in the content field under consideration. At least one such teacher shall have experience in providing instruction to English Learners, and at least one such teacher shall have experience in providing instruction to students with disabilities. Other IMRs may be administrators, parents, local school board members, teachers not described above, and members of the public. CREs are required to hold a doctorate degree in mathematics (Ph.D.). Please note that a doctorate degree in mathematics education (Ed.D.) is not sufficient to serve as a CRE.

Panel members will attend a four-day training in Sacramento in June 2013 (exact dates TBD). They will review mathematics instructional materials independently at home, and will then reconvene in panels for three to four days of deliberations and the preparation of a report to the SSPI in September 2013 (exact dates TBD). As specified in AB 1246, the IMRs will receive their actual and necessary travel expenses for attending the training and deliberation session activities. Funding will be provided to local education agencies for the cost of substitute teachers, however there is no stipend associated with service as an IMR. CREs are eligible receive an honorarium for each day of training and deliberations that they attend. The amount of the honorarium will be subject to budgetary constraints.

Instructions:
Answer all questions. An asterisk (*) denotes a required field.
After answering all the questions on a page, select the “Next” button.
You must submit a résumé with your application on the last page.

On the last page of the Application, select the “Preview” button.

**On the next screen, review all the responses, then, if accurate, select the “Submit” button on the bottom of the screen.**

After you have submitted the Application, save your Confirmation ID provided on the next page. Select the “Print” button to obtain a hard copy. Select the “Download Application in pdf” button to download a pdf version of your application. Note that a copy of this application will be sent to your supervisor.

**Personal Information**
- Salutations: (Mr. Ms. Mrs. Dr.–from drop down)
- First Name:
- Last Name:
- MI:
- Home Street Address:
- Home City:
- Home State:
- Home Zip Code:
- Region of California: (North, Central, South – from drop down)
- Home Phone:
- E-mail:
- Employer’s Business Name:
- Current Position Title:
- Business Street Address:
- Business City:
- Business State:
- Business Zip Code:

**Position on the Panel:**
Check one.
- Instructional Materials Reviewer
- Content Review Expert (Ph.D. in mathematics or related field is required)
- Areas of Expertise:
  Check the one that applies to your current position. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.
- Administrator
  Teacher in public school providing instruction to students in kindergarten or grades one to twelve.
  Teacher in private school providing instruction to students in kindergarten or grades one to twelve.
Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services)

- Parent
- Community Member
- School Board Member
- College/University Instructor/Researcher
- Self-Employed
- Other Areas of Expertise
- Describe Self-Employed Selection Above:
- Describe Other Areas of Expertise:

Grade Levels of Expertise:
Check all that apply.
- K-2
- 3-5
- 6-8
- 9-12
- Other Grade Levels (e.g. university, college):

Years Teaching:

Experience Teaching English Learners:
Have you provided instruction to English learners? ☐ No ☐ Yes
If yes, at what grade levels and for how many years? List any specialized credential, certificate, or training in this area.

Highest Degrees/Certifications:
List your four highest academic degrees and/or certifications, including those specific to mathematics education, earned and the awarding institution. List your highest achievement first.

Degree/Certification #1:
Institution #1:

Degree/Certification #2:
Institution #2:

Degree/Certification #3:
Institution #3:

Degree/Certification #4:
Institution #4:
Knowledge of Common Core State standards in Mathematics:
Describe how the common core state standards in mathematics might affect instruction and student learning. (Use 2,000 characters or less.)

Standards-Based Instruction Experience:
Describe a standards-based activity, lesson, or instructional unit that you have used or would use with a diverse student population, including students who are English learners, students with special needs, and students performing below and above grade level. Explain how you would assess the effectiveness of the instructional example. (Use 2,000 characters or less.)

Areas of Expertise and Leadership:
Describe how your education and experience prepare you to participate as a panel member. As part of your response, please describe your knowledge and use of the Common Core State standards in Mathematics and your experience providing effective instruction to all students, including English learners and special education students, developing curriculum or assessments, and serving as an instructional leader. (Use 2,000 characters or less.)

Previous Committee Experience: Have you ever served on a committee that was engaged in standards or curriculum development, or the review of instructional materials? If yes, briefly detail your experience. (Use 1,000 characters or less.)

Relationship with Publishers: Conflict of Interest Disclosure Statement
Your answers below will serve as the disclosure of certain information as required by the “Statement of Activities that are Inconsistent, Incompatible, or in Conflict with Duties of a Member of an Educational Policy Advisory Commission or a Committee or Panel Thereof,” as amended January 1978, and 5 CCR Section 18600. Your answers will be the basis for an eligibility ruling in the event some activity appears to be inconsistent, incompatible, or in conflict with the duties assigned to the advisory framework committee.

For the questions below, “immediate family” is defined as your spouse and dependent children (California Government Code Section 82029).

[Add Yes/No/Uncertain radio buttons for questions 1-5]

Question 1:
Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California? If YES, list the company(-ies) that you have dealt with, and the amount (if any) of remuneration received. (Use 1,000 characters or less)

Question 2:
Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional materials to the California Department of Education (CDE)? If YES or UNCERTAIN, please explain and provide as
much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

**Question 3:**
Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

**Question 4:**
Do you expect to receive any royalty payments during your period of service on the review panel? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

**Question 5:**
Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

**Question 6:**
Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

**Languages in which you are fluent (other than English)**

**Language 1:**
**Skill for Language 1:**
- Speak
- Read
- Write

**Language 2:**
**Skill for Language 2:**
- Speak
- Read
- Write
Gender:
- Male
- Female

Ethnicity (optional):
Please select all that apply from below:
- Hispanic/Latino
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Decline to state
- Other __________

Applicant Acknowledgement/Certification
I understand that this application becomes public information when submitted. The answers to the questions under Relationship to Publisher: Conflict of Interest Disclosure Statement are true and correct to the best of my knowledge and belief. I and my supervisor are aware that while travel and per diem costs will be reimbursed at standard state rates, no stipend is provided to IMRs. I have discussed this application with my supervisor and have received approval for release time to participate in all related activities.

Supervisor/Employer Information
- First Name:
- Last Name:
- Position Title:
- Phone:
- e-mail: (generates email message to employer)

When you submit your application form, a message will be automatically sent to the employer’s email address you enter above.

[sent from MathAdoption@cde.ca.gov]

Dear <First Name> <Last Name>,

This message is being sent to notify you that <First Name> <Last Name> (<email address>), a member of your staff, has submitted an application to participate as a panel member for the 2014 Mathematics Primary Adoption of Instructional Materials. If appointed by the State Board of Education (SBE), the candidate is committing to attend a sequence of meetings and to perform a review of the materials as part of the adoption. Panel members will first participate in a four-day training session in June 2013 in Sacramento, then spend up to three months reviewing materials, returning to Sacramento in September 2013 for three to four days of deliberations. Travel and per
diem costs are reimbursed at standard state rates, and any expenses incurred for substitute teachers will also be reimbursed to the reviewers agency.

Professional References
Please provide the names and contact information for at least one and up to three professional references.

Reference 1
- First Name:
- Last Name:
- Position Title:
- Institution:
- Street Address:
- City:
- State:
- Zip Code:
- Phone:
- E-mail:

Reference 2
- First Name:
- Last Name:
- Position Title:
- Institution:
- Street Address:
- City:
- State:
- Zip Code:
- Phone:
- E-mail:

Reference 3
- First Name:
- Last Name:
- Position Title:
- Institution:
- Street Address:
- City:
- State:
- Zip Code:
- Phone:
- E-mail:

Upload a Résumé

Note: Please attach a current résumé as it relates to your educational background and experience in mathematics education in K–12 and/or higher education. If you are a
classroom teacher, list the classes you are currently teaching, the grade level(s), and the language of instruction, if other than English. Also, please indicate any specialized training you have had in mathematics instruction in the past five years. Please limit your résumé to two or three pages and include your name on each page.

Please limit the size of the file to under 5 MB. This document will replace any previously uploaded résumé.
Instructional materials that are adopted by the state help teachers to present and students to learn the content set forth in the Common Core State Standards for Mathematics with California Additions (Standards) (this refers to the content standards and the standards for mathematical practice), as revised pursuant to California Education Code Section 60605.11, (added by Senate Bill 1200, Statutes of 2012). To accomplish this purpose, this document establishes criteria for evaluating instructional materials for the eight-year adoption cycle beginning with the primary adoption in 2013-14. These criteria serve as evaluation guidelines for the statewide adoption of mathematics instructional materials for kindergarten through grade eight, as called for in Education Code Section 60207.

The Standards require focus, coherence, and rigor, with content and mathematical practice standards intertwined throughout. The standards are organized by grade-level in kindergarten through grade eight and by conceptual categories for higher mathematics. For this adoption, the standards for higher mathematics are organized into model courses and are assigned to a first course in a traditional or an integrated sequence of courses. There are number of supportive and advisory documents that are available for publishers and producers of instructional materials that define the depth of instruction necessary to support the focus, coherence, and rigor of the standards. These documents include the Progressions Documents for Common Core Math Standards (http://ime.math.arizona.edu/progressions/), the PARCC Model Content Frameworks (www.parcconline.org), Smarter Balanced test specifications (www.smarterbalanced.org), The Illustrative Mathematics Project, (http://illustrativemathematics.org/), and draft chapters of California Mathematics Curriculum Framework. Overall, the Standards do not dictate a singular approach to instructional resources—to the contrary, they provide opportunities to raise student achievement through innovations.

I. Focus, Coherence, and Rigor in the Common Core State Standards for Mathematics

With the advent of the Common Core, a decade’s worth of recommendations for greater focus and coherence finally have a chance to bear fruit. Focus and coherence are the two major evidence-based design principles of the Standards. These principles are meant to fuel greater achievement in a rigorous curriculum, in which students acquire conceptual understanding, procedural skill and fluency, and the ability to apply mathematics to solve problems. Thus, the implications of the standards for mathematics education could be summarized briefly as follows:
**Focus**: Place strong emphasis where the Standards focus

**Coherence**: Think across grades, and link to major topics in each grade

**Rigor**: In major topics, pursue with equal intensity:
- conceptual understanding,
- procedural skill and fluency, and
- applications

**Focus**

Focus requires that we significantly narrow the scope of content in each grade so that students more deeply experience that which remains.

The overwhelming focus of the Standards in early grades is arithmetic, along with the components of measurement that support it. That includes the concepts underlying arithmetic, the skills of arithmetic computation, and the ability to apply arithmetic to solve problems and put arithmetic to engaging uses. Arithmetic in the K–5 standards is an important life skill, as well as a thinking subject and a rehearsal for algebra in the middle grades.

Focus remains important through the middle and high school grades in order to prepare students for college and careers; surveys suggest that postsecondary instructors value greater mastery of prerequisites over shallow exposure to a wide array of topics with dubious relevance to postsecondary work.

Both of the assessment consortia have made the focus, coherence, and rigor of the Standards central to their assessment designs. Choosing materials that also embody the Standards will be essential for giving teachers and students the tools they need to build a strong mathematical foundation and succeed on standards-aligned assessments.

**Coherence**

Coherence is about making math make sense. Mathematics is not a list of disconnected tricks or mnemonics. It is an elegant subject in which powerful knowledge results from reasoning with a small number of principles such as place value and properties of operations. The standards define progressions of learning that leverage these principles as they build knowledge over the grades.

When people talk about coherence, they often talk about making connections between topics.

---

1. See the Smarter/Balanced content specification and item development specifications, and the PARCC Model Content Framework and item development ITN. Complete information about the consortia can be found at [www.smarterbalanced.org](http://www.smarterbalanced.org) and [www.parcconline.org](http://www.parcconline.org).
2. For some remarks by Phil Daro on this theme, see the excerpt at [http://vimeo.com/achievethecore/darofocus](http://vimeo.com/achievethecore/darofocus), and/or the full video available at [http://commoncoretools.me/2012/05/21/phil-daro-on-learning-mathematics-through-problem-solving/](http://commoncoretools.me/2012/05/21/phil-daro-on-learning-mathematics-through-problem-solving/).
3. For more information on progressions in the Standards, see [http://ime.math.arizona.edu/progressions](http://ime.math.arizona.edu/progressions).
The most important connections are vertical: the links from one grade to the next that allow students to progress in their mathematical education. That is why it is critical to think across grades and examine the progressions in the standards to see how major content develops over time.

Connections at a single grade level can be used to improve focus, by tightly linking secondary topics to the major work of the grade. For example, in grade 3, bar graphs are not “just another topic to cover.” Rather, the standard about bar graphs asks students to use information presented in bar graphs to solve word problems using the four operations of arithmetic. Instead of allowing bar graphs to detract from the focus on arithmetic, the standards are showing how bar graphs can be positioned in support of the major work of the grade. In this way coherence can support focus.

Materials cannot match the contours of the Standards by approaching each individual content standard as a separate event. Nor can materials align to the Standards by approaching each individual grade as a separate event: “The standards were not so much assembled out of topics as woven out of progressions. Maintaining these progressions in the implementation of the standards will be important for helping all students learn mathematics at a higher level... For example, the properties of operations, learned first for simple whole numbers, then in later grades extended to fractions, play a central role in understanding operations with negative numbers, expressions with letters, and later still the study of polynomials. As the application of the properties is extended over the grades, an understanding of how the properties of operations work together should deepen and develop into one of the most fundamental insights into algebra. The natural distribution of prior knowledge in classrooms should not prompt abandoning instruction in grade-level content, but should prompt explicit attention to connecting grade-level content to content from prior learning. To do this, instruction should reflect the progressions on which the CCSSM [Common Core State Standards for Mathematics] are built.”

Rigor

To help students meet the expectations of the Standards, educators will need to pursue, with equal intensity, three aspects of rigor in the major work of each grade: conceptual understanding, procedural skill and fluency, and applications. The word “understand” is used in the Standards to set explicit expectations for conceptual understanding, the word “fluently” is used to set explicit expectations for fluency, and the phrase “real-world problems” and the star symbol (★) are used to set expectations and flag opportunities for applications and modeling (which is a standard for mathematical practice as well as a content category in high school). Real-world problems and standards that support modeling are also opportunities to provide activities related to careers and the work-world.

To date, curricula have not always been balanced in their approach to these three aspects of

---

rigor. Some curricula stress fluency in computation, without acknowledging the role of conceptual understanding in attaining fluency. Some stress conceptual understanding, without acknowledging that fluency requires separate classroom work of a different nature. Some stress pure mathematics, without acknowledging first of all that applications can be highly motivating for students, and moreover, that a mathematical education should make students fit for more than just their next mathematics course. At another extreme, some curricula focus on applications, without acknowledging that math doesn’t teach itself.

The Standards do not take sides in these ways, but rather they set high expectations for all three components of rigor in the major work of each grade. Of course, that makes it necessary that we first follow through on the focus in the Standards—otherwise we are asking teachers and students to do more with less.

II. Criteria for Materials and Tools Aligned to the Standards

Three Types of Programs

Three types of programs will be considered for adoption: basic grade-level for kindergarten through grade eight, Algebra I, and Integrated Mathematics I (hereafter referred to as Mathematics I). All three types of programs must stand alone and will be reviewed separately. Publishers may submit programs for one grade or any combination of grades. In addition, publishers may include intervention and acceleration components to support students.

Basic Grade-Level Program

The basic grade-level program is the comprehensive curriculum in mathematics for students in kindergarten through grade eight. It provides the foundation for instruction and is intended to ensure that all students master the Common Core State Standards for Mathematics with California Additions.

Common Core Algebra I and Common Core Mathematics I

When students have mastered the content described in the Common Core State Standards for Mathematics with California Additions for kindergarten through grade eight, they will be ready to complete Common Core Algebra I or Common Core Mathematics I. The course content will be consistent with its high school counterpart and will articulate with the subsequent courses in the sequence.

Criteria for Materials and Tools Aligned to the Standards

The criteria for the evaluation of mathematics instructional resources for kindergarten through grade eight are organized into six categories:

1. Mathematics Content/Alignment with the Standards. Content as specified in the Common Core State Standards for Mathematics with California Additions, including the Standards for
Mathematical Practices, and sequence and organization of the mathematics program that provide structure for what students should learn at each grade level.

2. **Program Organization.** Instructional materials support instruction and learning of the standards and include such features as lists of the standards, chapter overviews, and glossaries.

3. **Assessment.** Strategies presented in the instructional materials for measuring what students know and are able to do.

4. **Universal Access.** Access to the standards-based curriculum for all students, including English learners, advanced learners, students below grade level in mathematical skills, and students with disabilities.

5. **Instructional Planning.** Information and materials that contain a clear road map for teachers to follow when planning instruction.

6. **Teacher Support.** Materials designed to help teachers provide effective standards-based mathematics instruction.

Materials that fail to meet the criteria category 1 for Mathematics Content/Alignment with the Standards will not be considered suitable for adoption. The criteria for category 1 must be met in the core materials or via the primary means of instruction, rather than in ancillary components. In addition, programs must have strengths in each of categories 2 through 6 to be suitable for adoption.

**Category 1: Mathematics Content/Alignment with the Standards**

Mathematics materials should support teaching to the *Common Core State Standards for Mathematics with California Additions*. Instructional materials suitable for adoption must satisfy the following criteria:

1. **The mathematics content is correct, factually accurate, and written with precision.** Mathematical terms are defined and used appropriately. Where the standards provide a definition, materials use that as their primary definition to develop student understanding.

2. **The materials in basic instructional programs support comprehensive teaching of the Common Core State Standards for Mathematics with California Additions and include the standards for mathematical practice at each grade level or course.** The standards for mathematical practice must be taught in the context of the content standards at each grade level or course. The principles of instruction must reflect current and confirmed research. The materials must be aligned to and support the design of the *Common Core State Standards for Mathematics with California Additions* and address the grade-level content standards and standards for mathematical practice in their entirety.

3. **In any single grade in the kindergarten through grade eight sequence, students and teachers using the materials as designed spend the large majority of their time, approximately three-quarters, on the major work of each grade.** The major work (major clusters) of each grade is identified in the Content Emphases by Cluster documents for K–8^5.

---

^5 For cluster-level emphases at grades K–8, see
In addition, major work should especially predominate in the first half of the year (e.g., in grade 3 this is necessary so that students have sufficient time to build understanding and fluency with multiplication). Note that an important subset of the major work in grades K–8 is the progression that leads toward Algebra I and Mathematics I (see Table 1, next page). Materials give especially careful treatment to these clusters and their interconnections. Digital or online materials that allow navigation or have no fixed pacing plan are explicitly designed to ensure that students’ time on task meets this criterion.

### Table 1. Progress to Algebra in Grades K–8

<table>
<thead>
<tr>
<th>K</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Know number names and the count sequence</td>
<td>Represent and solve problems involving addition and subtraction</td>
<td>Represent and solve problems involving addition and subtraction</td>
<td>Represent and solve problems involving multiplication and division</td>
<td>Understand the place value system</td>
<td>Apply and extend previous understandings of operations with fractions by fractions</td>
<td>Apply and extend previous understanding of operations with fractions to add, subtract, multiply, and divide rational numbers</td>
<td>Work with radical and integer exponents</td>
<td></td>
</tr>
<tr>
<td>Count to tell the number of objects</td>
<td>Understand and apply properties of operations and the relationship between addition and subtraction</td>
<td>Add and subtract within 20</td>
<td>Understand place value</td>
<td>Perform operations with multi-digit whole numbers and decimals to hundredths</td>
<td>Apply and extend previous understandings of numbers to the system of rational numbers</td>
<td>Understand the connections between proportional relationships, lines, and linear equations</td>
<td>Understand the connections between proportional relationships, lines, and linear equations</td>
<td></td>
</tr>
<tr>
<td>Compare numbers</td>
<td>Understand addition as putting together and adding to, and understand subtraction as taking apart and taking from</td>
<td>Add and subtract within 20</td>
<td>Use place value understanding and properties of operations to add and subtract</td>
<td>Use place value understanding and properties of operations to perform multi-digit arithmetic</td>
<td>Extend understanding of fraction multiplication and division to multiply and divide fractions</td>
<td>Analyze proportional relationships and use them to solve real-world and mathematical problems</td>
<td>Analyze and solve linear equations and pairs of simultaneous linear equations</td>
<td></td>
</tr>
<tr>
<td>Understand addition as putting together and adding to, and understand subtraction as taking apart and taking from</td>
<td>Work with addition and subtraction equations</td>
<td>Use place value understanding and properties of operations to add and subtract</td>
<td>Represent and understand the relationship between multiplication and division</td>
<td>Use equivalent fractions as a strategy to add and subtract fractions</td>
<td>Apply and extend previous understandings of multiplication and division to multiply and divide fractions</td>
<td>Use properties of operations to generate equivalent expressions</td>
<td>Analyze and solve linear equations and pairs of simultaneous linear equations</td>
<td></td>
</tr>
<tr>
<td>Work with numbers 11-19 to gain foundations for place value</td>
<td>Extend the counting sequence</td>
<td>Measure and estimate lengths in standard units</td>
<td>Develop understanding of fractions as numbers</td>
<td>Extend understanding of fraction equivalence and ordering</td>
<td>Build fractions from unit fractions by applying and extending previous understandings of operations</td>
<td>Reason about and solve one-variable equations and inequalities</td>
<td>Define, evaluate, and compare functions</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Solve problems involving measurement and estimation of intervals of time, liquid volumes, and masses of objects</td>
<td>Geometric measurement: understand concepts of volume and relate volume to multiplication and to addition</td>
<td>Geometric measurement: understand concepts of area and relate area to multiplication and addition</td>
<td>Graph points in the coordinate plane to solve real-world and mathematical problems*</td>
<td>Use functions to model relationships between quantities*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relate addition and subtraction to length</td>
<td>Understand decimal notation for fractions, and compare decimal fractions</td>
<td>Understand decimal notation for fractions, and compare decimal fractions</td>
<td>Represent and analyze quantitative relationships between dependent and independent variables</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Measure lengths indirectly and by iterating length units</td>
<td>Geometric measurement: understand concepts of area and relate area to multiplication and to addition</td>
<td>Understand the place value system</td>
<td>Solve real-life and mathematical problems using numerical and algebraic expressions and equations</td>
<td>Use functions to model relationships between quantities*</td>
<td></td>
</tr>
</tbody>
</table>

*Indicates a cluster that is well thought of as part of a student’s progress to algebra, but that is currently not designated as Major by one or both of the assessment consortia in their draft materials. Apart from the two asterisked exceptions, the clusters listed here are a subset of those designated as Major in both of the assessment consortia’s draft documents.
4. **Focus:** In aligned materials there are no chapter tests, unit tests, or other assessment components that make students or teachers responsible for any topics before the grade in which they are introduced in the Standards. (One way to meet this criterion is for materials to omit these topics entirely prior to the indicated grades.) If the materials address topics outside of the Common Core State Standards for Mathematics with California Additions, the publisher will provide a mathematical and pedagogical justification.

5. **Focus and Coherence through Supporting Work:** Supporting clusters do not detract from focus, but rather enhance focus and coherence simultaneously by engaging students in the major clusters of the grade. For example, materials for K–5 generally treat data displays as an occasion for solving grade-level word problems using the four operations.6

6. **Rigor and Balance:** Materials and tools reflect the balances in the Standards and help students meet the Standards’ rigorous expectations, by all of the following:

   a. **Developing students’ conceptual understanding of key mathematical concepts, where called for in specific content standards or cluster headings, including connecting conceptual understanding to procedural skills.** Materials amply feature high-quality conceptual problems and questions that can serve as fertile conversation-starters in a classroom if students are unable to answer them. In addition, group discussion suggestions include facilitation strategies and protocols. In the materials, conceptual understanding is not a generalized imperative applied with a broad brush, but is attended to most thoroughly in those places in the content standards where explicit expectations are set for understanding or interpreting. (Conceptual understanding of key mathematical concepts is thus distinct from applications or fluency work, and these three aspects of rigor must be balanced as indicated in the Standards.)

   b. **Giving attention throughout the year to individual standards that set an expectation of fluency.** The Standards are explicit where fluency is expected. In grades K–6 materials should help students make steady progress throughout the year toward fluent (accurate and reasonably fast) computation, including knowing single-digit products and sums from memory (see, e.g., 2.OA.2 and 3.OA.7). The word “fluently” in particular as used in the Standards refers to fluency with a written or mental method, not a method using manipulatives or concrete representations. Progress toward these goals is interwoven with developing conceptual understanding of the operations in question.7

6 For more information about this example, see Table 1 in the Progression for K–3 Categorical Data and 2–5 Measurement Data, [http://commoncoretools.files.wordpress.com/2011/06/ccss_progression_md_k5_2011_06_20.pdf](http://commoncoretools.files.wordpress.com/2011/06/ccss_progression_md_k5_2011_06_20.pdf). More generally, the PARCC Model Content Frameworks give examples in each grade of how to improve focus and coherence by linking supporting topics to the major work.

methods to which they refer (see, e.g., 1.NBT). As well, purely procedural problems and exercises are present. These include cases in which opportunistic strategies are valuable—e.g., the sum 698 + 240 or the system $x + y = 1$, $2x + 2y = 3$—as well as an ample number of generic cases so that students can learn and practice efficient algorithms (e.g., the sum 8767 + 2286). Methods and algorithms are general and based on principles of mathematics, not mnemonics or tricks. Materials do not make fluency a generalized imperative to be applied with a broad brush, but attend most thoroughly to those places in the content standards where explicit expectations are set for fluency. In higher grades, algebra is the language of much of mathematics. Like learning any language, we learn by using it. Sufficient practice with algebraic operations is provided so as to make realistic the attainment of the Standards as a whole; for example, fluency in algebra can help students get past the need to manage computational details so that they can observe structure (MP.7) and express regularity in repeated reasoning (MP.8).

c. **Allowing teachers and students using the materials as designed to spend sufficient time working with engaging applications, without losing focus on the major work of each grade.** Materials in grades K–8 include an ample number of single-step and multi-step contextual problems that develop the mathematics of the grade, afford opportunities for practice, and engage students in problem solving. Materials for grades 6–8 also include problems in which students must make their own assumptions or simplifications in order to model a situation mathematically. Applications take the form of problems to be worked on individually as well as classroom activities centered on application scenarios. Materials attend thoroughly to those places in the content standards where expectations for multi-step and real-world problems are explicit. Applications in the materials draw only on content knowledge and skills specified in the content standards, with particular stress on applying major work, and a preference for the more fundamental techniques from additional and supporting work. Modeling builds slowly across K–8, and applications are relatively simple in early grades. Problems and activities are grade-level appropriate, with a sensible tradeoff between the sophistication of the problem and the difficulty or newness of the content knowledge the student is expected to bring to bear.

**Additional aspects of the Rigor and Balance Criterion:**

(1) *The three aspects of rigor are not always separate in materials.* (Conceptual understanding needs to underpin fluency work; fluency can be practiced in the context of applications; and applications can build conceptual understanding.)

---

8 Non-mathematical approaches (such as the “butterfly method” of adding fractions) compromise focus and coherence and displace mathematics in the curriculum (cf. 5.NF.1). For additional background on this point, see the remarks by Phil Daro excerpted at [http://vimeo.com/achievethecore/darofocus](http://vimeo.com/achievethecore/darofocus) and/or the full video, available at [http://commoncoretools.me/2012/05/21/phil-daro-on-learning-mathematics-through-problem-solving/](http://commoncoretools.me/2012/05/21/phil-daro-on-learning-mathematics-through-problem-solving/).

9 Cf. Common Core State Standards for Mathematics (CCSSM), p. 84 at [http://www.corestandards.org/the-standards](http://www.corestandards.org/the-standards). Also note that modeling is a mathematical practice in every grade, but in high school it is also a content category (CCSSM, pp. 72, 73); therefore, modeling is generally enhanced in high school materials, with more elements of the modeling cycle (CCSSM, p. 72).
(2) *Nor are the three aspects of rigor always together in materials.* (Fluency requires dedicated practice to that end. Rich applications cannot always be shoehorned into the mathematical topic of the day. And conceptual understanding will not come along for free unless explicitly taught.)

(3) Digital and online materials with no fixed lesson flow or pacing plan are not designed for superficial browsing but rather instantiate the Rigor and Balance criterion and promote depth and mastery.

7. **Consistent Progressions:** Materials are consistent with the progressions in the Standards, by (all of the following):

a. **Basing content progressions on the grade-by-grade progressions in the Standards.** Progressions in materials match closely with those in the Standards. This does not require the table of contents in a book to be a replica of the content standards; but the match between the Standards and what students are to learn should be close in each grade. Discrepancies are clearly aimed at helping students meet the Standards as written, rather than effectively rewriting the standards. Comprehensive materials do not introduce gaps in learning by omitting content that is specified in the Standards.

The basic model for grade-to-grade progression involves students making tangible progress during each given grade, as opposed to substantially reviewing then marginally extending from previous grades. Remediation may be necessary, particularly during transition years, and resources for remediation may be provided, but review is clearly identified as such to the teacher, and teachers and students can see what their specific responsibility is for the current year.

Digital and online materials that allow students and/or teachers to navigate content across grade levels promote the Standards’ coherence by tracking the structure and progressions in the Standards. For example, such materials might link problems and concepts so that teachers and students can browse a progression.

b. **Giving all students extensive work with grade-level problems.** Differentiation is sometimes necessary, but materials often manage unfinished learning from earlier grades inside grade-level work, rather than setting aside grade-level work to reteach earlier content. Unfinished learning from earlier grades is normal and prevalent; it should not be ignored nor used as an excuse for cancelling grade-level work and retreating to below-grade work. (For example, the development of fluency with division using the standard algorithm in grade 6 is the occasion to surface and deal with unfinished learning about place value; this is more productive than setting aside division and backing up.) Likewise, students who are “ready for more” can be provided with problems that take grade-level work in deeper directions, not just exposed to later grades’ topics.
c. **Relating grade-level concepts explicitly to prior knowledge from earlier grades.** The materials are designed so that prior knowledge becomes reorganized and extended to accommodate the new knowledge. Grade-level problems in the materials often involve application of knowledge learned in earlier grades. Although students may well have learned this earlier content, they have not learned how it extends to new mathematical situations and applications. They learn basic ideas of place value, for example, and then extend them across the decimal point to tenths and beyond. They learn properties of operations with whole numbers, and then extend them to fractions, variables, and expressions. The materials make these extensions of prior knowledge explicit. Note that cluster headings in the Standards sometimes signal key moments where reorganizing and extending previous knowledge is important in order to accommodate new knowledge (e.g., see the cluster headings that use the phrase “Apply and extend previous understanding”).

8. **Coherent Connections: Materials foster coherence through connections at a single grade, where appropriate and where required by the Standards, by (all of the following):**

   a. **Including learning objectives that are visibly shaped by CCSSM cluster headings, with meaningful consequences for the associated problems and activities.** While some clusters are simply the sum of their individual standards (e.g., Grade 8, Expressions and Equations, Cluster C: Analyze and solve linear equations and pairs of simultaneous linear equations.), many are not (e.g., Grade 8, Expressions and Equations, Cluster B: Understand the connection between proportional relationships, lines, and linear equations.). In the latter cases, cluster headings function like topic sentences in a paragraph in that they state the point of, and lend additional meaning to, the individual content standards that follow. Cluster headings can also signal multi-grade progressions, by using phrases such as “Apply and extend previous understandings of [X] to do [Y].” Hence an important criterion for coherence is that some or many of the learning objectives in the materials are visibly shaped by CCSSM cluster headings, with meaningful consequences for the associated problems and activities. Materials do not simply treat the Standards as a sum of individual content standards and individual practice standards.

   b. **Including problems and activities that serve to connect two or more clusters in a domain, or two or more domains in a grade, in cases where these connections are natural and important.** If instruction only operates at the individual standard level, or even at the individual cluster level, then some important connections will be missed. For example, robust work in 4.NBT should sometimes or often synthesize across the clusters listed in that domain; robust work in grade 4 should sometimes or often involve students applying their developing computation NBT skills in the context of solving word problems detailed in OA. Materials do not invent connections not explicit in the standards without first attending thoroughly to the connections that are required explicitly in the Standards (e.g., 3.MD.7 connects area to multiplication, to addition, and to properties of operations; A-REI.11 connects functions to equations in a graphical context; proportion connects to percentage, similar triangles, and unit rates.) Not everything in the standards is naturally well connected or needs to be connected (e.g., Order of
Operations has essentially nothing to do with the properties of operations, and connecting these two things in a lesson or unit title is actively misleading). Instead, connections in materials are mathematically natural and important (e.g., base-ten computation in the context of word problems with the four operations), reflecting plausible direct implications of what is written in the Standards without creating additional requirements. Instructional materials include problems and activities that connect to real-world and career settings, where appropriate.

9. **Practice-to-Content Connections: Materials meaningfully connect content standards and practice standards.** “Designers of curricula, assessments, and professional development should all attend to the need to connect the mathematical practices to mathematical content in mathematics instruction.” (CCSSM, p. 8.) Over the course of any given year of instruction, each mathematical practice standard is meaningfully present in the form of activities or problems that stimulate students to develop the habits of mind described in the practice standards. These practices are well-grounded in the content standards. Materials are accompanied by an analysis, aimed at evaluators, of how the authors have approached each practice standard in relation to content within each applicable grade or grade band. Materials do not treat the practice standards as static across grades or grade bands, but instead tailor the connections to the content of the grade and to grade-level-appropriate student thinking. Materials also include teacher-directed materials that explain the role of the practice standards in the classroom and in students’ mathematical development.

10. **Focus and Coherence via Practice Standards: Materials promote focus and coherence by connecting practice standards with content that is emphasized in the Standards.** Content and practice standards are not connected mechanistically or randomly, but instead support focus and coherence. Examples: Materials connect looking for and making use of structure (MP.7) with structural themes emphasized in the Standards such as properties of operations, place value decompositions of numbers, numerators and denominators of fractions, numerical and algebraic expressions, etc.; materials connect looking for and expressing regularity in repeated reasoning (MP.8) with major topics by using regularity in repetitive reasoning as a tool with which to explore major topics. (In K–5, materials might use regularity in repetitive reasoning to shed light on, e.g., the $10 \times 10$ addition table, the $10 \times 10$ multiplication table, the properties of operations, the relationship between addition and subtraction or multiplication and division, and the place value system; in 6–8, materials might use regularity in repetitive reasoning to shed light on proportional relationships and linear functions; in high school, materials might use regularity in repetitive reasoning to shed light on formal algebra as well as functions, particularly recursive definitions of functions.)

11. **Careful Attention to Each Practice Standard: Materials attend to the full meaning of each practice standard.** For example, MP.1 does not say, “Solve problems.” Or “Make sense of problems.” Or “Make sense of problems and solve them.” It says “Make sense of problems and persevere in solving them.” Thus, students using the materials as designed build their perseverance in grade-level-appropriate ways by occasionally solving problems that require them to persevere to a solution beyond the point when they would like to give up. MP.5 does not say, “Use tools.” Or “Use appropriate tools.” It says “Use appropriate tools
thus, materials include problems that reward students’ strategic decisions about how to use tools, or about whether to use them at all. MP.8 does not say, “Extend patterns.” Or “Engage in repetitive reasoning.” It says “Look for and express regularity in repeated reasoning.” Thus, it is not enough for students to extend patterns or perform repeated calculations. Those repeated calculations must lead to an insight (e.g., “When I add a multiple of 3 to another multiple of 3, then I get a multiple of 3.”). The analysis for evaluators explains how the full meaning of each practice standard has been attended to in the materials.

12. Emphasis on Mathematical Reasoning: Materials support the Standards’ emphasis on mathematical reasoning, by all of the following:

a. Prompting students to construct viable arguments and critique the arguments of others concerning key grade-level mathematics that is detailed in the content standards (cf. MP.3). Materials provide sufficient opportunities for students to reason mathematically in independent thinking and express reasoning through classroom discussion and written work. Reasoning is not confined to optional or avoidable sections of the materials but is inevitable when using the materials as designed. Materials do not approach reasoning as a generalized imperative, but instead create opportunities for students to reason about key mathematics detailed in the content standards for the grade. Materials thus attend first and most thoroughly to those places in the content standards setting explicit expectations for explaining, justifying, showing, or proving. Students are asked to critique given arguments, e.g., by explaining under what conditions, if any, a mathematical statement is valid. Materials develop students’ capacity for mathematical reasoning in a grade-level appropriate way, with a reasonable progression of sophistication from early grades up through high school. Teachers and students using the materials as designed spend classroom time communicating reasoning (by constructing viable arguments and explanations and critiquing those of others’ concerning key grade-level mathematics) — recognizing that learning mathematics also involves time spent working on applications and practicing procedures. Materials provide examples of student explanations and arguments (e.g., fictitious student characters might be portrayed).

b. Engaging students in problem solving as a form of argument. Materials attend thoroughly to those places in the content standards that explicitly set expectations for multi-step problems; multi-step problems are not scarce in the materials. Some or many of these problems require students to devise a strategy autonomously. Sometimes the goal is the final answer alone (cf. MP.1); sometimes the goal is to show work and lay out the solution as a sequence of well justified steps. In the latter case, the solution to a problem takes the form of a cogent argument that can be verified and critiqued, instead of a jumble of disconnected steps with a scribbled answer indicated by drawing a circle around it (cf. MP.6). Problems and activities of this nature are grade-

10 As students progress through the grades, their production and comprehension of mathematical arguments evolves from informal and concrete toward more formal and abstract. In early grades students employ imprecise expressions which with practice over time become more precise and viable arguments in later grades. Indeed, the use of imprecise language is part of the process in learning how to make more precise arguments in mathematics. Ultimately, conversation about arguments helps students transform assumptions into explicit and precise claims.
level appropriate, with a reasonable progression of sophistication from early grades up through high school.

c. **Explicitly attending to the specialized language of mathematics.** Mathematical reasoning involves specialized language. Therefore, materials and tools address the development of mathematical and academic language associated with the standards. The language of argument, problem solving and mathematical explanations are taught rather than assumed. Correspondences between language and multiple mathematical representations including diagrams, tables, graphs, and symbolic expressions are identified in material designed for language development. Note that variety in formats and types of representations—graphs, drawings, images, and tables in addition to text—can relieve some of the language demands that English language learners face when they have to show understanding in math.

d. **Materials help English learners access challenging mathematics, learn content, and develop grade-level language.** For example, materials might include annotations to help with comprehension of words, sentences and paragraphs, and give examples of the use of words in other situations. Modifications to language do not sacrifice the mathematics, nor do they put off necessary language development.

**Category 2: Program Organization**

The organization and features of the instructional materials support instruction and learning of the Standards. Teacher and student materials include such features as lists of the standards, chapter overviews, and glossaries. Instructional materials must have strengths in these areas to be considered suitable for adoption.

1. A list of *Common Core State Standards for Mathematics with California Additions* is included in the teacher's guide together with page number citations or other references that demonstrate alignment with the content standards and standards for mathematical practice. All standards must be listed in their entirety with their cluster heading included.

2. Materials drawn from other subject-matter areas are consistent with the currently adopted California standards at the appropriate grade level, including the *California Career Technical Education Model Curriculum Standards* where applicable.

3. Intervention components, if included, are designed to support students’ progress in mathematics and develop fluency. Intervention materials should provide targeted instruction on standards from previous grade levels and develop student learning of the standards for mathematical practice.

4. Middle school acceleration components, if included, are designed to support students’ progress beyond grade-level standards in mathematics. Acceleration materials should provide instruction targeted toward readiness for higher mathematics at the middle school level.
5. Teacher and student materials contain an overview of the chapters, clearly identify the mathematical concepts, and include tables of contents, indexes, and glossaries that contain important mathematical terms.

6. Support materials are an integral part of the instructional program and are clearly aligned with the *Common Core State Standards for Mathematics with California Additions*.

7. The grade-level content standards and the standards for mathematical practice demonstrating alignment to student lessons shall be explicitly stated in the student editions.

**Category 3: Assessment**

Instructional materials should contain strategies and tools for continually measuring student achievement. Formative assessment is a systematic process to continuously gather evidence and provide feedback about learning while instruction is under way. Formative assessments can take multiple forms and occur over varied durations of time. They are to be used to gather information about student learning and to address student misunderstandings. Formative assessments are to provide guidance for the teacher in determining whether the student needs additional materials or resources to achieve grade-level standards and conceptual understanding. Instructional materials in mathematics must have strengths in these areas to be considered suitable for adoption:

1. Not every form of assessment is appropriate for every student or every topic area, so a variety of assessment types need to be provided for formative assessment. Some of these could include (but is not limited to) graphic organizers, student observation, student interviews, journals and learning logs, exit ticket activities, mathematics portfolios, self- and peer-evaluations, short tests and quizzes, and performance tasks.

2. Summative assessment is the assessment of learning at a particular time point and is meant to summarize a learner’s skills and knowledge at a given point of time. Summative assessments frequently come in the form of chapter or unit tests, weekly quizzes, end-of-term tests, or diagnostic tests.

3. All assessments should have content validity and measure individual student progress both at regular intervals and at strategic points of instruction. The assessments should be designed to:
   - Monitor student progress toward meeting the content and mathematical practice standards.
   - Assess all three aspects of rigor: conceptual understanding, procedural skill and fluency, and applications.
   - Provide summative evaluations of individual student achievement.
• Provide multiple methods of assessing what students know and are able to do, such as selected response, constructed response, real-world problems, performance tasks, and open-ended questions.
• Assist the teacher in keeping parents and students informed about student progress.

4. Intervention aspects of mathematics programs should include initial assessments to identify areas of strengths and weaknesses, formative assessments to demonstrate student progress toward meeting grade-level standards, and a summative assessment to determine student preparedness for grade-level work.

5. Suggestions on how to use assessment data to guide decisions about instructional practices and how to modify instruction so that all students are consistently progressing toward meeting or exceeding the standards should be included.

6. Assessments that ask for variety in what students produce, answers and solutions, arguments and explanations, diagrams, mathematical models.

7. Assessment tools for grades six through eight help to determine student readiness for Common Core Algebra I and Common Core Mathematics I.

8. Middle school acceleration aspects of mathematics programs include an initial assessment to identify areas of strengths and weaknesses, formative assessments to demonstrate student progress toward exceeding grade-level standards, and a summative assessment to determine student preparedness for above grade-level work.

Category 4: Universal Access

Students with special needs must be provided access to the same standards-based curriculum that is provided to all students, including both the content standards and the standards for mathematical practice. Instructional materials should provide access to the standards-based curriculum for all students, including English learners, advanced learners, students below grade level in mathematical skills, and students with disabilities. Instructional materials in mathematics must have strengths in these areas to be considered suitable for adoption:

1. Comprehensive guidance and differentiation strategies, based on current and confirmed research, to adapt the curriculum to meet students’ identified special needs and to provide effective, efficient instruction for all students. Strategies may include:
   • Working with students’ misconceptions to strengthen their conceptual understanding.
   • Intervention strategies that describe specific ways to address the learning needs of students using rich problems that engage them in the mathematics reviewed and stress conceptual development of topics rather than focusing only on procedural skills.
   • Suggestions for reinforcing or expanding the curriculum.
   • Additional instructional time and additional practice, including specialized teaching methods or materials and accommodations for students with special needs.
Help for students who are below grade level, including more explicit explanations with ample and different opportunities for review and practice of both content and mathematical practices standards, or other assistance that will help to accelerate student performance to grade level.

Technology may be used to aid in the implementation of these strategies.

2. Strategies for English learners that are consistent with the English Language Development Standards adopted under Education Code Section 60811. Materials incorporate strategies for English learners in both lessons and teacher’s editions, as appropriate, at every grade level and course level.

3. Materials incorporate instructional strategies to address the needs of students with disabilities in both lessons and teacher’s editions, as appropriate, at every grade level and course level, pursuant to Education Code section 60204(b)(2).

4. Teacher and student editions include thoughtful and well-conceived alternatives for advanced students and that allow students to accelerate beyond their grade-level content (acceleration) or to study the content in the Common Core State Standards for Mathematics with California Additions in greater depth or complexity (enrichment).

5. Materials should help students understand and use appropriate academic language and participate in discussions about mathematical concepts and reasoning. Materials should include content that is relevant to English learners, advanced learners, students below grade level in mathematical skills, and students with disabilities.

6. Materials help English learners access challenging mathematics, learn content, and develop grade-level language. For example, materials might include annotations to help with comprehension of words, sentences and paragraphs, and give examples of the use of words in other situations. Modifications to language do not sacrifice the mathematics, nor do they put off necessary language development.

7. Materials are consistent with the strategies found in Response to Intervention and Instruction (http://www.cde.ca.gov/ci/cr/ri/).

8. The visual design of the materials does not distract from the mathematics, but instead serves to support students in engaging thoughtfully with the subject.

Category 5: Instructional Planning

Instructional materials must contain a clear road map for teachers to follow when planning instruction. Instructional materials in mathematics must have strengths in these areas to be considered suitable for adoption:

1. A teacher’s edition with ample and useful annotations and suggestions on how to present the content in the student edition and in the ancillary materials, including modifications for
English learners, advanced learners, students below grade level in mathematical skills, and students with disabilities.

2. A list of program lessons in the teacher’s edition, cross-referencing the standards covered and providing an estimated instructional time for each lesson, chapter, and unit.

3. Unit and lesson plans, including suggestions for organizing resources in the classroom and ideas for pacing lessons.

4. A curriculum guide for the academic instructional year.

5. All components of the program are user friendly and, in the case of electronic materials, platform neutral.

6. Answer keys for all workbooks and other related student activities.

7. Concrete models, including manipulatives, support instruction of the Common Core State Standards for Mathematics with California Additions and include clear instructions for teachers and students.

8. A teacher’s edition that explains the role of the specific grade-level mathematics in the context of the overall mathematics curriculum for kindergarten through grade twelve.

9. Technical support and suggestions for appropriate use of audiovisual, multimedia, and information technology resources.

10. Homework activities, if included, that extend and reinforce classroom instruction and provide additional practice of mathematical content, practices, and applications that have been taught.

11. Strategies for informing parents or guardians about the mathematics program and suggestions for how they can help support student progress and achievement.

**Category 6: Teacher Support**

Instructional materials should be designed to help teachers provide mathematics instruction that ensures opportunities for all students to learn the essential skills and knowledge specified for in the Common Core State Standards for Mathematics with California Additions. Instructional materials in mathematics must have strengths in these areas to be considered suitable for adoption:

1. Clear, grade-appropriate explanations of mathematics concepts that teachers can easily adapt for instruction of all students, including English learners, advanced learners, students below grade level in mathematical skills, and students with disabilities.
2. Strategies to identify, address, and correct common student errors and misconceptions.

3. Suggestions for accelerating or decelerating the rate at which new material is introduced to students.

4. Different kinds of lessons and multiple ways in which to explain concepts, offering teachers choice and flexibility.

5. Materials designed to help teachers identify the reason(s) that students may find a particular type of problem(s) more challenging than another (e.g., identify skills not mastered) and point to specific remedies.

6. Learning objectives that are explicitly and clearly associated with instruction and assessment.

7. A teacher’s edition that contains full, adult-level explanations and examples of the more advanced mathematics concepts in the lessons so that teachers can improve their own knowledge of the subject, as necessary.

8. Explanations of the instructional approaches of the programs and identification of the research-based strategies.

9. Explanations of the mathematically appropriate use of manipulatives or other visual and concrete representations.
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM 5
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT
Supplemental Instructional Materials Review, Mathematics Category 2: Approval of Reviewers and Continuation of Recruitment for March 2013 Approval.

SUMMARY OF THE ISSUE(S)

*Education Code* (EC) Section 60605.88, created by Senate Bill 1719 (Chapter 636 of the Statutes of 2012), 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. This is the completion of the process for reviewing Category 2 mathematics supplemental materials that was postponed in 2012 due to insufficient reviewers. The law requires that the SBE approve the reviewers that will conduct the review of those supplemental materials.

RECOMMENDATION

The CDE recommends that the SBE approve the recommended content experts and instructional materials reviewers. The CDE also recommends that the SBE empower CDE and SBE staff to continue recruiting reviewers and invite them provisionally to attend the training scheduled for February. The CDE would bring any such additional applicants to the SBE at its March meeting for approval.

BRIEF HISTORY OF KEY ISSUES

In 2012, pursuant to SB 140, the CDE conducted a review of supplemental instructional materials designed to cover the gaps between instructional materials currently used by school districts and the Common Core State Standards (CCSS). During that process, the review of Category 2 supplemental instructional materials in mathematics was temporarily postponed in June 2012 due to a lack of qualified reviewers. Category 2 is for general submissions that can supplement any mathematics program currently being used by school districts.

Pursuant to Assembly Bill 1719, which was signed by the Governor on September 27, the review of supplemental mathematics materials in Category 2 will be conducted in
2013. This review will be conducted pending the recruitment of sufficient reviewers to complete the review. There were 34 submissions in mathematics for Category 2 when the review was suspended. This process will be limited to the programs identified by those publishers who submitted previously.

The CDE and SBE sought both teachers and content experts to review the supplemental materials. Content experts are defined as individuals with a Ph.D. degree in mathematics or a related field. The CDE will list on its Web site materials that have met the criteria as resources that can help local educational agencies (LEAs) in their transition to the CCSS. The online application for reviewers is posted on the CDE’s Supplemental Instructional Materials Review Web page at http://www2.cde.ca.gov/cfccapp/surveysave.aspx and a letter from Superintendent of Public Instruction Tom Torlakson was sent to LEAs statewide urging them to share the application with teachers and administrators who might be interested in serving as reviewers.

This review will be conducted under contract with the San Joaquin County Office of Education (COE), who will provide the host location, site support, and facilitators to conduct the review. CDE staff will train the reviewers and facilitators at a one-day training in February 2013. The reviewers will review supplemental instructional materials independently at home and will then reconvene in panels for deliberations and the preparation of a report of findings in April 2013.

The review is not a state adoption, and the supplemental instructional materials will not be added to any existing state adoption lists. This review is entirely optional for publishers, and the results will be strictly advisory for LEAs. LEAs will not be compelled in any way to purchase the supplemental materials that are recommended as a result of this review. LEAs may use unrestricted general funds, Proposition 20 lottery funds for instructional materials, or other funds to purchase them.

A list of recommended content experts and instructional materials reviewers is provided in Attachment 1.

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

**November 2012:** The SBE took action to approve the initial list of supplemental instructional materials reviewed pursuant to EC Section 60605.86.

**March 2012:** The SBE approved reviewers and content experts to conduct the supplemental instructional materials review.

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

**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 (CTC). The agenda may be found on the CDE CTC and SBE Joint Meeting Agenda Web page at [http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp](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 1719 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 $100,000 from those funds to complete the project. The CDE has contracted with the San Joaquin County Office of Education to host the training of reviewers and their subsequent deliberations and to provide staff to serve as panel facilitators at both events.

**ATTACHMENT(S)**

Attachment 1: Recommended Content Experts and Instructional Materials Reviewers (25 pages)
SUPPLEMENTAL INSTRUCTIONAL MATERIALS REVIEW
RECOMMENDED APPLICANTS FOR REVIEW PANELS

Pursuant to Assembly Bill 1719, the California Department of Education (CDE) and the State Board of Education sought both teachers and content experts to review supplemental materials in mathematics. The online application process was closed on January 3, 2013. CDE received 60 applications by the January 3 deadline. Content experts were defined as individuals with a Ph.D. degree in mathematics or a related field. One of the content expert applicants lacks that degree, so that individual is being recommended as an “instructional materials reviewer.” A second reviewer indicated that she is currently employed as a part-time consultant for one of the publishers participating in the review; this applicant is not being recommended due to the potential conflict of interest.

The CDE is recommending the following number of reviewers for approval:

<table>
<thead>
<tr>
<th>Mathematics</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content Experts</td>
<td>1</td>
</tr>
<tr>
<td>Instructional Materials Reviewers</td>
<td>58</td>
</tr>
<tr>
<td>Total applicants recommended</td>
<td>59</td>
</tr>
</tbody>
</table>

Mathematics – Content Experts

Paul Toft, Teacher
Whittier Union High School District

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: 9–12, college

Highest Degrees/Certifications:
- University of Massachusetts
  Ph.D.

- Whittier College
  California Teaching Credentials in Math and Geosciences

- University of Massachusetts
  Bachelor of Science
Mathematics – Reviewers

Angela Adez, Teacher
Etiwanda School District

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

Highest Degrees/Certifications:
- National University
  Master in Education
- National University
  Reading Specialist Certificate
- California State University, San Bernardino
  California Teaching Credential
- California State University, Long Beach
  Bachelor of Science, Nursing

Natalie Albrizzio, Secondary Mathematics Specialist
Ventura Unified School District

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).

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

Highest Degrees/Certifications:
- California State University, Northridge
  Master of Arts, Educational Leadership and Policy Studies
- California Lutheran University
  California Single Subject Teaching Credential in Mathematics
- University of California, Santa Barbara
  Master of Arts, Mathematics
- Ventura Community College
  Associate of Arts, Accounting
Juan Alvarez, Teacher (Mathematics) and Title 1 Coordinator  
Anaheim Union High School District

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, 9–12

Highest Degrees/Certifications:
- California State University, Long Beach  
  Master of Arts, Administration
- California State University, Long Beach  
  Administrative Service Credential
- California State University, Fullerton  
  Clear Foundational Level Math Credential
- California State University, Fullerton  
  Bachelor of Arts, American Studies

Kevin Anderson, Instructional Coach Secondary Mathematics  
Lodi Unified School District

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, 9–12

Highest Degrees/Certifications:
- Teachers College of San Joaquin (in progress)  
  Preliminary Administrative Services Credential
- National University  
  Single Subject Teaching Credential, Mathematics
- California State University, Chico  
  Bachelor Degree, Mathematics

Leslie Anderson Mills, Teacher (Mathematics)  
Hamilton Unified School District

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: 9–12, university

Highest Degrees/Certifications:
• California State University, Chico
  Master of Science, Mathematics Education

• California State University, Chico
  Single Subject Credential Mathematics

• California State University, Chico
  Bachelor of Science, Civil Engineering

**Laura Barnett, Teacher (Grade 4)**
Etiwanda School District

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: 3–5, 6–8

Highest Degrees/Certifications:
• California State Polytechnic University, Pomona
  Master of Arts, Educational Technology

• California State University, Fresno

**Raquel Belshe, Teacher**
Capistrano Unified School District

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, 3–5, 6–8

Highest Degrees/Certifications:
• National Board for Professional Teaching Standards (NBPTS)
  National Board Certification

• California State University, Fullerton
  Master in Education

• National University
  Single Subject Foundational Level Math Credential

• National University
  Professional Clear Multiple Subject Credential
Nicholas Blake, Teacher  
Jurupa Middle School

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

Highest Degrees/Certifications:
• Missouri State University
  Master of Science, Elementary Education with Math Emphasis

• California Department of Education
  Math Supplemental Credential

• Missouri State University
  Bachelor of Science, Elementary Education

• Missouri State University
  Special Preparation for Middle School

Tara Blake, Teacher (Grade 6)  
Peralta Elementary School

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: 3–5, 6–8

Highest Degrees/Certifications:
• Grand Canyon University
  Master of Education, Elementary Education

• California State University, San Bernardino
  Bachelor of Arts, Human Development

Terri Burke, Teacher  
San Bernardino City Unified School District - Arroyo Valley High School

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, 9–12

Highest Degrees/Certifications:
• California State University, San Bernardino
  Master of Arts, Secondary Mathematics
• National University
  Master of Education, Cross Cultural Education

• California State University, San Bernardino
  Bachelor of Arts, Mathematics

**Vivian Casillas, Teacher (Mathematics)**
Rancho Verde High School, Val Verde Unified School District

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: 9–12

Highest Degrees/Certifications:
• University of California, Los Angeles
  Master of Education

• University of California, Los Angeles
  Bachelor of Science, Mathematics, Specialization in Computing

**Mike Chamberlain, Mathematics Consultant**
Fresno County Office of Education

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).

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

Highest Degrees/Certifications:
• California State University, Fresno
  Master of Arts, Mathematics

• California State University, Fresno
  Master of Business, Administration Entrepreneurship

• California State University, Fresno
  Bachelor of Arts, Mathematics

• California State University, Fresno
  Single Subject Teaching Credential
Susan Courtney, Teacher  
Los Angeles Unified School District  

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

Highest Degrees/Certifications:
- Walden, North Central Association  
  Doctor of Education, Teacher Leadership
- California State University, Los Angeles  
  Master of Arts, Curriculum and Instruction
- California State University, Los Angeles  
  Reading and Language Arts Specialist
- National Board for Professional Teaching Standards (NBPTS)  
  National Board Certified Teacher (NBCT)/Early Childhood

Steve Craig, Teacher (Grade 3)  
San Leandro Unified School District  

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, 3–5

Highest Degrees/Certifications:
- San Francisco State University  
  Bilingual Cross-cultural, Language, and Academic Development (BCLAD) Multiple Subjects
- San Francisco State University  
  Bachelor of Arts, Mathematics

Marissa Dahme, Teacher (Grades 7 and 8 - Mathematics/Science)  
Pleasant Valley School District  

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

Highest Degrees/Certifications:
• California State University, Channel Islands  
  Master of Science, Mathematics

• California Lutheran University  
  Master of Arts, Education

• California Lutheran University  
  Single Subject Credential in Mathematics

• California Lutheran University  
  Bachelor of Arts, Mathematics

**Susan Denton, Program Facilitator Common Core**  
Rosedale Union School District

*Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).*

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

*Highest Degrees/Certifications:*
  • Fresno Pacific University  
    Administrative Services Master and Admin Clear
  
  • University of La Verne  
    Multiple Subject Teaching Credential
  
  • University of Arizona  
    Bachelor of Fine Arts
  
  • Bakersfield College  
    Associate of Arts

**Rona Dosen, Teacher**  
Roseville City School District

*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*

*Highest Degrees/Certifications:*
  • Hayward State  
    California Teaching Credential
Katharine Fisher, Teacher on Special Assignment  
Pleasant Valley School District

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).

Grade and other Levels of Expertise: 6–8

Highest Degrees/Certifications:
- California Lutheran University  
  Teacher Preparation Program
- California Lutheran University  
  Bachelor of Arts, Liberal Arts

Floyd Flack, Teacher  
Westminster School District

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

Highest Degrees/Certifications:
- Fresno Pacific College  
  Master of Arts, Elementary Mathematics and Science
- California State University, Los Angeles  
  Master of Arts, Educational Administration
- LaVerne University  
  Mathematics Credential
- Whittier College  
  Bachelor of Arts, English Credential and Multiple Subjects

Suzanne Fore, Teacher  
Coronado Unified School District

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: 9–12
Kevin Forster, Teacher (Grade 7)
Lakeside Union School District

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

Highest Degrees/Certifications:
• University of Phoenix
  Master of Education

• University of Phoenix
  Bachelor of Science, Business

• University of Phoenix
  Bachelor of Science, E-Business

Maria Dolores Garibay, Teacher
West Covina Unified School District

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

Highest Degrees/Certifications:
• California State Polytechnic University, Pomona
  Administrative Credential

• Azusa Pacific
  Clear Credential
• California State University, Fullerton
  Bachelor of Arts

• California State University, Fullerton
  BCLAD/Clear Cross-cultural Language Development (CLAD)

**Hilda Gonzalez, Teacher (Grade 7 - Mathematics/Science)**
San Lorenzo Unified School District

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

Highest Degrees/Certifications:
• St. Mary's College
  Master of Arts, Teacher Leadership

• San Francisco State University
  CLAD Multiple Subject

• San Francisco State University
  Bachelor of Arts, Liberal Studies

• San Francisco State University
  Bachelor of Arts, Foreign Language (Spanish)

**James Goran, Teacher**
Anaheim Union High School District

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

Highest Degrees/Certifications:
• National University
  Master of Education, Curriculum and Instruction

• Humboldt State University
  Bachelor of Arts, Mathematics

• Anaheim Union High School District
  Beginning Teacher Support and Assessment (BTSA) Support Provider

• Anaheim Union High School District
  Clear Cross-cultural Language Development (CLAD)
Andrea Gould, Teacher  
San Mateo Union High School District

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, 9–12

Highest Degrees/Certifications:
- California State University, Hayward  
  Single Subject Math Credential
- University of Texas  
  Bachelor of Arts, Mathematics

Kathryn Grant, Teacher (High School Mathematics)  
Fullerton Joint Union High School District

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, 9–12

Highest Degrees/Certifications:
- National University  
  Master of Arts, Curriculum and Instruction
- California State University, Fullerton  
  Bachelor of Arts, Liberal Studies

Jody Guarino, Teacher on Special Assignment/Admin Teaching Assistant Principal  
Capistrano Unified School District

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, 3–5, Multiple Subject Teacher Education (math)

Highest Degrees/Certifications:
- Azusa Pacific University  
  Doctor of Education
- California State University, Fullerton  
  Master of Science
• National Board for Professional Teaching Standards
  National Board Certification, Early Childhood Gen

• California State University, Los Angeles
  Multiple Subject Credential/CLAD Authorization

**Ron Hauck, Teacher (Mathematics)**
NP3 Charter High School

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: 9–12

Highest Degrees/Certifications:
• Black Hills State University
  Bachelor of Science, Education Mathematics

• Western Governors University
  Master of Arts, Secondary Mathematics

**Maria Hirsch, Mathematics Consultant**
Los Angeles County Office of Education

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: 3–5, 6–8

Highest Degrees/Certifications:
• California State University, Fullerton
  Master of Arts, Elementary Science

• California State University, Northridge
  Secondary Credential in Math

• University of California, Los Angeles
  Bachelor of Arts, Mathematics

**Barbara Jacobs Ledbetter, Assistant Principal**
Los Angeles Unified School District - Horace Mann Middle School

Area(s) of Expertise: Administrator

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

Highest Degrees/Certifications:
• California State University, Northridge  
  Master of Arts, Educational Leadership  

• California State University, Northridge  
  Administrative Credential  

• Pepperdine University  
  Secondary Teaching Credential  

• University of California, Los Angeles  
  Bachelor of Arts, English  

**Patti Jernigan, Teacher**  
Simi Valley Unified School District  

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, 3–5  

Highest Degrees/Certifications:  
• California Lutheran University  
  Multiple Subject Teaching Credential  

• Chaminade University of Honolulu  
  Bachelor of Arts, Psychology  

**Diana Jones, Teacher (Grade 6)**  
San Luis Coastal Unified School District - Teach Elementary School  

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: 3–5, 6–8  

Highest Degrees/Certifications:  
• California Credentialing office (CPACE Test)  
  Leadership and Administration Credential  

• California State University, San Diego  
  Master of Arts, Curriculum and Instruction Design  

• California State University, San Diego  
  Multiple Subject Teaching Credential  

• San Diego State University  
  Liberal Studies Degree
Rebecca Kattenhorn, Teacher (Grade 8)  
Loomis Union School District

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

Highest Degrees/Certifications:
• National University  
  Master of Science, Educational Administration

• National University  
  Administrative Service Credential

• California State University, Sacramento  
  Multiple Subject Credential Program

• California State University, Sacramento  
  Bachelor Of Arts, Liberal Studies

Society Louden, Teacher (Mathematics) and Department Chair  
Murrieta Valley Unified School District

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

Highest Degrees/Certifications:
• Leading Edge Certification  
  Leading Edge Certification in Online and Blended Teaching

• Walden University  
  Master of Science, Curriculum, Instruction, and Assessment

• California State University, San Marcos  
  Teaching Credential with Middle Level Emphasis

• California State University, San Marcos  
  Bachelor of Science, Mathematics

Maya Maroun, Teacher (Mathematics)  
West Covina Unified School District

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: 9–12

Highest Degrees/Certifications:
- California State Polytechnic University, Pomona
  Single Subject Teaching Credential in Mathematics
- California State University, Los Angeles
  Bachelor of Arts, Mathematics

Sherri Morgan, Assistant Director
Long Valley Charter School

Area(s) of Expertise: Administrator

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

Highest Degrees/Certifications:
- Chapman University
  Master of Arts, Educational Administration
- Prescott College
  Bachelor of Arts, Secondary Education Math and Business
- State of Arizona
  Endorsements for Gifted and Talented and Early Adolescent Emphasis

Rene Nakao-Mauch, Math/Science Educator
Ojai Unified

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, 9–12

Highest Degrees/Certifications:
- California State University, Northridge
  Master of Education, Computers
- California Lutheran University
  Single Subject Teaching Credential
- University of California, Santa Barbara
  Bachelor of Science, Mathematics

Shana Newcomb, Teacher
Riverside Unified School District
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, 9–12

Highest Degrees/Certifications:
- California State University, San Bernardino
  Bachelor of Arts, Mathematics

- California State University, San Bernardino
  Single Subject Credential in Math with Supporting And Developing Integrated Education (SADIE)

Linda Newland, Teacher (Mathematics)
Glendale Unified School District - Crescenta Valley High School

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: 9–12

Highest Degrees/Certifications:
- awarded in 2002
  National Board Certification, Adolescent Mathematics

- California State University, Northridge
  Master of Arts, Mathematics Education

- Concordia University
  Bachelor of Education

- St. Johns College, Winfield, Kansas
  Associate of Arts

Mike Niemczyk, Teacher (Special Education)
Conejo Valley Unified School District

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

Highest Degrees/Certifications:
- Grand Canyon University
  Master of Education, Education Administration
• Michigan State University  
  Bachelor of Arts, Special Education

• University of Phoenix  
  California Teachers of English Learners Certification

Paige Okada, Volunteer Counselor Administrator  
Gardena High School

Area(s) of Expertise: Other area of expertise

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

Highest Degrees/Certifications:
• California State University, Dominguez Hills  
  Master of Business Administration

• California State University, Dominguez Hills  
  Bachelor of Science, Business Administration/Accounting

• University of California, Irvine  
  Administrative Services

• California State University, Dominguez Hills  
  Teaching Credential

Jannelle Olivier, Teacher and Resource Teacher  
Sweetwater Union High School District

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: 9–12

Highest Degrees/Certifications:
• University of California, San Diego  
  Master of Education

• University of California, San Diego  
  Clear Single Subject Teaching Credential in Mathematics (CLAD)

• National University  
  Administrative Credential

• California Polytechnic State University, San Luis Obispo  
  Bachelor of Science, Mathematics
Reynante Ramos, Instructional and Curriculum Coach for Secondary Mathematics (Grades 6-12)
Barstow Unified School District

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).

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

Highest Degrees/Certifications:
- De La Salle University
  Bachelor of Science, Mathematics
- De La Salle University
  Bachelor of Secondary Education, Statistics
- University of Scranton
  Master of Science, Curriculum and Instruction (in progress)
- California Commission on Teacher Credentialing
  Single Subject teaching Credential Mathematics

Elisa Rose, Secondary Mathematics Coordinator
Los Angeles Unified School District

Area(s) of Expertise: Administrator

Grade and other Levels of Expertise: 6–8

Highest Degrees/Certifications:
- Hamline University
  Bachelor of Arts, Elementary Education
- Northern Illinois University
  Master of Science, Education/Special Education
- University of California, Los Angeles
  Mathematics
- National University
  Administration

Christine Sabala, Teacher
Etiwanda School District
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, 3–5

Highest Degrees/Certifications:
• Chapman University
  Master of Education, Administration
• California State University, San Bernardino
  California Teaching Credential
• California State University, San Bernardino
  Bachelor of Arts, Liberal Studies with Minor in Business

Keith Sabini, Mathematics Instructor
Sacramento City Unified School District

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: 9–12

Highest Degrees/Certifications:
• University of California, Davis
  Bachelor of Science, Mathematics
• Fortune School of Education
  Preliminary Teaching Credential

Ma Bernadette Salgarino, Department Chairperson (Mathematics)
East Side Union High School District

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, 9–12

Highest Degrees/Certifications:
• The National Teachers University
  Doctor of Education
• Philippine Normal University
  Master of Arts, Mathematics
• Philippine Normal University
  Bachelor of Science, Education Mathematics
• Santa Clara County Office of Education  
  Preliminary Administrative Credential

**Amie Sanders, Teacher**  
Etiwanda School District

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

Highest Degrees/Certifications:
- University of La Verne  
  Master of Arts, Education

- University of California, Santa Barbara  
  Bachelor of Arts, Anthropology

**Leah Shields, Program Specialist (Mathematics)**  
Kern County Superintendent of Schools

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).

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

Highest Degrees/Certifications:
- Single Subject Teaching Credential in Mathematics, by Praxis Exam, 2000

- California State University, Bakersfield  
  Multiple Subjects Teaching Credential with Supplemental Authorization in Mathematics

- University of California, Irvine  
  Bachelor of Science

**Sibyl Sperber, Teacher**  
Serrania Charter for Enriched Studies

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: 3–5

Highest Degrees/Certifications:
• University of California, Los Angeles  
  National Board Certificated Teacher  

• California State University, Northridge  
  Master of Education, School Administration  

• California State University, Northridge  
  Bachelor of Arts, Sociology  

**Lorri Stellhorn, Teacher (Grade 6)**  
Tracy Unified School District  

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  

Highest Degrees/Certifications:  
• Lesley University  
  Master of Education, Curriculum and Instruction  

• California State University, Chico  
  Bachelor of Arts, Liberal Studies  

**Mariya Sullivan, STEM Curriculum Specialist**  
Stockton Unified School District  

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: 9–12 University and College Experience  

Highest Degrees/Certifications:  
• California State University, Sacramento  
  Master of Science, Electrical Engineering  

• San Joaquin County of Education, IMPACT  
  Clear Single Subject Credential in Mathematics  

• Examination  
  Physics Specialization  

**Aaron Tigerino, Mathematics Coordinator**  
Alameda County Office Of Education  

Area(s) of Expertise: Administrator  

Grade and other Levels of Expertise: 6–8, 9–12
Highest Degrees/Certifications:
- San Francisco State University
  Master of Education, School Administration

- San Francisco State University
  Administrative Credential

- San Francisco State University
  Mathematics Supplemental

- San Francisco State University
  Technology Supplemental

**Shelly Trainor, Teacher (Mathematics)**  
Rebel Waltz Academy of Arts and Sciences

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

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

Highest Degrees/Certifications:
- Stanford University
  Bachelor of Science, Mechanical Engineering

- University of Colorado, Boulder
  Master of Business Administration, Marketing and Research

- California State University, Dominguez Hills
  Single Subject Clear Credential in Mathematics/Business

**Bree Valla, Teacher**  
Lompoc Unified School District

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, 9–12

Highest Degrees/Certifications:
- California State Polytechnic University, San Luis Obispo
  Master of Science

- California State Polytechnic University, San Luis Obispo
  Multiple Subject Credential: Mathematics authorization
• California State Polytechnic University, San Luis Obispo
  Single Subject Credential in Agriculture

• California Polytechnic State University, San Luis Obispo
  Bachelor of Science

**Kimberly Voge, Teacher on Special Assignment**
Placentia Yorba Linda Unified School District

Area(s) of Expertise: Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services).

Grade and other Levels of Expertise: 3–5

Highest Degrees/Certifications:
• United States International University
  Master of Arts, Technology and Learning

• California State University, Fullerton
  Multiple Subjects Credential

• California State University, Fullerton
  Bachelor of Science, Child Development

**Lori Walton, Teacher (Secondary Mathematics)**
Colton Joint Unified School District

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: 3–5, 6–8

Highest Degrees/Certifications:
• University of California, Riverside
  Master of Education, Educational Psychology

• University of California, Riverside Extension
  Supplementary Authorization in Mathematics

• California State University, San Bernardino
  Professional Clear Multiple Subject Teaching Credential

• California State University, San Bernardino
  Bachelor of Arts Liberal Studies, Minor in Spanish
Patricia Wu, Mathematics Program Coordinator  
Green Dot Public Schools

Area(s) of Expertise: Administrator

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

Highest Degrees/Certifications:
- University of Southern California  
  Doctor of Education
- Loyola Marymount University  
  Master of Education
- University of California, Berkeley  
  Bachelor of Science
- University of Southern California  
  Tier 2 Administrative Credential
ITEM 6
**CALIFORNIA STATE BOARD OF EDUCATION**

**JANUARY 2013 AGENDA**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th></th>
</tr>
</thead>
</table>
| Career Technical Education Model Curriculum Standards 2013. | ☑ Action  
| | ☐ Information  
| | ☐ Public Hearing |

**SUMMARY OF THE ISSUE(S)**

The Career Technical Education (CTE) Model Curriculum Standards have been updated to meet current business and industry practices, provide guidance to meet entry-level employment requirements, and demonstrate integration with the Common Core State Standards (CCSS). The CTE Model Curriculum Standards are ready for State Board of Education (SBE) review and approval. The CTE Model Curriculum Standards are located on the CDE CTE Model Curriculum Standards Web page at [http://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp](http://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp).

**RECOMMENDATION**

The California Department of Education (CDE) recommends that the SBE approve the revised draft CTE Model Curriculum Standards.

**BRIEF HISTORY OF KEY ISSUES**

California *Education Code* (EC) Section 51226 requires that the State Superintendent of Public Instruction (SSPI) coordinate the development, on a cyclical basis, of model curriculum standards for the course of study required by EC Section 51225.3, Requirements for Graduation, and for a CTE course of study necessary to assist school districts with complying with subdivision (b) of EC Section 51228. Each school district maintaining any of grades seven through twelve, inclusive, shall offer to all otherwise qualified pupils in those grades a course of study that provides an opportunity for those pupils to attain entry-level employment skills in business and industry prior to graduating from high school. EC Section 51226 also requires that the SSPI shall, to the extent applicable, incorporate the integration of CTE and academic education into the development of CTE courses.

It has been nearly 10 years since the initial CTE Model Curriculum Standards development process began and seven years since SBE adoption. With the dramatic
changes in business and industry processes and procedures due to the use of
technology and other economic considerations as well as expectations from employers
for those preparing to enter the 21st century workforce the CTE Model Curriculum
Standards update was needed and timely.

In addition, as alignment with core academic standards is a critical component of the
CTE Model Curriculum Standards, adoption of the CCSS for both English-language arts
and mathematics demonstrated the need to reformat the CTE Model Curriculum
Standards to accommodate that alignment.

CTE Model Curriculum Standards, an extensive professional development program, as
well as a revision of the CTE Framework for California Public Schools, will follow to
ensure that teachers across the state have access to the new materials and are
informed in their use. The CTE Model Curriculum Standards development process
included multiple stakeholders and involved experts throughout the process.

Process for Updating the CTE Model Curriculum Standards

In May 2011, the Solano County Office of Education on behalf of the California
Department of Education (CDE), Career and College Transition Division convened a
cadre of 135 stakeholders comprised of business and industry representatives and
postsecondary and secondary educators for each of the 15 CTE industry sectors. Their
recommendations, along with the results of staff review of numerous researched
studies, guided the revision of the CTE Model Curriculum Standards.

The recommendations and studies reviewed were used by the 15 teams of standards’
writing experts to complete the initial revision of the initial document. The stakeholders
reviewed the initial draft to ensure the comments were accurately reflected in the newly
updated materials.

Following the review by the stakeholders, five teams of core academic faculty selected
from the University of California Curriculum Integration Institute and the California
Partnership Academy programs were convened to identify alignment among the revised
CTE Model Curriculum Standards and the CCSS standards, Next Generation Science
Core Ideas and the History-Social Studies standards. These alignments were validated
by internal CDE staff with expertise in the core subjects.

The 11 CTE Anchor Standards (previously titled Foundation Standards), common to all
industry sectors were updated to align with the Common Core English-language arts
standards. These standards, although common to all, are customized to better reflect
the specific conditions and expectations of each industry sector.

Standards for Career Ready Practices, intended for all students, were added as a new
component of the revised CTE Model Curriculum Standards. These standards,
influenced by a national 42 state collaborative effort under the coordination of the
National Association of State Directors of Career Technical Education Consortium, are
in response to the expectation of Career and College Readiness for all students upon
completion of the high school experience.
Upon completion of the draft document, public input sessions were held in Los Angeles and Sacramento on September 17 and 19, 2012, respectively. Additionally, the CTE Model Curriculum Standards public review draft was made available electronically online from September 1-19, 2012. More than 30,000 notifications were distributed to individuals and organizations to solicit review and comment. Responses were submitted from 161 individuals. Additional revisions were completed as indicated from these responses, the majority stating positive acceptance of the new draft.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE adopted the current CTE Model Curriculum Standards in May 2005.

FISCAL ANALYSIS (AS APPROPRIATE)

$146,000 of Carl D. Perkins Career and Technical Education Improvement Act of 2006 federal funds were used for costs incurred for the development of the CTE Model Curriculum Standards.

$150,000 from the same source will be used for the Professional Development program design and implementation.

ATTACHMENT(S)

Attachment 1: CTE Model Curriculum Standards Update Significant Changes (2 pages)
CTE Model Curriculum Standards Update
Significant Changes

Current Standards
The current Standards are organized in fifteen Industry Sectors and 58 career pathways. Each Industry Sector includes a set of “Foundation” Standards which are integral to all pathways within that Industry Sector and “Pathway” Standards which provide knowledge and skills standards necessary for success in the pathway.

Revised Standards

- Maintained the fifteen Industry Sectors, but changed some titles based on input from business and industry representatives
  - Finance and Business was changed to Business and Finance
  - Information Technology was changed to Information and Communication Technologies
  - Building Trades and Construction was changed to Building and Construction Trades
  - Energy and Utilities was changed to Energy, Environment, and Utilities
  - Engineering and Design was changed to Engineering and Architecture

- Some pathways were eliminated from the former standards and some new pathways were added for a new total of 59 pathways

- Standards for Career Ready Practice have been developed to provide clear direction to educators on what it means to be career ready. These standards are adapted from the Common Career Technical Core, a state-led initiative, sponsored by the National Association of Directors of Career Technical Education consortium. The twelve Career Ready Practices describe the career-ready skills that educators should seek to develop in all students.

- The Foundation Standards are now referred to as Anchor Standards, industry sector specific and rewritten to demonstrate deliberate with the Common Core English Language Arts (ELA) standards.

- The document is designed with each Industry Sector being self-contained which allows for printing of the full document or individual sectors.

- Academic alignments have been made within the Anchor Standards. Alignment with individual Pathway Standards are provided in a matrix format at the end of each Industry Sector.

- The academic alignments were recommended by teams of core curriculum faculty in collaboration with industry sector experts and include the SBE adopted Common Core State Standards in ELA and Mathematics, the history-social studies standards and the Next Generation Science Core Ideas
• All standards, anchor and pathway, are written using action verbs and arranged from simple to more complex.

• Pathway standards were revised to reflect new business and industry practices and 21st century skills and knowledge expectations notably for:
  o Arts, Media, and Entertainment (added Game Design & Integration pathway)
  o Business and Finance (added an International Business pathway)
  o Energy, Environment, and Utilities (rewritten to reflect use of new energy sources)
  o Fashion and Interior Design (added a Personal Services pathway)
  o Health Science and Medical Technology (rewritten with new pathways for Patient Care, Public and Community Health and Mental and Behavioral Health added)
  o Information and Communication Technologies (updated to include new ICT formats in communication and added a Games & Simulation pathway)
  o Public Services (rewritten to include new Emergency Response and Legal Practices pathways)
  o Transportation (rewrote, all new pathways; Operations, Structural Repair & Refinishing, Systems diagnostics & Service to represent all phases and modes of transportation)
ITEM 7
SUMMARY OF THE ISSUE(S)

The SSPI will announce the selection of the two delegates and first and second alternates to represent California at the 49th annual USSYP held in Washington, DC from March 9-16, 2013. A news release, which includes background regarding the program and biographies of the delegates and first and second alternates, is available on the CDE Year 2012 Web page at http://www.cde.ca.gov/nr/ne/yr12/yr12rel108.asp.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) President and the State Superintendent of Public Instruction (SSPI) present the 2013 United States Senate Youth Program (USSYP) awards to the 2013 delegates and alternates.

BRIEF HISTORY OF KEY ISSUES

Sponsored by the William Randolph Hearst Foundation, the USSYP was established in 1962 by Senate Resolution 324, and has continued each year by action of the United States Senate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual event at the January SBE Meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

The William Randolph Hearst Foundation provides funding to the CDE to assist with the costs associated with administering the USSYP.

ATTACHMENT(S)

None
ITEM 8
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT
Transitioning to California's Future Assessment System: Recommendations and Transition Plan.

☐ Action
☒ Information
☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60604.5 requires the State Superintendent of Public Instruction (SSPI) to consult with specific stakeholders to develop recommendations and a transition plan for the reauthorization of the statewide pupil assessment system and report those recommendations to the Legislature.

On January 8, 2013, the California Department of Education (CDE) will provide the final report to the Legislature. The final report will be posted on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/ab250.asp on January 9, 2013.

RECOMMENDATION

This is an information item only. The CDE recommends no specific action at this time.

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 SSPI began consulting with stakeholders in early 2012. Over the past several months, the CDE, the State Board of Education (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 feedback 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 information
gathered will be reported to the legislature with the SSPI’s recommendations for the future statewide assessment system.

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

In November 2012, the SBE previewed and engaged in discussion with the CDE regarding the SSPI’s intended purposes and guiding principles for the development of the California’s future assessment system.

In September, July, May, and March 2012, the SBE received updates regarding the statewide assessment reauthorization activities, including summaries of stakeholder feedback.

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 inform the SSPI’s recommendations adhere to budgetary guidelines. Activities included stakeholder 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)**

None
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT
Overview of Amendments to the Public Schools Accountability Act and the California Department of Education’s Implementation Timeline and Process Consistent with Education Code Sections 52052 through 52052.9.

SUMMARY OF THE ISSUE(S)
The California Department of Education (CDE) will present the main components of Education Code sections 52052 through 52052.9 as amended by Senate Bill (SB) 1458 (Steinberg). The amendment of the Public Schools Accountability Act (PSAA) requires significant changes to how the Academic Performance Index (API) is calculated for secondary schools. The CDE will also provide an implementation timeline and a brief description of how public comment will be gathered.

RECOMMENDATION
This is the first in a series of updates and no specific action is recommended at this time. State Board of Education (SBE) action is anticipated when the CDE presents items for decision-making in future SBE meetings.

BRIEF HISTORY OF KEY ISSUES
The API, which is the cornerstone of California’s accountability system, was established with the enactment of the PSAA in 1999. Currently, the API is based on the assessment results of the Standardized Testing and Reporting (STAR) Program and the California High School Exit Examination (CAHSEE).

Since 1999, legislation has periodically been enacted to revise the PSAA and how the API is calculated. In September 2012, the governor signed legislation which significantly changed the composition of the API for high schools. Following are the main components of the legislation:
• Beginning with the 2015–16 API reporting cycle (i.e., the 2015 Base API and the 2016 Growth API) the state assessment results may only constitute 60 percent of a high school’s API. Currently, state assessment results constitute 100 percent of the API. Beginning with the 2015–16 API cycle, 40 percent of a high schools API must be from indicators other than state assessments, such as college and career readiness indicators.

• New indicators may only be added to the API one full school year after the SBE adopts the indicators. The full year requirement is being applied to the Growth API. Therefore, the SBE must adopt new indicators for the 2016 Growth API by July 2015.

• By October 1, 2013, the State Superintendent of Public Instruction (SSPI) shall recommend to the SBE a method or methods for increasing the emphasis on science and social science. This emphasis may occur through changes in the API or through other means.

• By October 1, 2013, the SSPI, in consultation with the PSAA Advisory Committee, shall report to the legislature an alternative to the decile rank as a method for determining eligibility, preference, or priorities for statutory programs.

• The SSPI, with SBE approval, may incorporate into the API the rates at which students successfully promote from one grade to the next in middle and high school and successfully matriculate from middle to high school.

• The SSPI, with SBE approval, may develop and implement a program of school quality review that features locally convened panels to visit schools, observe teachers, interview pupils, and examine pupil work if an appropriation for this purpose is in the annual budget.

On November 27, 2012, the PSAA Advisory Committee met to discuss the implementation of SB 1458. The meeting was broadcasted live and several educational organizations attended and provided public comment. Two co-chairs were appointed by the SSPI: Kenn Young, Superintendent of Riverside County Office of Education and Ting Sun, Educational Programs Director at Natomas Charter School.

Susanna Cooper, Education Policy Consultant for Senator Steinberg’s Office, presented an overview of SB 1458. Committee members discussed possible new indicators, such as college and career readiness and the implementation timeline for adding new indicators into the API. The committee requested that CDE staff present information about college and career readiness indicators used by other states and also requested that content area experts and educational organizations be invited to present at future meetings. The next meeting is being scheduled in February. A recording of the November meeting is available on the CDE PSAA Web page at http://www.cde.ca.gov/ta/ac/pa/psaawebcastarchive.asp.
The amendments to the PSAA legislation represent the most significant changes to the API since its initial development. As a result, it has generated substantial interest from a multitude of educational stakeholders. Therefore, in addition to convening meetings with the PSAA Advisory Committee, the CDE will be seeking public comment throughout the state using focus groups, forums, and surveys. Obtaining input from a broad base of the educational community will strengthen the SSPI’s and the SBE’s ability to ensure that the revised API will incorporate a broad perspective of which indicators should be included in the API. Attachment 1 provides an “at a glance” view of the planned timeline.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In January 2012, the SBE adopted amendments to California Code of Regulations, Title 5 (5 CCR) sections 1039.2 and 1039.3 which defined continuous enrollment for accountability purposes and required assessment results from an alternative education program to be assigned to the school/local educational agency of residence under specific circumstances. In March 2011, the SBE adopted amendments to 5 CCR Section 1039.1 which allows for the integration of high school graduation rates and grade eight and nine dropout rates into the API.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE submitted a Budget Change Proposal in early October requesting two positions to support the redesign of the API. Other costs associated with the activities related to the API are included in the Analysis, Measurement, and Accountability Reporting Division’s budget.

ATTACHMENT(S)

Attachment 1: Academic Performance Index Tentative Implementation Timeline: November 2012–September 2016 (1 Page)
**Academic Performance Index Tentative Implementation Timeline: November 2012-September 2016**

**API**: Academic Performance Index  
**CAHSEE**: California High School Exit Examination  
**CDE**: California Department of Education  
**PSAA**: Public Schools Accountability Act  
**SBAC**: Smarter Balanced Assessment Consortium  
**SBE**: State Board of Education  
**STAR**: Standardized Testing and Reporting

---

* The CDE will be conducting a comparability study.
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM 10
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT


SUMMARY OF THE ISSUE(S)

In the 2011–12 school year, Lifeline Education Charter School (LECS) and Long Valley Charter School (LVCS) failed to meet three statewide indicators of academic achievement. The schools did not meet their Academic Performance Index (API) growth targets, had an API score below 800, and did not meet Adequate Yearly Progress (AYP). As a result, each school is required to submit a Student Achievement Plan (SAP). This is the second consecutive year both schools are required to submit SAPs.

In reviewing the statewide assessment and accountability results, both LECS and LVCS made little to no improvement in their academic achievement. At the November 8, 2012, State Board of Education (SBE) meeting, an action was approved for California Department of Education (CDE) staff to review and analyze the SAP submitted by both of these schools and to provide updates and further recommendations as appropriate at the January SBE meeting.

RECOMMENDATION

As required by the November 2012 SBE action, both LECS and LVCS submitted a SAP on November 13, 2012. However, the plans submitted lacked information, CDE staff has been providing guidance to each school to revise their plans. Subsequently, each school submitted two additional versions of the SAP to add a comprehensible plan of action and to clarify information. The final version of each was submitted December 6 and 7, 2012, respectively, and was the basis for the CDE staff, SAP review and analysis, for this item.

LECS SAP includes deliverable goals and objectives and provides a viable plan to increase student achievement. However, LECS’s annual report submitted did not report progress on all of their charter outcomes in their annual update. In addition, the benchmark measurements for measurable pupil outcomes as stated in LECS’s current charter petition have not been updated and still reflect timelines for year one and year three of the charter. The CDE recommends the following for LECS:
• LECS will provide an update to their benchmarks, as related to each of their measurable pupil outcomes in their charter. The benchmarks must be specific, measurable, attainable and timely goals that align with their current plan to increase student achievement. The updated pupil outcomes and benchmarks will be submitted to the CDE by March 1, 2013.

• LECS provide the CDE with an addendum to their annual update, reporting on progress made toward all of their pupil outcomes by February 1, 2013.

• LECS will complete an analysis of the winter benchmark assessment administered before December 15, 2012, and the spring benchmark test administered before March 15, 2013. As a result of the analysis, LECS will identify additional actions or activities necessary to ensure student progress. LECS will provide this information to the CDE for the winter benchmark assessment by January 31, 2013, and the spring benchmark assessment by April 15, 2013. If students are not making adequate progress, further action may be recommended by the CDE.

CDE staff will continue to monitor LECS’s SAP implementation and academic performance, and provide technical assistance as necessary. In addition, based on the review and analysis of information submitted by LECS in response to this recommendation, the CDE may recommend further action to the SBE, as appropriate.

LVCS’s SAP includes deliverable goals and objectives that primarily target the underperforming Independent Study (IS) program. LVCS’s plan identifies changes to their IS program by increasing the instructional meeting time, which includes the time teachers meet with students to assign and evaluate student work, monitor attendance, and document student progress; and increase the one-on-one tutoring time for low achieving IS program participants. While these appear to be appropriate strategies to improve student achievement, the proposed amount of increased time may not be sufficient since many of the students in the IS program are more than one grade level behind. The original SAP received November 13, 2012, and the revised second version of the SAP submitted by LVCS on November 28, 2012, did not include a Professional Development (PD) plan for the current year, a required element. Also, in reviewing LVCS annual update, CDE staff noted that LVCS did not report on progress made toward all measurable pupil outcomes, as noted in LVCS charter. In addition, the measurable pupil outcomes as stated in LVCS’s charter petition lack specific measurable outcomes. Also, LVCS has had significant growth in their IS program. LVCS original petition identified approximately 60 percent of the student population would participate in the IS program. The IS student population has increased to 81 percent in the current school year, 2012–13. The CDE recommends the following:

• LVCS to provide to the CDE a PD plan, aligned with student achievement goals outlined in the SAP, which includes dates, participants, activities and vendor or facilitator of activity, by February 1, 2013.

• LVCS provide the CDE with an addendum to their annual update, reporting on progress made toward all of their pupil outcomes by February 1, 2013.
LVCS will review and refine their measurable pupil outcomes and benchmarks to ensure they are specific, measurable, attainable and timely goals that align with their current plan to increase student achievement. The updated pupil outcomes and benchmarks will be submitted to the CDE by March 1, 2013.

LVCS will complete an analysis of the winter benchmark assessment and the spring benchmark test. As a result of the analysis, LVCS will identify additional actions or activities necessary to ensure student progress. LVCS will provide this information to the CDE for the winter benchmark assessment by January 31, 2013, and the spring benchmark assessment by April 15, 2013. If students are not making adequate progress, further action may be recommended by the CDE.

LVCS will continue to closely monitor progress on meeting student academic achievement on goals and objectives. Also, LVCS will continue to analyze whether the current educational program is meeting the needs of the student population and will make adjustments, as appropriate.

CDE staff will continue to monitor LVCS’s SAP implementation and academic performance, and provide technical assistance as necessary. In addition, based on the review and analysis of requested information received from LVCS, the CDE may recommend further action to the SBE, as appropriate.

**BRIEF HISTORY OF KEY ISSUES**

SBE-authorized charter schools who do not meet their API growth targets and/or their AYP are required to submit a 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. In addition, each school is required to provide the CDE with an annual update, which includes progress made towards their charter goals, as well as report on the previous year's SAP.

**LECS Annual Update – Progress on 2011–12 SAP**

On November 13, 2012, LECS submitted an annual update for 2011–12 school year, which included a summary of progress towards their charter goals and progress on the 2011–12 SAP. LECS identified four measurable pupil outcomes (goals) and benchmarks in their charter petition. In their annual update, LECS reported on two benchmarks associated with one of the goals (basic skills); students showing mastery at or above grade level in all core subjects. LECS indicated that they did not make significant progress towards this goal. LECS did not report on all measurable pupil outcomes in their annual update; therefore, CDE staff is unable to conduct further analysis on LECS’s progress towards all the goals outlined in the charter. In addition, the measurable pupil outcomes or goals, as stated in LECS’s charter petition and those for which LECS reported upon, appear to be outdated and should be updated.
LECS 2012–13 SAP

LECS submitted a new SAP for 2012–13 that identified goals and their subsequent actions to address criteria LECS failed to meet, which included both English language arts (ELA) and math, percent proficient Annual Measurable Objectives (AMOs) in the Hispanic/Latino subgroup. In addition, LECS failed to meet the API target for 2012, achieving only two points towards their target of seven. Comparing the AYP results from the 2010–11 school year, LECS has made improvement and met an additional six AYP criteria in the 2011–12 school year through safe harbor.

The first version of the SAP submitted by LECS for 2012–13, lacked clarity in their measurable objectives and plan of action. The plan also included data tables reporting LECS’s testing and accountability results that contained incorrect data. CDE staff worked with LECS as they refined their plan to include a comprehensible plan of action and also requested that LECS correct the information reported in the data tables. LECS refined their SAP, however, the data tables still reflect inaccurate state-reported testing and accountability results. The third and final version of the SAP for 2012–13 (Attachment 1) identifies LECS’s areas for growth and offers a plan to regularly assess and analyze student progress with benchmark testing throughout the year. It appears that LECS has provided an objective look at their academic outcomes and indicators. LECS’s SAP offers many of the same strategies and methods that were included in their 2011–12 SAP. However, LECS reported taking additional actions upon receiving their Standardized Testing and Reporting (STAR) data for 2011–12 that included reassigning staff, adding additional personnel to address math achievement, and adding a math foundations class to their master schedule. The 2012–13 SAP appears to be a viable plan that will allow the school to monitor and track their progress toward their achievement goals. CDE staff will continue to monitor and provide technical assistance to LECS staff as they implement their SAP.

LVCS Annual Update– Progress on 2011–12 SAP

On November 13, 2012, LVCS submitted an annual update for 2011–12 school year, which includes a summary of progress made towards their charter goals and progress on the 2011–12 SAP. LVCS identified eight measurable pupil outcomes or goals in their charter petition. In their annual update, LVCS reported on two of the outcomes, attendance and ELA/math proficiency. LVCS reported they met their charter goal of attaining at least a 93 percent student attendance rate, achieving a 94 percent rate for the 2011–12 school year. LVCS also reported progress toward achieving their charter goal of meeting or exceeding statewide goals in math and ELA. Based on LVCS disaggregated achievement data, the classroom based program is approaching the statewide proficiency goal of 77.4 percent proficient for math and 77.8 percent proficient for ELA. LVCS classroom based program results for math are 72.22 percent proficient and for ELA 76.39 percent proficient. In contrast, LVCS’s annual update reported that the IS students proficiency is well below statewide goals with 11.74 percent proficient in math and 28.62 percent proficient in ELA. LVCS did not report on all measurable pupil outcomes in their annual update; therefore, CDE staff is unable to conduct further analysis of the school’s progress towards the charter goals. In addition, the measurable pupil outcomes as stated in LVCS’s charter petition and those for which LVCS reported upon do not all include specific measurable indicators. LVCS should review the current...
pupil outcomes to ensure alignment with their current educational program, which has had a significant increase in their IS program and should be updated.

**LVCS 2012–13 SAP**

LVCS also submitted a new SAP for 2012–13 that identified goals and their subsequent actions to address criteria LVCS failed to meet, which included ELA and math percent proficient AMOs school wide and for the significant subgroups, White and Socioeconomically Disadvantaged students. This is the second consecutive year that LVCS failed to meet criteria for AYP. In addition, LVCS failed to meet the API target for 2012, declining by 56 points, for which LVCS attributes to a significant increase of students enrolled in their IS program.

The CDE worked with LVCS to refine their 2012–13 SAP to include a detailed plan of action. In the third and final version of their 2012–13 SAP (Attachment 2), LVCS provides an analysis of their state testing results and targets areas for growth, noting a significant gap in achievement levels between the classroom based program and the IS program in both ELA and math, 47 and 60 points respectively. It is apparent, through the disaggregation of data that LVCS objectively looked at their data to provide a thorough analysis of their academic outcomes and indicators. Based on the STAR analysis completed by LVCS, the 2012–13 SAP focuses on the IS students. The CDE staff has reviewed and analyzed the SAP and it appears to be a viable plan, however the plan does not provide sufficient PD activities. Considering the IS population is 81 percent of the school enrollment and many of those students are one or more grade levels behind, reaching the proposed SAP targets may be a significant challenge. The interventions outlined in the action plan submitted by LVCS require increasing student instructional meetings to a minimum of one time per week, and requiring an additional one hour a week, one-on-one tutoring session in the IS program. LVCS should closely monitor whether the allotted time will produce similar results of a classroom based intervention program requiring at least an additional hour a day of targeted instruction in the identified area of program deficiency.

The CDE will continue to monitor LVCS's progress towards the goals outlined in their 2012–13 SAP. If benchmark assessment results for the IS program fail to meet the target goals identified in the SAP, LVCS will need to assess whether the IS program can meet student achievement goals outlined in their charter.

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

In October 2012, the SBE received an Information Memorandum consisting of an annual update of each SBE-authorized school. At the November 8, 2012, SBE meeting, the board took the following action: CDE to review and analyze the SAPs that will be submitted by LVCS and LECS, as well as other indicators of each school’s academic progress including what is in the school’s charter petition, and have CDE report back to the State Board on these two schools in January 2013 as to what support, technical assistance, interventions, or future SBE actions might be recommended.
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 education code (EC) 47613, which is estimated at $590,915.02 for the 2011–12 fiscal year.

ATTACHMENT(S)

Attachment 1: Lifeline Education Charter School Student Achievement Plan (15 Pages)

Attachment 2: Long Valley Charter School Student Achievement Plan (33 Pages)
Lifeline Education Charter School Student Achievement Plan

OVERVIEW PARAGRAPH

Lifeline is a direct funded charter school authorized by the State Board of Education. For 2012 the API is 658 a growth of 2 points. The target was 7. The school did not meet its' API target. An analysis of the results from the 2012 administration will be discussed in depth in subsequent sections. Important to note now though is the scores demonstrate a need to strengthen instruction in the classroom for Hispanic and Latino students that are not English Learners. The numbers show that our Hispanic and Latino students that have been identified as EL students are growing academically. The numbers also show that Hispanic and Latino students that are not EL are failing to progress academically. To improve the educational progress for all of our students the schedule has been modified to provide an English and Math foundations class. The High School English foundations class narrowed the curriculum to focus on 2 strands Reading Comprehension and Written Conventions. Within those strands instruction can go back as much as 3 years to fill gaps in students learning. The goal is to provide an instructional base to ensure all students have access to the entire curriculum. The High School Math foundations class focuses on mastering the skills needed to access the grade level math course. In Middle School academic instruction to address the foundational needs of students are provided in the ASES program. Classroom instruction in regular English and Math classes are built around getting all students to proficiency, while the foundations instruction is built around moving all students out of far below basic and less than 10 percent in below basic. The numbers also demonstrate that the math program needs to be strengthened. In addition to the foundations classes we have looked at every aspect of how math is taught at Lifeline and made changes where necessary to improve instruction in that area.

STEP ONE: RE-INSTATEMENT OF SUCCESSFUL PROGRAMS AND POLICIES:
The following procedures or programs have been instituted for the 2012/13 school year:

1. All students will be present at school every day and in the appropriate school uniform.
2. Students and parents will be required to sign the Parent Compact that defines the expectations by the staff and administration of the participation, decorum, dedication to the school and its' success through outstanding performance by each student and parent unit.
3. Implementation of an After School Program, provided in part by ASES Grant funding. Five days per week, 3 hours per day grades 6 through 9. Students in the ASES Program will meet for the following: [Hour 1] Skill Builder alternating between Math Intervention 2 days a week (M/W) and English Intervention/Targeted Instruction incorporating Language! (T/R). [Hour 2] Enrichment and Health & Fitness including Character Cures, Dance, Poetry, Physical Fitness Activities, Sports, etc. [Hour 3] Homework Assistance/Tutoring.
4. Major Benchmark Assessing three times per year prior to CST testing. Teachers will also develop "mini" Benchmark assessments to check the progress of weekly instruction for all students.
5. Academic Language – All teachers are being trained on the importance of consistent use of academic language in the classroom.
6. Students will be required to write every day using correct spelling, punctuation and grammar. These writings will be in the form of a reflection of what they learned during the instruction and practice of the daily lesson.
7. Students will be placed on individual learning plans based upon their classroom work, mini benchmark assessments and project allowing students multiple ways of demonstrating their level of proficiency.
8. Parent learning center – In order for the school to remain supported beyond the school day, specific training calendar will be developed for parents where training from setting up the students study area, to offering positive help in helping with math and science.
9. Two Curriculum Coaches will work with teachers to interpret student assessment information, review lesson plan development, review individual student learning plans and make appropriate changes reflective of student progress. Coaches meet weekly after school with teachers however they are consistently in classrooms supporting and observing each day of the week.

10. A NO NONSENSE policy toward positive student behavior. This program has its’ roots in the Character Counts program and is delivered to each and every student every day. All staff are to participate and ALL Parents must support the program through giving of their time during school hours or After School Program, PTA meeting attendance, Special Day events, and dedicated home study time without interruption with accountability criteria.

11. Accurate evaluation and placement of Special Needs students. Appropriate level of assessments based upon placement criteria.

12. Comprehensive and accurate assessment of EL students and the correct strategies as well as intensive RTI models of instruction.

13. RTI models of intervention established for every student for easy access and exit when needed.

14. Cross Grade Tutors with selected High School students tutoring Lifeline’s Middle School Students.

15. Academic Enrichment/Homeroom - Includes tutoring for all courses, test preparation (study & test taking skills), interdependence importance (team building), and grad check reviews.

16. Jane Schaffer training was completed by a Site Supervisor trained in the JS method.

17. Character Counts

18. RTI training for staff was provided by Curriculum Consultant and El Dorado County SELPA 2009 and 2011 for regular and special education staff. Training will be continued for returning and new staff.

19. Teachers all have a common, one hour prep period during the day, part of which is lunch.


21. Collaborative lesson pacing is planned within departments with the guidance of the Curriculum Coaches.

22. Teacher training in implementing ESL strategies in classroom.

**STEP TWO: UNDERSTANDING THE DATA FROM 3 YEARS OF ASSESSMENT**

Smart Goals: Specific and Concrete Actions are being developed for the next quarter report using the analysis from the Supporting information found in the narrative below.

**1. Analysis of the Standardized Testing and Reporting Program and AYP results that identifies the specific problem in the area(s) of meeting targets and/or criteria.**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Schoolwide API</th>
<th>Black or African American API</th>
<th>Hispanic or Latino API</th>
<th>English Learners API</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>653</td>
<td>590</td>
<td>671</td>
<td>564</td>
</tr>
<tr>
<td>2011</td>
<td>655</td>
<td>656</td>
<td>652</td>
<td>564</td>
</tr>
<tr>
<td>2012</td>
<td>658</td>
<td>667</td>
<td>648</td>
<td>587</td>
</tr>
</tbody>
</table>
ANALYSIS: Looking at the 3 year trend, the schoolwide API has shown anemic growth the last 2 years, 3 and 2 points. Looking at our significant subgroups Lifeline has shown 74 point growth in Black and African American API, a growth of 23 points in English Learners but a decrease of 23 points in Hispanic or Latino. Overall Hispanic and Latino students account for roughly 2/3 of the student population. Analyzing the numbers Lifeline has 175 Hispanic or Latino students. If you take out the 54 EL students, that leaves 121 students or 44% of the student population who are not progressing academically. To address these students we created Foundations classes in English and math. We also are training teachers in implementing proven teaching strategies across all disciplines and grade levels.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL # TESTED</td>
<td>114</td>
<td>116</td>
<td>133</td>
<td>113</td>
<td>116</td>
<td>127</td>
</tr>
<tr>
<td>SCHOOLWIDE</td>
<td>36.8%</td>
<td>32.6%</td>
<td>33.9%</td>
<td>42.6%</td>
<td>18%</td>
<td>16.7%</td>
</tr>
<tr>
<td>Sub Gp African American</td>
<td>13.7%</td>
<td>11.2%</td>
<td>12.1%</td>
<td>16.6%</td>
<td>8%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Sub Gp Hispanic</td>
<td>16.7%</td>
<td>17.2%</td>
<td>15.9%</td>
<td>20.4%</td>
<td>9.6%</td>
<td>11.7%</td>
</tr>
<tr>
<td>Sub Gp Soc Econ Dis</td>
<td>35.9%</td>
<td>31%</td>
<td>29.9%</td>
<td>41.7%</td>
<td>16.8%</td>
<td>14.4%</td>
</tr>
</tbody>
</table>

8th grade students took the general math assessment, while in 2011 and 2012 the 8th grade students took the Algebra 1 assessment.

ANALYSIS: While students that score proficient or better in Language Arts have been up and down over the 3 year period Math has significantly fallen. In looking at our sub groups African American students have decreased slightly, and Hispanic or Latino students have decreased slightly. The percentage of students scoring proficient or better in Math on the other hand has fallen over the three year period. In our sub groups African Americans fell 15.1%, Hispanic or Latinos fell 8.7%, and Economically Disadvantaged students fell 27.3%. Even though the comparison is between two different assessments, when the same assessment is used the scores still decline. To address this serious issue the administration reassigned teachers, hired additional staff to service these students, began a top down review of the program and goals, and added the math foundations program.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>% ADVANCED</td>
<td>3%</td>
<td>3%</td>
<td>6%</td>
<td>28%</td>
<td>9%</td>
<td>13%</td>
<td>5%</td>
<td>10%</td>
<td>14%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% PROFICIENT</td>
<td>21%</td>
<td>21%</td>
<td>23%</td>
<td>23%</td>
<td>19%</td>
<td>22%</td>
<td>24%</td>
<td>25%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% BASIC</td>
<td>14%</td>
<td>41%</td>
<td>34%</td>
<td>28%</td>
<td>32%</td>
<td>46%</td>
<td>46%</td>
<td>45%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% BELOW B</td>
<td>21%</td>
<td>21%</td>
<td>29%</td>
<td>5%</td>
<td>28%</td>
<td>15%</td>
<td>10%</td>
<td>14%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% FAR BB</td>
<td>15%</td>
<td>15%</td>
<td>9%</td>
<td>15%</td>
<td>15%</td>
<td>9%</td>
<td>12%</td>
<td>10%</td>
<td>2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>% ADVANCED</td>
<td>3%</td>
<td>6%</td>
<td>10%</td>
<td>0%</td>
<td>6%</td>
<td>2%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% PROFICIENT</td>
<td>14%</td>
<td>28%</td>
<td>35%</td>
<td>9%</td>
<td>28%</td>
<td>4%</td>
<td>13%</td>
<td>4%</td>
<td>15%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% BASIC</td>
<td>41%</td>
<td>39%</td>
<td>41%</td>
<td>48%</td>
<td>39%</td>
<td>51%</td>
<td>13%</td>
<td>18%</td>
<td>38%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% BELOW B</td>
<td>26%</td>
<td>15%</td>
<td>13%</td>
<td>12%</td>
<td>15%</td>
<td>27%</td>
<td>53%</td>
<td>36%</td>
<td>33%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% FAR BB</td>
<td>16%</td>
<td>13%</td>
<td>2%</td>
<td>30%</td>
<td>13%</td>
<td>16%</td>
<td>20%</td>
<td>43%</td>
<td>15%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th># TESTED 2011</th>
<th># TESTED 2012</th>
<th># PASS 2011</th>
<th># PASS 2012</th>
<th>% PASS 2011</th>
<th>% PASS 2012</th>
<th>% NOT PASS 2011</th>
<th>% NOT PASS 2012</th>
<th>% NOT PASS 2011</th>
<th>% NOT PASS 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>44</td>
<td>48</td>
<td>26</td>
<td>35</td>
<td>59%</td>
<td>73%</td>
<td>84%</td>
<td>11</td>
<td>6</td>
<td>41%</td>
</tr>
<tr>
<td>MATHEMATICS</td>
<td>44</td>
<td>48</td>
<td>33</td>
<td>42</td>
<td>75%</td>
<td>88%</td>
<td>84%</td>
<td>11</td>
<td>6</td>
<td>25%</td>
</tr>
</tbody>
</table>
GRADUATION RATE TABLE

<table>
<thead>
<tr>
<th>2010 GRAD RATE</th>
<th>2011 GRAD RATE</th>
<th>2012 TARGET GRAD RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>86%</td>
<td>88%</td>
<td>90%</td>
</tr>
</tbody>
</table>

**ANALYSIS:** Due to the low enrollment count of the senior class in both the 2010 and 2011 school years, 1 dropout student dramatically reduced our percentage by 8-12% in some cases. Consequently, with a larger 2012 senior class, our target is 90%.

2. **DESCRIPTION OF THE BASELINE AND INTERIM ASSESSMENTS:**

The three Baseline and Interim Assessments will be given once in the Fall, once in the Winter and once in the Spring. (BEFORE OCT. 15, BEFORE DEC. 15, BEFORE MARCH 15, 2013).

Questions for these assessments will be pulled from the Data Director Test Data Bank which is aligned with the California Core Content standards. Data Director is also the flagship assessment scoring and data warehouse recommended by the California Charter School Association. It is a subsidy of EduSoft now owned by Riverside Publishing.

No STAR released sample test questions were used in any assessments.

The following table demonstrates how closely the assessments used are aligned to the California content standards.

Each Benchmark is created using a cascading integration of standards. The first benchmark is the core standards for each grade level. The second benchmark will include 3 to 4 standards that students scored the lowest on plus additional standards that reflect current instruction. The third benchmark will include the lowest 2 standards from the first benchmark, 3 to 4 low scoring standards from the second benchmark and standards that reflect current instruction. Analysis is done based on growth of score on the low scoring standards and current instruction.

**CORE CONTENT STANDARDS TABLE**

<table>
<thead>
<tr>
<th>ASSESSMT NAME</th>
<th>PUBLISHER</th>
<th>CONT. AREA</th>
<th>GRADE</th>
<th>STANDARD</th>
<th># CST ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DATA DIRECTOR</td>
<td></td>
<td></td>
<td>NS. 1.1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>RIVERSIDE</td>
<td></td>
<td></td>
<td>NS. 1.2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NS. 1.3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NS. 1.4</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NS. 2.1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NS. 2.2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NS. 2.3</td>
<td>6</td>
</tr>
</tbody>
</table>

General Math 6
<table>
<thead>
<tr>
<th>ASSESSMT NAME BENCHMARK ASSESSMENT.</th>
<th>PUBLISHER DATA DIRECTOR RIVERSIDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre Algebra</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>NS. 2.4</td>
</tr>
<tr>
<td></td>
<td>AF. 1.1</td>
</tr>
<tr>
<td></td>
<td>AF. 1.2</td>
</tr>
<tr>
<td></td>
<td>AF. 1.3</td>
</tr>
<tr>
<td></td>
<td>NS. 1.1</td>
</tr>
<tr>
<td></td>
<td>NS. 1.2</td>
</tr>
<tr>
<td></td>
<td>NS. 1.3</td>
</tr>
<tr>
<td></td>
<td>NS. 1.4</td>
</tr>
<tr>
<td></td>
<td>NS. 1.5</td>
</tr>
<tr>
<td></td>
<td>NS. 1.6</td>
</tr>
<tr>
<td></td>
<td>NS. 1.7</td>
</tr>
<tr>
<td></td>
<td>NS. 2.1</td>
</tr>
<tr>
<td></td>
<td>NS. 2.2</td>
</tr>
<tr>
<td></td>
<td>NS. 2.3</td>
</tr>
<tr>
<td></td>
<td>NS. 2.4</td>
</tr>
<tr>
<td></td>
<td>NS. 2.5</td>
</tr>
<tr>
<td></td>
<td>AF. 2.1</td>
</tr>
<tr>
<td></td>
<td>AF. 2.2</td>
</tr>
<tr>
<td>Algebra</td>
<td>BLENDED</td>
</tr>
<tr>
<td></td>
<td>Al. 1.0</td>
</tr>
<tr>
<td></td>
<td>Al. 2.0</td>
</tr>
<tr>
<td></td>
<td>Al. 3.0</td>
</tr>
<tr>
<td></td>
<td>Al. 4.0</td>
</tr>
<tr>
<td></td>
<td>Al. 5.0</td>
</tr>
<tr>
<td></td>
<td>Al. 6.0</td>
</tr>
<tr>
<td></td>
<td>Al. 7.0</td>
</tr>
<tr>
<td></td>
<td>Al. 8.0</td>
</tr>
<tr>
<td></td>
<td>Al. 10.0</td>
</tr>
<tr>
<td>Algebra II</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>All. 1.0</td>
</tr>
<tr>
<td></td>
<td>All. 2.0</td>
</tr>
<tr>
<td></td>
<td>All. 3.0</td>
</tr>
<tr>
<td></td>
<td>All. 4.0</td>
</tr>
<tr>
<td></td>
<td>All. 5.0</td>
</tr>
<tr>
<td></td>
<td>All. 7.0</td>
</tr>
<tr>
<td></td>
<td>All. 8.0</td>
</tr>
<tr>
<td>Geometry</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>G.1.0</td>
</tr>
<tr>
<td></td>
<td>G.2.0</td>
</tr>
<tr>
<td></td>
<td>G.3.0</td>
</tr>
<tr>
<td></td>
<td>G.4.0</td>
</tr>
<tr>
<td></td>
<td>G.5.0</td>
</tr>
<tr>
<td></td>
<td>G.6.0</td>
</tr>
<tr>
<td></td>
<td>G.7.0</td>
</tr>
<tr>
<td>CONT. AREA</td>
<td>GRADE</td>
</tr>
<tr>
<td>------------</td>
<td>-------</td>
</tr>
<tr>
<td>ELA</td>
<td>6</td>
</tr>
<tr>
<td>ELA</td>
<td>7</td>
</tr>
<tr>
<td>ELA</td>
<td>8</td>
</tr>
<tr>
<td>ELA</td>
<td>9</td>
</tr>
<tr>
<td>ASSESSMENT NAME</td>
<td>PUBLISHER</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>WOLC 1.3</td>
</tr>
<tr>
<td></td>
<td>WS 1.1</td>
</tr>
<tr>
<td></td>
<td>WS 1.2</td>
</tr>
<tr>
<td></td>
<td>WS 1.9</td>
</tr>
<tr>
<td>ELA 10</td>
<td>WA 1.1</td>
</tr>
<tr>
<td></td>
<td>RC 2.2</td>
</tr>
<tr>
<td></td>
<td>RC 2.3</td>
</tr>
<tr>
<td></td>
<td>RC 2.4</td>
</tr>
<tr>
<td></td>
<td>RC 2.8</td>
</tr>
<tr>
<td></td>
<td>RL 3.5</td>
</tr>
<tr>
<td></td>
<td>WOLC 1.1</td>
</tr>
<tr>
<td></td>
<td>WOLC 1.3</td>
</tr>
<tr>
<td></td>
<td>WS 1.1</td>
</tr>
<tr>
<td></td>
<td>WS 1.2</td>
</tr>
<tr>
<td></td>
<td>WS 1.9</td>
</tr>
</tbody>
</table>

| ELA 11          | WA 1.2    |               | 2         |
|                 | RC 2.5    |               | 2         |
|                 | RC 2.6    |               | 6         |
|                 | LR 3.1    |               | 3         |
|                 | LR 3.3    |               | 2         |
|                 | LR 3.9    |               | 3         |
|                 | WC 1.1    |               | 7         |
|                 | WS 1.1    |               | 4         |
|                 | WS 1.9    |               | 4         |
## Baseline Assessment % Results Over Time

<table>
<thead>
<tr>
<th>MONTH</th>
<th>OCTOBER 2012</th>
<th>DECEMBER 2012</th>
<th>MARCH 2013</th>
<th>STUDENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FBB</td>
<td>BB</td>
<td>B</td>
<td>P</td>
</tr>
<tr>
<td>GEN MATH</td>
<td>11</td>
<td>40</td>
<td>40</td>
<td>9</td>
</tr>
<tr>
<td>Grade 6 ELA BCHMRK</td>
<td>12</td>
<td>32</td>
<td>42</td>
<td>14</td>
</tr>
<tr>
<td>PRE ALG</td>
<td>10</td>
<td>39</td>
<td>39</td>
<td>12</td>
</tr>
<tr>
<td>Grade 7 ELA BCHMRK</td>
<td>6</td>
<td>16</td>
<td>41</td>
<td>33</td>
</tr>
<tr>
<td>ALG 1</td>
<td>19</td>
<td>67</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Grade 8 ELA BCHMRK</td>
<td>12</td>
<td>31</td>
<td>43</td>
<td>12</td>
</tr>
<tr>
<td>ALG 1</td>
<td>15</td>
<td>54</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>Grade 9 ELA BCHMRK</td>
<td>23</td>
<td>48</td>
<td>27</td>
<td>2</td>
</tr>
<tr>
<td>ALG 2</td>
<td>20</td>
<td>46</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td>Grade 10 ELA BCHMRK</td>
<td>13</td>
<td>39</td>
<td>43</td>
<td>4</td>
</tr>
<tr>
<td>GEOMETRY</td>
<td>15</td>
<td>46</td>
<td>32</td>
<td>7</td>
</tr>
<tr>
<td>Grade 11 ELA BCHMRK</td>
<td>24</td>
<td>39</td>
<td>32</td>
<td>5</td>
</tr>
</tbody>
</table>

*FBB - Far Below Basic; BB - Below Basic; B - Basic; P - Proficient; A - Above Average; ND - No Data

**Analysis:** Code = ELA BMK = English Language Arts Benchmark. This is the baseline assessment for grade level standards. Currently over half the students scored FAR Below Basic and Below Basic in all 6 Math classes and 4 out of 6 English classes. Students have been assigned to their foundations classes and we will continue to monitor progress.
3. METHODS OR SYSTEM THE SCHOOL USES TO EXAMINE STUDENT ACHIEVEMENT DATA ON A REGULAR BASIS.

   Lifeline Education Charter School has a small student population of only 340 students divided between a Middle School and High School at two separate locations. The student population is fairly evenly distributed between the two school campuses. There will be PLC meetings held for H.S. and M.S. only and at least one per month held together.

   1. Teachers meet with their Curriculum Coaches at least once per week for professional development, student study teams, or data team meetings. Most of these meetings are held after school.

   2. All benchmark assessments are scanned at the High School and the results sent back to the teacher within 1 to 3 days. It is important for teachers and students to know where their strong points are as well as those that need a little more work. The goal is for 70% of students to give a correct response to a question.

   3. Teacher and Curriculum Coach discussions are focused on how to adjust curriculum or instruction to most effectively reach all students. The discussion may lead to a parent conference, or getting a specialist to evaluate a student and devise a plan of action so that student can reach his or her academic goals.

   4. Teachers, upon reviewing classroom work, benchmark assessments and previous years STAR results, devise a plan to deliver extremely targeted instruction.

   5. The After School Program is also informed as to changes in their After School rooms, due to the need to be in another classroom for intervention.

   6. Curriculum Coaches meet during the data meetings with teachers to be part of the discussion about what needs to happen next to create the highest learning impact. There are usually 4-5 teachers in these meetings.

---

**ANALYSIS OF DEVELOPMENT OF INTERIM ASSESSMENTS BY CONTENT AREA AND GRADE**

<table>
<thead>
<tr>
<th>CONTENT AREA</th>
<th>GRADE/COURSE</th>
<th>FRAME OF ANALYSIS CONTENT AREA OR SPEC. STRAND</th>
<th>MEASURABLE GOALS FOR INTERIM ASSESS RESULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>ENGLISH 10</td>
<td>WA 1.1(5), 1.2(2) RC 2.1(2), 2.2(2), 2.3(2), 2.7(4) RC 3.2(2), 3.3(2), 3.5(2), 3.7(2), 3.9(1) WOLC 1.1(3), 1.3(3), 1.4(3) WS 1.1(3), 1.2(3), 1.3(2), 1.4(2), .5(2), 1.7(2), 1.9(6)</td>
<td>Goal 70% or better students with the correct response. Goal met on 0 standards used for the assessment Standard (percent of students with correct response) LA.9-10.RL.3.3.2 (52%) LA.9-10.RL.3.3.2 (43%) LA.9-10.RL.3.3.2 (64%) LA.9-10.RL.3.3.3 (67%) LA.9-10.RL.3.3.3 (37%) LA.9-10.RL.3.3.7 (39%) LA.9-10.RL.3.3.4 (27%)</td>
</tr>
<tr>
<td>CONTENT AREA</td>
<td>GRADE/COURSE</td>
<td>FRAME OF ANALYSIS CONTENT AREA OR SPEC. STRAND</td>
<td>MEASURABLE GOALS FOR INTERIM ASSESS RESULTS</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
</tbody>
</table>
| Math         | Algebra I    | AI.1.1  
AI.2.0  
AI.3.0  
AI.4.0  
AI.5.0    | Goal 70% or better students with the correct response. Goal met on 0 standards used for the assessment |
|              |              |                                               | Standard (percent of students with correct response) |
|              |              |                                               | AI.1.1 (44%)  
AI.1.1 (33%)  
AI.1.1 (28%)  
AI.1.1 (35%)  
AI.2.0 (26%)  
AI.2.0 (14%)  
AI.2.0 (42%)  
AI.2.0 (37%)  
AI.3.0 (44%)  
AI.3.0 (35%)  
AI.3.0 (30%)  
AI.3.0 (16%)  
AI.4.0 (28%)  
AI.4.0 (47%)  
AI.4.0 (16%)  
AI.4.0 (23%)  
AI.5.0 (58%)  
AI.5.0 (21%) |
<table>
<thead>
<tr>
<th>CONTENT AREA</th>
<th>GRADE/COURSE</th>
<th>FRAME OF ANALYSIS CONTENT AREA OR SPEC. STRAND</th>
<th>MEASURABLE GOALS FOR INTERIM ASSESS RESULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ai.5.0 (19%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ai.5.0 (28%)</td>
</tr>
</tbody>
</table>
**ACTION PLAN: MATH**

As stated in the introduction math was an area of concern. To address this issue the math department reevaluated how math was taught at Lifeline. In reviewing the data from STAR, benchmarks, and listening to teachers concerns the team prioritized improving students’ basic skills (addition, subtraction, multiplication, and division of whole number, decimals and fractions). To meet these students need a basic skills assessment was given to all students the first 2 weeks of school. Using this assessment, STAR results, and teacher input students were identified that needed skill building. These students were assigned to be pulled out and given 2 days of skill building and 3 days of homework help to keep them on track with grade level assignments.

**90% of students pass basic math skills exam with a score of 70% or better**

<table>
<thead>
<tr>
<th>First 2 weeks of school</th>
<th>By end of first month</th>
<th>WEEK of OCT 8</th>
<th>WEEK of NOV 12</th>
<th>WEEK of DEC 10</th>
<th>WEEK of FEB. 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>All students take basic skills exam</td>
<td>All students identified as low in math skill, by STAR, skills exam, and teacher observations, are placed in pull out or shadow class. Begin ASES program</td>
<td>All students given First Benchmark and second basic skills exam.</td>
<td>Students in pull out and shadow class given third skills exam</td>
<td>All students given second benchmark. Students in pullout and shadow class given forth skills exam</td>
<td>Students in pullout given fifth skills exam</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEEK of MAR 1</th>
<th>WEEK of MAR 11</th>
<th>WEEK of MAR 25</th>
<th>Beginning in MAY</th>
<th>After STAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin school wide review and STAR prep</td>
<td>All students given third benchmark</td>
<td>Students in pullout given sixth skills exam</td>
<td>Begin taking multiple choice sections of STAR exam</td>
<td>Begin introducing major concepts for next grade</td>
</tr>
</tbody>
</table>
ACTION PLAN: HISPANIC AND LATINO ACADEMIC PROGRESSION

Roughly 2/3 of our population is Hispanic or Latino. As previously stated our students identified as ESL are improving academically but our non ESL Hispanic or Latino students are not progressing. This population represents a large percentage of our student body. Therefore improving this group would have a large effect of improving the academics of the entire student population. This document has previously outlined the plans for math now we will specifically discuss the Language Arts program. The middle school relies on the ASES program for academic improvement. The high school has been able to create a foundations class. Both programs have narrowed the curriculum to two strands, Reading Comprehension and Written Conventions. During the first month of school students were given English standards placement assessments which measured where students were within the Reading Comprehension strand. For example the High School Expository critique exam used standards within that section from the 7th to the 11th grade (7.2.6, 8.2.7, 9-10.2.7, 9-10.2.8, and 11.2.6). The information from the assessment was used to identify where in the strand instruction should target.

70% of students correctly answering grade level questions on English Benchmark

<table>
<thead>
<tr>
<th>First month of school</th>
<th>WEEK of OCT 8</th>
<th>WEEK of DEC 10</th>
<th>WEEK of JAN 7</th>
<th>WEEK of MAR 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students complete</td>
<td>Students given first</td>
<td>Students given second</td>
<td>Students given second</td>
<td>Schoolwide standards</td>
</tr>
<tr>
<td>English Standards</td>
<td>Benchmark</td>
<td>Benchmark</td>
<td>English Standards</td>
<td>review and Academic</td>
</tr>
<tr>
<td>Placement Assessments</td>
<td></td>
<td></td>
<td>Placement Exam</td>
<td>Enrichment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEEK of MAR 11</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Students given third</td>
<td></td>
</tr>
<tr>
<td>Benchmark</td>
<td></td>
</tr>
</tbody>
</table>
## GOAL SUMMARY

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>AREA OF CONCERN</th>
<th>INTERVENTION STRATEGY</th>
<th>EVALUATION PLAN</th>
<th>GOAL</th>
<th>PEOPLE RESPONSIBLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>Basic skills</td>
<td>Step one Assess all students basic math skills</td>
<td>Basic skill assessment completed every 6 weeks</td>
<td>90% of students pass math skills exam with a score of 70% or better.</td>
<td>Michael Reighard, Juan Medina, Byron Boone, Dorothy Romberg</td>
</tr>
<tr>
<td></td>
<td>- Addition</td>
<td>Step two place students that are identified as low into pull out program.</td>
<td>DataDirector created Benchmark assessments</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Subtraction</td>
<td>Step three provide math support in ASES program after school</td>
<td>Teacher created mini Benchmarks</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Multiplication</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Division</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Whole numbers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Fractions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Decimals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English</td>
<td>Reading</td>
<td>Step one Assess all students using the English Standards Placement Assessment</td>
<td>Progress on English Standards Placement Assessment</td>
<td>70% of students respond correctly to grade level standards on English Benchmark</td>
<td>Michael Reighard, Angela Smith, Richard Rodriguez, Aquila Walker, Ronald Harden</td>
</tr>
<tr>
<td></td>
<td>Comprehension</td>
<td>Step two assess data to identify where instruction should occur</td>
<td>DataDirector created Benchmark assessments</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and Written Convention standards</td>
<td>Step three provide support in ASES program after school</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Long Valley Charter School Student Achievement Plan

I. Overview
Long Valley Charter School (LVCS) has successfully responded to concerns issued by the CDE/SBE during the 2010-11 and 2011-12 school year. The approval of the charter material revision and earning an “in good standing” status allows the entire school community to refocus all efforts on student achievement.

In a departure from previous administration’s vision, the current leadership team, consisting of the Director and two Assistant Directors, is highly focused on setting clear expectations for the transition to meeting standards, collecting and analyzing data to drive instruction, and providing personalized remediation for students. This shift of focus to ally with State expectations requires additional efforts to provide support, direction and motivation for the entire school community to make the essential adjustments.

II. Analyses of Scores/Data

1. API/AYP Scores Analyses

<table>
<thead>
<tr>
<th>API Data</th>
<th>Number of Students included in 2012 API</th>
<th>2012 Growth API</th>
<th>2011-12 API Growth Target</th>
<th>2011-12 Actual Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schoolwide</td>
<td>262</td>
<td>676</td>
<td>5</td>
<td>(56)</td>
</tr>
<tr>
<td>White</td>
<td>218</td>
<td>673</td>
<td>5</td>
<td>(64)</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>163</td>
<td>649</td>
<td>5</td>
<td>(89)</td>
</tr>
</tbody>
</table>

The apparent loss in growth for the 2011-12 school year is attributed to the difference in students included in the calculations. In 2010-11, a large influx of students was enrolled after the CBEDs date. These student scores were not part of the calculation for the 2011 API Growth score. This is documented by reviewing the Data Quest School Accountability Progress Reports. There were 228 students present for the first day of testing compared to 122 students included in the API score. In comparison, the calculation for the 2012 report included 255 students enrolled on the first day of testing with 262 student scores in the determination. The expanded enrollment in the 2010-11 school year had a delayed impact on API/AYP calculations.

| 2012 AYP TABLE |
|----------------|------------------|------------------|
| Current Year State Target: | Number Tested | Language Arts | Mathematics |
| Schoolwide          | 190             | 53.7            | 39.4         |
| Hispanic or Latino  | 20              | 55.0            | 35.0         |
The percent proficient for LVCS are explored in the following pages.

### 2012 AYP TABLE

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>154</td>
<td>53.2</td>
<td>21.8</td>
<td></td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>120</td>
<td>46.7</td>
<td>32.8</td>
<td></td>
</tr>
</tbody>
</table>

2010-11 graduation rates were not calculated in the AYP due to insignificant numbers. This table is included here to signify acknowledgement of impending requirements.

### GRADUATION RATE TABLE (*Graduation Rate is based on the NCES definition*)

<table>
<thead>
<tr>
<th>2010-2011 Graduation Rate</th>
<th>2011-2012 Target Graduation Rate</th>
<th>Exclusion/Alternative Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>58.73</td>
<td>63.20</td>
<td>U50</td>
</tr>
</tbody>
</table>

### 10TH GRADE CAHSEE TABLE (COMBINED ADMINISTRATIONS)

<table>
<thead>
<tr>
<th>Category</th>
<th>Number Tested</th>
<th>Number Passed</th>
<th>Percent Passed</th>
<th>Number Not Passed</th>
<th>Percent Not Passed</th>
<th>Mean Scaled Score</th>
<th>% Proficient &amp; Above</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students Tested Math</td>
<td>45</td>
<td>27</td>
<td>60</td>
<td>18</td>
<td>40</td>
<td>360</td>
<td>18</td>
</tr>
<tr>
<td>All Students Tested ELA</td>
<td>48</td>
<td>30</td>
<td>63</td>
<td>18</td>
<td>37</td>
<td>362</td>
<td>23</td>
</tr>
</tbody>
</table>

CAHSEE passage rates are below the Countywide and Statewide statistics. A plan for improved passage and proficiency rates is addressed in the action plan.

LVCS analyzed STAR test scores through Data Director to identify specific targets for improvement. Note should be taken that Data Director includes all students in its reports without regard to enrollment dates and therefore do not match the results of the API/AYP reports.

LVCS began its analysis of STAR test scores with a view of schoolwide proficiency rates. The 2011-12 data was compared to 2010-11 data. This data included all student scores.
SCHOOLWIDE
CST Percent Proficient Report
Site: Long Valley
English Language Arts (2010-2011) Elementary AMO: 67.60% Middle AMO 67.60%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>420</td>
<td>63.81%</td>
<td>36.19%</td>
</tr>
</tbody>
</table>

![Graph showing percentage of students proficient and not proficient](image.png)
## SCHOOLWIDE
CST Percent Proficient Report
Site: Long Valley

English Language Arts (2011-2012) Elementary AMO: 78.40% Middle AMO 78.40%

Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.

*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>368</td>
<td>61.96%</td>
<td>38.04%</td>
</tr>
</tbody>
</table>

![Bar chart showing student proficiency percentages](image)
SCHOOLWIDE
CST Percent Proficient Report
Site: Long Valley
Math (2011-2012) Elementary AMO: 79.00% Middle AMO 79.00%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>369</td>
<td>76.42%</td>
<td>23.58%</td>
</tr>
</tbody>
</table>

![Bar chart showing percentage of students proficient and not proficient.](image)
**SCHOOLWIDE**  
CST Percent Proficient Report  
Site: Long Valley  
Math (2010-2011) Elementary AMO: 68.50% Middle AMO 68.50%  
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.  
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>350</td>
<td>67.14%</td>
<td>32.86%</td>
</tr>
</tbody>
</table>

*Indicates that these records are your students.
Scores in English-Language Arts increased over the 2 year period and Mathematics decreased. However, the proficiency rates were below the State targets. The classroom-based scores were significantly higher so an analysis of classroom based compared to independent study was conducted to best target programs of need.
CLASSROOM-BASED SCORES

CST Percent Proficient Report
Site: Long Valley

English Language Arts (2011-2012) Elementary AMO: 78.40% Middle AMO 78.40%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>72</td>
<td>23.61%</td>
<td>76.39%</td>
</tr>
</tbody>
</table>

*Indicates that these records are your students.*
CLASSROOM-BASED SCORES

CST Percent Proficient Report
Site: Long Valley
Math (2011-2012) Elementary AMO: 79.00% Middle AMO 79.00%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>72</td>
<td>27.78%</td>
<td>72.22%</td>
</tr>
</tbody>
</table>
INDEPENDENT STUDY SCORES

CST Percent Proficient Report
Site: Long Valley
English Language Arts (2011-2012) Elementary AMO: 78.40% Middle AMO 78.40%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>297</td>
<td>71.38%</td>
<td>28.62%</td>
</tr>
</tbody>
</table>

![Graph showing percentage of students proficient and not proficient]
INDEPENDENT STUDY SCORES

CST Percent Proficient Report
Site: Long Valley
Math (2011-2012) Elementary AMO: 79.00% Middle AMO 79.00%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>298</td>
<td>88.26%</td>
<td>11.74%</td>
</tr>
</tbody>
</table>

![Bar Chart](image)

Legend:
- Proficient
- Not Proficient
This view revealed the classroom based students were close to the State targets for proficiency. The independent study was clearly the program that requires intervention. The classroom based students comprised 19% of the schoolwide student population, while independent study comprised 81%. This composition has clearly impacted the overall scores.

Next, the question arose as to if there were significant differences between elementary and secondary scores in the independent study program.
INDEPENDENT STUDY 2nd-6th Grade

CST Percent Proficient Report
Site: Long Valley

English Language Arts (2011-2012) Elementary AMO: 78.40% Middle AMO 78.40%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>83</td>
<td>62.65%</td>
<td>37.35%</td>
</tr>
</tbody>
</table>

[Diagram showing the percentage of students who are proficient and not proficient]
INDEPENDENT STUDY 2nd-6th Grade

CST Percent Proficient Report
Site: Long Valley
Math (2011-2012) Elementary AMO: 79.00% Middle AMO 79.00%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>85</td>
<td>72.94%</td>
<td>27.06%</td>
</tr>
</tbody>
</table>
INDEPENDENT STUDY 7th-11th GRADE

CST Percent Proficient Report
Site: Long Valley
English Language Arts (2011-2012) Elementary AMO: 78.40% Middle AMO 78.40%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>214</td>
<td>74.77%</td>
<td>25.23%</td>
</tr>
</tbody>
</table>
INDEPENDENT STUDY 7th-11th GRADE

CST Percent Proficient Report
Site: Long Valley
Math (2011-2012) Elementary AMO: 79.00% Middle AMO 79.00%
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>213</td>
<td>94.37%</td>
<td>5.63%</td>
</tr>
</tbody>
</table>

![Graph showing percent proficient and not proficient students]
There are significant differences between the elementary and secondary students’ scores. However, all grades are far below the State targets and require intervention.

<table>
<thead>
<tr>
<th>Independent Study</th>
<th>ELA</th>
<th>Mathematics</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-12</td>
<td>37.35</td>
<td>27.06</td>
</tr>
<tr>
<td>Grades 2-6</td>
<td>25.23</td>
<td>5.63</td>
</tr>
<tr>
<td>Grades 7-11</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LVCS enrolls students from surrounding schools. The large influx of students after the CBEDs date in the 2010-11 school year appears to have registered with scores already below proficient levels.

### IS STUDENTS ENROLLED AFTER 2010 CBEDs

CST Percent Proficient Report

**Site:** Long Valley

**English Language Arts (2010-2011) Elementary AMO:** 67.60% **Middle AMO 67.60%**

Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.

*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>198</td>
<td>76.26%</td>
<td>23.74%</td>
</tr>
</tbody>
</table>

![Graph showing proficiency levels of students](image)
**IS STUDENTS ENROLLED AFTER 2010 CBEDs**

CST Percent Proficient Report  
Site: Long Valley  
Math (2010-2011) Elementary AMO: 68.50% Middle AMO 68.50%  
Note: This is not an AYP estimator, inclusion/exclusion rules are not used in determining proficiency percentages.  
*Indicates that these records are your students.

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Scores Reported</th>
<th>% Not Proficient</th>
<th>% At or Above Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>147</td>
<td>82.31%</td>
<td>17.69%</td>
</tr>
</tbody>
</table>

![Graph showing percentage of proficient and not proficient students]
2010-11 School Year

<table>
<thead>
<tr>
<th></th>
<th>ELA</th>
<th>Mathematics</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Independent Study</td>
<td>28.45</td>
<td>20.30</td>
</tr>
<tr>
<td>IS Student enrolled after 2010 CBEDS</td>
<td>23.74</td>
<td>17.69</td>
</tr>
</tbody>
</table>

Reviewing the scores of independent study students’ scores for the 2010-11 school year revealed this cohort of students had scores lower than the overall percent proficient for all independent study students for the same period.

LVCS has requested further data reports documenting the 2009-10 scores of this same student cohort for further review.
III. Description of Assessments:

Long Valley Charter School uses the Performance Series Scantron testing from Ed Performance for tracking the academic growth of students in Language Arts, Reading and Math. The assessment tool is a computer-adaptive test. Because it is adaptive to the student’s performance during the test, there are not a set number of test items for any specific objective or for the test as a whole. This instrument is administered in the fall, winter and spring. The results are utilized to predict proficiency in CSTs, to identify students needing intervention and to drive instruction for each student.

Results of the Ed Performance assessments include nationally normed scaled scores. These scores positively relate to performance on the CSTs and provide the foundation for the establishment of cut scores in the identification of students needing intervention.

In addition to the scores available from the Scantron assessments, teachers have immediately access to specific objectives a student needs to address. This provides the specific information for individualized, targeted instruction and forms the basis of the student’s intervention.

The Ed Performance test item bank is utilized to gather four question benchmark assessments for each objective/standard to provide evidence of mastery.

In addition to the Ed Performance testing, standards based schoolwide writing assessments are administered to students in grades 1-12 in the fall and winter, and to grades K-12 in the spring. Each assessment is scored by the teacher utilizing a designated rubric. Teachers include these scores in the assessment binders with a focus on improvement.

IV. Methods of Review of Data

Long Valley Charter School is a personalized learning school. Each student is viewed as an individual. Each student is developing a goal plan linked to both academic and personal goals. The determination of goals includes a meeting with student, parent and teacher reviewing the previous year’s CST scores and the Scantron Ed Performance scores from the fall administration. Specific objectives and the identification of students requiring intervention is determined during this process of evaluation and goal setting.

Professional Learning Communities meet monthly to determine grade level and site specific progress. Each teacher brings their binder of student goal sheets and objectives lists. The site administrator facilitates discussion with a focus on support and problem solving. The site administrator and each teach will meet individually to review progress and verify fidelity to intervention goals. A staff development plan is attached as Appendix B.
## V. Specific and Measurable Goals

<table>
<thead>
<tr>
<th>Content Area</th>
<th>Target Population</th>
<th>Measurable Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Language Arts (ELA)</td>
<td>Independent Study Program</td>
<td>Individual scores that are basic and below will increase 12%</td>
</tr>
<tr>
<td>Mathematics</td>
<td>Independent Study Program</td>
<td>Individual scores that are basic and below will increase 12%</td>
</tr>
<tr>
<td>ELA &amp; Mathematics</td>
<td>All Students</td>
<td>Meet or exceed 2013 API growth target</td>
</tr>
<tr>
<td>CAHSEE</td>
<td>10th grade students</td>
<td>Improve passage rate to 75% on both ELA and Mathematics tests to better align with countywide averages</td>
</tr>
</tbody>
</table>

Specific activities, timelines and persons responsible are addressed in the Action Plan.
### VI. Action Plan

**Long Valley Charter School**  
**School Achievement Plan**  
**Action Plan**  
**2012-2013**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action/Activity</th>
<th>Responsible Person(s)</th>
<th>Target dates</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Improve ELA and Mathematics CST scores for Independent Study students below proficient by 12%</td>
<td>Began efforts October 2012</td>
<td>N/A</td>
<td>Present to 6/1/2014</td>
<td>Ongoing</td>
</tr>
<tr>
<td>1.1 Gather multiple scores</td>
<td>1. Develop a chart of Scantron scores relating to projected CST outcomes</td>
<td>Julia &amp; Cindy</td>
<td>Develop draft by 11/28/12 finalized by 11/30/12; distributed to teachers by 12/15/12</td>
<td>Draft Completed</td>
</tr>
<tr>
<td>1.1 Gather multiple scores</td>
<td>2. Print out 2011-12 test scores and fall Scantron scores for the 2012-13 school year</td>
<td>Teachers</td>
<td>By 12/15/12</td>
<td>In Process</td>
</tr>
<tr>
<td>1.2 Identify student targeted for intervention</td>
<td>1. Utilizing the 2011-12 CST scores, identify students performing at basic or below</td>
<td>Teachers</td>
<td>By 12/15/12</td>
<td>In Process</td>
</tr>
<tr>
<td>1.2 Identify student targeted for intervention</td>
<td>2. From the list of students performing at or below basic, compare current Scantron scores, student</td>
<td>Teachers</td>
<td>By 12/15/12</td>
<td>In Process</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Target dates</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------------------</td>
<td>--------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1.2 Identify student targeted for intervention</td>
<td>not above 50% are identified as targeted for intervention (see Appendix A for Scantron cut scores chart)</td>
<td>Administrators</td>
<td>By 12/15/12</td>
<td>Planned</td>
</tr>
<tr>
<td>1.4 Develop benchmark assessments for each suggested objective from Scantron</td>
<td>1. College three benchmark assessments of 4 questions for each objective/standard</td>
<td>Cindy</td>
<td>By 12/15/12</td>
<td>In Process</td>
</tr>
<tr>
<td>1.5 Create a personalize plan for each targeted student</td>
<td>1. utilizing the Individual Plan for Students, document scores</td>
<td>Teachers</td>
<td>By 12/15/12</td>
<td>In Process</td>
</tr>
<tr>
<td>1.5 Create a personalize plan for each targeted student</td>
<td>2. utilizing the winder Scantron results, generate a checklist of 10 suggested objective for each area of intervention; select the radio buttons to only include CA standards and standards below and through their current grade level</td>
<td>Teachers</td>
<td>By 1/25/13</td>
<td>Planned</td>
</tr>
<tr>
<td>1.5 Create a personalize plan for each targeted student</td>
<td>3. Increase student meetings to a minimum of one time per week. At</td>
<td>Teachers, student, families</td>
<td>Begins no later than the beginning of 2nd semester</td>
<td>In Process</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Target dates</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>--------------------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td>least one hour of one on one tutoring time will be required in addition to regular meeting time. Student plans will reflect additional course/study/tutor time as determined by the team of teacher, student and parent.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.5 Create a personalize plan for each targeted student</td>
<td>4. Assign minimum of 1 suggested objective per week and provide identified curriculum resources</td>
<td>Teachers</td>
<td>Weekly</td>
<td>Planned</td>
</tr>
<tr>
<td>1.5 Create a personalize plan for each targeted student</td>
<td>5. Students are given a 4 question quiz to document mastery of each objective. If at least 3 answers are correct, proceed to next objective; if less than three answers are correct, reteach through direct instruction and assign additional practice</td>
<td>Teachers, students, families</td>
<td>Weekly</td>
<td>Planned</td>
</tr>
<tr>
<td>1.5 Create a personalize plan for each targeted student</td>
<td>6. Indicate mastery by noting date on objectives check off list</td>
<td>Teachers</td>
<td>Weekly or as objectives are mastered</td>
<td>Planned</td>
</tr>
<tr>
<td>1.6 Verify fidelity of intervention implementation</td>
<td>1. Review assessment binder form each teacher to assure goals based on their current level of</td>
<td>Administrators</td>
<td>Week of 1/28-2/1/13</td>
<td>Planned</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Target dates</td>
<td>Status</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1.6 Verify fidelity of intervention implementation</td>
<td>2. Collaborate review of assessment binder to verify progress on objective list every 6-8 weeks</td>
<td>Administrators, Teachers</td>
<td>Document every 6-8 weeks</td>
<td>Planned</td>
</tr>
<tr>
<td>1.7 Evaluation of intervention implementation</td>
<td>1. Compare spring and winter Scantron scores, document progress</td>
<td>Teachers</td>
<td>May 2013</td>
<td>Planned</td>
</tr>
<tr>
<td>1.7 Evaluation of intervention implementation</td>
<td>2. Track data regarding effective curricular materials; discuss finding at inservice</td>
<td>Teachers, Administrators</td>
<td>May 2013</td>
<td>Planned</td>
</tr>
<tr>
<td>2.0 Improve the passage rate for 10th grade students in Independent Study to 75%</td>
<td>Blank</td>
<td>Blank</td>
<td>Blank</td>
<td>Blank</td>
</tr>
<tr>
<td>2.1 Provide targeted intervention for all 10th grade students in preparation for CAHSEE in March</td>
<td>1. Identify curricular materials including a practice test to generate objectives/skills as</td>
<td>Administration</td>
<td>By 12/15/21</td>
<td>In Process</td>
</tr>
<tr>
<td>2.1 Provide targeted intervention for all 10th grade students in preparation for CAHSEE in March</td>
<td>2. Schedule dates for intervention workshops</td>
<td>Administrators, Teachers</td>
<td>Set up schedule prior to winter break for January &amp; February Classes</td>
<td>In process</td>
</tr>
<tr>
<td>2.1 Provide targeted intervention for all 10th grade students in preparation for CAHSEE in March</td>
<td>3. Conduct workshops</td>
<td>Administrators, Teachers</td>
<td>Set up schedule prior to winter break for January &amp; February Classes</td>
<td>Planned</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Target dates</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>-----------------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>in March</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2 Evaluate effectiveness of intervention for CAHSEE intervention</td>
<td>1. Analyze growth with pre and post-practice tests</td>
<td>Teachers, Administrators</td>
<td>March 2012</td>
<td>Planned</td>
</tr>
<tr>
<td></td>
<td>2. Review passage rates and compare to post-practice tests scores to ascertain effectiveness of instructional methods and curricular materials</td>
<td>Teachers, Administrators</td>
<td>Upon receipt of March CAHSEE scores</td>
<td>Planned</td>
</tr>
<tr>
<td>3. Maintain or improve CST scores for all students not targeted for intensive intervention.</td>
<td>Blank</td>
<td>Blank</td>
<td>Blank</td>
<td>Blank</td>
</tr>
<tr>
<td>3.1 Identify students</td>
<td>1. Utilize the 2011-12 CST scores and fall Scantron scaled scores to identify students</td>
<td>Teachers</td>
<td>By 12/15/12</td>
<td>In Process</td>
</tr>
<tr>
<td>3.2 Verify progress</td>
<td>1. Review winter Scantron scores to predict proficiency by verifying scaled access are above identified cut scores. If progress is not verified, begin process for intensive intervention</td>
<td>Teachers</td>
<td>By 1/15/13</td>
<td>Planned</td>
</tr>
<tr>
<td>4. Develop a long term plan for improving student achievement</td>
<td>1. Bring a speaker from another IS Charter to share their process for improving achievement</td>
<td>Sherri</td>
<td>January 2013</td>
<td>Planned</td>
</tr>
<tr>
<td></td>
<td>2. Create a list of standards that are worded</td>
<td>Administration</td>
<td>By 4/1/2013</td>
<td>Planned</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Target dates</td>
<td>Status</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>----------------</td>
<td>--------</td>
</tr>
<tr>
<td>4. Develop a long term plan for improving student achievement</td>
<td>in a family friendly manner</td>
<td>Admin, teachers, parents</td>
<td>Summer 2013</td>
<td>Planned</td>
</tr>
<tr>
<td>4. Develop a long term plan for improving student achievement</td>
<td>3. Create an online list for each standard of paper based and internet based activates for reteaching</td>
<td>Administration</td>
<td>By 6/1/13</td>
<td>Planned</td>
</tr>
<tr>
<td>4. Develop a long term plan for improving student achievement</td>
<td>4. Review providers of test item banks for greater ease of generating benchmark assessments for each standard</td>
<td>Administration</td>
<td>By 6/1/13</td>
<td>Planned</td>
</tr>
<tr>
<td>4. Develop a long term plan for improving student achievement</td>
<td>5. Committee made up of teachers, parents and administrators from each site to find tune process and establish numbers of objectives per semester</td>
<td>Administration</td>
<td>Summer 2013</td>
<td>Planned</td>
</tr>
<tr>
<td>4. Develop a long term plan for improving student achievement</td>
<td>6. Create a staff development plan to implement the long term program</td>
<td>Administration</td>
<td>Summer 2013 to begin at back to school inservices</td>
<td>Planned</td>
</tr>
</tbody>
</table>
# Appendix A  LVCS-Scantron Cut Scores

## Math

<table>
<thead>
<tr>
<th>Grade</th>
<th>Fall</th>
<th>Winter</th>
<th>Spring</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1980</td>
<td>2046</td>
<td>2165</td>
</tr>
<tr>
<td>3</td>
<td>2167</td>
<td>2232</td>
<td>2335</td>
</tr>
<tr>
<td>4</td>
<td>2317</td>
<td>2342</td>
<td>2440</td>
</tr>
<tr>
<td>5</td>
<td>2409</td>
<td>2454</td>
<td>2546</td>
</tr>
<tr>
<td>6</td>
<td>2533</td>
<td>2519</td>
<td>2643</td>
</tr>
<tr>
<td>7</td>
<td>2604</td>
<td>2616</td>
<td>2697</td>
</tr>
<tr>
<td>8</td>
<td>2680</td>
<td>2646</td>
<td>2760</td>
</tr>
<tr>
<td>9</td>
<td>2714</td>
<td>2663</td>
<td>2774</td>
</tr>
<tr>
<td>10</td>
<td>2734</td>
<td>2671</td>
<td>2796</td>
</tr>
</tbody>
</table>

## Reading

<table>
<thead>
<tr>
<th>Grade</th>
<th>Fall</th>
<th>Winter</th>
<th>Spring</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1968</td>
<td>2086</td>
<td>2227</td>
</tr>
<tr>
<td>3</td>
<td>2263</td>
<td>2364</td>
<td>2448</td>
</tr>
<tr>
<td>4</td>
<td>2483</td>
<td>2502</td>
<td>2619</td>
</tr>
<tr>
<td>5</td>
<td>2631</td>
<td>2672</td>
<td>2739</td>
</tr>
<tr>
<td>6</td>
<td>2751</td>
<td>2732</td>
<td>2824</td>
</tr>
<tr>
<td>7</td>
<td>2800</td>
<td>2826</td>
<td>2860</td>
</tr>
<tr>
<td>8</td>
<td>2877</td>
<td>2860</td>
<td>2921</td>
</tr>
<tr>
<td>9</td>
<td>2923</td>
<td>2894</td>
<td>2956</td>
</tr>
<tr>
<td>10</td>
<td>2950</td>
<td>2950</td>
<td>2979</td>
</tr>
</tbody>
</table>

## Language Arts

<table>
<thead>
<tr>
<th>Grade</th>
<th>Fall</th>
<th>Winter</th>
<th>Spring</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
For grade levels/subjects not identified, consider previous CST scores to determine students needing intervention.

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2019</td>
<td>2126</td>
<td>2235</td>
</tr>
<tr>
<td>3</td>
<td>2256</td>
<td>2339</td>
<td>2375</td>
</tr>
<tr>
<td>4</td>
<td>2396</td>
<td>2386</td>
<td>2475</td>
</tr>
<tr>
<td>5</td>
<td>2458</td>
<td>2498</td>
<td>2518</td>
</tr>
<tr>
<td>6</td>
<td>2533</td>
<td>2525</td>
<td>2586</td>
</tr>
<tr>
<td>7</td>
<td>2564</td>
<td>2610</td>
<td>2606</td>
</tr>
<tr>
<td>8</td>
<td>2647</td>
<td>2667</td>
<td>2677</td>
</tr>
</tbody>
</table>
## Appendix B Staff Development Plan

### 2012-2013 Staff Development Plan

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action/Activity</th>
<th>Responsible Person(s)</th>
<th>Participants</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Instruct teachers on processes to gather student scores</td>
<td>PLC Meeting: demonstrate location for CST scores &amp; how to access Scantron scores; distribute form to document the scores; include instruction on setting up assessment binders</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>November staff meetings (Completed)</td>
</tr>
<tr>
<td>2. Instruct teachers on the process for categorizing students for intensive intervention</td>
<td>PLC Meeting: distribute Scantron cut scores, provide instruction on identifying students for targeted prevention</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>By 12/15/12</td>
</tr>
<tr>
<td>3. Instruct teachers on creating a personalized plan for each student</td>
<td>PLC Meeting: How to generate suggested objectives and how to structure intervention plans</td>
<td>Sherri, Julia, Cindy</td>
<td>All IS Teachers</td>
<td>By 12/15/12</td>
</tr>
<tr>
<td>4. Introduce long term options for improvement of achievement</td>
<td>All IS Staff In-Service to introduce program developed by River Springs Charter</td>
<td>Sherri, Julia, Cindy</td>
<td>All IS Teachers</td>
<td>1/18/13</td>
</tr>
<tr>
<td>5. Determine processes to evaluate test</td>
<td>PLC Meeting to discuss test preparation including evaluation</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>1/25/13</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Participants</td>
<td>Timeline</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>readiness and institute a plan for preparation intervention</td>
<td>readiness for CAHSEE and STAR reviews, workshops focusing on CAHSEE skills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Familiarize teachers to resources available for each grade level and subject area</td>
<td>PLC Meeting: share curriculum and ancillary materials and provide details on use</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>By 2/15/13</td>
</tr>
<tr>
<td>7. Instruct teachers how to evaluate and track progress</td>
<td>PLC Meeting: discuss utilizing Scantron scores to determine growth and predict proficiency</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>By 2/22/13</td>
</tr>
<tr>
<td>8. Gather details about overall intervention program in preparation for summer meetings</td>
<td>PLC Meeting: discuss intervention program in general—issues beyond and improvement such parent satisfaction and support, facilities efficiency, teachers concerns; recruit volunteers for summer committee</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>By 4/30/13</td>
</tr>
<tr>
<td>9. Determine effectiveness of curricular material for intervention</td>
<td>PLC Meeting: discuss student progress related to selected materials to create a chart of effectiveness of curricular materials</td>
<td>Sherri, Julia, Cindy</td>
<td>All Teachers</td>
<td>By 5/15/13</td>
</tr>
<tr>
<td>10. Fine tune intervention</td>
<td>Committee Meeting: group of parents,</td>
<td>Sherri, Julia, Cindy</td>
<td>Committee Members</td>
<td>By 6/30/13 (Committee will determine frequency)</td>
</tr>
<tr>
<td>Objective</td>
<td>Action/Activity</td>
<td>Responsible Person(s)</td>
<td>Participants</td>
<td>Timeline</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>--------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>program for 2013-2014 school year</td>
<td>teachers and administrators meet to determine adjustments to intervention program</td>
<td></td>
<td></td>
<td>of meeting during June)</td>
</tr>
</tbody>
</table>
ITEM 11
### CALIFORNIA STATE BOARD OF EDUCATION

#### JANUARY 2013 AGENDA

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs.</td>
<td>☒</td>
<td>Action</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUMMARY OF THE ISSUE(S)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The CDE recommends that the SBE take action as deemed necessary and appropriate. No specific action is recommended at this time.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BRIEF HISTORY OF KEY ISSUES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FISCAL ANALYSIS (AS APPROPRIATE)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any state or local educational agency (LEA) that does not abide by the mandates or provisions of the ESEA is at risk of losing federal funding.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ATTACHMENT(S)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None.</td>
<td></td>
</tr>
</tbody>
</table>
ITEM 12
## SUBJECT

Presentation of the report *Special Education Expenditures, Revenues, and Provision in California* by American Institutes for Research as a Partner in the California Comprehensive Center at WestEd and in collaboration with the Advisory Commission on Special Education (ACSE).

<table>
<thead>
<tr>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
</tr>
</thead>
</table>

## SUMMARY OF THE ISSUE(S)

*Special Education Expenditures, Revenues, and Provision in California* was prepared by Dr. Tom Parrish, Managing Director, American Institutes for Research, a partner of the California Comprehensive Center with WestEd. This special report was written in response to a request from the California State Board of Education President and the ACSE. The paper provides a national overview of special education funding and provision, including a comparison of California to the nation, a more detailed examination of state-level special education spending in California, and describes variations across the state’s Special Education Local Planning Areas (SELPAs).

## RECOMMENDATION

The SBE staff recommends that the SBE review *Special Education Expenditures, Revenues, and Provision in California* which is recommended by the ACSE as an information item to the SBE.

## BRIEF HISTORY OF KEY ISSUES

During the development of the paper, drafts were presented in May, September, and October 2012 to the ACSE for discussion and public comment. Drafts of the paper were shared with legislative, Department of Finance, and the Legislative Analyst’s office staff who work on special education. On October 4, 2012, the paper was presented at the SELPA Directors’ meeting. All comments were shared with the author and addressed, as appropriate, in subsequent drafts of the paper.
The paper includes a discussion of the possibility of districts and SELPAs doing more with less in the provision of special education, presenting examples from two California districts where they have implemented a pre-referral early prevention intervention. The paper concludes with the following of observations and possible policy implications:

- **Better special education expenditure and revenue data are needed.** The primary impetus for this paper is the overall size of the state’s special education expenditure, the fact that it appears to be rising as a percentage of general funds state-wide, and the degree to which general funds are being used to support special education in individual districts. However, these measures all come from the state’s accounting system. Based on the data gathering efforts for this paper, there appears not to be clear agreement as to how these measures should be calculated.

- **Possibly change focus from special versus general education spending.** Districts must now focus on the needs of all students to master the core curriculum on which they are held accountable. For this reason, as well as social benefits, efficiencies are likely gained from the increased blending of students and funds. Given this objective, it seems more important to understand how much a district is spending overall in relation to the academic gains realized by all of its students than how much is being spent on one component of the education program as opposed to another.

- **California’s investment in and return from special education appears relatively low.** California’s special education provision per capita appears to be among the lowest in the nation. Academic results for students with disabilities are also among the lowest across the states. In addition, the state’s greater reliance on more restrictive placements for students in special education likely decreases opportunities for all students to interact with the diverse populations and environments they will experience as adults.

- **Special education spending, revenues, and outcomes vary substantially across the state.** To understand what is occurring state-wide, it is essential to examine the individual units that comprise these state-wide totals. On a per capita basis, some SELPAs show much higher levels of spending on special education services than others. Also, some are receiving substantially more state and federal aid in support of special education programming per capita. Lastly, the percentage of students in special education demonstrating proficiency or above in language arts and math ranges extensively.

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

None.
FISCAL ANALYSIS (AS APPROPRIATE)

Not Applicable.

ATTACHMENT(S)

Attachment 1: A link to *Special Education Expenditures, Revenues, and Provision in California* is provided by the California Comprehensive Center: http://www.cacompcenter.org/downloads/CA_CC_Special_Education_2012.pdf
ITEM 13
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JANUARY 2013 AGENDA**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th></th>
<th></th>
</tr>
</thead>
</table>

**SUMMARY OF THE ISSUE(S)**

The State Board of Education (SBE), as the state educational agency, reports annually to the public and the United States Department of Education’s Office of Special Education Programs (OSEP) on the performance of California’s local educational agencies (LEAs) with regard to the Individuals with Disabilities Education Act (IDEA). The State Performance Plan (SPP) contains performance targets and the Annual Performance Report (APR) contains data collected by the California Department of Education (CDE) for Federal Fiscal Year (FFY) 2011–12 regarding achievement towards those targets. The final SPP and APR are due to the OSEP on February 1, 2013. This item contains an attached executive summary of the FFY 2011 APR. The complete FFY 2011 SSP is available for viewing on the CDE Web site at [http://www.cde.ca.gov/sp/se/ga/](http://www.cde.ca.gov/sp/se/ga/).

**RECOMMENDATION**

The Special Education Division (SED) of the CDE recommends that the SBE approve the FFY 2011 SPP and APR Executive summary, covering program year 2011–12, for submission to the OSEP on February 1, 2013.

**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 LEAs. The APR documents and analyzes the progress of the LEAs and State 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 2010, the APR reported on progress of the 2010–11 compliance and performance indicators as required by the IDEA. The APR and 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)**

Attachment 1: Executive Summary of the FFY 2011 Annual Performance Report for Part B of the Individuals with Disabilities Education Act Covering Program Year 2011–12 (50 pages)
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)

January 2013
Table of Contents

Special Education in California 3
Accountability and Data Collection 3
Overview of Population and Services 4

2011–2012 Annual Performance Report Indicators 8

Indicator 1 Graduation Rates 10
Indicator 2 Dropout Rates 11
Indicator 3 Statewide Assessment 12
Indicator 4 Suspension and Expulsion by Ethnicity 15
Indicator 5 Least Restrictive Environment 19
Indicator 6 Preschool Least Restrictive Environment 21
Indicator 7 Preschool Assessment 22
Indicator 8 Parent Involvement 28
Indicator 9 Disproportionality Overall 29
Indicator 10 Disproportionality by Disability 30
Indicator 11 Eligibility Evaluation 31
Indicator 12 Part C to Part B Transition 33
Indicator 13 Secondary Transitions Goals 35
Indicator 14 Post School 37
Indicator 15 General Supervision 39
Indicator 16 Complaints 41
Indicator 17 Due Process 43
Indicator 18 Hearing Requests 45
Indicator 19 Mediation 47
Indicator 20 Timely and Accurate Reports 49

Tables and Figures

Table 1 California State Indicators 4
Table 2 Enrollment of Special Education Students by Disability Type 5
Table 3 Enrollment of Special Education by Type of School 7
Table 4 Services Provided Special Education Students 8
Table 5 FFY 2011 Indicators, Targets, and Results 9

Figure 1 Ages of Students with Disabilities 2011–2012 5
Figure 2 2011–2012 Students in Special Education by Race/Ethnicity 6
Figure 3 Rate of Special Education Students Compared to Enrollment by Race/Ethnicity 6
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.

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>
<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>Compliance 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>

CASEMIS Dec. 2011

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. Figure one describes the number of students in special education by age as reported in December 2011. In December 2011, forty seven percent were age six to twelve, thirty nine percent were age thirteen to
eighteen, eleven percent were age birth to five, and three percent were older than nineteen.

![Figure 1: Ages of Student with Disabilities 2011–2012](chart)

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 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</th>
<th>Enrollment</th>
<th>Percentage</th>
<th>Disability</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>

CASEMIS Dec.2011
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. The figure describes the number of students in special education by race and ethnicity as reported in December 2011. In December 2011, 5,699 were Native American, 41,856 were Asian, 2,972 were Pacific Islander, 20,736 were Multi Ethnic, 355,702 were Hispanic, 66,241 were African American, and 193,146 were white. Figure 3 shows the rate of special education students to the total state student population within each race/ethnicity. This figure describes the percentage of special education students within the general education population for each ethnicity/race category; 13.4 percent were Native American, 7.8 percent were Asian, 1.8 percent were Pacific Islander, 15.9 percent were Multi-Ethnic, 10.9 percent were Hispanic, 16.4 percent were African American, and 11.9 percent were White.
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>Type of School</th>
<th>Enrollment</th>
<th>Percentage</th>
<th>Program</th>
<th>Enrollment</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No School (0–5 years)</td>
<td>4,726</td>
<td>0.68%</td>
<td>Adult Education Program</td>
<td>1,727</td>
<td>0.25%</td>
</tr>
<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</td>
<td></td>
<td>0.13%</td>
<td>Non Public Residential</td>
<td></td>
<td>0.11%</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 Type</th>
<th>Quantity</th>
<th>Percentage</th>
<th>Service Type</th>
<th>Quantity</th>
<th>Percentage</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>
<thead>
<tr>
<th>Indicators</th>
<th>Target</th>
<th>Results</th>
<th>Met Target</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Graduation Rate</strong></td>
<td>74.5%</td>
<td>76.3%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>2 Dropout Rate</strong></td>
<td>Less Than 22.1%</td>
<td>10.2%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>3 Statewide Assessment</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3A AYP</td>
<td>58%</td>
<td>11.2%</td>
<td>No</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>20.5/41.1%</td>
<td>No</td>
</tr>
<tr>
<td><strong>4 Suspension and Expulsion Rate Overall</strong></td>
<td>Less than 10.1%</td>
<td>2.7%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>5 Least Restrictive Environment</strong></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><strong>6 Preschool Least Restrictive Environment</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6A. Regular Preschool</td>
<td>32.1%</td>
<td>32.1%</td>
<td>N/A</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><strong>7 Preschool Assessment</strong></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><strong>8 Percent of Parents Reporting the Schools Facilitated Parental Involvement</strong></td>
<td>90%</td>
<td>98.8%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>9 Overall Disproportional Racial or Ethnic Groups in Special Education</strong></td>
<td>0%</td>
<td>0.21%</td>
<td>No</td>
</tr>
<tr>
<td><strong>10 Disproportional Racial or Ethnic Groups in Disability Categories</strong></td>
<td>0%</td>
<td>0.87%</td>
<td>No</td>
</tr>
<tr>
<td><strong>11 Eligibility Evaluation Completed within 60 Days of Parental Consent</strong></td>
<td>100%</td>
<td>97.4%</td>
<td>No</td>
</tr>
<tr>
<td><strong>12 Part C to Part B Transition by Third Birthday</strong></td>
<td>100%</td>
<td>97.3%</td>
<td>No</td>
</tr>
<tr>
<td><strong>13 Secondary Transition Goals and Services</strong></td>
<td>100%</td>
<td>80.7%</td>
<td>No</td>
</tr>
<tr>
<td><strong>14 Post-School Employment or Enrollment in Post-Secondary Education</strong></td>
<td>68%</td>
<td>76.2%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>15 General Supervision: System Corrects Noncompliance Within in One Year</strong></td>
<td>100%</td>
<td>97.9%</td>
<td>No</td>
</tr>
<tr>
<td><strong>16 General Supervision: Written Complaints Resolved in 60 Days</strong></td>
<td>100%</td>
<td>100%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>17 General Supervision: Due Process Hearings</strong></td>
<td>100%</td>
<td>99.1%</td>
<td>No</td>
</tr>
<tr>
<td><strong>18 General Supervision: Resolution Sessions</strong></td>
<td>55%</td>
<td>12.3%</td>
<td>No</td>
</tr>
<tr>
<td><strong>19 General Supervision: Number of Mediation Agreements</strong></td>
<td>85%</td>
<td>63.1%</td>
<td>No</td>
</tr>
<tr>
<td><strong>20 General Supervision: Timely and Accurate Reports</strong></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 10.2 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>11.2</td>
<td>No</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>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>95</td>
<td>Yes</td>
</tr>
<tr>
<td>Math</td>
<td>95</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>78.4</td>
<td>39.2</td>
<td>No</td>
<td>79</td>
<td>41.3</td>
<td>No</td>
</tr>
<tr>
<td>High school Districts (grades 9-12 only)</td>
<td>77.8</td>
<td>20.5</td>
<td>No</td>
<td>77.4</td>
<td>21.1</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>78.0</td>
<td>35.6</td>
<td>No</td>
<td>78.2</td>
<td>37.3</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 1.42 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 and had findings of 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.

Target Met: 1.42%

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 2011–2012

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 98.8 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: In 2011–2012 there were 9 districts identified as having disproportionate representation. Two (2) districts were found to have noncompliant policies, procedures, or practices as a result of inappropriate identification.

Target Met: No

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: In FFF 2011 there were 70 districts identified as having disproportionate representation. Eight (8) districts were found to have noncompliant policies, procedures, or practices as a result of inappropriate identification.

Target Met: No

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, 97.3 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

For FFY 2011, 80.7 percent of students ages 16 and above with IEPs had all eight post-secondary goals included in their IEPs.

Target Met: No

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:**

Seventy-six percent of youth who had IEPs who are no longer in secondary school and reported their current status were competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

**Target Met:** Yes

**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

Ninety-seven percent of noncompliance findings identified and verified in 2010–11 were corrected within one year.

Target Met: No

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 = \[\frac{(1.1(b) + 1.1(c))}{1.1}\] 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 pending
  
  (a) Complaints pending 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 = \[(3.2(a) \text{ divided by } 3.2(b)) \text{ divided by } 3.2\] times 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 pending
  (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 fillings 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 measures 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 pending
  (3.4) Due process complaints withdrawn or dismissed (including resolved without hearing)

Results for 2011–2012

There were 12.3 percent of hearing requests that went to resolution meetings and 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 measures 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 pending

  (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: Yes

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.
ITEM 14
SUBJECT


SUMMARY OF THE ISSUE(S)

On September 21, 2012, Assembly Bill (AB) 1521 was signed by Governor Brown, adding California Education Code (EC) Section 60640.2 into law. This addition to the EC allows the California Department of Education (CDE), subject to the approval of the State Board of Education (SBE), to make available to school districts and charter schools the primary language assessment for students who are enrolled in a dual language immersion program and who are either nonlimited English proficient or redesignated fluent English proficient.

A school district or charter school that chooses to administer the primary language assessment pursuant to EC Section 60640.2 will do so at its own expense and will enter into an agreement for that purpose with the state testing contractor. The cost for the assessment will be the same for all school districts and charter schools and will not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section.

RECOMMENDATION

The CDE recommends that the SBE approve the CDE’s making available to school districts and charter schools the primary language assessment for students who are enrolled in a dual language immersion program, and who are either nonlimited English proficient or redesignated fluent English proficient for the spring 2013 test administration. To accomplish this objective in 2013, the CDE further recommends (Attachment 1, Option Two) that a different test form of the Standards-based Tests in Spanish (STS) be administered to nonlimited English proficient or redesignated fluent English proficient students enrolled in a dual language immersion program. This form will be a different test than the form administered to English-language learners. The per-test cost to districts and charter schools would be $13.94.
This plan would remain in effect in subsequent years barring any changes to California EC or negotiated contractual priorities with the state testing contractor. In the event of future STAR Program changes, the CDE will bring this back to the SBE for further consideration.

**BRIEF HISTORY OF KEY ISSUES**

The STS is currently the designated primary language assessment that consists of multiple-choice tests for Spanish-speaking English Learners (ELs).

The STS assesses the academic performance of students by measuring student achievement on the California content standards in their primary language. It is administered in grades two through eleven for Reading/Language Arts (RLA); in grades two through seven for mathematics; and for the Algebra I and Geometry end-of-course examinations.

The STS was developed pursuant to EC 60640(f)(3)(A), which authorizes the development of a primary language assessment aligned with the California content standards for RLA and mathematics. The STS replaced the Aprenda 3, a norm-referenced test that was the previous designated primary language test and was not aligned with the California content standards.

California EC Section 60640 (g) requires that ELs who either receive instruction in their primary language or who have been enrolled in school in the United States less than twelve months be administered a test in their primary language.

At the option of a school district or charter school, schools may also test Spanish-speaking ELs who have been enrolled in school in the United States for twelve months or more who are not receiving instruction in their primary language.

Students who are eligible to take the STS are also required to take their grade-level California Standards Tests (CSTs) and/or the California Modified Test (CMA). The STS results are not used for state or federal accountability purposes.

In 2005, the SBE approved blueprints for the development of the STS for RLA and Mathematics in grades two through four. In 2006, blueprints were approved by the SBE for grades five through seven. In 2007, the SBE approved blueprints for RLA in grades eight through eleven, for Algebra I, and for Geometry. In May 2009, the SBE adopted performance standards (levels) for the STS for RLA and STS for Mathematics in grades two through four. In May 2010, the SBE adopted performance standards (levels) for the STS for RLA and STS for Mathematics in grades five through seven. In July 2012, the SBE adopted performance standards (levels) for the STS for RLA in grades eight through eleven, and for STS Algebra I and Geometry.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2012: At its July 2012 meeting, the SBE adopted the proposed performance standards (levels) for the STS for the subject areas of RLA in grades eight through eleven, and for STS in Algebra I and Geometry.

May 2010: At its May 2010 meeting, the SBE adopted the proposed performance standards (levels) for the STS for the subject areas of RLA and mathematics in grades five, six, and seven.

May 2009: At its May 2009 meeting, the SBE adopted the proposed performance standards (levels) for the STS for the subject areas of RLA and mathematics in grades two, three, and four.

September 2007: At its September 2006 meeting, the SBE approved the reading/language arts blueprints for the STS in grades eight through eleven and the mathematics blueprints for Algebra I and Geometry.

July 2006: At its July 2006 meeting, the SBE approved the RLA and mathematics blueprints for the STS in grades five, six, and seven.

July 2005: At its July 2005 meeting, the SBE approved the RLA and mathematics blueprints for the STS in grades two through four.

FISCAL ANALYSIS

A school district or charter school that chooses to administer a primary language assessment pursuant to EC Section 60640.2 will do so at its own expense and will enter into an agreement for that purpose with the state testing contractor.

The cost for the assessment will be the same for all school districts and charter schools, and will not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section.

ATTACHMENT(S)

Attachment 1: Plan to Make the Standards-based Tests in Spanish Available for Testing Non–English Learner Dual Language Immersion Program Students (3 Pages)
Plan to Make the Standards-based Tests in Spanish Available for Testing Non–English Learner Dual Language Immersion Program Students

California Education Code (EC) Section 60640.2 became effective on January 1, 2013. The law authorizes the California Department of Education (CDE), subject to the approval of the State Board of Education (SBE), to allow Educational Testing Service (ETS) to enter into a contract with school districts and charter schools to make the Standards-based Tests in Spanish (STS) available for assessing pupils who are enrolled in a dual language immersion program and who are either nonlimited English proficient or redesignated fluent English proficient. A school district or charter school that chooses to administer the STS to this student population is to do so at its own expense.

In order to accomplish this objective, the CDE and ETS have developed options that offer varying levels of functionality, preserve different levels of STS test security, and include associated proposed costs per test that would be charged to participating local school districts and charter schools. The proposed options are distinctly broken out for 2013 and 2014 in order to take into consideration the State Superintendent of Public Instruction’s recommendations and transition plan for transitioning to California’s future assessment system and any related legislation.

Option One:
For the 2013 Standardized Testing and Reporting (STAR) Program administration, provide the same test form to students enrolled in a dual language immersion program as the form administered to English-language learners. The assessment would be provided with score keys to ordering districts for local scoring. ETS would have to manage the printing of more STS forms, conduct ordering through a manual ordering process, provide the scoring keys to the local school for hand scoring, and provide no performance reports making this is the least expensive option at approximately $12.89 per test ordered.

One drawback to this option is making the scoring keys available to participating schools. Exposure of the scoring keys might compromise the security of the STS. Districts would be responsible for delivering materials to participating schools using their normal STAR test distribution procedures. After testing and scoring, materials would be returned to the Concord Distribution Center at the close of the STAR testing window.

This option would remain the same for the 2014 STAR administration unless there are changes in California EC or negotiated contractual priorities with the state testing contractor. In the event of STAR Program changes, the CDE would bring this plan back to the SBE for further direction.
Option Two (Recommended):
To address the STS test security concerns presented in Option One, Option Two proposes to administer a different test form to nonlimited English proficient or redesignated fluent English proficient students enrolled in a dual language immersion program than what is administered to English-language learners who have been assigned to take the state primary language assessment. This option is proposed to be implemented in the 2013 STAR Program administration. Though many of the same items may appear on both forms, the scoring keys would be different. Expense would be minimized using the existing processes for ETS, schools, and school districts. However, due to separate production runs, material costs would be slightly higher than for Option One. The price to districts and charter schools would be $13.94 per test ordered.

This option would also remain the same for the 2014 STAR administration unless there were changes in California EC or negotiated contractual priorities. In the event of STAR Program changes, the CDE would bring this plan back to the SBE for further direction.

Option Three:
Option Three proposes to modify the existing automated STAR Management system to add ordering and other functions for including the dual language immersion program in the 2014 STAR Program administration. Under this plan, one STS test form would be provided for both non-EL dual language immersion students as well as the English-language learners. No STS test forms would be made available for dual language immersion program students for the 2013 STAR test administration because the STAR Management system configuration would have been completed for the 2013 test administration.

Under this proposed option, ETS would process the STS tests administered to non-EL dual language immersion students using the same automated processes as the STS tests that would be administered to EL students, but with an identifier for a student participating in dual language immersion program. Pre-identification of student answer documents would be used to identify the student for the assessment, student reports and data files would be delivered to districts and charter schools separate from the STAR reports. However, development of a full-service automated system will be significantly more costly at a price of $55.08 per test.

In the event of changes in the California EC or negotiated contractual priorities, the CDE will bring this plan back to the SBE for further direction.

The following table summarizes the functionality, cost, and risks introduced, and specifies some pros and cons of each option.
<table>
<thead>
<tr>
<th>Features</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 2013 and 2014</td>
<td>• 2013 and 2014</td>
<td>• 2014 Only</td>
</tr>
<tr>
<td></td>
<td><strong>Same</strong> STS Form for ELs and Dual Immersion</td>
<td><strong>Different</strong> STS Form for ELs and Dual Immersion</td>
<td><em>Build Out Functionality of Automated STAR Management System</em></td>
</tr>
<tr>
<td></td>
<td>• Scoring key for dual immersion on site</td>
<td>• Scoring key for dual immersion on site</td>
<td></td>
</tr>
<tr>
<td>Pre-ID</td>
<td>Unavailable</td>
<td>Unavailable</td>
<td>Available</td>
</tr>
<tr>
<td>Ordering</td>
<td>Manual</td>
<td>Manual</td>
<td>Automated</td>
</tr>
<tr>
<td>Inventory Control</td>
<td>Manual</td>
<td>Manual</td>
<td>Automated</td>
</tr>
<tr>
<td>Materials Provided</td>
<td>• Test booklets</td>
<td>• Test booklets</td>
<td>• Test booklets</td>
</tr>
<tr>
<td></td>
<td>• Answer documents</td>
<td>• Answer documents</td>
<td>• Answer documents</td>
</tr>
<tr>
<td></td>
<td>• <strong>Directions for Administration</strong></td>
<td>• <strong>Directions for Administration</strong></td>
<td>• <strong>Directions for Administration</strong></td>
</tr>
<tr>
<td></td>
<td>• Scoring key</td>
<td>• Scoring key</td>
<td>• Scoring key</td>
</tr>
<tr>
<td>Flag (Indicator) on Answer Documents</td>
<td>Unavailable</td>
<td>Unavailable</td>
<td>Available</td>
</tr>
<tr>
<td>Scoring</td>
<td>Scored at school site</td>
<td>Scored at school site</td>
<td>Automated</td>
</tr>
<tr>
<td>Reporting</td>
<td>None</td>
<td>None</td>
<td>Student report / data file to district</td>
</tr>
<tr>
<td>Approximate Per Test Cost</td>
<td>$12.89 per student</td>
<td>$13.94 per student</td>
<td>$55.08 per student</td>
</tr>
<tr>
<td>Risks</td>
<td>Release of current year STS score keys increases test security risk for entire STS assessment</td>
<td>Reduces test security risks</td>
<td>Minimal security risk</td>
</tr>
<tr>
<td>Pros</td>
<td>Low price, immediate results</td>
<td>Moderate price, immediate results</td>
<td>Least risk, highest security, best reporting</td>
</tr>
<tr>
<td>Cons</td>
<td>Test security risks for STS assessment, limited results</td>
<td>Risk to STS test security mitigated</td>
<td>Highest price</td>
</tr>
</tbody>
</table>
ITEM W-01
General Waiver

SUBJECT
Request by the San Joaquin County Office of Education for a renewal 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 Brittany Pitsch to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum qualifications.
Waiver Numbers: 17-10-2012

RECOMMENDATION
☐ Approval ☑ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of the waiver request for Brittany Pitsch, 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. The San Joaquin County Office of Education (COE) hired Brittany Pitsch on March 8, 2010, and applied for a waiver from the State Board of Education for the remainder of that school year. The San Joaquin COE then applied for and received waivers for Ms. Pitsch for the 2010-11 school year and for the 2011-12 school year. The San Joaquin COE was told that CDE would not recommend a waiver for Ms. Pitsch for the 2012-13 school year. Upon reconsideration, CDE staff concluded that because Ms. Pitsch had not had a full three years to bring her skill level up to the required 4.0 standard, and because she has shown growth on each of her attempts to achieve a score of 4.0, that she should be allowed to be employed on a waiver until the end of the 2013 school year.

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 (1 page)
Attachment 5: San Joaquin County Office of Education General Waiver Request 17-10-2012 (5 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

<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>
</table>
| 17-10-2012    | San Joaquin County Office of Education | Brittany Pitsch | No | **Period of Request:** August 8, 2012, to July 31, 2013 (from LEA)  
**Period Recommended:** August 8, 2012, to June 30, 2013 (from CDE) | September 12, 2012 | September 12, 2012 | Renewal |
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA Description</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>17-10-2012</td>
<td>San Joaquin County Office of Education</td>
<td>August 27, 2012</td>
<td>California School Employees Association Zee Peterman, President</td>
<td>Support</td>
<td>Notice posted on web site</td>
<td>Community Advisory Committee</td>
<td>September 10, 2012</td>
<td>No</td>
</tr>
</tbody>
</table>

List of Waiver Numbers, Districts, Collective Bargaining Unit Information, Public Hearing Requirement, and Advisory Committee Information
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>17-10-2012</td>
<td>San Joaquin County Office of Education</td>
<td>Brittany Pitsch</td>
<td>EIPA June 2, 2012 3.6 (72%)</td>
<td>ESSE 1/30/2010 Expressive 3.4 (68%) Receptive 2.7 (54%)</td>
<td>3/8/2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EIPA Pre-Hire Screen 2/5/2010 “OK to Hire”</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>ESSE 5/22/2010 Expressive 3.4 (68%) Receptive 2.7 (54%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EIPA 11/8/2010 3.2 (64%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EIPA 5/15/2011 3.3 (66%)</td>
<td></td>
</tr>
</tbody>
</table>
## 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>17-10-2012</td>
<td>San Joaquin County Office of Education</td>
<td>Brittany Pitsch</td>
<td>1. The San Joaquin County Office of Education must continue to provide Ms. Pitsch 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 June 2013, the San Joaquin County Office of Education must provide CDE with new assessment scores for Ms. Pitsch.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. The San Joaquin COE shall not apply for a waiver for Ms. Pitsch after June 30, 2013.</td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3910397 Waiver Number: 17-10-2012 Active
Year: 2012

Date In: 10/12/2012 12:22:27 PM

Start: 8/8/2012 End: 7/31/2013

Local Educational Agency Name: San Joaquin County Office of Education
Address: 2901 Arch-Airport Rd.
Stockton, CA 95206
Fax:

Waiver Renewal: Y
Previous Waiver Number: 4-10-2011-W-11 Previous SBE Approval Date: 1/12/2012

Waiver Topic: Special Education Program
Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing
Ed Code Section: CCR, Title 5 Section 3051.16(b)(3)
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: (b) Certification requirements for educational interpreters for deaf and hard of hearing pupils. [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]

Outcome Rationale: This employee was hired after taking the EIPA pre-screening exam, and received an "OK to Hire". SJCOE then applied for and was granted a waiver for this Employee. She has taken the Exam and not passed, leading us to apply for (2) renewals of the waiver. We have provided her with an RID interpreter, and a remediation plan, that has improved her skills. The CDE notified us in July 2012 that we would be eligible to apply for one more waiver for Brittany. Hiring a certificated Education Sign Language Interpreter at the required level has been difficult. We recently posted a temporary position on EdJoin; we did not receive one candidate that met the minimum requirement of 4.0

Student Population: 662

City Type: Suburban

Public Hearing Date: 8/23/2012
Public Hearing Advertised: Website

Local Board Approval Date: 9/12/2012

Community Council Reviewed By: CAC Business Meeting
Community Council Reviewed Date: 9/10/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Aggie Christensen
Position: Program Manager I - Human Resources
E-mail: achristensen@sjcoe.net
Telephone: 209-468-9039

Bargaining Unit: Date: 08/27/2012 Name: CSEA
Representative: Zee Peterman Title: CSEA President Position: Support
Comments:
Remediation Plan for Brittany Pitsch

The San Joaquin County Office of Education is committed to developing a plan for Brittany Pitsch to Achieve the required score of 4.0 for certification for the Education Sign Language Interpreter. It is our goal to help Brittany achieve this rating by providing her a mentor interpreter certified by the Registry of the Interpreters for the Deaf (RID). The results of her 6/2/2012 exam do not meet the 4.0 requirement therefore a waiver has been requested and a remediation plan has been created. Brittany will continue to meet with her mentor using the results of her latest exam to address the areas she needs to work on. We will continue to provide the mentoring services for Brittany with the goal of reaching the required score of 4.0. The information received from the EIPA with her assessment scores will be used to develop a plan for Brittany.

CDE requires that we notify the interpreter that certification is a requirement of this position and if a waiver is not granted, or the employee does not obtain certification at the level that is required, their position as an interpreter can be in jeopardy.

__________________________
Brittany Pitsch

__________________________
Zee Peterman
CSEA Representative
Areas of development: Voice to Sign

*Increase Process time; allow time to comprehend intent of message; engage prediction skills then interpret.
*WH/Y/N utterances; Eyebrows must engage prior to beginning of signed message
*Spatial referencing; as narration gets more complex the spatial organization loses its place
*Classifiers: Location/Relationship using ASL classifier system

Useful Tools: Sign Enhancers DVD series available at Stella Brockman DHH; Classifier practice DVDs through DCMP; Analyze-view other interpreters to improve skills
Goal: Maintain a well organized visual representation when conveying message

Areas of Development: Sign to Voice

*Increase skills on receptive finger spelling and numbers
*Increase skills on non manual behaviors and ASL Morphology
*Increase use of process time to develop fluent sentences
*Understand intent prior to speaking

Useful Tools: Sign Enhancers DVD series available at Stella Brockman DHH. Analyze-view other skilled interpreters to improve skills
Goal: Ability to interpret non-manual behaviors and understand the intent of their message

Areas of Development: Vocabulary

*Focus on finger spelling long words.
Letters tend to drop when rushing through the words so then it impacts the clarity.
*Finger spelling is huge part of students language and must be clear.
**Choice of Signed Vocabulary were made correctly.

Useful tools: Dr. Bill Vicars Finger Spelling; practice finger spelling small words then build up to longer words with clarity; Finger Spelling DVD's through DCMP
Goal: to be able to finger spell words without them dropping at the end and to be able to process message without losing intent.

Suggested workshops to attend:

Deaf Action Center has Saturday 3 hour workshops available on line cost is $35.00 per work shop
Terp Expo 4 day workshop March 7-10/2013
Main focus on areas of needed development are offered on Friday/8:00am-6:00pm;
Saturday/8:00am-6:00pm and Sunday 8:00-12:30
Cost of this workshop is about $160.00 for all four days.
Suggested to research online available workshops within the Sacramento and or Modesto area.

Tentative dates to meet with Brittany are as follows:

September 25  
October 11, 18, 24, 31  
November 7, 14, 21, 28  
January 16, 23, 30  
February 6, 13, 20, 27  
March 6, 13, 20, 27  
April 3, 10, 17, 24  
May 1, 8, 15, 22

In class observations will be done monthly as schedule allows

Mentor Support by Melinda Wilson RID Certified Interpreter
ITEM W-02
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request by two local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the California Code of Regulations, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

Waiver Numbers: Lowell Joint School District 14-10-2012
San Lorenzo Unified School District 6-10-2012

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 LEAs filing for this waiver request missed the 2010-11 fiscal year deadline for requesting reimbursement due to turnovers in personnel. Staff verified that these two LEAs needed the waivers and had submitted reports after the deadline.

These LEAs are now aware of this important change in the timeline and understand that
future reports must be submitted to the Assessment Development and Administration Division 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 Education Code (EC) Section 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: various dates
Period recommended: December 31, 2011, to January 17, 2013

Local board approval date(s): various dates

Public hearing held on date(s): various dates

Bargaining unit(s) consulted on date(s): various dates

Name of bargaining unit/representative(s) consulted: various

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ Web site, district office, library, or board agenda

Objections raised (choose one): ☒ None ☐ Objections are as follows:

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, these LEAs will be reimbursed for the costs of the CELDT, the CAHSEE, or the STAR for the 2010–11 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2 and 3.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — January 2013 (1 Page)

Attachment 2: Lowell Joint School District Waiver Request 14-10-2012 (2 Pages) (Original waiver request is signed and on file at the Waiver Office)

Attachment 3: San Lorenzo Unified School District Waiver Request 6-10-2012
(2 Pages) (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>Lowell Joint School District</td>
<td>14-10-2012</td>
<td>Requested 7-1-2010 to 10-31-2010, Recommended 12-31-2011 to 1-17-2013</td>
<td>California English Language Development Test</td>
<td>Yes</td>
<td>2010-11</td>
<td>$1,940.00</td>
<td>Support</td>
</tr>
<tr>
<td>San Lorenzo Unified School District</td>
<td>6-10-2012</td>
<td>Requested 7-1-2010 to 6-30-2011, Recommended 12-31-2011 to 1-17-2013</td>
<td>Standardized Testing and Reporting</td>
<td>Yes</td>
<td>2010-11</td>
<td>$21,928.98</td>
<td>Support</td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION – General Waiver

CD Code: 1964766          Waiver Number: 14-10-2012  Active Year: 2012

Date In: 10/10/2012 9:03:22 AM

Local Educational Agency Name: Lowell Joint School District
Address: 11019 Valley Home Ave.
Whittier, CA 90603
Fax: 562-947-7874

Start: 7/1/2010          End: 10/31/2010

Waiver Renewal: N
Previous Waiver Number:    Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: 33050-33053
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: CELDT - CCR, Title 5 Section 11517.5(b)(1)(A)

Outcome Rationale: Due to a turnover in Curriculum and Assessment, the deadline was missed. The Superintendent working collaboratively with the Assistant Superintendents of Curriculum and Administratives Services will ensure that the form is filled out in a timely manner each year.

Student Population: 3170

City Type: Suburban

Public Hearing Date: 9/4/2012
Public Hearing Advertised: Notice posted at each school.

Local Board Approval Date: 9/4/2012
Community Council Reviewed By: District English Language Advisory Committee
Community Council Reviewed Date: 8/28/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Tiffany Rudek
Position: Assistant Superintendent of Curriculum & Instruction
E-mail: trudek@ljsd.org
Telephone: 562-902-4278

Bargaining Unit: Date: 08/28/2012 Name: California School Employees Association
Representative: Darleene Pullen Title: President Position: Support
Comments:

Bargaining Unit: Date: 08/28/2012 Name: Lowell Joint Education Association
Representative: Allison Fonti Title: Co-President Position: Support
Comments:
California Department of education  
WAIVER SUBMISSION – General Waiver

CD Code: 0161309  
Waiver Number: 6-10-2012  
Year: 2012  
Active

Date In: 10/2/2012 3:02:43 PM

Local Educational Agency Name: San Lorenzo Unified School District
Address: 15510 Usher St.
San Lorenzo, CA 94580
Fax:

Start: 7/1/2010  
End: 6/30/2011

Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR
Ed Code Section: 33050-33053
Ed Code Authority: CCR, Title 5, Section 862(c)(2)(A)

Ed Code or CCCR to Waive: CCR, Title 5, Section 862(c)(2)(A)

Outcome Rationale: Timeline for submission of apportionment was missed due to turnover in personnel. See attached document.

Student Population: 11400

City Type: Urban

Public Hearing Date: 9/18/2012

Public Hearing Advertised: Public Hearing Notice posted in local libraries for two weeks prior to the Public Hearing

Local Board Approval Date: 9/18/2012

Community Council Reviewed By: DAC and DELAC

Community Council Reviewed Date: 9/17/2012

Community Council Objection: N

Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Katarin Jurich

Position: Director of Assessment and English Learner Program

E-mail: kjurich@slzusd.org

Telephone: 510-317-4734

Bargaining Unit: Date: 09/28/2012 Name: CSEA Representative: Liz Azbil Title: President
Position: Support Comments:

Bargaining Unit: Date: 09/28/2012 Name: SIEU Representative: Chris Stevens Title: President
Position: Support Comments:

Bargaining Unit: Date: 09/30/2012 Name: SLEA - Teachers' Union Representative: Donna Pinkney Title: President Position: Support Comments:

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s).

Recently when we reviewed the apportionment notification from the state last week we saw that San Lorenzo was not on the list for disbursement. After talking with the CDE and reviewing our files, we realized that we had not submitted this report for 2011. This is the first year that this has happened, all prior year reports have been submitted on time. During six weeks between the end of October and the beginning of December there were two precipitous and unexpected changes in personnel in the position that historically has had responsibility for initiating this process. It appears that in this period of turnover, the form for apportionment was not completed probably because it was overlooked in the training process for the two new personnel.

5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future.

The training procedures for the position now include the review and submission of the apportionment report as part of the work to be completed in October and November. The report is on the calendar to be reviewed by the supervisor in November and submitted to the Superintendent for signature and submission to the State prior to December 31 of the calendar year.
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM W-03
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request 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: Lindsay Unified School District 13-10-2012
Mono County Office of Education 71-10-2012
Mono County Office of Education 72-10-2012

RECOMMENDATION

Approval □ Approval with conditions □ Denial

The California Department of Education (CDE) recommends approval that the colocation limitations for the following community day school (CDS).

1. The Lindsay Unified School District (USD) is requesting to permit the colocation of Lindsay CDS on the same site as JJ Cairns Continuation High School.

The CDE recommends approval that the grade span limitations for the following CDSs be waived subject to the conditions stated in the findings below:

1. The Mono County Office of Education (COE) 71-10-2012, is requesting to permit the Sawtooth Ridge CDS to serve students in grades four through twelve, inclusive.

2. The Mono County Office of Education (COE) 72-10-2012, is requesting to permit the Tioga CDS to serve students in grades four 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

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 Lindsay USD serves 4,168 students. This waiver, if approved, would allow the district 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.

Lindsay USD selected this site 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 Mono COE does not expect more than a small number of students to be enrolled in the CDSs, 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, in each of the locations for which it is requesting a waiver. 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 Mono 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 (1 page)

Attachment 2: Lindsay Unified School District General Waiver Request (3 pages) (Original Waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Mono County Office of Education General Waiver Request for Sawtooth Ridge Community Day School (5 pages) (Original Waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 4: Mono County Office of Education General Waiver Request for Tioga Community Day School (5 pages) (Original Waiver request is signed and on file in the SBE Office or the Waiver Office.)
## Community Day School State Board of Education Waivers for January 2013

<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 EC Section 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>
</tr>
</thead>
<tbody>
<tr>
<td>71-10-2012</td>
<td>Mono County Office of Education 42 Total Students October 25, 2012</td>
<td>Grades four through twelve; maximum of eight students in Sawtooth Ridge community day school (CDS); very small rural county; small numbers and unpredictability as to grade levels of CDS students enrolled at any time; fiscally unable to support two small schools</td>
<td>Requested: November 1, 2012, through October 31, 2013 Recommended: November 1, 2012, through October 31, 2013</td>
<td>NO</td>
<td>NO</td>
<td>No Bargaining Units</td>
<td>Mono County Office of Education Student Programs Advisory Committee October 12, 2012 No objections</td>
<td></td>
</tr>
<tr>
<td>72-10-2012</td>
<td>Mono County Office of Education 42 Total Students October 25, 2012</td>
<td>Grades four through twelve; maximum of eight students in Tioga community day school (CDS); very small rural county; small numbers and unpredictability as to grade levels of CDS students enrolled at any time; fiscally unable to support two small schools</td>
<td>Requested: November 1, 2012, through October 31, 2013 Recommended: November 1, 2012, through October 31, 2013</td>
<td>NO</td>
<td>NO</td>
<td>No Bargaining Units</td>
<td>Mono County Office of Education Student Programs Advisory Committee October 12, 2012 No objections</td>
<td></td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION – General Waiver

CD Code: 5471993  Waiver Number: 13-10-2012  Active Year: 2012

Date In: 10/9/2012 9:55:40 AM

Local Educational Agency Name: Lindsay Unified School District
Address: 371 East Hermosa St.
Lindsay, CA 93247
Fax: 559-562-1753

Start: 8/1/2012  End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Colocate Facilities
Ed Code Section: 48661(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: EC 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.

Outcome Rationale:
- Based on the fact that there is no other site/property in the District for this school to co-exist with, there are not the funds to build/buy a new site.
- The 2 schools are separated by a fence. The Community Day School classroom has a student restroom in it, so restrooms are not shared.
- The start time, break time, lunch time and dismissal times are different for the 2 different schools.
- There is a behavioral support staff member that works for both sites.
- Having the Community Day School on the Continuation site is a better fit than having it on the Comprehensive site.
- The 2 schools have been operating on the same site (at a different location) for several years, and it has been very successful.
- Co-location of Lindsay Community Day School and JJ Cairns Continuation High School
- The goal of the 2 schools is to work together to ensure a positive school experience.
Both schools receive curriculum that is aligned with the comprehensive site. To ensure that all students get caught up with their credits and work towards earning a high school diploma. The 2 schools work together to make sure all the necessary strategies and interventions are in place for that to happen.
Student Population: 4168

City Type: Rural

Public Hearing Date: 9/10/2012

Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 9/10/2012

Community Council Reviewed By: Lindsay Teacher Association, California State Employee Association
Community Council Reviewed Date: 9/4/2012
Community Council Objection: N
Community Council Objection Explanation: 

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Dennis Doane
Position: Principal
E-mail: ddoane@lindsay.k12.ca.us
Telephone: 559-562-5913 x5158

Bargaining Unit: Date: 09/04/2012 Name: Lindsay Teacher Association, California State Employee Association

Representative: Marla Ernest Title: Lindsay Teacher Association (JJC LTA rep)
Representative: Manny Sanchez Title: Lindsay Teacher Association (CD LTA rep)
Representative: Letty Garcia: Title: California State Employee Association (JJC & CD CSEA rep)

Position: Support

Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 2610264  Waiver Number: 71-10-2012  Active Year: 2012

Date In: 10/26/2012 10:02:33 AM

Local Education Agency: Mono County Office of Education
Address: 37 Emigrant St.
Bridgeport, CA 93517

Start: 11/1/2012  End: 10/31/2013

Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Commingle Grade Levels
Ed Code Section: 48916.1(d) and portions of Section 48660
Ed Code Authority: 33050

Ed Code or CCR to Waive: 48660. 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 for any of kindergarten and grades 1 to 8, inclusive, upon 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.

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) shall 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.]

Outcome Rationale: Given the challenging fiscal environment facing CA schools, Mono County Office of Education (MCOE) has not had nor does it anticipate enrollment sufficient to operate 2 CDS programs at each location— one for students in Grade 1 through Grade 6 and one for students grades seven and above.
It is also difficult to predict when a student in any specific grade level will need to be served in a CDS. At no time do we anticipate more than a small number of students to be enrolled. We will accommodate any expelled students Grades 4 though 6 through our existing Sawtooth Ridge CDS program, taking into consideration the grade levels involved and safety considerations and make necessary staffing/scheduling adjustments to best serve all students enrolled. Sawtooth Ridge CDS is currently located on a corner of the Coleville HS campus, in a separate building with its own bathroom facilities.

Mono COE/Sawtooth Ridge Community School/CDS currently has a student population of 5 and is located in a RURAL community of Coleville in MONO County. Eastern Sierra Unified School District, which Sawtooth Ridge CDS serves, has a total enrollment of 505 and an enrollment of 286 in the community of Coleville.

Student Population: 5

City Type: Rural

Public Hearing Date: 10/25/2012
Public Hearing Advertised: Listed on Board agenda and posted in a variety of locations around the community including the post office.

Local Board Approval Date: 10/25/2012

Community Council Reviewed By: MCOE Student Programs Advisory Committee
Community Council Reviewed Date: 10/12/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Hunt
Position: Director, Alternative Education
E-mail: jhunt@monocoe.org

Telephone: 760-934-0031 x103
Fax: 760-934-1443
California Department of Education
WAIVER SUBMISSION - General

CD Code: 2610264  Waiver Number: 72-10-2012  Active Year: 2012

Date In: 10/26/2012 10:21:29 AM

Local Education Agency: Mono County Office of Education
Address: 37 Emigrant St.
Bridgeport, CA 93517

Start: 11/1/2012  End: 10/31/2013

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Commingle Grade Levels
Ed Code Section: 48916.1(d) and portions of Section 48660
Ed Code Authority: 33050

Ed Code or CCR to Waive: 48660. 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 for any [of] kindergarten and grades 1 to 8, inclusive, upon 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.

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) shall 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.]

Outcome Rationale: Given the challenging fiscal environment facing CA schools, Mono County Office of Education (MCOE) has not had nor does it anticipate enrollment sufficient to operate 2 CDS programs at the Lee Vining location— one for students through in Grade 1 Grade 6 and one for students grades seven and above.
It is also difficult to predict when a student in any specific grade level will need to be served in a CDS. At no time do we anticipate more than a small number of students to be enrolled. We will accommodate any expelled students Grades 4 though 6 through our existing Tioga CDS program, taking into consideration the grade levels involved and safety considerations and make necessary staffing/scheduling adjustments to best serve all students enrolled. Tioga CDS is currently located on a corner of the Lee Vining ES campus, in a separate building with its own bathroom facilities.

Mono COE/Tioga Community School/CDS currently has a student population of 1 and is located in a RURAL community of Lee Vining in MONO County. Eastern Sierra Unified School District, which Tioga CDS serves, has a total enrollment of 505 and an enrollment of 171 in the community of Lee Vining.

Student Population: 1
City Type: Rural

Public Hearing Date: 10/25/2012
Public Hearing Advertised: Listed on Board agenda and posted in a variety of locations around the community including the post office.

Local Board Approval Date: 10/25/2012

Community Council Reviewed By: MCOE Student Programs Advisory Committee
Community Council Reviewed Date: 10/12/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Hunt
Position: Director, Alternative Education
E-mail: jhunt@monocoe.org
Telephone: 760-934-0031 x103
Fax: 760-934-1443
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM W-04
### General Waiver

#### SUBJECT

Request by Claremont Unified School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5, Section 4701, to remove their school from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

Waiver Number: 58-10-2012

<table>
<thead>
<tr>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
</table>

#### 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](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 fifth 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 request presented at the November 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 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.

Demographic Information: Los Angeles County

Authority for Waiver: EC Section 33050

Period of request: July 13, 2012 to June 30, 2013

Period of recommendation: July 1, 2012 to June 30, 2013

Local board approval date(s): July 12, 2012

Public hearing held on date(s): July 12, 2012

Bargaining unit(s) consulted on date(s): Claremont Faculty Association, consulted on June 27, 2012

Public hearing advertised by (choose one or more): Notice posted at school, district office showcases and CUSD Web site

Advisory committee(s) consulted: School Site Council Members: Stacey Stewart, Rosie Bister, Millie Ruggero, and Amy Weiler

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Schools Requesting a General Waiver from the 2012-13 Open Enrollment List (1 page).

Attachment 2: Claremont Unified School District General Waiver Request 58-10-2012 (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 Growth Targets (3 of last 5 yrs)</th>
<th>Met API Target Met?</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>58-10-2012</td>
<td>Los Angeles Claremont Unified Oakmont Elementary</td>
<td>836</td>
<td>Schoolwide 773 Hispanic or Latino White 785 SED 755</td>
<td>No 773 Yes 785 No Yes</td>
<td>No</td>
<td>Yes</td>
<td>4, 1</td>
<td>Year 2</td>
<td>Support 06/27/2012</td>
<td>Requested: 07/13/2012 to 06/30/2013</td>
<td>Recommended: 07/01/2012 to 06/30/2013</td>
</tr>
</tbody>
</table>

*Only student groups that are numerically significant are included in this column. SED – Socioeconomically Disadvantaged

Prepared by the California Department of Education
Revised: 11/09/2012 01:56 PM
## California Department of Education

### WAIVER SUBMISSION - General

<table>
<thead>
<tr>
<th>CD Code: 1964394</th>
<th>Waiver Number: 58-10-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date In: 10/23/2012 10:25:49 AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Claremont Unified School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: 170 West San Jose Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Claremont, CA 91711</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start: 7/13/2012</td>
<td>End: 6/30/2013</td>
<td></td>
</tr>
<tr>
<td>Waiver Renewal: Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous Waiver Number: 58-10-2010</td>
<td>Previous SBE Approval Date: 2/10/2011</td>
<td></td>
</tr>
</tbody>
</table>

### Waiver Topic: Open Enrollment

**Ed Code Title:** Removal From the List of LEAs  
**Ed Code Section:** 48352(a) and CCR Title 5 Section 4701  
**Ed Code Authority:** 33050

**Ed Code or CCR to Waive:** *Education Code 48352:*  
(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.

**Title 5 CCR 4701. Identification of Open Enrollment Schools.**

**Outcome Rationale:** This General Waiver EC 33050 seeks exemption from *Education Code Section 48352,* which is the formula in the statute identifying Oakmont Elementary as an Open Enrollment School.  
Unfortunately, the formula selects only a limited number of schools in each grade span and is limited to only 10 percent of the schools from each district. This results in a list targeting many high achieving schools, while excluding a large number of truly low-achieving schools. California School Boards Association (CSBA) cited its example of high achieving schools (as it relates to the Open Enrollment Act) as schools with an API in the high 700's or over 800. Oakmont Elementary School has made continuous improvement on the California Standards Test (CST) demonstrating a high level of achievement and should not be included on the Open Enrollment list for 2012-2013 school-year.
The period of request would be effective from July 13, 2012 to June 30, 2013.
Student Population: 265

City Type: Suburban

Public Hearing Date: 7/12/2012
Public Hearing Advertised: Notice posted at school, District office showcases and CUSD website.

Local Board Approval Date: 7/12/2012

Community Council Reviewed By: School Site Council Members: Stacey Stewart, Rosie Bister, Millie Ruggero, Amy Weiler
Community Council Reviewed Date: 7/24/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Karol Rinehart
Position: Director of Categorical Programs
E-mail: krinehart@cusd.claremont.edu
Telephone: 909-399-1718
Fax: 909-624-6274

Bargaining Unit:
Date: 06/27/2012
Name: Claremont Faculty Association
Representative: Joe Tonan Title: President
Position: Support
Comments:
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request by Jamestown Elementary School District to waive California Education Code Section 48352(a) and California Code of Regulations Title 5, Section 4701, to remove their schools from the Open Enrollment List of “low-achieving schools” for the 2013–14 school year.

Waiver Number: 28-10-2012

RECOMMENDATION
☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of one waiver request for a school on the 2013-14 Open Enrollment list (Attachment 2). 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 2013–14 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 first time the SBE has heard a request from an LEA to be removed from the 2013-14 Open Enrollment list.

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: Tuolumne County

Authority for Waiver: EC Section 33050

Period of request: July 1, 2012 to June 30, 2014

Period of recommendation: July 1, 2013 to June 30, 2014

Local board approval date(s): October 10, 2012

Public hearing held on date(s): October 10, 2012

Bargaining unit(s) consulted on date(s): Jamestown Teacher Association
Representative: Maqueda Williams, consulted on September 12, 2012

Public hearing advertised by (choose one or more): Posted at the Tuolumne County Office of Education, Family Resource Center, post office and each school

Advisory committee(s) consulted: Jamestown School Site Council

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Schools Requesting a General Waiver from the 2013-14 Open Enrollment List (1 page)

Attachment 2: Jamestown Elementary School District General Waiver Request 28-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office)
## Schools Requesting a General Waiver from the 2013-14 Open Enrollment List

<table>
<thead>
<tr>
<th>Waiver #</th>
<th>County</th>
<th>District School</th>
<th>2012 District Growth API</th>
<th>2012 School API Growth*</th>
<th>2012 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>28-10-2012</td>
<td>Tuolumne</td>
<td>Jamestown Elementary</td>
<td>765</td>
<td>Schoolwide</td>
<td>777</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>3, 5</td>
<td>Support 09/12/2012</td>
<td>Requested: 07/1/2012 to 06/30/2014</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jamestown Elementary</td>
<td></td>
<td>White</td>
<td>783</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
<td>Recommended: 07/01/2013 to 06/30/2014</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>SED</td>
<td></td>
<td></td>
<td>751</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Only student groups that are numerically significant are included in this column.

SED – Socioeconomically Disadvantaged

Prepared by the California Department of Education
Revised: 11/09/2012 02:42 PM
California Department of Education
WAIVER SUBMISSION

CD Code: 5572363 Waiver Number: 28-10-2012 Active Year: 2012

Date In: 10/17/2012 4:01:58 PM

LEA Name: Jamestown Elementary School District
Address: 18299 Fifth Ave.
Jamestown, CA 95327
Fax: 209-984-0434

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 07-12-2010 Previous SBE Approval Date: 5/1/2011

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and CCR Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code 48352. For purposes of this article, the following definitions apply:

[(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.

Outcome Rationale: The desired outcome is the removal of Jamestown from the Open Enrollment List of 1,000 "Low-achieving" Schools. Jamestown has an API of 780.

Jamestown School District has successfully implemented a variety of strategies to address student achievement. Jamestown Elementary is in "Safe harbor" status and actively supports all students to meet grade level standard.
Student Population: 336

City Type: Rural

Public Hearing Date: 10/10/2012

Public Hearing Advertised: The Notice was posted at the Tuolumne County Office of Education, Family Resource Center, Post Office and each school.

Local Board Approval Date: 10/10/2012

Community Council Reviewed By: Jamestown School Site Council
Community Council Reviewed Date: 10/10/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Dotson
Position: Superintendent
E-mail: ddotson@jamestown.k12.ca.us
Telephone: 209-984-4058 x154

Bargaining Unit: Date: 09/12/2012 Name: Jamestown Teacher Association
Representative: Maqueda Williams Title: President Position: Support
Comments:
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2013 AGENDA

Specific Waiver

SUBJECT
Request by fourteen 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:
- Baker Valley Unified 7-10-2012
- Central Unified 57-10-2012
- Claremont Unified 64-10-2012
- Claremont Unified 65-10-2012
- Contra Costa County Office of Education 22-10-2012
- Culver City Unified 70-10-2012
- Cuyama Joint Unified 54-10-2012
- Elkins Elementary 16-10-2012
- Happy Valley Union Elementary 59-10-2012
- Indian Springs Elementary 60-10-2012
- Oak Run Elementary 18-10-2012
- Pacific Union Elementary 66-10-2012
- Placer Union High 39-10-2012
- Southern Trinity Joint Unified 20-10-2012
- Upper Lake Union High 12-10-2012

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

Baker Valley Unified School District is requesting a shared SSC for three small schools: Baker Elementary School (4 teachers serving 108 students in kindergarten and grades one through six), Baker Junior High School (1 teacher for 19 students in grades seven and eight), and Baker High School (5 teachers for 59 students in grades nine through twelve). The schools are on the same campus in a rural area and share common facilities such as school office, library, cafeteria, and gymnasium. The parents are the same for all schools.

Central Unified School District is requesting an SSC composition change for Pershing High School (8 teachers serving 84 students in grades ten through twelve). Pershing High School is an alternative high school with a highly mobile student population in an industrial area in a suburban setting with limited family housing nearby.

Claremont Unified School District is requesting a shared SSC for two small elementary schools: Danbury Elementary School (7 teachers serving 50 students in kindergarten and grades one through six) and Sumner Elementary School (23 teachers serving 589 students in kindergarten and grades one through six). Danbury students attend classes on Sumner's campus, which is adjacent to Danbury. This provides inclusion for the Danbury students who are primarily orthopedically impaired. The schools share district services, certificated and classified staff, and lunch and recess facilities.

Claremont Unified School District is requesting a shared SSC for two small schools: Community Day School (8 teachers serving 10 students in grades seven and eight) and San Antonio High School (8 teachers serving 99 students in grades nine through twelve). The two schools are on the same campus and share administrators, teachers, and other facilities.

Contra Costa County Office of Education is requesting a shared SSC for three alternative education schools: Mt. McKinley School (8 teachers serving 170 students in kindergarten and grades one through twelve), Delta Vista High School (5 teachers serving 86 students in grades seven through twelve), and Golden Gate Community School (8 teachers serving 148 students in grades six through twelve).

Culver City Unified School District is requesting an SSC composition change for Culver Park Continuation High School (4 teachers serving 60 students in grades ten through twelve). Staffing and student enrollment makes it impracticable to form an SSC with full membership.

Cuyama Joint Unified School District is requesting a shared SSC for two small schools: Cuyama Elementary School (9 teachers serving 160 students in kindergarten and grades one through eight) and Cuyama Valley High School (5.5 teachers serving 75 students in grades nine through twelve). The two schools are in a rural area.

Elkins Elementary School District is requesting an SSC composition change for Elkins School (1 full-time teacher serving 14 students in kindergarten and grades one through grade eight). The school is in a rural area.
Happy Valley Union Elementary School District is requesting a shared SSC for two small schools: Happy Valley Elementary School (10 teachers serving 250 students in grades five through eight) and Happy Valley Primary School (11 teachers serving 253 students in kindergarten and grades one through four). The two schools are in a rural area.

Indian Springs Elementary School District is requesting an SSC composition change for Indian Springs Elementary School (1 full-time teacher serving 14 students in kindergarten and grades one through eight). The school is in a rural area.

Oak Run Elementary School District is requesting an SSC composition change for Oak Run Elementary School (1 teacher serving 10 students in kindergarten and grades one through eight). The school is in a rural area.

Pacific Union Elementary School District is requesting an SSC composition change for Pacific Union Elementary School (18 teachers serving 363 students in kindergarten and grades one through eight). The school is in a rural area.

Placer Union High School District is requesting a shared SSC for Chana High School (13 teachers serving 175 students in grades nine through twelve) and Maidu High School (6 teachers serving 113 students in grades nine through twelve). The two schools share the same campus, the same administrator, and some staff.

Southern Trinity Joint Unified School District is requesting an SSC composition change for Hoaglin-Zenia Elementary School (1 teacher serving 8 students in kindergarten and grades one through eight). The school is in a rural area.

Upper Lake Union High School District is requesting an SSC composition change for Upper Lake Union High School (15 teachers serving 354 students in grades nine through twelve). Reduction in staffing and difficulty in obtaining parental involvement in this rural community has impeded the school’s ability to develop an SCC with a full membership.

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 (8 pages)

Attachment 2: Baker Valley Unified School District Specific Waiver Request 7-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 3: Central Unified School District Specific Waiver Request 57-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Claremont Unified School District Specific Waiver Request 64-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Claremont Unified School District Specific Waiver Request 65-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Contra Costa County Office of Education Specific Waiver Request 22-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Culver City Unified School District Specific Waiver Request 70-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Cuyama Joint Unified School District Specific Waiver Request 54-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Elkins Elementary School District Specific Waiver Request 16-10-2012 (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Happy Valley Union Elementary School District Specific Waiver Request 59-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Indian Springs Elementary School District Specific Waiver Request 60-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Oak Run Elementary School District Specific Waiver Request 18-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Pacific Union Elementary School District Specific Waiver Request 66-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 14: Placer Union High School District Specific Waiver Request 39-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 15: Southern Trinity Joint Unified School District Specific Waiver Request 20-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 16: Upper Lake Union High School District Specific Waiver Request 12-10-2012 (2 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</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>7-10-2012</td>
<td>Baker Valley Unified School District (36-73858) for Baker Elementary (36-73858-6035273), Baker Junior High School (36-73858-6109193), and Baker High School (36-73858-3630076)</td>
<td>Shared SSC</td>
<td>Approval with conditions; the SSC must consist of one principal, four classroom teachers, one from the elementary and junior high and two from the high school (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).</td>
<td>No</td>
<td>Baker CSEA, Ruben Baca August 23, 2012 to August 23, 2014</td>
<td>Baker Valley Advisory Committee on August 8, 2012 Approved</td>
<td>August 23, 2012</td>
</tr>
<tr>
<td>57-10-2012</td>
<td>Central Unified School District (1073965) for Pershing High School (1073965-1035112)</td>
<td>Composition change</td>
<td>Approval with conditions; the SSC must consist of one administrator, two teachers (selected by peers), two parents/community members (selected by peers), and one student (selected by peers).</td>
<td>Yes</td>
<td>California School Employees Association, Richard Romero August 24, 2012 Support</td>
<td>Pershing SSC on September 10, 2012 Approved</td>
<td>October 9, 2012</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No</td>
<td>Period of Request/Period Recommended</td>
<td>Collective Bargaining Unit Position/Current Agreement</td>
<td>SSC/Advisory Committee Position</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------</td>
<td>--------------</td>
<td>--------------------</td>
<td>--------------------------</td>
<td>--------------------------------------</td>
<td>--------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>64-10-2012</td>
<td>Claremont Unified School District (1964394) for Danbury Elementary School (1964394-6012173) and Sumner Elementary School (1967394-6012207)</td>
<td>Shared SSC</td>
<td>Approval with conditions; the SSC must consist of one administrator, four teachers (selected by peers), one other staff member (selected by peers), and five parents/community members (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: November 15, 2012 to November 15, 2014</td>
<td>Claremont Faculty Association, Debbie McCurdy June 27, 2012 Support</td>
<td>Danbury and Sumner SSC June 27, 2012 Approved</td>
</tr>
<tr>
<td>65-10-2012</td>
<td>Claremont Unified School District (1964394) for Community Day School (1964394-1996297) and San Antonio High School (1964394-51931807)</td>
<td>Shared SSC</td>
<td>Approval with conditions; the SSC must consist of one administrator, four teachers (selected by peers), one other staff member (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: November 1, 2012 to November 1, 2014</td>
<td>Claremont Faculty Association, Carla Campbell August 30, 2012 Support</td>
<td>Classified School Employees Association, Ana Avilez August 30, 2012 Support</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------</td>
<td>--------------</td>
<td>--------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22-10-2012</td>
<td>Contra Costa County Office of Education (710074) for Mt. McKinley School (710074-40120444), Delta Vista High School (7100740-730242), and Golden Gate Community School (710074-0730614)</td>
<td>Shared SSC with reduced composition</td>
<td>Approval with conditions; the SSC must consist of one principal, four classroom teachers, (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and two students (selected by peers).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Previous Waiver Yes or No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Period of Request/Period Recommended</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Collective Bargaining Unit Position/Current Agreement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SSC/Advisory Committee Position</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70-10-2012</td>
<td>Culver City Unified School District (19-64444) for Culver Park Continuation High School (19-64444-1932656)</td>
<td>Composition change</td>
<td>Approval with conditions; the SSC must consist of one administrator, one teacher (selected by peers), one other staff member (selected by peers), two parents (selected by peers), and one student (selected by peers).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Period of Request: July 1, 2012 to June 30, 2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Period Recommended: July 1, 2012 to June 30, 2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Public Employees Union Local One, Georgia Williams August 24, 2012 Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Contra Costa Teachers Association, Diana Perkovich August 29, 2012 Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Contra Costa District Advisory Committee and Contra Costa English Learners Advisory Committee Approved</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>October 23, 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Administrative Council October 16, 2012 Approved</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Contra Costa County Office of Education (710074)**

For Mt. McKinley School (710074-40120444), Delta Vista High School (7100740-730242), and Golden Gate Community School (710074-0730614)

**Shared SSC with reduced composition**

- Approval with conditions; the SSC must consist of:
  - One principal
  - Four classroom teachers (selected by peers)
  - One other school representative (selected by peers)
  - Three parents/community members (selected by peers)
  - Two students (selected by peers)

**Local Board Approval Date**

- Contra Costa County Office of Education: September 5, 2012

---

**Contra Costa Unified School District (19-64444)**

For Culver Park Continuation High School (19-64444-1932656)

**Composition change**

- Approval with conditions; the SSC must consist of:
  - One administrator
  - One teacher (selected by peers)
  - One other staff member (selected by peers)
  - Two parents (selected by peers)
  - One student (selected by peers)

**Local Board Approval Date**

- Culver City Unified School District: October 23, 2012
<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</th>
<th>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>54-10-2012</td>
<td>Cuyama Joint Unified School District (42-75010) for Cuyama Elementary School (42-75010-6045389) and Cuyama Valley High School (42-75010-4231205)</td>
<td>Shared SSC</td>
<td>Approval with conditions; the SSC must consist of one administrator, four teachers (selected by peers), one other staff member (selected by peers), three parents (selected by peers), and three students (selected by peers).</td>
<td>No</td>
<td>Period of Request: October 12, 2012 to July 1, 2014</td>
<td>Cuyama Elementary Association, Russ Barnes August 15, 2012 Approved</td>
<td>Cuyama Elementary SSC October 9, 2012 Approved</td>
<td>October 11, 2012</td>
</tr>
<tr>
<td>16-10-2012</td>
<td>Elkins Elementary School District (52-71514) for Elkins Elementary School (52-71514-6053508)</td>
<td>Composition change</td>
<td>Approval with conditions; the SSC must consist of one administrator/teacher, one other school employee, and two parents/community members (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: July 1, 2012 to June 30, 2014</td>
<td>There is no bargaining unit.</td>
<td>Elkins SSC Approved</td>
<td>September 25, 2012</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No</td>
<td>Period of Request/Period Recommended</td>
<td>Collective Bargaining Unit Position/Current Agreement</td>
<td>SSC/Advisory Committee Position</td>
<td>Local Board Approval Date</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------</td>
<td>--------------</td>
<td>--------------------</td>
<td>--------------------------</td>
<td>--------------------------------------</td>
<td>----------------------------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>59-10-2012</td>
<td>Happy Valley Union Elementary School District (45-70011) for Happy Valley Elementary School (45-70011-6050348) and Happy Valley Primary (45-70011-6097703)</td>
<td>Shared SSC with composition change</td>
<td>Approval with conditions; the SSC must consist of one administrator, three teachers (selected by peers), two other school employees (selected by peers), and four parents/community members (selected by peers).</td>
<td>No</td>
<td>Period of Request: August 20, 2012 to August 20, 2014</td>
<td>Happy Valley Teachers Association, Douglas O'Brien February 29, 2012 Support</td>
<td>Happy Valley SSC October 26, 2012 Approved</td>
<td>October 16, 2012</td>
</tr>
<tr>
<td>60-10-2012</td>
<td>Indian Springs Elementary School District (45-70037) for Indian Springs Elementary School (45-70037-6050389)</td>
<td>Composition change</td>
<td>Approval with conditions; the SSC must consist of one administrator, one teacher, one other school employee (selected by peers), and two parents/community members (selected by peers).</td>
<td>No</td>
<td>Period of Request: August 20, 2012 to May 31, 2013</td>
<td>California Teachers Association, Patricia Lenahan September 20, 2012 Support</td>
<td>Indian Springs SSC May8, 2012 Approved</td>
<td>August 15, 2012</td>
</tr>
</tbody>
</table>
| Waiver Number | LEA for School(s)  
(CDS Code[s]) | LEAs Request | CDE Recommendation | Previous Waiver  
Yes or No  
Period of Request/  
Period Recommended | Collective Bargaining Unit  
Position/  
Current Agreement | SSC/Advisory Committee  
Position | Local Board  
Approval Date |
|---------------|----------------|---------------|-------------------|-------------------|-------------------------|-----------------|----------------|
| 18-10-2012    | Oak Run Elementary School District (45-70086) for Oak Run Elementary School (45-70086-6050439) | Composition change | Approval with conditions; the SSC must consist of one administrator, one teacher, and two parents (selected by peers). | No  
Period of Request:  
August 20, 2012 to  
June 6, 2013  
Period Recommended:  
July 1, 2012 to  
| 66-10-2012    | Pacific Union Elementary School District (10-62356) for Pacific Union Elementary School (10-62356-6007025) | Composition change | Approval with conditions; the SSC must consist of one administrator, one teacher (selected by peers), one other staff member (selected by peers), and three parents (selected by peers). | No  
Period of Request:  
November 1, 2012 to  
November 1, 2014  
Period Recommended:  
November 1, 2012 to  
November 1, 2014 | There is no bargaining unit. | Pacific Union SSC  
September 10, 2012 Approved | October 9, 2012 |
<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</th>
<th>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>39-10-2012</td>
<td>Placer Union High School District (31-66894) for Chana High School (31-68894-3131687) and Maidu High School (31-68894-3130135)</td>
<td>Shared SSC</td>
<td>Approval with conditions; the SSC must consist of one administrator, four teachers (selected by peers), one other staff (selected by peers), three parents (selected by peers), and three students (selected by peers).</td>
<td>No</td>
<td>Period of Request: January 10, 2013 to January 10, 2014</td>
<td>Period Recommended: January 10, 2013 to January 10, 2015</td>
<td>Associated Teachers of Placer, Tad Eichman October 16, 2012 Neutral</td>
<td>Chana SSC Approved</td>
</tr>
<tr>
<td>20-10-2012</td>
<td>Southern Trinity Joint Unified School District (53-73833) for Hoaglin-Zenia Elementary (53-73833-6053755)</td>
<td>Composition Change</td>
<td>Approval with conditions; the SSC must consist of one teacher, one other staff member, and two parents/community members (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: December 16, 2012 to December 16, 2014</td>
<td>Period Recommended: December 16, 2012 to December 16, 2014</td>
<td>Southern Trinity Teachers’ Association, Marie Block September 10, 2012 Support</td>
<td>Southern Trinity SSC Approved</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
<td>LEAs Request</td>
<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No</td>
<td>Period of Request/ Period Recommended</td>
<td>Collective Bargaining Unit Position/ Current Agreement</td>
<td>SSC/Advisory Committee Position</td>
<td>Local Board Approval Date</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------</td>
<td>--------------</td>
<td>-------------------</td>
<td>--------------------------</td>
<td>---------------------------------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>12-10-2012</td>
<td>Upper Lake Union High School District (17-64071) for Upper Lake High School (17-64071-1737006)</td>
<td>Composition Change</td>
<td>Approval with conditions; the SSC must consist of one principal, three classroom teachers, one other school representative (selected by peers), two parents/community members (selected by peers), and three students (selected by peers).</td>
<td>No</td>
<td>Period of Request: July 1, 2012 to June 30, 2014</td>
<td>Period Recommended: July 1, 2012 to June 30, 2014</td>
<td>Upper Lake Teachers Association, Alex Stabiner September 20, 2012 Support</td>
<td>Upper Lake High SSC Approved</td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3673858       Waiver Number: 7-10-2012       Active Year: 2012

Date In: 10/3/2012 1:00:22 PM

Local Educational Agency Name: Baker Valley Unified School District
Address: 72100 School House Ln.
Baker, CA 92309
Fax: 760-733-4605

Start: 8/23/2012   End: 8/23/2014

Waiver Renewal: N
Previous Waiver Number:     Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Outcome Rationale: Baker Valley USD K-12 has one superintendent/principal for three schools all located on the same geographical site, Baker Elementary, Baker Junior High, and Baker High. These three schools share common facilities including school office, library, cafeteria, gym, and campus grounds. The elementary school has 4 teachers for 108 students; the junior high has one teacher for 19 students; and the high school has 5 teachers for 59 students. The parents and community members are the same for all schools in the Baker community of 600 residents. A joint SSC of 12 members could easily function for the three schools with the secondary composition of 1 principal, 1 other, 4 teachers (one from the elementary and junior high, and 2 from the high school), 3 parents (one from each school) and 3 secondary students. We are requesting this waiver to allow one site council for all schools due to the limited numbers of teachers and parents for each school. One council that represents all schools will be more efficient and provide a single, focused vision for all three schools.

Ed Code or CCCR to Waive: 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.

Student Population: 186

City Type: Rural

Local Board Approval Date: 8/23/2012

Community Council Reviewed By: Baker Advisory Committee (superintendent/principal, teachers, parents)
Community Council Reviewed Date: 8/22/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N   Categorical Program Monitoring: N

Submitted by: Ms. Ronda Tremblay
Position: Superintendent/Principal   E-mail: ronda_tremblay@baker.k12.ca.us
Telephone: 760-733-4567

Bargaining Unit: Date: 08/23/2012 Name: Baker CSEA
Representative: Ruben Baca Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1073965 Waiver Number: 57-10-2012 Active Year: 2012

Date In: 10/23/2012 10:15:46 AM

Local Educational Agency Name: Central Unified School District
Address: 5652 West Gettysburg Ave.
Fresno, CA 93722

Start: 1/1/2013 End: 1/1/2015

Waiver Renewal: Y
Previous Waiver Number: 19-10-2010-W-16
Previous SBE Approval Date: 1/13/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: 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.

Outcome Rationale: Central Unified School District encompasses 88 square miles on the west side of Highway 99 in Fresno, California. We have a total enrollment of 15,026. Pershing High School is our only continuation high school with a current enrollment of 84 students, but may enroll up to 150 or more during the school year. Pershing serves students over 16 years old in courses they need in a 10th grade through 12th grade setting. There are 8 teachers and two administrators. The Pershing campus is located in an industrial area on the south western corner of Fresno with very limited family housing nearby. The school has a highly mobile population, large single parent household population, large group home population and some parents who lack prior parent involvement in the education of their child.

The staff at Pershing has tried hard to reach out to parents and encourage them to become involved in School Site Council. At Back to School Night, presentations were made about the benefits of serving on this council. Flyers, ConnectEd messages, and personal phone calls are examples of other efforts that have not produced adequate response to establish a SSC of 12. The staff feels confident that lowering the size to 6 members (1 principal, 2 teachers, 2 parents and 1 student) provides the structure for them to accomplish their SSC responsibilities effectively and efficiently. Focus on input from the involved parents, student and school staff results in a coherent Single Plan. This plan guides the site in implementation of research based best practices, progress monitoring and revising, as necessary, for increased student performance.
We are requesting a composition waiver rather than sharing a SSC with another school for the following reasons. There are two new administrators at the site and the feedback they received from staff, parents and students was that their site is significantly different from the other alternative programs and the comprehensive high school. They feel that focusing on the individual needs of their site would continue to produce increased student achievement. Pershing exited from Program Improvement year 5 status under this design in 2011.

Student Population: 84

City Type: Suburban

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Pershing School Site Council
Community Council Reviewed Date: 9/10/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Nancy Uribe
Position: Director: State & Federal Programs
E-mail: nuribe@centralusd.k12.ca.us
Telephone: 559-274-4700 x146
Fax: 559-276-3101

Bargaining Unit: Date: 08/24/2012 Name: California School Employees Association
Representative: Richard Romero Title: President
Position: Support
Comments:

Bargaining Unit: Date: 08/27/2012 Name: Central Unified Teacher Association
Representative: Gaye Lewis Title: CUTA president
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964394
Waiver Number: 64-10-2012
Active Year: 2012

Date In: 10/24/2012 11:07:31 AM

Local Educational Agency Name: Claremont Unified School District
Address: 170 West San Jose Ave.
Claremont, CA 91711

Start: 11/15/2012 End: 11/15/2014

Waiver Renewal: Y
Previous Waiver Number: 10-11-2010-WC-8
Previous SBE Approval Date: 1/13/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: 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.]

Outcome Rationale: California State Board of Education: Request for waiver (EC 52852) - to establish a joint School Site Council for small schools with total teaching staff less than 8-10; schools that are geographically adjacent; and orthopedically impaired student population of 50.

Rationale for combining the School Site Council of Danbury Elementary School with Sumner Elementary School, both of which are located in the Claremont Unified School District:
• Danbury School is a K-6 elementary school serving 50 orthopedically impaired students;
• All K-6 Danbury students attend classes on the Sumner campus as part of their inclusion model and IEP goals;
• Lunch and recess take place on Sumner's campus under the supervision of both staffs;
• The Danbury staff consists of: principal, 7-certificated classroom teachers, 2-adapted PE teachers (provide APE services Districtwide), certificated speech teacher, and a District-shared school psychologist;
• The schools are adjacent to each other sharing common grounds as well as a District registered nurse;
• Due to size of student population and teaching staff, it is difficult to reach and maintain the required staff/parent number/ratio; and
• Danbury is a provider school for nine districts within our SELPA. Due to the travel distance, it is difficult for many parents to attend after hour meetings. Many of the students have extremely challenging physical and medical needs, which makes it very difficult for parents to participate in evening events and activities.
Desired outcomes/rationale:

BACKGROUND:
In 1998, Danbury (Special Education) School was moved from an isolated location in the City of Claremont to being adjacent to Sumner Elementary School. This was a costly relocation, but the Claremont Unified School District was committed to no longer having severely handicapped special education students isolated from regularly developing students and felt the commitment of those funds to be worth the investment to provide ‘daily’ interaction with regularly developing K-6 children. This progressive move has proven to be of remarkable benefit to both the Danbury students and the students of Sumner Elementary School.

DIFFICULTIES:
However, these benefits did not come without some logistical complications:
1) Due to this restructuring, Danbury became a very small school with currently 50 (K-6) students. Consequently, finding the number of parents that are willing to serve on a Danbury School Site Council would be very difficult, due to the low numbers of parents in which to draw.

2) Additionally, our parents are at home in the evenings (when SSC meetings are held) as their children are physically and medically fragile requiring extreme amounts of care.

3) Danbury Elementary School is a ‘provider’ school to nine different school districts, which necessitates some parents traveling 30-40 miles roundtrip to attend an evening meeting. This decreases parent participation as Danbury is not a typical ‘neighborhood’ school.

BENEFITS:
1) Having severely orthopedically impaired students in regular classrooms on a consistent basis requires a great deal of planning and coordination. These needs are met by combining the School Site Councils of Danbury and Sumner Elementary Schools.

2) Danbury and Sumner also share many of the same staff members (certificated and classified) throughout the day which addresses the various academic and safety needs of students attending both schools.

Student Population: 50

City Type: Suburban

Local Board Approval Date: 8/9/2012

Community Council Reviewed By: School Site Council President, Katie Bartosh
Community Council Reviewed Date: 6/27/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
CD Code: 1964394  Waiver Number: 65-10-2012  Active Year: 2012

Date In: 10/24/2012 12:03:50 PM

Local Educational Agency Name: Claremont Unified School District
Address: 170 West San Jose Ave.
Claremont, CA 91711

Start: 11/1/2012  End: 11/1/2014

Waiver Renewal: Y
Previous Waiver Number: 9-11-2010-WC-7
Previous SBE Approval Date: 1/13/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: 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.

Outcome Rationale: California State Board of Education: Request for waiver (EC 52852) - to establish a joint School Site Council for small schools total teaching staff less than 8-10; schools that are geographically adjacent; and share facilities.

Rationale for combining the School Site Council of Community Day School (CDS) with San Antonio High School (SAHS), both of which are small schools located in Claremont Unified School District:
Community Day School:
• CDS and SAHS share the same teaching staff. Each SAHS teacher is assigned to one period at CDS during the instructional day;
• CDS is comprised of one classroom adjacent to other classrooms on the SAHS campus;
• CDS and SAHS share the same principal, assistant principal, office manager, and District nurse; and
• CDS and SAHS share the same career center, athletic facilities, and lunch area.

Desired outcomes/rationale:
San Antonio (Continuation) High School and Community Day School are located on the same campus. Community Day School has a student population of 18 students. The staff is shared on both campuses to insure that all students have highly qualified teachers in the classroom. Office staff is shared.
In Alternative Education, parent participation is one of the difficult areas to achieve. Having a joint School Site Council would help to unify the schools and lesson the burden on individual School Site Councils. Many of the educational goals are parallel and this would help with the sustainability of the School Site Council, by having a joint Council. The work would be the same for the Council, with a Single Plan for Student Achievement (SPSA), School Accountability Report Card (SARC), and operating budget for each site. Due to the numbers and ratios required to create a compliant School Site Council, a joint Council could serve both schools very well.

Having a joint School Site Council would allow the process to be streamlined and save valuable time. This would have a very positive affect in facilitating our local agency operations.

Student Population: 18

City Type: Suburban

Local Board Approval Date: 8/9/2012

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 8/30/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Karol Rinehart
Position: Director of Categorical Programs
E-mail: krinehart@cusd.claremont.edu
Telephone: 909-399-1718
Fax: 909-624-6274

Bargaining Unit: Date: 08/30/2012 Name: Claremont Faculty Association
Representative: Carla Campbell Title: Site Representative
Position: Support
Comments:

Bargaining Unit: Date: 08/30/2012 Name: CSEA
Representative: Ana Avilez Title: Site Representative
Position: Support
Comments:
CD Code: 0710074       Waiver Number: 22-10-2012       Active Year: 2012

Date In: 10/16/2012 10:18:46 AM

Local Educational Agency Name: Contra Costa County Office of Education
Address: 77 Santa Barbara Rd.
Pleasant Hill, CA 94523
Fax: 925-942-3343

Start: 7/1/2012       End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: This waiver is requested so that the three schools noted below may operate one shared schoolsite council and have flexibility regarding the composition of its members.

Outcome Rationale: The Court & Community Schools (Mt. McKinley, Delta Vista High and Golden Gate Community) operated by the Contra Costa County Office of Education serve students who are incarcerated, at-risk, or expelled. The population is extremely itinerant, with the average length of enrollment between four and eight weeks. The students frequently move between settings, and it is extremely difficult to get significant parent and student involvement. These are also small schools with many shared staff, including the principals.

Student Population: 400

City Type: Suburban

Local Board Approval Date: 9/5/2012

Community Council Reviewed By: District Advisory Committee and District English Learners Advisory Committee
Community Council Reviewed Date: 8/13/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N       Categorical Program Monitoring: N
Submitted by: Dr. Lindy Khan  
Position: Academic Administrator  
E-mail: lkhan@cccoe.k12.ca.us  
Telephone: 925-942-3343

Bargaining Unit: Date: 08/24/2012  
Name: Public Employees Union Local One  
Representative: Georgia Williams  
Title: President  
Position: Support  
Comments:

Bargaining Unit: Date: 08/29/2012  
Name: Contra Costa County Teachers Association  
Representative: Diana Perkovich  
Title: President  
Position: Support  
Comments:
| California Department of Education  
<table>
<thead>
<tr>
<th>WAIVER SUBMISSION - Specific</th>
</tr>
</thead>
</table>
| CD Code: 1964444  
Waiver Number: 70-10-2012  
Active Year: 2012 |
| Date In: 10/25/2012 1:28:34 PM |
| LEA Name: Culver City Unified School District  
Address: 4034 Irving Pl.  
Culver City, CA 90232 |
| Start: 10/24/2012  
End: 10/24/2014 |
| Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date: |
| Waiver Topic: Schoolsite Council Statute  
Ed Code Title: Number and Composition of Members  
Ed Code Section: 52852  
Ed Code Authority: 52863 |
| Ed Code or CCR to Waive: California Education Code 52852 requires that 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. At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a.)  
Outcome Rationale: California Education Code 52852 also requires that 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. At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a.) This requires 3 or more teachers to ensure a majority as well as 1 classified employee, 1 principal, and 5 community members. Due to the enrollment and staffing of Culver Park Continuation High School, it is not feasible to have a team of this size.  
Student Population: 60  
City Type: Urban  
Local Board Approval Date: 10/23/2012  
Community Council Reviewed By: Administrative Council  
Community Council Reviewed Date: 10/16/2012  
Community Council Objection: N  
Community Council Objection Explanation: |
| Audit Penalty YN: N |
Categorical Program Monitoring: N

Submitted by: Mr. Kevin Kronfeld
Position: Coordinator of State and Federal Programs
E-mail: kevinkronfeld@ccusd.org
Telephone: 310-842-4220 x4250
Fax:

Bargaining Unit: Date: 10/17/2012 Name: Association of Classified Employees
Representative: Debra Hamme Title: President Position: Support
Comments:

Bargaining Unit: Date: 10/17/2012 Name: Culver City Federation of Teachers
Representative: David Mielke Title: President Position: Support
Comments:
Ed Code or CCR to Waive: 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.

Outcome Rationale: Both schools have traditionally had a difficult time having enough parents and teachers on each schoolsite council. Since it takes 12 for the Cuyama Valley High School, it would require 3 out of 5.5 teachers in the school. It also requires 5 parents who typically also try to serve on the Cuyama Elementary schoolsite council. There are only two schools with 160 in the elementary and 75 in the high school. Most of the families have both parents working in the agricultural fields. The two schools serve a very rural valley in the northeast corner of Santa Barbara County. The waiver would allow the same parents to serve on one schoolsite council with a representative group of teachers serving both sites. The Superintendent/Principal is the only administrator in the district serving as the Principal of both sites, MOT Director and Superintendent. This would allow a better chance to have an active group and a quorum to exist most of the time. Historically, it has been hard to have a quorum at most meetings at both sites.

Student Population: 235

City Type: Rural

Local Board Approval Date: 10/11/2012

Community Council Reviewed By: Cuyama Elementary Schoolsite Council
Community Council Reviewed Date: 10/9/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Roland Maier
Position: Superintendent/Principal
E-mail: rmaier@cuyamaunified.org
Telephone: 661-766-2482
Fax: 661-766-2255
SHARED SCHOOL SITE COUNCIL WAIVER ATTACHMENT:

The Cuyama Joint Unified School District Board and the Cuyama Elementary School and Cuyama Valley High School School Site Councils and bargaining units approved the Shared School Site Council Waiver and seek SBE approval which will comply with the Waiver Evaluation Guidelines as noted below.

- Cuyama Elementary School CDS CODE: 42-75010 - 6045389
- Cuyama Valley High School CDS CODE: 42-75010 –4231205

California Department of Education staff places waiver requests consistent with the following evaluation guidelines on the SBE’s Consent Calendar.

The schools affected are small:
- Cuyama Valley High School has 75 students with 5.5 FTE Teachers.
- Cuyama Elementary School has 160 students with 9 FTE Teachers

And;

The schools have a common site administration, curriculum, or other shared services.
- Roland Maier is the Superintendent/Principal for the Cuyama Joint Unified School District and oversees both sites. He is the only administrator in the District. Both sites have shared curriculum and other services such as secretarial support, custodial, transportation and maintenance support and school site services.

- Cuyama Elementary School and Cuyama Valley High School are five miles apart in the very rural Cuyama Valley in the northeast corner of Santa Barbara County. All of the students attend either of the two sites. The valley depends on agriculture and most of the families have both parents working in the fields.

- The same parents are historically on both school site councils and the district has had a difficult time maintaining a quorum at both meetings each month.

Roland Maier
Superintendent/Principal
Cuyama Joint Unified School District
P.O. Box 271 New Cuyama, CA 93254
661-766-2482 Fax 60661-766-2255
rmaier@cuyamaunified.org
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5271514  Waiver Number: 16-10-2012  Active Year: 2012

Date In: 10/12/2012 12:07:17 PM

LEA Name: Elkins Elementary School District
Address: 2960 Elkins Rd.
Paskenta, CA 96074
Fax: 530-833-9859

Start: 7/1/2012  End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 14-9-2010-W-17  Previous SBE Approval Date: 1/13/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: Ed code requires a minimum of ten members for the school site council

Outcome Rationale: Elkins School is a small rural school with a student population of 14. We employ a part time Adminstrator, one full time teacher, on full time paraprofessional and three part-time classified employees. We wish to form a four member SSC composed of the school administrator/teacher, one other school employee and two parents or community members elected by parents.

Student Population: 14

City Type: Rural

Local Board Approval Date: 9/25/2012

Community Council Reviewed By: Elkins School Site Council
Community Council Reviewed Date: 9/17/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Ms. Marla Katzler
Position: Principal/Superintendent/Teacher  E-mail: mjensen@elkinsschoolca.org
Telephone: 530-833-5582
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4570011 Waiver Number: 59-10-2012 Active Year: 2012

Date In: 10/23/2012 10:29:38 AM

Local Educational Agency Name: Happy Valley Union Elementary School District
Address: 17480 Palm Ave.
Anderson, CA 96007

Start: 8/20/2012 End: 8/20/2014

Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: A school site 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 parent; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Our district consists of two small schools about 250 students each. the leadership team for the district is comprised of members from both campuses. The common community and geographic proximity of the campuses warrants a combined School Site Council. The total teaching staff is 22 teachers. We also have difficulty finding enough parents to meet the minimum requirement for two separate site councils.
This waiver will: 1) Allow for parent participation. 2) Support on-going collaboration between the two campuses, and 3) Will retain equity between the sites, thus providing appropriate oversight of the school's programs and budget.

Student Population: 500

City Type: Rural

Local Board Approval Date: 10/16/2012

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 10/26/2011
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Tufts
Position: Superintendent/Principal
E-mail: jtufts@hvusd.net
Telephone: 530-357-2111 x224
Fax: 530-357-4143

Bargaining Unit: Date: 02/29/2012 Name: Happy Valley Teachers Association Representative: Douglas O'Brien Title: Co-President Position: Support Comments:

Bargaining Unit: Date: 06/07/2012 Name: Teamsters, Local 137 Representative: David Hawley Title: Teamsters Representative Position: Support Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4570037  Waiver Number: 60-10-2012  Active Year: 2012

Date In: 10/23/2012 2:18:58 PM

Local Educational Agency Name: Indian Springs Elementary School District
Address: 25299 Big Bend Rd.
Big Bend, CA 96011

Start: 8/20/2012  End: 5/31/2013

Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

Outcome Rationale: With only one teacher for kindergarten through eighth grade, and very few classified staff members, we must reduce our numbers for our District Advisory Committee composition to: an administrator, one teacher, one staff member, and two parents. The waiver is necessary for facilitating our needs for a reduced number of committee members because of the limited staff employed at the Indian Springs Elementary School District.

Student Population: 14

City Type: Rural

Local Board Approval Date: 8/15/2012

Community Council Reviewed By: School Site Council members: Sarah Supahan, Jamie Stenlund, Susan Walesch, Patti Lenahan, Amanda Haas
Community Council Reviewed Date: 5/8/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Jamie Stenlund
Position: Administrative Assistant
E-mail: jstenlund@shastalink.k12.ca.us
Telephone: 530-337-6219
Fax:

Bargaining Unit: Date: 09/20/2012 Name: California Teachers Association Representative:
Patricia Lenahan Title: Member Position: Support
Comments:
Ed Code or CCR to Waive: A school site 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]

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents. [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. At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons repres

Outcome Rationale: Oak Run Elementary is a one school district that has been facing declining enrollment for several years. Due to this fact we have also decreased staff significantly. We currently have a part time superintendent an administrative secretary, one full time teacher, one part time preschool teacher, one part time classroom aide, one part time cook and one part time janitor.

Currently we have ten students enrolled for kindergarten through eighth grade and seven students enrolled in preschool.

Our goal in requesting this waiver is to continue to monitor and improve student performance through the SSC on our limited resources of personnel and parents available to be on the SSC.
Student Population: 14

City Type: Rural

Local Board Approval Date: 9/26/2012

Community Council Reviewed By: Tamara Grant, Alan Grant, Gayle Houchins, Pat McNamara, Tom Diskin
Community Council Reviewed Date: 9/20/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Mr. Frank Adelman
Position: Superintendent  E-mail: fadelman@me.co
Telephone: 530-472-3241 x101

Bargaining Unit: Date: 09/07/2012 Name: CA Teachers Association
Representative: Gayle Houchins Title: Lead Teacher Position: Support

Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1062356    Waiver Number: 66-10-2012    Active Year: 2012

Date In: 10/24/2012 12:22:10 PM

Local Educational Agency Name: Pacific Union Elementary School District
Address: 2065 East Bowles Ave.
Fresno, CA 93725

Start: 11/1/2012   End: 11/1/2014

Waiver Renewal: N
Previous Waiver Number:   Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: EC 52852 states in part: To meet the composition and parity requirements of EC Section 52852, an elementary school site council must have a minimum of ten members, including the principal, three classroom teachers, on other school employee and five parents or community members.

Outcome Rationale: We have attempted numerous times to find parents willing to run for Site Council. After soliciting via letters and notes sent home and talking to parents at Back to School Night, we are unable to find the number of parents needed to serve. We would like to drop the make up of Site Council to 6 people consisting of 3 parents, 1 teacher, 1 classified, and the principal/superintendent.

Student Population: 372

City Type: Rural

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Pacific Union SSC
Community Council Reviewed Date: 9/10/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3166894   Waiver Number: 39-10-2012   Active Year: 2012

Date In: 10/22/2012 10:12:33 AM

Local Educational Agency Name: Placer Union High School District
Address: 13000 New Airport Rd.
Auburn, CA 95603

Start: 1/10/2013   End: 1/10/2014

Waiver Renewal: N   Previous Waiver Number:   Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: 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 school, pupils selected by pupils attending the school.

Outcome Rationale: Chana High School currently has 171 students. Maidu High School currently has 113 students enrolled. The schools share administration and some staff. Both schools share the same address and share facilities. Some staff meeting are combined and educational priorities are set together. The statutory requirements of site council meetings are very difficult to achieve as the total number of students, teachers, parents is small. As part of the waiver, the joint schoolsite council will be required to elect its parent-community, student and staff members from "both of the schools" and will maintain the parity requirements of EC 56852

Student Population: 284

City Type: Rural

Local Board Approval Date: 10/16/2012

Community Council Reviewed By: Chana High School/ Maidu High School
Community Council Reviewed Date: 10/16/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jeff Moore
Position: Assistant Principal
E-mail: jmoore@puhsd.k12.ca.us
Telephone: 530-885-8401 x5103
Fax:

Bargaining Unit:
Date: 10/16/2012
Name: Associated Teachers of Placer
Representative: Tad Eichman
Title: ATP Vice President
Position: Neutral
Comments:
| California Department of Education  
<table>
<thead>
<tr>
<th>WAIVER SUBMISSION - Specific</th>
</tr>
</thead>
</table>
| CD Code: 5373833  
Waiver Number: 20-10-2012  
Active Year: 2012 |
| Date In: 10/15/2012 12:21:07 PM |
| LEA Name: Southern Trinity Joint Unified School District  
Address: 680 Van Duzen Rd.  
Bridgeville, CA 95526  
Fax: 707-574-6538 |
| Start: 12/16/2012  
End: 12/16/2014 |
| Waiver Renewal: Y  
Previous Waiver Number: 171-12-2010-W-10  
Previous SBE Approval Date: 3/11/2011 |
| Waiver Topic: Schoolsite Council Statute  
Ed Code Title: Number and Composition of Members  
Ed Code Section: 52852  
Ed Code Authority: 52863 |
| Ed Code or CCR to Waive: 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 personnel selected by other school personnel at the school; parent of pupils attend the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school.  
Outcome Rationale: Our school at Hoaglin-Zenia is one hour from our other schools. It has an enrollment of eight (8) students with one teacher. Because of the distance and small number of students it is impossible to meet the current requirements for site council composition. We are asking to be able to have our site composition at Hoaglin-Zenia be: The teacher in charge and one other classified staff and two parents, for a total of 4 members. |
| Student Population: 8  
City Type: Rural  
Local Board Approval Date: 9/19/2012 |
| Community Council Reviewed By: Southern Trinity SSC  
Community Council Reviewed Date: 9/17/2012  
Community Council Objection: N  
Community Council Objection Explanation:  
Audit Penalty YN: N  
Categorical Program Monitoring: N |
Submitted by: Ms. Peggy Canale
Position: Superintendent/Principal  E-mail: pcanale@tcoek12.org
Telephone: 707-574-6237 x223

Bargaining Unit: Date: 09/10/2012 Name: Southern Trinity Teachers' Association
Representative: Marie Block Title: President Position: Support

Comments:
### California Department of Education
**WAIVER SUBMISSION – Specific**

<table>
<thead>
<tr>
<th>CD Code: 1764071</th>
<th>Waiver Number: 12-10-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
</table>

**Date In:** 10/4/2012 9:01:57 AM

**LEA Name:** Upper Lake Union High School District  
**Address:** 675 Clover Valley Rd.  
**Upper Lake, CA 95485**  
**Fax:** 707-275-2655

**Start:** 7/1/2012  
**End:** 6/30/2014

**Waiver Renewal:** N  
**Previous Waiver Number:**  
**Previous SBE Approval Date:**

**Waiver Topic:** Schoolsite Council Statute  
**Ed Code Title:** Number and Composition of Members  
**Ed Code Section:** 52852  
**Ed Code Authority:** 52863

**Outcome Rationale:** Upper Lake High School is located in a small rural community comprised primarily of a student population on free and reduced lunch. Parent, community and local agency involvement has been difficult to achieve. With the ability to have fewer site council members, the high school is able to gather a committee that consistently attends site council meetings and can thereby facilitate decisions to streamline and achieve the school's goals of improved student performance. Also, due to reduced staffing in a small school, there are fewer staff members able to run for site council. We feel we will have a successful site council committee with 10 active members.

**Ed Code or CCR to Waive:** Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

**Student Population:** 360

**City Type:** Rural

**Local Board Approval Date:** 9/25/2012

**Community Council Reviewed By:** Upper Lake High School Site Council  
**Community Council Reviewed Date:** 9/20/2012  
**Community Council Objection:** N  
**Community Council Objection Explanation:**

**Audit Penalty YN:** N  
**Categorical Program Monitoring:** N
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM W-07
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request by Alpine County Unified School District to waive a portion of California Education Code Section 35330(b)(3) to authorize expenditures of school district funds for students to attend curricular and extracurricular trips/events.

Waiver Number: 23-10-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval to waive a portion of California Education Code (EC) Section 35330(b)(3) to authorize expenditures of school district funds for Alpine County Unified School District (USD) students to travel to Nevada to attend economically prudent curricular and extracurricular trips/events.

Education Code Section 33051(b) will apply, and the district is not required to reapply annually if the information contained on the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all similar waivers in the past.

SUMMARY OF KEY ISSUES

Education Code Section 35330(b)(3) states, “…no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.”

Alpine County USD requests a waiver of EC Section 35330(b)(3). Alpine County USD is located in a geographically rural and isolated area.

Nevada offers social, cultural, and educational opportunities not available locally. The opportunities along the Hwy 395 corridor in Nevada are closer than similar opportunities in California. Without financial help from the district the trips would not be possible.
Based on the reasons provided by the district for traveling to Nevada, CDE recommends approval of this waiver request to attend curricular and extracurricular trips/events in Nevada.

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://leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: Alpine County USD has a student population of 98 and is located in a rural area in Alpine County.

Authority for Waiver: EC Section 33050

Period of request: October 10, 2012 to June 30, 2015
Recommended period of request: July 1, 2012 to June 30, 2014

Local board approval date(s): October 9, 2012

Public hearing held on date(s): October 9, 2012

Bargaining unit(s) consulted on date(s): September 10, 2012

Name of bargaining unit/representative(s) consulted: Alpine County School Employees Association, Joe Voss, President

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (specify)
emailed to families, in a monthly newsletter, and posted in general posting areas

Advisory committee(s) consulted: Diamond Valley School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: September 25, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact from waiver approval.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office)
Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: [33050-33053]
Ed Code Authority: California Department of Education

Ed Code or CCCR to Waive: EC Section [35330(b)(3)] states "...no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."

Outcome Rationale: To give all our students exposure to all social, cultural and educational opportunities available in our geo-economic locale. Our students live in a geographically rural and isolated area with the primary source of social, cultural, and economic opportunities laying along the Hwy 395 corridor in Nevada. Including but not limited to the following excursions: museums, theater, geological sites, paleolithic sites, historical sites and towns, community colleges, Job Corp, opportunites of work experience, job-shadowing and training that are frequently distance-prohibitive within California. Many of our students are economically disadvantaged and would not be able to participate in field trips or excursions if required to pay for expenses of pupils.

Student Population: 98

City Type: Rural

Public Hearing Date: 10/9/2012

Public Hearing Advertised: Notice was posted at each school site, emailed to all families, in the monthly newsletter sent home, and posted throught out the general posting areas in Alpine County.

Local Board Approval Date: 10/9/2012
Community Council Reviewed By: Diamond Valley School Site Council
Community Council Reviewed Date: 9/25/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Terrie Peets
Position: Human Resources & Administrative Services Coor
E-mail: tpeets@alpinecoe.k12.ca.us
Telephone: 530-694-2230 x210

Bargaining Unit: Date: 09/10/2012 Name: Alpine County School Employees Association
Representative: Joe Voss Title: President Position: Support
Comments:
ITEM W-08
General Waiver

SUBJECT
Request by two districts, under the authority of California Education Code Section 33050, to waive all portions of California Education Code sections 17473 and 17474 and portions 17455, 17466, 17472, and 17475 relating to the sale and lease of surplus property. Approval of these waivers will allow the districts to lease or sell property using a “request for proposal process”, thereby maximizing the proceeds from the sale or lease of the properties.

Waiver Number: New Haven Unified School District 27-10-2012
Pittsburg Unified School District 61-10-2012
Pittsburg Unified School District 62-10-2012 (Renewal Waiver)

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: the proposals the governing boards determine 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 identified in public sessions and included in the minutes of the meetings. Additionally, the districts must comply with the surplus property requirements, regarding offers to charter schools, public agencies, and non-profits, specified in Education Code (EC) sections 17457.5, 17464 through 17465, and 17485, et seq. In regards to Pittsburg Unified School District (PUSD), the district must remit 100 percent of the sale proceeds of the 10.5 acres of the former Central Middle School to the State, consistent with the August 2010 action of the State Allocation Board.

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 districts are requesting to waive the same provisions for the sale or lease of surplus property.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the districts request that specific portions of the EC relating to the sale or lease of district property be waived.
The districts believe that they will maximize the returns on the sale or lease of the properties to the greatest extent possible. The districts are requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the districts to determine what constitutes the most “desirable” bid and set their own terms and conditions for the sale or lease of surplus property.

New Haven Unified School District is requesting the sale or lease of the Cabello Student Support Center. This property is approximately 8.6 acres that is located at 4500 Cabello Street, Union City, CA. The district states that all students have been relocated to the Educational Services Center and other sites.

Pittsburg Unified School District is requesting the sale or lease of two pieces of property. The district is requesting a renewal waiver for the property located at Harbor Street. This property is approximately 6.824 acres of undeveloped lands. Additionally, the district is requesting to sell or lease approximately 10.5 acres that is a portion of the former Central Junior High School. The district states that the students from the former Central Junior High School now attend the new Rancho Medanos Junior High School. It should be noted that in July of 2007 the SAB approved a Facility Hardship application for the Central Junior High School property and required the District to sell the approximately 10.5 acre site as a stipulation for the approved application. In February of 2010 the District appealed to the SAB to retain the Central Junior High School approximate 10.5 acre property for non K-12 student services. This appeal was granted in August of 2010 with the condition if the District sells the approximate 10.5 acre site at a future date, the District must remit the proceeds to the State.

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)**

The flexibility in property disposition requested herein will allow the districts to maximize revenue. The applicant districts will financially benefit from the sale of the properties.

**ATTACHMENT(S)**

Attachment 1: Summary Table (2 pages)

Attachment 2: General Waiver Request 27-10-2012 New Haven Unified School District Cabello Student Support Center (6 pages)

Attachment 3: General Waiver Request 61-10-2012 Pittsburg Unified School District Former Central Junior High School (4 pages)

Attachment 4: General waiver Request 62-10-2012 Pittsburg Unified School District Harbor Street Property (4 pages)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<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</th>
<th>Advisory Committee Consulted – Date</th>
<th>Streamlined Waiver Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Recommended:</strong> 1/11/2013 - 1/10/2015</td>
<td></td>
<td></td>
<td>New Haven Teachers Association (NHTA) – 10/4/2012</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Recommended:</strong> 1/10/2013 – 1/09/2015</td>
<td></td>
<td></td>
<td>Pittsburg Education Association (PEA) – 6/8/2012</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request Number</td>
<td>Requester</td>
<td>Property</td>
<td>Requested</td>
<td>Recommended</td>
<td>Action</td>
<td>Sign</td>
<td>Comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-----------</td>
<td>----------</td>
<td>-----------</td>
<td>-------------</td>
<td>--------</td>
<td>------</td>
<td>----------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - General

CD Code: 0161242  Waiver Number: 27-10-2012  Active
Year: 2012

Date In: 10/17/2012 12:25:47 PM

Local Educational Agency Name: New Haven Unified School District
Address: 34200 Alvarado-Niles Rd.
Union City, CA 94587
Fax: 510-475-3858

Start: 1/1/2013  End: 1/11/2015

Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: Other Waivers
Ed Code Title: Other Waivers
Ed Code Section: 17455,17466,17472,17473,17474,17475
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: See attachment

Outcome Rationale: See attachment

Student Population: 12981

City Type: Urban

Public Hearing Date: 10/16/2012

Public Hearing Advertised: Notice in Newspaper, Notice posted at each school site and noticed per Brown Act

Local Board Approval Date: 10/16/2012

Community Council Reviewed By: District Advisory Committee
Community Council Reviewed Date: 9/24/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Akur Varadarajan  
Position: Chief Business Officer  
E-mail: avaradarajan@nhusd.k12.ca.us  
Telephone: 510-471-1100 x60413

Bargaining Unit:  Date: 10/04/2012 Name: California School Employees Association  
Representative: Raquel Leon Title: President Position: Support  
Comments:

Bargaining Unit:  Date: 10/04/2012 Name: New Haven Teachers Association  
Representative: Charmaine Banther Title: President Position: Support  
Comments:
Attachment A

The New Haven Unified School District desires to waive the following sections and portions of the Education Code lined out below:

17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, and real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district, and shall be made in the manner provided by this article.

Rationale: The New Haven Unified School District requests the specified Education Code sections be waived in order to allow the District to maximize the return on the sale or lease of sites in a manner that best serves our schools and community. The District would like to offer the property for sale or lease through Requests for Proposals followed by further negotiations using the services of a broker who will advertise and solicit proposals from potential buyers. The language of Education Code Section 17455 stating that the sale or lease of real property is to be made in the manner provided by this article is inconsistent with the waivers the District is seeking.

The District will work closely with consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by two-thirds votes 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.

Rationale: The language to be waived provides for a minimum price or rental and requires sealed proposals to purchase or lease the property. This requirement restricts the District’s flexibility in negotiating price, payments, and terms that may yield greater economic benefit to the District.

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 which the Board determines represents the most desirable lease of the property shall be which 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.

Rationale: By striking the requirement that sealed proposals be received, and that the highest bidder be awarded the contract, the District will be able to sell or lease the property to the party that presents the most favorable proposal to the District. The Board would, therefore, be able to sell or lease to the party submitting the proposal that best meets the District’s needs. By removing the requirement that an oral bid be accepted, the District would be able to determine what constitutes the most desirable bid.

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, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids in addition to sealed bids.

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.

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids.

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 the 10 days next following.*

Rationale: Rather than specifying a certain number of days or a timeframe, the proposed language provides flexibility while ensuring a public process whereby the reasons for the determination of the most desirable proposal is shared openly. Furthermore, prior to the decision to sell or lease a site, the District will receive a recommendation of the District Advisory Committee whose purpose “is to advise the Board in the development of District-wide policies and procedures governing the use or disposition of school buildings, space, or property which is not used for school purposes.” (Education Code Section 17388) The District Advisory Committee
will also conduct a public hearing prior to making its recommendations to the Board.
7. Desired Outcome/Rationale

The New Haven 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 sale of the property and provide for a use that best meets the needs of the schools and community. Based on past sales of real property in our area and the location of the property, the District anticipates attracting a much greater interest from potential buyers through a Request for Proposal process than a Bid process.

The Property
The District owns approximately 8.6 acres of real property, known as the Cabello Student Support Center, located at 4500 Cabello Street, Union City, CA 94587.

Plan
The District has relocated all of its student support services from Cabello to the Educational Services Center and to other sites. It is the desire of the District to attract potential buyers who will not only pay maximum price for the property, but who will also enhance the surrounding neighborhood
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 0761788  Waiver Number: 61-10-2012  
Active Year: 2012  
Date In: 10/23/2012 2:40:47 PM

Local Education Agency: Pittsburg Unified School District  
Address: 2000 Railroad Ave. 
Pittsburg, CA 94565

Start: 1/10/2013  
End: 1/10/2015

Waiver Renewal: N

Previous Waiver Number: 50-4-2008  
Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property

Ed Code Title: Sale of Surplus Property  
Ed Code Section: 17466, 17472, 17473, 17474, 17475  
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Section 17466: Before ordering 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 a 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].

RATIONALE: The aforementioned language to be waived allows the District to avoid specifying a minimum bid at a public meeting and would allow the District to set its own terms and conditions and remove references to minimum bids and actions to be taken with "sealed" bids. The District would instead negotiate proposals with various land developers and/or real estate agents/brokers – Individual negotiations would be confidential.

Section 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 a 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 [which is the highest] which the District Board determines represents the most desirable sale or lease of the
property, [after deducting there from the commission, if any, to be paid to 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].

RATIONALE: The aforementioned language to be waived allows the District to determine what constitutes the most “desirable” bid, set its own terms and conditions, and would remove the requirement that an oral bid be accepted.

Section 17473: Entire section pertaining to oral bids to be waived.

RATIONALE: Waiving this section would allow the District to eliminate the oral bidding process.

Section 17474: Entire section proposed to be waived.

RATIONALE: Waiving the section pertaining to oral bidding process eliminates technical language related to commissions paid to brokers who procure the winning oral bid.

Section 17475: The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within 60 [10] days next following.

RATIONALE: Proposed language change would allow the District 60 days, instead of 10, to accept offers.

Outcome Rationale: The Pittsburg Unified School District complied with the surplus property requirements, regarding offers to public agencies and non-profit organizations, specified in EC Sections 17464-17465 and 17485 et seq., but received no letters of interest or offers – Copies of legal notice, public offering notices and returned notices are attached.

The District proposes to use the Request for Proposals (RFP) process to realize the asset potential of the subject property. Approval of the proposed waiver would allow District to sell, lease or rent property using a broker process, thereby maximizing the proceeds from such sale and/or lease.

Student Population: 9800

City Type: Urban

Public Hearing Date: 7/25/2012

Public Hearing Advertised: Notice Posted at each school + Notice Posted at District Offices

Local Board Approval Date: 7/25/2012

Community Council Reviewed By: District Advisory Committee ("7-11" Committee)
Community Council Reviewed Date: 7/9/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Enrique Palacios
Position: Associate Superintendent
E-mail: epalacios@pittsburg.k12.ca.us
Telephone: 925-473-2303
Fax:

Bargaining Unit: Date: 06/08/2012 Name: CSEA Pittsburg Chapte 44
Representative: Sal Culcasi Title: President
Position: Support
Comments:

Bargaining Unit: Date: 06/08/2012 Name: Pittsburg Education Association
Representative: Chris Coan Title: President
Position: Support
Comments:
BOARD REPORT

DATE: July 25, 2012

Recognition:  
Information:  
Consent:  
Action: X

TO: Board of Education

PRESENTED BY: Enrique Palacios – Associate Superintendent of Business Services

SUBJECT: APPROVAL OF RESOLUTION #12-17 – AVAILABILITY OF SURPLUS PROPERTY AT FORMER CENTRAL JUNIOR HIGH SCHOOL

RECOMMENDATION:

Administration is recommending approval.

BACKGROUND:

At its meeting on July 9, 2012, the District Advisory Committee ("7-11" Committee) declared approximately 10.5-acres at the former Central Junior High School property as surplus lands. Approval of this resolution declares the approximate 10.5 acres as surplus lands authorizes the District to offer surplus lands for sale and/or lease to any interested public entities, and non-profit public benefit agencies.

BUDGET IMPLICATIONS:

None

PREPARED BY:

Associate Superintendent, Business Services  Brenda Herring

Administrative Assistant

Item No.: 
Enclosures:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 0761788  Waiver Number: 62-10-2012
Active Year: 2012

Date In: 10/23/2012 3:44:03 PM

Local Education Agency: Pittsburg Unified School District
Address: 2000 Railroad Ave.

Pittsburg, CA 94565

Start: 1/10/2013  End: 1/10/2015
Waiver Renewal: Y

Previous Waiver Number: 50-4-2008  Previous SBE Approval Date:
7/1/2008

Waiver Topic: Sale or Lease of Surplus Property

Ed Code Title: Sale of Surplus Property

Ed Code Section: 17466, 17472, 17473, 17474, 17475

Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Section 17466: Before ordering 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 a 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].

RATIONALE: The aforementioned language to be waived allows the District to avoid specifying a minimum bid at a public meeting and would allow the District to set its own terms and conditions and remove references to minimum bids and actions to be taken with "sealed" bids. The District would instead negotiate proposals with various land developers and/or real estate agents/brokers – Individual negotiations would be confidential.
Section 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 a 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 [which is the highest] which the District Board determines represents the most desirable sale or lease of the property, [after deducting there from the commission, if any, to be paid to 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].

RATIONALE: The aforementioned language to be waived allows the District to determine what constitutes the most “desirable” bid, set its own terms and conditions, and would remove the requirement that an oral bid be accepted.

Section 17473: Entire section pertaining to oral bids to be waived.

RATIONALE: Waiving this section would allow the District to eliminate the oral bidding process.

Section 17474: Entire section proposed to be waived.

RATIONALE: Waiving the section pertaining to oral bidding process eliminates technical language related to commissions paid to brokers who procure the winning oral bid.

Section 17475: The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within 60 [10] days next following.

RATIONALE: Proposed language change would allow the District 60 days, instead of 10, to accept offers.

Outcome Rationale: The Pittsburg Unified School District complied with the surplus property requirements, regarding offers to public agencies and non-profit organizations, specified in EC Sections 17464-17465 and 17485 et seq., but received no letters of interest or offers. A Waiver from Public Bidding was obtained from SBE in July 2008 but expired in August 2010. Although the District obtained interest in purchase of property, actual disposition was not achieved.

Since expiration of Waiver from SBE in August 2010:

a. The facts that precipitated the original waiver request have not changed
b. The remedy for problem has not changed
c. 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
The District proposes to use the Request for Proposals (RFP) process to realize the asset potential of the subject property. Approval of the proposed waiver would allow District to sell, lease or rent property using a broker process, thereby maximizing the proceeds from such sale and/or lease.

Student Population: 9800
City Type: Urban

Public Hearing Date: 7/25/2012

Public Hearing Advertised: Notices posted at each school + Notices posted at District Offices

Local Board Approval Date: 7/25/2012

Community Council Reviewed By: District Advisory Committee ("7-11" Commitee)
Community Council Reviewed Date: 7/9/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Enrique Palacios
Position: Associate Superintendent
E-mail: epalacios@pittsburg.k12.ca.us
Telephone: 925-473-2303
Fax: 

Bargaining Unit:
Date: 06/08/2012
Name: CSEA Pittsburg Chapter 44
Representative: Sal Culcasi
Title: President
Position: Support
Comments:

Bargaining Unit:
Date: 06/08/2012
Name: Pittsburg Education Association
Representative: Chris Coan
Title: President
Position: Support
Comments:
BOARD REPORT

DATE: July 25, 2012

TO: Board of Education

PRESENTED BY: Enrique Palacios - Associate Superintendent of Business Services

SUBJECT: APPROVAL OF RESOLUTION #12-16 – AVAILABILITY OF SURPLUS PROPERTY – HARBOR STREET PROPERTY

RECOMMENDATION:

Administration is recommending approval.

BACKGROUND:

At its meeting on July 9, 2012, the District Advisory Committee ("7-11" Committee) re-established and declared the approximate 6.824-acre Harbor Street Property as surplus lands. Approval of this resolution authorizes the District to offer surplus lands for sale and/or lease to any interested public entities, and non-profit public benefit agencies.

BUDGET IMPLICATIONS:

None

PREPARED BY:

Enrique Palacios
Associate Superintendent, Business Services

Administrative Assistant

Revised: 1/8/2013 11:28 AM
General Waiver

SUBJECT
Request by Oxnard School District for a renewal 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: 1-10-2012

RECOMMENDATION

☑ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education recommends approval that two of the current eight 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 Oxnard 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 two experienced members and will aid the district in its efforts to successfully complete the next phases of the building programs and would reserve continuity and enable these members to provide continual 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. These two members have served three consecutive two-year terms therefore this waiver is required for the members to serve a fourth term.

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).

Citizens’ Oversight Committee Member Appointments

The following members were originally appointed December 2006. Their current terms will expire December 2012.

David Cates
Representing: Parent

Nancy Lindholm
Representing: President/CEO, Oxnard Chamber of Commerce
<table>
<thead>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>1-10-2012</td>
<td>Oxnard</td>
<td><strong>Requested:</strong> January 1, 2013 – December 31, 2014</td>
<td>September 19, 2012</td>
<td>September 19, 2012</td>
<td>California School Employees Association (CSEA), Clara Ramos, President – 9/7/2012 Oxnard Educators Association (OEA), Robin Lefkovits, President – 9/7/2012 Oxnard Support Services Association (OSSA), Andrea Bleecher President – 9/7/2012</td>
<td>CSEA, OEA, OSSA - Support</td>
<td>CSEA, OEA, OSSA - Support Bond Oversight Committee – 5/5/2012 No objections</td>
</tr>
</tbody>
</table>
Outcome Rationale: The Measure M6 Bond Oversight Committee (BOC) is the citizens’ oversight body for $64 million in General Obligation bonds for Oxnard School District. Two (2) of the members, including the current Chair, will be termed out in December 2012. Approval of this waiver will allow the District to benefit from the outstanding expertise and contributions of those members during the next phases of the building program (Driffill P2P+). Approval of this waiver will help preserve continuity and enable these experienced members to continue to provide advice and guidance to the BOC and to the District. Additionally, it has proven a challenge in the past to find members that are willing to make this commitment; the current group has been a good “fit”. They have been consistent in their attendance and involvement with this Committee, and have expressed their willingness to continue to serve.

Ed Code or CCR to Waive: 15282. (a) 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].

Student Population: 16500

City Type: Suburban

Public Hearing Date: 9/19/2012

Public Hearing Advertised: Notice in a newspaper; notice posted at each school site and at main district office.

Local Board Approval Date: 9/19/2012

Community Council Reviewed By: Bond Oversight Committee
Community Council Reviewed Date: 5/5/2012

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Ms. Lisa Cline

Position: Assistant Superintendent, Business & Fiscal Svces. E-mail: lcline@oxnardsd.org
Telephone: 805-385-1501 x2401

Bargaining Unit: Date: 09/07/2012 Name: California State Employees Association
Representative: Clara Ramos Title: President Position: Support
Comments:

Bargaining Unit: Date: 09/07/2012 Name: Oxnard Educators Association Representative: Robin Lefkovits Title: President Position: Support
Comments:

Bargaining Unit: Date: 09/07/2012 Name: Oxnard Support Services Association
Representative: Andrea Bleecher Title: President Position: Support
Comments:
ITEM W-10
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2013 AGENDA

General Waiver

SUBJECT

Request by Santa Clara County Office of Education to waive portions of California Education Code sections 35709 and 35534 that require (1) an election for approval of a transfer of territory from Campbell Union School District and Campbell Union High School District to Saratoga Union School District, and Los Gatos-Saratoga Joint Union High School District and (2) an effective date for the approved transfer that is July 1 of the year subsequent to the approval date.

Waiver Number: 52-10-2012

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

Approval is recommended under the condition that, by July 1, 2013, the Santa Clara County Office of Education (COE) will file the necessary documentation with the California State Board of Equalization pursuant to California Education Code (EC) Section 35765 and California Government Code (GC) Section 54900.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved similar waiver requests—the most recent by the Santa Barbara Secondary School District (SD), in Santa Barbara County, on May 12, 2011; the Bishop Union High SD and Bishop Union Elementary SD, Inyo County, on January 7, 2010; and the Santa Clara COE, Santa Clara County, on September 17, 2009.

SUMMARY OF KEY ISSUES

County committees on school district organization have authority to approve transfers of territory between school districts. EC Section 35709 requires an election to finalize the transfer of inhabited territory if one or more of the affected school districts opposes the transfer. However, in this instance, because the election area is so small (20 homes) and residents in all 20 homes have indicated they will approve the transfer, the outcome of the election is apparently a foregone conclusion. Once the territory transfer receives final approval, the effective date for the territory transfer is July 1 of the year subsequent to the year that final approval is received (EC Section 35534).
The Santa Clara COE is requesting a waiver of the EC Section 35709 election requirement and the EC Section 35534 requirement that the territory transfer not take effect until the July 1 of the year subsequent to approval of the transfer. If the SBE approves the Santa Clara COE requests, no election will be required (the existing local approval will serve as final approval of the territory transfer), and the transfer will be effective on July 1, 2013.

At issue in these waiver requests is a required election for a territory transfer (of 20 homes) approved by the Santa Clara County Committee on School District Organization (County Committee) from the Campbell Union SD and the Campbell Union High SD to the Saratoga Union SD and the Los Gatos-Saratoga Joint Union High SD in Santa Clara County. The proposed transfer was initiated by a petition signed by at least 25 percent of the voters residing in the 20 homes. All affected school districts, except for the Saratoga Union SD opposed the transfer of territory; thus requiring an election pursuant to EC Section 35709. The County Committee established the 20 homes proposed for transfer as the election area. The earliest possible election date is June 2013. If approved at this election, the territory transfer would not go into effect until July 1, 2014, pursuant to EC Section 35534.

Again, the Santa Clara COE requests that the SBE waive the EC Section 35709 requirement that an election to finalize a territory transfer be held when an affected school district opposes the territory transfer. The Santa Clara COE also requests that the SBE waive portions of EC Section 35534 requiring a boundary change to be effective on the July 1 of the year subsequent to the year the territory transfer is approved. These requests are made for the following reasons:

- The voters in the 20 homes proposed for transfer would comprise the entire electorate for the territory transfer election. The chief petitioners for the territory transfer submitted a petition to the Santa Clara County COE, signed by the owners of all 20 homes, expressing support for the territory transfer and the waiver of the election. Therefore, the outcome is a foregone conclusion.

- The Santa Clara County Registrar of Voters has estimated the cost for the election to be $27,000. It is imprudent in these difficult economic times to expend resources for an election when the outcome of the election is already known.

- All districts opposing the transfer support the request to waive the election.

- Interdistrict transfer requests have been approved for students residing in the area proposed for transfer—thus, all students residing in the territory proposed transfer currently are able to attend schools in the districts to which the territory will be transferred.

The California Department of Education (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 waiver request under the condition that the Santa Clara COE will file the documentation necessary to finalize the boundary change with the California State Board of Equalization pursuant to EC Section 35765 and GC Section 54900.
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: The Campbell Union SD, the Campbell Union High SD, the Saratoga Union SD, and the Los Gatos-Saratoga Joint Union High SD have a combined student population of 20,446 and are located in a number of small cities in Santa Clara County.

Authority for Waiver: EC Section 33050

Period of request: September 5, 2012, to September 1, 2013 (requested) November 11, 2011, to November 9, 2013 (recommended)

Local board approval date(s): September 5, 2012

Public hearing held on date(s): September 5, 2012

Bargaining unit(s) consulted on date(s): Campbell Union SD: Campbell Union SD Classified Employees (CUSDCE), August 27, 2012; Campbell Elementary Teachers' Association (CETA), June 7, 2012.

Campbell Union High SD: California School Employees' Association (CSEA), July 9, 2012; Service Employees' International Union (SEIU), July 10, 2012; Campbell High School Teachers' Association (CHSTA), June 11, 2012.

Saratoga Union SD: Saratoga Union Classified Employees' Union (SUCEU), July 12, 2012; Saratoga Teachers' Association (STA), June 5, 2012.

Los Gatos-Saratoga Joint Union High SD: Los Gatos-Saratoga Joint Union High SD Classified Employee Union (LGSJUHSDCEU), July 6, 2012; Los Gatos-Saratoga Joint Union High SD Teachers' Association (LGSJUHSDTA), June 1, 2012.

Name of bargaining unit/representative(s) consulted: Campbell Union SD: CUSDCE, Gerri Balbiani, President; CETA, Carrie Tibbs, President.

Campbell Union High SD: CSEA, Renee Ereno, President; SEIU, Earl Moody, President; CHSTA, Santiago Gomez, President.

Saratoga Union SD: SUCEU, Ann Kolb, President; STA, Sandy Waite Lopez, President.

Los Gatos-Saratoga Joint Union High SD: LGSJUHSDCEU, Julia Peck, President; LGSJUHSDTA, Kevin Rogers, President.
Position of bargaining unit(s) (choose only one):
☒ Neutral ☑ Support ☐ Oppose:

Comments (if appropriate):

Support: CETA; CHSTA; Campbell Union High SD SEIU; LGSJUHSDCEU; LGSJUHSDTA.

Neutral: STA.

No position stated: CUSDCE; Campbell Union High SD CSEA; SUCEU.

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☐ posting at each school ☒ other (specify): notice posted at the Santa Clara COE, at the administrative offices of all affected school districts, and on the Santa Clara COE website.

Advisory committee(s) consulted: Santa Clara County Committee.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: December 14, 2011

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 costs of approximately $27,000 to the Santa Clara COE for an election.

ATTACHMENT(S)

Attachment 1: Santa Clara County Office of Education (52-10-2012) General Waiver Request. (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
35709. If the following conditions are met, the county committee may approve the petition and order that the petition be granted, and shall so notify the county board of supervisors:

(a) The county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive of subdivision (a) of Section 35753 are substantially met, and:

(b) Either (1) The petition is to transfer uninhabited territory from one district to another and the owner of the territory, or a majority of the owners of the territory, and the governing boards of all school districts involved in the transfer consent to the transfer; or (2) The petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred, and all of the governing boards have consented to the transfer.

35534. Except as provided in Sections 35536 and 35786 and subject to compliance with Section 54900 of the Government Code, any action to reorganize a school district shall be effective for all purposes on July 1 of the calendar year following the calendar year in which the action is completed.

Outcome Rationale: The desired outcome of the waiver is to eliminate an election that has an anticipated outcome of approval by the voters. The Santa Clara County Registrar of Voters Office estimated the cost of the election to be $27,000. Residents in the area of election have indicated in a letter (see attachment) that they will vote to approve the transfer. With the understanding that the voters would approve the transfer if it were brought to an election, the County Office of Education feels it would be prudent in these financial times to forego the election. Additionally, due to ongoing negotiations with the affected districts and transfer area residents regarding a potential waiver request, the election was not called within the timelines required by the Education Code.

The County Office of Education has requested a waiver of a portion of Section 35534 because, after an extensive period of negotiations, affected districts, transfer area residents, and the County Office of Education are in agreement regarding the transfer; students residing in the transfer area currently attend Saratoga Union SD on interdistrict transfer agreements; and all
parties do not feel there is any reason to further delay the effective date of transfer.

Student Population: 20,446

City Type: Small

Public Hearing Date: 9/5/2012

Public Hearing Advertised: Posted at the County Office of Education, posted on-line at www.sccoe.org, posted at all school district offices.

Local Board Approval Date: 9/5/2012

Community Council Reviewed By: County Committee on School District Organization
Community Council Reviewed Date: 12/14/2011
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne Carrig
Position: Administrative Program Eval Specialist
E-mail: suzanne_carrig@sccoe.org
Telephone: 408-453-6869
Fax:

Bargaining Unit: Date: 06/07/2012 Name: CETA Representative: Carrie Tibbs Title: Support Comments:

Bargaining Unit: Date: 06/11/2012 Name: CHSTA Representative: Santiago Gomez Title: Support Comments:

Bargaining Unit: Date: 07/09/2012 Name: CUHSD CSEA Representative: Renee Ereno Title: Neutral Comments:

Bargaining Unit: Date: 07/10/2012 Name: CUHSD SEIU Representative: Earl Moody Title: Support Comments:

Bargaining Unit: Date: 08/27/2012 Name: CUSD Classified Employees Representative: Gerri Balbiana Title: Neutral Comments:

Bargaining Unit: Date: 07/06/2012 Name: LGSJUHSD Classified Employee Union Representative: Julia Peck Title: Support Comments:

Bargaining Unit: Date: 06/01/2012 Name: Los Gatos-Saratoga JUHSD Teachers Association Representative: Kevin Rogers Title: Support Comments:

Bargaining Unit: Date: 06/05/2012 Name: Saratoga Teachers Association Representative: Sandy Waite Lopez Title: Neutral Comments:
Bargaining Unit: Date: 07/12/2012 Name: Saratoga Union Classified Employees Union
Representative: Ann Kolb Title: Representative Position: (no response) Comments:
ITEM W-11
GENERAL WAIVER

SUBJECT

Request by Fairfield-Suisun 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: 24-10-2012

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests—the most recent request, by the Riverside Unified School District (USD) in Riverside County, was approved at the November 8, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election that is required for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Fairfield-Suisun 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 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 Fairfield-Suisun 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 waiver 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 Fairfield-Suisun 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.**

**Demographic Information:** The Fairfield-Suisun USD has a student population of 21,555 and is located in an urban setting in Solano County.

**Authority for Waiver:** EC Section 33050

**Period of request:** March 1, 2013, to February 28, 2015 (requested)  
March 1, 2013, to February 27, 2015 (recommended)

**Local board approval date(s):** October 11, 2012

**Public hearing held on date(s):** October 11, 2012

**Bargaining unit(s) consulted on date(s):** California School Employees’ Association (CSEA); Ancillary Professionals’ Association (APA); Fairfield-Suisun Unified Teachers’ Association (FSUTA); and, Mutual Organization of Supervisors (MOS): all units were consulted on April 25, 2012.

**Name of bargaining unit/representative(s) consulted:** CSEA: Vanessa Caires, President; APA: Bill Pasichow, President; FSUTA: Melanie Driver, President; MOS: Troy Smith, President

**Position of bargaining unit(s) (choose only one):**  
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):
Public hearing advertised by (choose one or more):
- posting in a newspaper
- posting at each school
- other (specify): notice posted on District web page.

Advisory committee(s) consulted: Superintendent’s Parent Leader Committee.

Objections raised (choose one): None
- Objections are as follows:

Date(s) consulted: April 21, 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: Fairfield-Suisun Unified School District (24-10-2012) General Waiver Request. (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4870540  Waiver Number: 24-10-2012  Active Year: 2012

Date In: 10/16/2012 3:38:47 PM

Local Educational Agency Name: Fairfield-Suisun Unified School District
Address: 2490 Hilborn Rd.
Fairfield, CA 94534
Fax: 707-399-5160

Start: 3/1/2013  End: 2/28/2015

Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5020 in total; and portions of 5019, 5021, and 5030
Ed Code Authority: Presentation of proposal to electors

Ed Code or CCR to Waive: To Waive the [Elimination of] Election Requirement for Establishment of Trustee Areas
§ 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.

Outcome Rationale: As a result of the California Voters Rights Act (CVRA), districts are required to consider "by-trustee" area elections where demographics have sufficiently changed to affect
a sizeable minority group that could be negatively impacted by "at large" elections. Fairfield-Suisun Unified has experienced significant growth in its Hispanic population and must consider a shift in the election process for its trustees. Given that the CVRA affords individual rights of bringing suit (as opposed to Attorney General being the enforcer) and given that many districts have already been sued, incurring costs that hurt the district's financial standing, the Fairfield-Suisun Unified Governing Board desires to avoid such costs by moving unilaterally to "by-trustee" area elections. The Board also wishes to avoid the additional costs that a general election would incur, especially in light of the probability that the district will be forced to comply with the CVRA regardless of the outcome of any election.

Student Population: 21555

City Type: Urban

Public Hearing Date: 10/11/2012

Public Hearing Advertised: Newspaper, website, school site postings

Local Board Approval Date: 10/11/2012

Community Council Reviewed By: Superintendent's Parent Leader Committee
Community Council Reviewed Date: 4/21/2011
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Jacki Cottingim-Dias
Position: Superintendent
E-mail: jackic@fsusd.org
Telephone: 707-399-5008

Bargaining Unit: Date: 04/25/2011 Name: Ancillary Professionals Association
Representative: Bill Pasichow Title: President Position: Support
Comments:

Bargaining Unit: Date: 04/25/2011 Name: California School Employees Association, Chap 302
Representative: Vanessa Caires Title: President Position: Support
Comments:

Bargaining Unit: Date: 04/25/2011 Name: Fairfield Suisun Unified Teachers Association
Representative: Melanie Driver Title: President Position: Support
Comments:

Bargaining Unit: Date: 04/25/2011 Name: Mutual Organization of Supervisors
Representative: Troy Smith Title: President Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM W-12
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

☐ General Waiver

SUBJECT

Request by Green Point Elementary School District to waive California Education Code Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six.

Waiver Number: 9-11-2012

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous requests to waive portions of California Education Code (EC) Section 35780 over the past few years. The most recent request for the purpose of postponing lapsation was approved at the July 18, 2012, SBE meeting for the Blake Elementary School District (ESD) in Kern County.

SUMMARY OF KEY ISSUES

Education Code Section 35780 establishes the conditions necessary for a county committee on school district organization (county committee) to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of an elementary school district when the district’s first through eighth grade average daily attendance (ADA) falls below six. Under conditions of lapsation, the county committee is required to annex the territory of the lapsed district to one or more adjoining districts.

The Humboldt County Office of Education (COE) reports that the first through eighth grade ADA of the Green Point ESD likely will be below six at the end of the 2012–13 school-year. Addendum B of the waiver request (Attachment 1) reports a current year enrollment of seven students—however, only four are in grades one through eight (with the remaining students in either kindergarten or transitional kindergarten). The district is requesting a waiver of subdivision (a) of EC 35780 (the requirement to lapse the district) for one year. However, it should be noted that the enrollment projections included as Addendum B of the waiver request (Attachment 1) only project four students in grades one through eight for the 2013–14 school-year. If those projections are accurate, the Green Point ESD likely will submit another request to waive subdivision (a) of EC Section 35780 during the 2013–14 school-year.
The Green Point ESD is a rural school district in a remote valley of Humboldt County. Enrollment in the district has fluctuated between 7 and 17 students over the past years (see following table).

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006–07</td>
<td>15</td>
</tr>
<tr>
<td>2007–08</td>
<td>12</td>
</tr>
<tr>
<td>2008–09</td>
<td>17</td>
</tr>
<tr>
<td>2009–10</td>
<td>8</td>
</tr>
<tr>
<td>2010–11</td>
<td>7</td>
</tr>
<tr>
<td>2011–12</td>
<td>9</td>
</tr>
</tbody>
</table>

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

The closest adjoining district to the Green Point ESD is the Blue Lake Union ESD with a 2011–12 enrollment of 137. Although this is the closest district, there is no guarantee that the Green Point ESD, if lapsed, would be annexed to this district. The Humboldt County Committee would order the Green Point ESD annexed to one or more adjoining districts according to what the County Committee determines is in the best interests of the adjoining districts and the residents of the lapsed district. The single school in the Blue Lake Union ESD is located over 21 miles from the Green Point School. The road between the two schools is very curvy, climbs over a mountain pass, and can be dangerous during rain and snow.

Note that lapsation would not necessarily result in the closure of the Green Point School. A school in a lapsed district can continue to operate while having its administrative functions handled by the district it joins. The governing board of the district receiving the Green Point School would make the decision regarding closure of the school.

The Humboldt County Superintendent of Schools has provided strong support for the district’s request to waive EC Section 35780, noting that:

- Safety of the elementary students is the primary concern. The Green Point School is located in a remote valley and transportation in and out of the valley can be very treacherous.

- The Green Point academic program is a quality program in a “neighborhood setting.” Parents historically have been very active in the school.

- The current enrollment dip appears to be an anomaly. Enrollment should stabilize once the younger children in the community become school-age.

- Board membership has historically been very stable, unlike many districts of similar size. There has been little difficulty attracting members of the community to serve on the board.
• Even if the district was forced to lapse, it is highly likely the Green Point School would have to operate as a necessary small school—thus; there would be no financial savings from the lapsation.

The Green Point ESD has until the end of the 2012–13 school-year to determine if ADA is above six students, since the County Committee cannot initiate lapsation until that time. Approval of this waiver will provide an extra year to stabilize enrollment. If ADA is not at six or above by June 30, 2013, the County Committee will be required to initiate lapsation even if this waiver request is approved, unless the Green Point ESD requests, and the SBE approve, a second waiver request during the 2013–14 school-year.

The California Department of Education (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 Green Point ESD to waive subdivision (a) of EC Section 35780.

**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 Green Point ESD has a 2011–12 student population of eight and is located in a rural area of Humboldt County.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2013, to June 30, 2014 (requested and recommended)

**Local board approval date(s):** November 8, 2012

**Public hearing held on date(s):** November 8, 2012

**Bargaining unit(s) consulted on date(s):** District does not have bargaining units.

**Name of bargaining unit/representative(s) consulted:** N/A

**Position of bargaining unit(s) (choose only one):**

☐ Neutral  ☐ Support  ☐ Oppose:

**Comments (if appropriate):**

**Public hearing advertised by (choose one or more):**

☐ posting in a newspaper  ☒ posting at each school  ☐ other (specify): Notice posted on the Community Bulletin Board and at the Blue Lake Post Office.

**Advisory committee(s) consulted:** Green Point School Site Council
Objections raised (choose one):  ☑ None  ☐ Objections are as follows:

Date(s) consulted: November 1, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the request will not have negative fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: Green Point Elementary School District (9-11-2012) General Waiver Request. (6 Pages) (Original waiver request is signed and on file in the Waiver Office.)
### California Department of Education
#### WAIVER SUBMISSION - General

<table>
<thead>
<tr>
<th>CD Code: 1262851</th>
<th>Waiver Number: 9-11-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date In: 11/9/2012 8:35:42 AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Green Point Elementary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: 180 Valkensar Ln.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Lake, CA 95525</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start: 7/1/2013</td>
<td>End: 6/30/2014</td>
<td></td>
</tr>
<tr>
<td>Waiver Renewal: N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous Waiver Number: Previous SBE Approval Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waiver Topic: School District Reorganization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Title: Lapsation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Section: 35780(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Authority: 33050-33053</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code or CCR to Waive: 35780(a) Any school district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six [or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12, except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome Rationale: Please see Addendums A, B, and C (attached)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Population: 7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Type: Rural</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Hearing Date: 11/8/2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Hearing Advertised: Notice was published in the Times-Standard Newspaper and posted on the door of the Green Point School, on the Community Bulletin Board and at the Blue Lake Post Office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Board Approval Date: 11/8/2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed By: Green Point School Site Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed Date: 11/1/2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Objection: N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Objection Explanation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit Penalty YN: N</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Categorical Program Monitoring: N

Submitted by: Ms. Rea Erickson
Position: Superintendent Teacher
E-mail: rerickson@humboldt.k12.ca.us
Telephone: 707-668-5921
Fax:
Addendum A
Desired Outcome/Rationale

School District Background and Geography
Green Point School District is located in the Redwood Valley, off State Highway 299, nestled in the coastal mountain range of Humboldt County. The Redwood Valley is a distinct geographic region, and the residents have a strong sense of community. The district was founded in 1912 and has been serving students for 100 years. The school was built at the current location in 1952, and was completely rebuilt in 1992. The school building is in excellent condition and has been thoroughly modernized including wiring for the Internet and current technology. As the only public facility in the area, it serves both as an educational facility as well as community gathering place in a convenient physical location for the students and the community who live in this isolated valley.

Students Being Served
The school has averaged 12 students per year since 2000-2001. This one-school district serves Transitional-kindergarten (T-K) through 8th grade students. CBEDS enrollment for Green Point School fluctuates between seven and 18 students. Typically more than 70% of the student population qualifies for the Free and Reduced Meal Program. The student population is typically a mix of Caucasian and Native American.

At this time, several children in the area are young, resulting in a bubble of T-K and Kindergarten students. According to the families of these students, they will continue to attend Green Point School, and their younger siblings will as well. A projected enrollment chart based on known enrollments is included (Addendum B). Additional students are also anticipated to enroll based on past patterns. The current enrollment for first through 8th grade students is three, but with four T-K and Kindergarten students, the enrollment will significantly increase in the years to come.

Staffing and Support
Staffing for the school is lean and efficient. There are 1.98 highly qualified certificated personnel and one part-time support person, with active volunteer parental assistance in the classroom and with other school-related activities. The teaching staff is experienced, having been with the district for 25 and 6 years. The School Site Council is active.

The District has a three-member Board of Trustees.

Community
The school is essential to the fabric of the community and fills many needs for its residents, from a social gathering place for community events, to a valuable educational resource to its students and the greater community.
The economy in the area is primarily cattle ranching, agriculture and logging. A few of
the parents work outside of the community in Arcata or Eureka. However, in most cases
parents have home-based businesses. The location of the school is very accessible for
the parents who want to be directly involved in their student’s education.

**Contiguous School Districts and Schools**

There are five contiguous school districts. The nearest school district is Blue Lake
Union School District located 21.12 miles from the Green Point School. Blue Lake has
an enrollment of 148 students and 11 certificated personnel. In the Klamath-Trinity
Joint Unified School District, the Trinity Valley Elementary School is 29.16 miles from
the Green Point School, with 183 students and 10 certificated staff members. In the
McKinleyville Union School District, Morris Elementary is 31.52 miles from Green Point
School. Morris serves 321 students with 17 certificated staff. Trinidad Union School
District is 39.02 miles from Green Point School and employs 10 certificated staff serving
177 students. Big Lagoon Union School District is 46.17 miles away and serves 54
students with three certificated employees.

Should a lapsation be necessary, clearly the closest school district to merge with would
be Blue Lake. Blue Lake School is, however, located on the other side of one of the two
major mountain passes whose road has been known to close periodically and up to
several hours during the winter (please refer to next section for more discussion).

**Challenges in Transportation**

Green Point provides transportation for students. Chains were purchased for the bus in
2010, and a strobe light was installed in 2011 to improve visibility in dense fog. Over
the last several years, the district has taken an average of one day per year as an
emergency closure day due to mudslides, power outages and snow. Historically
emergency closures have ranged from no days up to three, minimizing disruption to the
instructional program.

If the students are required to travel outside of the area to attend school in another
district, they are likely to miss more days of school, due to the weather conditions and
limitations in transportation. The road is one lane in several places and is subject to
heavy fog, rain, snow and ice, and landslides. Many parents expressed that
transporting their student to another school would cause financial hardship.

In order to transport students from Green Point to Blue Lake School, the only road goes
up and over the Lord Ellis mountain pass. In order to reach the next closest school,
Trinity Valley Elementary, transportation requires travel up and over the Berry Summit
mountain pass. These are two of the highest mountain passes in Humboldt County and
both experience heavy fog, rain, snow and ice each year. Often they are closed for periods of time due to mudslides and extreme weather. It would be difficult to estimate the number of days students could miss due to these conditions.

Another consideration is the distance students travel to attend school. All of the students would travel significantly further in order to get from home to Blue Lake School, compared to attending Green Point School. Based on the home addresses for students currently enrolled, the travel distance for individual students would increase as much as tenfold: from 2.3 to 23.41 miles; 3.17 to 17.95 miles; 11.24 to 16.49 miles; 8.42 to 13.67 miles; and 13.94 to 18.74 miles. In addition students would travel on Highway 299 (over the Lord Ellis Pass) in order to attend school. The safety consideration is based on road conditions out of Green Point and over the mountain pass in addition to the increased distance.

Financial Considerations
As mentioned above, if the Green Point School District is lapsed, it is likely to be reorganized into the Blue Lake School District. Because of the distance students would be required to travel to Blue Lake and for a variety of other reasons, the Green Point School would likely stay open as a school site, and it would continue to qualify as a Necessary Small School. Because of the Necessary Small Schools Funding, there is no real cost savings to the state as a result of the lapsation.

Extremely Supportive Community
Parents and community members support the Green Point School District and value the education their children are receiving. Several parents took the opportunity to speak with the County Superintendent, and most wrote letters of support. Many community members also registered their support for the school through e-mail and phone calls.

The school has regularly made AYP. Please see Addendum C for the Mission Statement. Approval of this waiver request will provide an opportunity to stabilize enrollment and allow the staff to continue providing the quality education the families and students have come to expect.
Addendum B
Green Point School-Enrollment Projections

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TK</td>
<td>MW</td>
<td>KW</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>LC</td>
<td>AK</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>IK</td>
<td>BH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K</td>
<td>GW</td>
<td>MW</td>
<td>KW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LC</td>
<td>AK</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>IK</td>
<td>BH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st</td>
<td>SF</td>
<td>GW</td>
<td>MW</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>LC</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>IK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd</td>
<td>SF</td>
<td>GW</td>
<td>MW</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>LC</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>IK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3rd</td>
<td>SF</td>
<td>GW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4th</td>
<td>TT</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5th</td>
<td>CE</td>
<td>TT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6th</td>
<td>CE</td>
<td>TT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7th</td>
<td></td>
<td>CE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8th</td>
<td>SS</td>
<td></td>
<td>CE</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Enrollment</td>
<td>7</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>

Note: Student names converted to initials by California Department of Education
ITEM W-13
# CALIFORNIA STATE BOARD OF EDUCATION

## JANUARY 2013 AGENDA

### Specific Waiver

**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:
- Orcutt Union Elementary School District 53-10-2012
- Orcutt Union Elementary School District 55-10-2012
- Milpitas Unified School District 78-10-2012
- Milpitas Unified School District 79-10-2012
- Shandon Joint Unified School District 26-10-2012
- Wasco Union Elementary School District 15-10-2012
- Wilsona Elementary School District 9-10-2012

### Recommendation

- **Action**
- **Consent**

**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 CDE also recommends that the State Board of Education find 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 for students 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 these 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 Department 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 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (2 pages)

Attachment 2: Orcutt Union Elementary School District Specific Waiver Request 53-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Orcutt Union Elementary School District Specific Waiver Request 55-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Milpitas Unified School District Specific Waiver Request 78-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Milpitas Unified School District Specific Waiver Request 79-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Shandon Joint Unified School District Specific Waiver Request 26-10-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Wasco Union Elementary School District Specific Waiver Request 15-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Wilsona Elementary School District Specific Waiver Request 9-10-2012 (3 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>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative(s) Consulted, Date, and Position</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>53-10-2012</td>
<td>Orcutt Union Elementary School District</td>
<td>Requested: July 1, 2013 to June 29, 2015</td>
<td>For K: Overall average 33; no class size larger than 35</td>
<td>For K: Overall average 33; no class size larger than 35</td>
<td>October 10, 2012</td>
<td>Orcutt Educators Association, Monique Segura, President 10/3/12 Neutral</td>
<td>$200,000 each year</td>
<td>Positive</td>
<td>Yes 7/1/11 to 6/29/13</td>
</tr>
<tr>
<td>55-10-2012</td>
<td>Orcutt Union Elementary School District</td>
<td>Requested: July 1, 2013 to June 29, 2015</td>
<td>For 1-3: Overall average 33; no class size larger than 35</td>
<td>For 1-3: Overall average 33; no class size larger than 35</td>
<td>October 10, 2012</td>
<td>Orcutt Educators Association, Monique Segura, President 10/3/12 Neutral</td>
<td>$800,000 each year</td>
<td>Positive</td>
<td>Yes 7/1/11 to 6/29/13</td>
</tr>
<tr>
<td>78-10-2012</td>
<td>Milpitas Unified School District</td>
<td>Requested: July 1, 2012 to June 29, 2014</td>
<td>For K: Overall average 33; no class size larger than 36</td>
<td>For K: Overall average 33; no class size larger than 36</td>
<td>September 25, 2012</td>
<td>Milpitas Teachers Association, Lawrence Whalen, President 9/5/12 Support</td>
<td>$380,000 each year</td>
<td>Positive</td>
<td>No</td>
</tr>
<tr>
<td>79-10-2012</td>
<td>Milpitas Unified School District</td>
<td>Requested: July 1, 2012 to June 29, 2014</td>
<td>For 1-3: Overall average 33; no class size larger than 36</td>
<td>For 1-3: Overall average 33; no class size larger than 36</td>
<td>September 25, 2012</td>
<td>Milpitas Teachers Association, Lawrence Whalen, President 9/5/12 Support</td>
<td>$380,000 each year</td>
<td>Positive</td>
<td>No</td>
</tr>
</tbody>
</table>
## 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>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative(s) Consulted, Date, and Position</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-10-2012</td>
<td>Shandon Joint Unified School District</td>
<td>Requested: August 23, 2012 to June 30, 2014</td>
<td>For 1-3: Overall average 32; no class size larger than 38</td>
<td>For 1-3: Overall average 32; no class size larger than 38</td>
<td>October 9, 2012</td>
<td>Shandon Teachers Association, Shannon Kepins, President 10/3/12 Support</td>
<td>$34,101 each year</td>
<td>Qualified</td>
<td>No</td>
</tr>
<tr>
<td>15-10-2012</td>
<td>Wasco Union Elementary School District</td>
<td>Requested: July 1, 2012 to June 29, 2014</td>
<td>For 1-3: Overall average 33; no class size larger than 33</td>
<td>For 1-3: Overall average 33; no class size larger than 33</td>
<td>October 9, 2012</td>
<td>Wasco Elementary Teachers Association, Rosalinda Chairez, President 9/26/12 Neutral</td>
<td>$25,898 each year</td>
<td>Positive</td>
<td>No</td>
</tr>
<tr>
<td>9-10-2012</td>
<td>Wilsona Elementary School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>For K-3: Overall average 34; no class size larger than 35</td>
<td>For K-3: Overall average 34; no class size larger than 35</td>
<td>September 20, 2012</td>
<td>Wilsona Teachers Association, Jodi Paris, President 9/5/12 Neutral</td>
<td>$236,055 each year</td>
<td>Qualified</td>
<td>No</td>
</tr>
</tbody>
</table>

Created by California Department of Education
November 7, 2012
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 4269260       Waiver Number: 53-10-2012       Active Year: 2012

Date In: 10/22/2012 3:05:33 PM

Local Education Agency: Orcutt Union Elementary School District
Address: 500 Dyer St.
Orcutt, CA 93455


Waiver Renewal: Y
Previous Waiver Number: 23-10-2010-W-3  Previous SBE Approval Date: 2/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or CCR to Waive: 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.]

Outcome Rationale: The District requests a waiver to increase the average of pupils per each full time equivalent (FTE) teacher from the current 31.0 per FTE in Kindergarten to 33 per FTE for Kindergarten with no class larger than 35.

This waiver provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic State condition is expected to continue for at least the next couple of years. To date we are currently operating under a State Budget that assumes automatic trigger language to schools should proposition 30 fail in the elections on November 6. Should this trigger be pulled at this time, it is estimated that the District would have additional ongoing reductions of approximately $430 per student which results in a $1.8 million dollar loss in revenue at a time when we are struggling even with the possibility of flat funding. The last adopted multi-year budget by the board reflected a potential additional cut of $2.8 million in fiscal year 2013-14 should the trigger be pulled. Since 2008-09 the District has had to lay off employees, cut programs, raise class sizes, re-organize the district and budget conservatively to remain solvent.
The District must demonstrate that it can remain solvent in the current and subsequent two years, while it continues to be a struggle to balance the budget from year to year. Once the State adopts a budget, we continue to live with the threat of mid-year reductions due to the long-term budget structural deficit. The District is requesting flexibility in an attempt to have all options available in an effort to remain solvent without any penalties assessed from the State. Cutting District budgets since 2002-03 due to declining enrollment combined with State budget cuts have left the District in a position to look at all options to remain solvent. While the Board of Trustees and District stakeholders do not want to increase class size we also do not want to be penalized in instances where money can be saved by leaving students in their neighborhood schools should we have an increase in enrollment over the year. Additionally, since the majority of school expenditures are in school site personnel, class size becomes one of the few areas of significant ongoing savings in a fiscal crisis. In Fiscal Year 2011-12 the average teacher total compensation package was $90,482. In Fiscal Year 2012-13 it is estimated to increase to $91,000. Any savings the district realizes helps in this unprecedented fiscal crisis.

Even though there are fiscal challenges, overall student performance continues to remain high. Our District API continues to exceed the state target of 800 with an overall API of 820. All of the schools in our district also exceed the state target of 800 with the exception of Lakeview Junior High School (786) and Patterson Road Elementary School (794). Our elementary schools range in API from 877 for Ralph Dunlap School to 794 for Patterson Road School.

<table>
<thead>
<tr>
<th></th>
<th>2011 Federal Target</th>
<th>Orcutt Union School District</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>61%</td>
<td>67.6%</td>
</tr>
<tr>
<td>Math</td>
<td>61.9%</td>
<td>68.6%</td>
</tr>
</tbody>
</table>

In this uncertain financial environment, the Orcutt Union School District’s ability to maintain the delivery of instruction and required programs in core subjects, including reading and mathematics, is seriously compromised by financial penalties the District would otherwise incur without the required waiver. If not waived, the potential penalty would be up to approximately $200,000 each year. In addition, if not waived, it prevents the District from developing more effective educational programs to improve instruction in core areas, including reading and math classes.

The governing board of the school district adopted a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required) The penalty is $200,000.

Student Population: 4380

City Type: Rural

Local Board Approval Date: 10/10/2012

Audit Penalty YN: N

Categorical Program Monitoring: N
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4269260   Waiver Number: 55-10-2012   Active Year: 2012

Date In: 10/23/2012 8:29:07 AM

Local Education Agency: Orcutt Union Elementary School District
Address: 500 Dyer St.
Orcutt, CA 93455


Waiver Renewal: Y
Previous Waiver Number: 23-10-2010-W-3   Previous SBE Approval Date: 2/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a), (c) and (d)
Ed Code Authority: 41382

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.]

Outcome Rationale: The District requests a waiver to increase the average of pupils per each full time equivalent (FTE) teacher from the current 30.0 per FTE in grades 1-3 to 33 per FTE for grades 1-3 with no class larger than 35.

This waiver provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic State condition is expected to continue for at least the next couple of years. To date we are currently operating under a State Budget that assumes automatic trigger language to schools should proposition 30 fail in the elections on November 6. Should this trigger be pulled at this time, it is estimated that the District would have additional ongoing reductions of approximately $430 per student which results in a $1.8 million dollar loss in revenue at a time when we are struggling even with the possibility of flat funding. The last adopted multi-year budget by the board reflected a potential additional cut of $2.8 million in fiscal year 2013-14 should the trigger be pulled. Since 2008-09 the District has had to lay off employees, cut programs, raise class sizes, re-organize the district and budget conservatively to remain solvent.

The District must demonstrate that it can remain solvent in the current and subsequent two years, while it continues to be a struggle to balance the budget from year to year. Once the State adopts a budget, we continue to live with the threat of mid-year reductions due to the long-term budget structural deficit. The District is requesting flexibility in an attempt to have all options available in an effort to remain solvent without any penalties assessed from the State. Cutting District budgets since 2002-03 due to declining enrollment combined with State budget cuts have left the District in a position to look at all options to remain solvent. While the Board of Trustees and District stakeholders do not want to increase class size we also do not want to be penalized in instances where money can be saved by leaving students in their neighborhood schools should we have an increase in enrollment over the year. Additionally, since the majority of school expenditures are in school site personnel, class size becomes one of the few areas of significant ongoing savings in a fiscal crisis. In Fiscal Year 2011-12 the average teacher total compensation package was $90,482. In Fiscal Year 2012-13 it is estimated to increase to $91,000. Any savings the district realizes helps in this unprecedented fiscal crisis.

Even though there are fiscal challenges, overall student performance continues to remain high. Our District API continues to exceed the state target of 800 with an overall API of 820. All of the schools in our district also exceed the state target of 800 with the exception of Lakeview Junior High School (786) and Patterson Road Elementary School (794). Our elementary schools range in API from 877 for Ralph Dunlap School to 794 for Patterson Road School.

<table>
<thead>
<tr>
<th></th>
<th>Federal Target</th>
<th>Orcutt Union School District</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>61%</td>
<td>67.6%</td>
</tr>
</tbody>
</table>
Math 61.9%  68.6%

In this uncertain financial environment, the Orcutt Union School District’s ability to maintain the delivery of instruction and required programs in core subjects, including reading and mathematics, is seriously compromised by financial penalties the District would otherwise incur without the required waiver. If not waived, the potential penalty would be up to approximately $800,000 each year. In addition, if not waived, it prevents the District from developing more effective educational programs to improve instruction in core areas, including reading and math classes.

Student Population: 4380

City Type: Rural

Local Board Approval Date: 10/10/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Marysia Ochej
Position: Assistant Superintendent Business Services
E-mail: mochej@orcutt-schools.net
Telephone: 805-938-8917
Fax:

Bargaining Unit:
Date: 10/03/2012
Name: Orcutt Educators Association
Representative: Monique Segura
Title: President
Position: Neutral
Comments:
Ed Code or CCR to Waive: 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.]

Outcome Rationale: The MUSD Board of Education recommends that the SBE approve the request for a specific waiver of the class size penalty in kindergarten (EC 41378) 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 schools. Creativity, collaboration, communication and critical thinking are the 21st Century learning skills that, coupled with the Common Core Standards, are the core of our pilot programs at Randall and Weller Elementary Schools. These two schools are Title I schools with dedicated staff members who want to stretch themselves beyond traditional teaching norms so that they can provide our students with a state of the art educational program. Rather than having students progress from Kindergarten through 6th grade in a system based on the industrial revolution, MUSD teachers and administrators are redesigning our programs to meet the needs of our students so that they will be prepared for the future.

Using multi-age groupings that are fluid and based on the needs of the students as indicated by regular formal and informal assessments, the teachers and principals will determine the appropriate instructional program for each child and place him/her in classes accordingly. Each student has been grouped in primary grade and intermediate grade cohorts based on reading...
and math needs. Every 4 to 8 weeks the students will be assessed and then regrouped according to their abilities to meet Common Core Standards in reading and mathematics. Class sizes will vary depending on the outcome of the periodic assessments and consequential changes in the primary and intermediate grade cohorts. We expect that no single cohort will exceed 36 students, and the average will be 33 students. Teachers will collaborate at least once weekly to determine student progress and to design individual learning plans for the students.

Using instructional technology as well as 21st Century teaching strategies, the teachers have designed learning blocks in which the students rotate through: collaborative learning groups; small group and one to one instruction; individual exploration and project based learning; and computerized instructional programs such as Kahn Academy, Compass Learning, and ST Math. Students will experience greater rigor in math and reading instruction because the teachers will core in these subject areas and will focus instruction on the needs of each child, providing opportunities for deeper learning as described in the Common Core Standards.

In approving the MUSD request for a waiver of the class size penalty, the SBE will be supporting our efforts to provide our students with the means to achieve at greater levels than they do currently because instruction will be based on a continuous cycle of assessment and analysis of student learning and developmental needs. Our students will become successful adults because they will have met standards for reading and math while learning to communicate, collaborate, and think critically in order to create new systems that will be needed in the future of our global society.

In the event that our waiver request is not approved, we estimate the penalty to be approximately $380,000.

Yes

A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

Student Population: 10113

City Type: Small

Local Board Approval Date: 9/25/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cheryl Jordan
Position: Assistant Supt., Human Resources
E-mail: cjordan@musd.org
Telephone: 408-635-2754
Fax: 408-635-2617
Bargaining Unit: Date: 09/05/2012 Name: Milpitas Teachers Association
Representative: Lawrence Whalen Title: President
Position: Support
Comments:
ED Code Title: Over Limit on Grades 1-3
ED Code Section: portions of EC 41376 (a) (c) and (d)
ED Code Authority: 41382

Ed Code or CCR to Waive: 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.]

Outcome Rationale: The MUSD Board of Education recommends that the SBE approve the request for a specific waiver of the class size penalty in grades 1-3 inclusive (EC 41376) 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 schools. Creativity, collaboration, communication and critical thinking are the 21st Century learning skills that, coupled with the Common Core Standards, are the core of our pilot programs at Randall and Weller Elementary Schools. These two schools are Title I schools with dedicated staff members who want to stretch themselves beyond traditional teaching norms so that they can provide our students with a state of the art educational program. Rather than having students progress from Kindergarten through 6th grade in a system based on the industrial revolution, MUSD teachers and administrators are redesigning our programs to meet the needs of our students so that they will be prepared for the future.

Using multi-age groupings that are fluid and based on the needs of the students as indicated by regular formal and informal assessments, the teachers and principals will determine the appropriate instructional program for each child and place him/her in classes accordingly. Each student has been grouped in primary grade and intermediate grade cohorts based on reading and math needs. Every 4 to 8 weeks the students will be assessed and then regrouped according to their abilities to meet Common Core Standards in reading and mathematics. Class sizes will vary depending on the outcome of the periodic assessments and consequential changes in the primary and intermediate grade cohorts. We expect that no single cohort will exceed 36 students, and the average will be 33 students. Teachers will collaborate at least once weekly to determine student progress and to design individual learning plans for the students. Using instructional technology as well as 21st Century teaching strategies, the teachers have designed learning blocks in which the students rotate through: collaborative learning groups; small group and one to one instruction; individual exploration and project based learning; and computerized instructional programs such as Kahn Academy, Compass Learning, and ST Math. Students will experience greater rigor in math and reading instruction because the teachers will core in these subject areas and will focus instruction on the needs of each child, providing opportunities for deeper learning as described in the Common Core Standards.

In approving the MUSD request for a waiver of the class size penalty, the SBE will be supporting our efforts to provide our students with the means to achieve at greater levels than they do currently because instruction will be based on a continuous cycle of assessment and analysis of student learning and developmental needs. Our students will become successful adults because they will have met standards for reading and math while learning to communicate, collaborate, and think critically in order to create new systems that will be needed in the future of our global society.

In the event that our waiver request is not approved, we estimate the penalty to be approximately $380,000.
Yes
A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

Student Population: 10113

City Type: Small

Local Board Approval Date: 9/25/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cheryl Jordan
Position: Assistant Supt., Human Resources
E-mail: cjordan@musd.org
Telephone: 408-635-2754
Fax: 408-635-2617

Bargaining Unit: Date: 09/05/2012 Name: Milptias Teachers Association
Representative: Lawrence Whalen Title: President
Position: Support
Comments:
Waiver Submission - Specific

California Department of Education
California Department of Education

CD Code: 4068833  Waiver Number: 26-10-2012  Active Year: 2012

Date In: 10/17/2012 9:50:02 AM

Local Education Agency: Shandon Joint Unified School District
Address: 101 South First St.
Shandon, CA 93461

Start: 8/23/2012  End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a), (c), and (d)
Ed Code Authority: 41382

Ed Code or CCR to Waive: Ed Code 41376 (a) (c) and (d)
[(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.] [(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.]

Outcome Rationale: Rationale for Class Size Waiver for 2012 – 13 The following are contributing factors affecting class size at Shandon Elementary School: • During the 2011-12 school year our district participated in a credentialing audit which resulted in the need to design an instructional schedule with self-contained middle school classrooms. • Our K-8 program was in the first year of Program Improvement which resulted in our adopting a Response to Intervention instructional program for students in grades 3, 4 and 5. • We have 8.5 FTE assigned to new transition K program and core programs for grades K – 8. • We have a 1.5 FTE special
education staff serving 39 special education students in grades preschool – 8th. (S. Jamele .70, S. Cherry .30, C Brown .5) We ended 2011 - 2012 school year with 202 students enrolled. We started 2012-13 with 220 enrolled. The majority of new students were in kindergarten and grades 3 and 4. Additional factors used when creating teacher and class assignments: • School commitment to early intervention and English Language Development in grades K and 1 eliminated the possibility of combo classes in these grades. • Grade 8 has 4 subject-specific CST tests and although class size is small, 15 students, it is the most difficult grade to combo and still be able to address state standards. Since we are in Program Improvement, making a combination class with grade eight was not recommended. • Majority of Special Education students are in grades 4 and 5. Staff was presented with proposal for staffing on May 22, 2012 and given the opportunity to provide input. Original plan was for a 4/5 and 5/6 combo. When a veteran teacher resigned in grade 5, the grade 3 and 4 teacher were consulted and opted for a 3 /4 combo and 4/5 combo and to hire a new 6th grade teacher with experience in grade 6 mathematics. This meeting took place on August 4th, 2012. Attached is the daily schedule where there are no more than 29 students in a classroom setting at any point in time. The principal oversees the Technology rotation and it is also staffed by an aide. 3,4,5 Daily Schedule 8:25 – 9:30 Math Sager - 3rd grade Small – 4th Jamele – 5th 24 students 26 students 28 students 9:30 – 10:20 Jamele Alternative Core with 3,4,5 Sager 3 / 4 Small 4/5 Smith 2 / 3 19 students 27 29 3 Tier II RTI 3rd graders 10:20 – 10:35 Recess 10:35 – 11:30 ELA continued (same as 9:30 – 10:20) 11:30 – 12:10 3,4,5 Lunch (go to play and then go to eat) 12:10 – 12:50 Rotation 1 Students to rotate by grade Sager- Science Small – Social Studies Bedell - Technology 12:55 – 1:35 Rotation 2 1:40 – 2:20 Rotation 3 2:20 – 2:25 Bathroom Break 2:25 – 3:10 PE with Mr. Martin, Mr. Morton and aide / Prep/collaboration for Sager and Small Tuesday Early Release – 12:10 – 1:00 AR reading and Library during rotation time

Yes
A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

A potential penalty of $34,101.00 could be incurred by the district without this waiver.

Student Population: 317
City Type: Rural
Local Board Approval Date: 10/9/2012
Audit Penalty YN: N Categorical Program Monitoring: N
Submitted by: Ms. Annie Lachance
Position: CBO
E-mail: alachance@shandonschools.org
Telephone: 805-238-0286 Fax: 805-239-2450

Bargaining Unit: Date: 10/03/2012 Name: Shandon Teacher’s Association (STA)
Representative: Shannon Kepins Title: President Position: Support Comments:
Rationale for Class Size Waiver for 2012 – 13

The following are contributing factors affecting class size at Shandon Elementary School:

- During the 2011-12 school year our district participated in a credentialing audit which resulted in the need to design an instructional schedule with self-contained middle school classrooms.
- Our K-8 program was in the first year of Program Improvement which resulted in our adopting a Response to Intervention instructional program for students in grades 3, 4 and 5.
- We have 8.5 FTE assigned to new transition K program and core programs for grades K – 8.
- We have a 1.5 FTE special education staff serving 39 special education students in grades preschool – 8th. (S. Jamele .70, S. Cherry .30, C Brown .5)

We ended 2011 - 2012 school year with 202 students enrolled. We started 2012-13 with 220 enrolled. The majority of new students were in kindergarten and grades 3 and 4.

Additional factors used when creating teacher and class assignments:

- School commitment to early intervention and English Language Development in grades K and 1 eliminated the possibility of combo classes in these grades.
- Grade 8 has 4 subject-specific CST tests and although class size is small, 15 students, it is the most difficult grade to combo and still be able to address state standards. Since we are in Program Improvement, making a combination class with grade eight was not recommended.
- Majority of Special Education students are in grades 4 and 5.

Staff was presented with proposal for staffing on May 22, 2012 and given the opportunity to provide input. Original plan was for a 4/5 and 5/6 combo. When a veteran teacher resigned in grade 5, the grade 3 and 4 teacher were consulted and opted for a 3/4 combo and 4/5 combo and to hire a new 6th grade teacher with experience in grade 6 mathematics. This meeting took place on August 4th, 2012.

Attached is the daily schedule where there are no more than 29 students in a classroom setting at any point in time. The principal oversees the Technology rotation and it is also staffed by an aide.
3,4,5 Daily Schedule

8:25 – 9:30  Math
            Sager - 3rd grade  Small – 4th  Jamele – 5th
            28 students         24 students  26 students

              19 students         27  29 3 Tier II RTI 3rd graders

10:20 – 10:35 Recess

10:35 – 11:30 ELA continued (same as 9:30 – 10:20)

11:30 – 12:10 3,4,5 Lunch (go to play and then go to eat)

12:10 – 12:50  Rotation 1  Students to rotate by grade
                Sager- Science
                Small – Social Studies
                Bedell - Technology

12:55 – 1:35  Rotation 2

1:40 – 2:20  Rotation 3

2:20 – 2:25  Bathroom Break

2:25 – 3:10  PE with Mr. Martin, Mr. Morton and aide / Prep/collaboration for Sager and Small

Tuesday Early Release – 12:10 – 1:00  AR reading and Library during rotation time
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. (e) 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.

Outcome Rationale: The District requests a waiver to increase the class size cap and district-wide average number of pupils per teacher in Grades 1 – 3 (per Ed. Code 41376) from the current 32 student maximum and 30 student district-wide average to 33 maximum and 33 average students.

Our current district enrollment is up 122 students over this time last year. Unfortunately the entire increased enrollment does not fall into one attendance area. The district operates four K-6 neighborhood schools. At this time they are all experiencing some Grade 1 -3 class loads at 31 and higher. Our district average is approaching 30. The district has also created combination classes where appropriate as a means to address the large class sizes.

In light of the current statewide budget crisis and the reduced revenue to our school district, the potential to increase class size would allow us to not increase expenditures by not hiring additional staff. By allowing the District to increase maximum and average class size to 33 in Grades 1 - 3, we anticipate a potential expenditure savings which would directly influence District’s operations and ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics. The District’s ability would be seriously compromised by the financial penalties the district would otherwise incur without the requested waiver.

The maximum individual class size average is 33 and the maximum overall class size average levels requested is 33. NO. The penalty is $25898

Student Population: 3468

City Type: Rural

Local Board Approval Date: 10/9/2012

Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Ms. Karen Evans
Position: CBO
E-mail: kaevans@wuesd.org
Telephone: 661-758-7100

Bargaining Unit: Date: 09/26/2012 Name: Wasco Elementary Teacher’s Association
Representative: Rosalinda Chairez Title: Union President Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1965151  Waiver Number: 9-10-2012  Active Year: 2012

Date In: 10/3/2012 1:56:38 PM

Local Education Agency: Wilsona Elementary School District
Address: 18050 East Avenue O
Palmdale, CA 93591  Fax: 661-261-3259

Start: 7/1/2012  End: 6/30/2014

Waiver Renewal: N  Previous Waiver Number:   Previous SBE Approval Date: 

Waiver Topic: Class Size Penalties
Ed Code Title: Over limit on Kindergarten - Grade 3
Ed Code Section: 41378 (a) through (e), 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or CCR to Waive: 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.

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.

Outcome Rationale:
Due to the current State fiscal crisis and the financial uncertainty caused by the November 2012 ballot measures, the Wilsona School District is requesting a two-year Specific Waiver of class size for Kindergarten and grades 1-3 for 2012-2013 and 2013-2014. These waivers would increase the class size limits beyond the 1964 required level (EC Section 41376b and e.) If the waivers are not approved, class size penalties could result in up to $236,055 in penalties for 2012-2013 and 2013-2014. This would be a loss of approximately 2% of our District budget. The purpose of the waivers are not to permanently increase class size but allow some flexibility as the District has fluctuations in enrollment due to a high transient rate, and to avoid multi graded classrooms (ie. K, 1st, 2nd grade split), as well as a potential savings to the district which will allow continued academic focus on content standards especially in the area of Language Arts and mathematics. The Wilsona School District has only one elementary school and one middle school, as well as a small continuation academy. All efforts to reduce cost and maintain a positive budget in this last year have been implemented. If the waivers are not approved, there is a potential of not meeting our 3% budgetary reserve.

Student Population: 1391
City Type: Rural
Local Board Approval Date: 9/20/2012
Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Ms. Anne Gibson
Position: Chiel Business Official
E-mail: agibson@wilsona.k12.ca.us
Telephone: 661-264-1111 x207

Bargaining Unit: Date: 09/05/2012 Name: Wilsona Teachers' Association
Representative: Jodi Paris Title: President Position: Neutral
TO: California Department of Education  
FROM: Jodi Paris, President, Wilsona Teachers Association  
RE: Position on Class Size Overage Penalties Waiver  

The Wilsona Teachers Association unequivocally does not support higher class sizes in our district. We strongly feel that lower class sizes contribute greatly to higher student achievement, and places less of a burden on already over-burdened teachers.

However, we also do not support the state imposing further monetary difficulties on the district by charging penalties during these difficult economic times. We are strongly opposed to any legislation, including penalties and mandates, which detract from local decision making abilities.

Therefore, the Wilsona Teachers Association adopts the position of "neutral" for the purposes of the Class Size Overage Waiver.

Jodi Paris  
Wilsona Teachers Association, President
ITEM W-14
### General Waiver

**SUBJECT**

Request by four 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: El Tejon Unified School District 19-10-2012  
Milpitas Unified School District 77-10-2012  
Orcutt Union Elementary School District 35-10-2012  
Wilsona Elementary School District 82-10-2012

### 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](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: El Tejon Unified School District General Waiver Request 19-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Milpitas Unified School District General Waiver Request 77-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Orcutt Union Elementary School District General Waiver Request 35-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5: Wilsona Elementary School District General Waiver Request 82-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

*California Education Code Section 41376 (b) and (e): 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.*

<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>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-10-2012</td>
<td>El Tejon Unified School District</td>
<td>Requested: July 1, 2011 to June 30, 2012</td>
<td>29.9</td>
<td>34</td>
<td>34</td>
<td>California School Employees Association, Angela Witham, President 9/27/12 Neutral</td>
<td>September 12, 2012</td>
<td>$200,000 FY 2011/12</td>
<td>Qualified</td>
<td>No</td>
</tr>
<tr>
<td>77-10-2012</td>
<td>Milpitas Unified School District</td>
<td>Requested: July 1, 2012 to June 29, 2014</td>
<td>29.9</td>
<td>36</td>
<td>36</td>
<td>Milpitas Teachers Association, Lawrence Whalen, President 9/5/12 Support</td>
<td>September 25, 2012</td>
<td>$380,000 each year</td>
<td>Positive</td>
<td>No</td>
</tr>
<tr>
<td>35-10-2012</td>
<td>Orcutt Union Elementary School District</td>
<td>Requested: July 1, 2013 to June 29, 2015</td>
<td>29.9</td>
<td>33</td>
<td>33</td>
<td>Orcutt Educators Association, Monique Segura, President 10/3/12 Neutral</td>
<td>October 10, 2012</td>
<td>$1,500,000 each year</td>
<td>Positive</td>
<td>Yes</td>
</tr>
<tr>
<td>82-10-2012</td>
<td>Wilsona Elementary School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>29.9</td>
<td>35</td>
<td>35</td>
<td>Wilsona Teachers Association, Jodi Paris, President 9/5/12 Neutral</td>
<td>September 20, 2012</td>
<td>$403,054 each year</td>
<td>Qualified</td>
<td>No</td>
</tr>
</tbody>
</table>

Created by California Department of Education
November 6, 2012

Revised: 1/8/2013 11:29 AM
Ed Code or CCR to Waive: 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.]

Outcome Rationale: This problem was caused by a lack of funds to support education by the State of California. The District can no longer afford to maintain classes at 29.9 and provide the necessary programs. The district’s statutory maximum class size is 29.9 maximum requested by the district 34, and the penalty is $200,000.

Student Population: 900

City Type: Rural

Public Hearing Date: 9/12/2012

Public Hearing Advertised: Posted at each school

Local Board Approval Date: 9/12/2012

Community Council Reviewed By: District Advisory Council
Community Council Reviewed Date: 9/11/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Katherine Kleier
Position: District Superintendent
E-mail: kkleier@el-tejon.org
Telephone: 661-248-6247 x0

Bargaining Unit: Date: 09/27/2012 Name: California School Employees Association
Representative: Angela Witham Title: President Position: Neutral
Comments
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4373387  Waiver Number: 77-10-2012  Active Year: 2012

Date In: 10/31/2012 10:11:09 AM

Local Education Agency: Milpitas Unified School District
Address: 1331 East Calaveras Blvd.
Milpitas, CA 95035

Start: 7/1/2012  End: 6/29/2014

Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: E.C. 41376 (b) and (e)
Ed Code Authority: Education Code 33050-33053

Ed Code or CCR to Waive: 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.]

Outcome Rationale: The MUSD Board of Education recommends that the SBE approve the request for a waiver of the class size penalty in grades 4-8 (EC 41376) 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 schools. Creativity, collaboration, communication and critical thinking are the 21st Century learning skills that, coupled with the Common Core Standards, are the core of our pilot programs at Randall and Weller Elementary Schools. These two schools are Title I schools with dedicated staff members who want to stretch themselves beyond traditional teaching norms so that they can provide our students with a state of the art educational program. Rather than having students progress from Kindergarten through 6th grade in a system based on the industrial revolution, MUSD teachers and administrators are redesigning our programs to meet the needs of our students so that they will be prepared for the future.

Using multi-age groupings that are fluid and based on the needs of the students as indicated by regular formal and informal assessments, the teachers and principals will determine the appropriate instructional program for each child and place him/her in classes accordingly. Each student has been grouped in primary grade and intermediate grade cohorts based on reading and math needs. Every 4 to 8 weeks the students will be assessed and then regrouped according to their abilities to meet common core standards in reading and mathematics. Class sizes will vary depending on the outcome of the periodic assessments and consequential changes in the primary and intermediate grade cohorts. We expect that the average cohort will be 36 students. Teachers will collaborate at least once weekly to determine student progress and to design individual learning plans for the students.

Using instructional technology as well as 21st Century teaching strategies, the teachers have designed learning blocks in which the students rotate through: collaborative learning groups; small group and one to one instruction; individual exploration and project based learning; and computerized instructional programs such as Kahn Academy, Compass Learning, and ST Math. Students will experience greater rigor in math and reading instruction because the teachers will core in these subject areas and focus instruction on the needs of each child, providing opportunities for deeper learning as described in the Common Core Standards.

In approving the MUSD request for a waiver of the class size penalty, the SBE will be supporting our efforts to provide our students with the means to achieve at greater levels than
they do currently because instruction will be based on a continuous cycle of assessment and analysis of student learning and developmental needs. Our students will become successful adults because they will have met standards for reading and math while learning to communicate, collaborate, and think critically in order to create new systems that will be needed in the future of our global society.

In the event that our waiver request is not approved, we estimate the penalty to be approximately $380,000.

Student Population: 10113

City Type: Small

Public Hearing Date: 9/25/2012
Public Hearing Advertised: Website postings and posting at all school sites and adult education and child development centers

Local Board Approval Date: 9/25/2012

Community Council Reviewed By: Randall Elementary School SSC on 09/05/2012 & Weller Elementary SSC on 09/10/2012
Community Council Reviewed Date: 9/10/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cheryl Jordan
Position: Assistant Supt., Human Resources
E-mail: cjordan@musd.org
Telephone: 408-635-2754
Fax: 408-635-2617

Bargaining Unit: Date: 09/05/2012 Name: Milpitas Teachers Association
Representative: Lawrence Whalen Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4269260 Waiver Number: 35-10-2012 Active Year: 2012

Date In: 10/19/2012 3:27:48 PM

Local Education Agency: Orcutt Union Elementary School District
Address: 500 Dyer St.
Orcutt, CA 93455


Waiver Renewal: Y
Previous Waiver Number: 22-10-2010-W-2 Previous SBE Approval Date: 2/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: EC 41376 (b) and (e)

Ed Code or CCR to Waive: 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.]

Outcome Rationale: The District requests a waiver to increase the district wide average number of pupils per each full time equivalent (FTE) from the current 29.9 (per EC 41376) to 33 per FTE for grades 4 through 8.

This waiver provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic State condition is expected to continue for at least the next couple of years. To date we are currently operating under a State Budget that assumes automatic trigger language to schools should proposition 30 fail in the elections on November 6. Should this trigger be pulled at this time, it is estimated that the District would have additional ongoing reductions of approximately $430 per student which results in a $1.8 million dollar loss in revenue at a time when we are struggling even with the possibility of flat funding. The last adopted multi-year budget by the board reflected a potential additional cut of $2.8 million in fiscal year 2013-14 should the trigger be pulled. Since 2008-09 the District has had to lay off employees, cut programs, raise class sizes, re-organize the district and budget conservatively to remain solvent.

The District must demonstrate that it can remain solvent in the current and subsequent two years, while it continues to be a struggle to balance the budget from year to year. Once the State adopts a budget, we continue to live with the threat of mid-year reductions due to the long-term budget structural deficit. The District is requesting flexibility in an attempt to have all options available in an effort to remain solvent without any penalties assessed from the State. Cutting District budgets since 2002-03 due to declining enrollment combined with State budget cuts have left the District in a position to look at all options to remain solvent. While the Board of Trustees and District stakeholders do not want to increase class size we also do not want to be penalized in instances where money can be saved by leaving students in their neighborhood schools should we have an increase in enrollment over the year. Additionally, since the majority of school expenditures are in school site personnel, class size becomes one of the few areas of significant ongoing savings in a fiscal crisis. In Fiscal Year 2011-12 the average teacher total compensation package was $90,482. In Fiscal Year 2012-13 it is estimated to increase to $91,000. Any savings the district realizes helps in this unprecedented fiscal crisis.

Even though there are fiscal challenges, overall student performance continues to remain high. Our District API continues to exceed the state target of 800 with an overall API of 820. All of the
schools in our district also exceed the state target of 800 with the exception of Lakeview Junior High School (786) and Patterson Road Elementary School (794). Our elementary schools range in API from 877 for Ralph Dunlap School to 794 for Patterson Road School.

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>Federal Target</th>
<th>Orcutt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union School District</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELA</td>
<td>61%</td>
<td>61%</td>
<td></td>
</tr>
<tr>
<td>67.6%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td>61.9%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>68.6%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In this uncertain financial environment, the Orcutt Union School District’s ability to maintain the delivery of instruction and required programs in core subjects, including reading and mathematics, is seriously compromised by financial penalties the District would otherwise incur without the required waiver. If not waived, the potential penalty would be up to approximately $1.5 million each year. In addition, if not waived, it prevents the District from developing more effective educational programs to improve instruction in core areas, including reading and math classes.

Student Population: 4380

City Type: Rural

Public Hearing Date: 10/10/2012
Public Hearing Advertised: Notice posted at each school and district website

Local Board Approval Date: 10/10/2012

Community Council Reviewed By: Orcutt Union School District Advisory Committee
Community Council Reviewed Date: 10/4/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Marysia Ochej
Position: Assistant Superintendent, Business Services
E-mail: mochej@orcutt-schools.net
Telephone: 805-938-8917
Fax:

Bargaining Unit: Date: 10/03/2012 Name: Orcutt Educators Association
Representative: Monique Segura Title: President Position: Neutral
Comments:
CD Code: 1965151 Waiver Number: 82-10-2012 Active Year: 2012

Date In: 10/31/2012 3:37:16 PM

Local Education Agency: Wilsona Elementary School District
Address: 18050 East Avenue
Palmdale, CA 93591

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 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. ]

Outcome Rationale: Due to the current State fiscal crisis and the financial uncertainty caused by the November 2012 ballot measures, the Wilsona School District is requesting a two-year General Waiver of class size for grades 4-8 for 2012-2013 and 2013-2014. These waivers would increase the class size limits beyond the 1964 required level of 30 (EC Section 41376b and e.) If the waivers are not approved, class size penalties could result in up to $403,054 in penalties for grades 4-8 for 2012-2013 and 2013-2014. This would be a loss of approximately 2.5% of our District budget. The purpose of the waivers are not to permanently increase class size but allow some flexibility as the District has fluctuations in enrollment due to a high transient rate, and to avoid multi graded classrooms (ie. 4th, 5th, 6th grade split or multi-graded middle school core classes), as well as a potential savings to the district which will allow continued academic focus on content standards especially in the area of Language Arts and mathematics. The Wilsona School District has only one elementary school and one middle school, as well as a small continuation academy. All efforts to reduce cost and maintain a positive budget in this last year have been implemented. If the waivers are not approved, there is a potential of not meeting our 3% budgetary reserve.

A potential penalty of $403,054 could be incurred by the district without this waiver.

Student Population: 1391

City Type: Rural

Public Hearing Date: 9/20/2012
Public Hearing Advertised: Notices posted at each school site and at the District Office

Local Board Approval Date: 9/20/2012

Community Council Reviewed By: District Leadership Team/District Advisory Council
Community Council Reviewed Date: 9/13/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Anne Gibson
Position: Chief Business Official
E-mail: agibson@wilsona.k12.ca.us
Telephone: 661-264-1111 x207
Fax: 661-261-3259

Bargaining Unit: Date: 09/05/2012 Name: Wilsona Teachers' Association
Representative: Jodi Paris Title: President
Position: Neutral
Comments:
General Waiver

SUBJECT
Request by Shaffer Union Elementary School District 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 Number: 2-10-2012

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) 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. The waiver does not exceed two years less one day, therefore, Education Code (EC) Section 33051(b) will not apply, and the district 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 Shaffer Union Elementary School District (UESD) requests 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 district requests to temporarily increase class sizes in grades four through eight for 2012-13 fiscal year to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding.

Shaffer UESD is a rural district, with one kindergarten through eighth grade school. Classes for English-language arts and mathematics are below the statutory limit. However, due to budget reductions, homeroom classes are combo classrooms and
exceed the statutory limit; therefore, the district would be subject to the penalty. The statutes being waived do not preclude the 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. 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. Shaffer UESD’s most recent status is qualified.

The CDE recommends the class size penalty in grades four through eight be waived 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.

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 Shaffer UESD if the waiver is not approved.

ATTACHMENT(S)

Attachment 1: List of Waiver Number(s), District(s), and Information Regarding Each Waiver. (1 pages)

Attachment 2: Shaffer Union Elementary School District General Waiver Request 2-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
<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>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-10-2012</td>
<td>Shaffer Union Elementary School District</td>
<td>Requested: August 27, 2012 to June 15, 2013</td>
<td>31.1</td>
<td>36</td>
<td>36</td>
<td>Shaffer Federation of Teachers, Becky Neely, President 9/12/12 Oppose</td>
<td>September 18, 2012</td>
<td>$25,457 FY 2012-13</td>
<td>Qualified</td>
<td>No</td>
</tr>
</tbody>
</table>

Created by California Department of Education
November 14, 2012

Revised: 1/8/2013 11:29 AM
California Department of Education
WAIVER SUBMISSION – General Waiver

CD Code: 1864188  Waiver Number: 2-10-2012  Active Year: 2012

Date In: 10/2/2012 12:33:45 PM

Local Education Agency Name: Shaffer Union Elementary School District
Address: 722-055 Highway 395 North
Litchfield, CA 96117 Fax: 530-254-6126

Start: 8/27/2012 End: 6/15/2013
Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 41382

Ed Code to Waive: 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.

Outcome Rationale: This waiver request is asking to be exempt from any penalties regarding EC 41376. We are a rural one-school K-8 district and, while our homerooms exceed the stated pupil number according to California Education Code, all classes grades 1-8 go to ELA and Math classes according to the students' areas of need. With this, the students Core subject classes remain beneath the EC specified class limit, as well as the limit specified in the Shaffer Federation of Teachers CBA. It is only the homeroom classes, which, due to budget cuts are combo classrooms, where the ratio exceeds the stated limit.

Student Population: 193

City Type: Rural

Public Hearing Date: 9/18/2012

Public Hearing Advertised: Newspaper (Lassen County Times); JDX radio station; school website and posted in District Office

Local Board Approval Date: 9/18/2012

Community Council Reviewed By: Board of Trustees

Community Council Reviewed Date: 9/18/2012

Community Council Objection: N

Community Council Objection Explanation: Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Ms. Terri Daniels
Position: Superintendent/Principal E-mail: tdaniels@shafferschool.com
Telephone: 530-254-6577 x4803

Bargaining Unit: Date: 09/12/2012 Name: Shaffer Federation of Teachers Representative: Becky Neely Title: Unit President Position: Oppose

Comments: Shaffer Federation of Teachers feel that larger class sizes do not benefit the students.
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request by two 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: Ontario-Montclair Elementary 42-10-2012
Ontario-Montclair Elementary 43-10-2012
Ontario-Montclair Elementary 46-10-2012
Ontario-Montclair Elementary 48-10-2012
Ontario-Montclair Elementary 49-10-2012
Ontario-Montclair Elementary 50-10-2012
Salinas City Elementary 34-10-2012
Salinas City Elementary 36-10-2012
Salinas City Elementary 38-10-2012

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, and 17 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; because of the current fiscal climate, 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. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.
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: Ontario-Montclair Elementary School District Request 42-10-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)
Attachment 2: Ontario-Montclair Elementary School District General Waiver Request 42-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)


Attachment 4: Ontario-Montclair Elementary School District General Waiver Request 43-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)


Attachment 6: Ontario-Montclair Elementary School District General Waiver Request 46-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Ontario-Montclair Elementary School District Request 48-10-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 8: Ontario-Montclair Elementary School District General Waiver Request 48-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)


Attachment 10: Ontario-Montclair Elementary School District General Waiver Request 49-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)


Attachment 12: Ontario-Montclair Elementary School District General Waiver Request 50-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Salinas City Elementary School District Request 34-10-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)
Attachment 14: Salinas City Elementary School District General Waiver Request 34-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Salinas City Elementary School District Request 36-10-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 16: Salinas City Elementary School District General Waiver Request 36-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Salinas City Elementary School District Request 38-10-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 18: Salinas City Elementary School District General Waiver Request 38-10-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 42-10-2012  
Period of Request: July 1, 2013, to June 30, 2015  
Period Recommended: July 1, 2013, to June 30, 2014

Berlyn Elementary School  
CDS Code: 36 67819

Ontario-Montclair Elementary School District

Local Educational Agency Request:

Ontario-Montclair Elementary School District (ESD) is located in San Bernardino County with a student population of approximately 22,569 students. Berlyn Elementary School (ES) has a student population of approximately 715 students in transitional kindergarten, kindergarten, and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–2015. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.0 in transitional kindergarten, kindergarten and grades one through three, and 23.0, 24.8, and 25.0 in grades four through six, respectively.

Ontario-Montclair ESD states that due to ongoing financial crisis, the district has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. In addition, the district states that such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Ontario-Montclair ESD requests a waiver of the QEIA CSR targets for transitional kindergarten, kindergarten and grades one through three, and grades four and five at Berlyn ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 25.0 students per class in transitional kindergarten, kindergarten, and grades one through 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 Ontario-Montclair ESD’s request to increase the QEIA CSR target for transitional kindergarten, kindergarten and grades one through three, and grades four and five at Berlyn ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grades four and five classes at Berlyn ES for school year 2013–14; (2) Berlyn ES increases enrollment to 25.0 per class in core classes in transitional kindergarten, kindergarten, and grades one through three, and 25.0 students per class on average in core classes in grades four and five; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair ESD 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: October 18, 2012.
| **California Department of Education**  
| **WAIVER SUBMISSION - General**  
|  
| CD Code: 3667819 | Waiver Number: 42-10-2012 | Active Year: 2012  
|  
| Date In: 10/22/2012 11:12:10 AM  
|  
| Local Education Agency: Ontario-Montclair Elementary School District  
| Address: 950 West D St.  
| Ontario, CA 91762  
|  
| Start: 7/1/2013 | End: 6/30/2015  
|  
| Waiver Renewal: N | Previous Waiver Number: | Previous SBE Approval Date:  
|  
| Waiver Topic: Quality Education Investment Act  
| Ed Code Title: Class Size Reduction Requirements  
| Ed Code Section: 52055.740. (a)  
| Ed Code Authority: 33050  
|  
| Ed Code or CCR to Waive: See attachment  
|  
| Outcome Rationale: See attachment  
|  
| Student Population: 715  
|  
| City Type: Urban  
|  
| Public Hearing Date: 10/18/2012  
| Public Hearing Advertised: Newspaper, OMSD website, District and School postings  
|  
| Local Board Approval Date: 10/18/2012  
|  
| Community Council Reviewed By: Berlyn School Site Council  
| Community Council Reviewed Date: 9/28/2012  
| Community Council Objection: N  
| Community Council Objection Explanation:  
|  
| Audit Penalty YN: N  
|  
| Categorical Program Monitoring: N  
|  
| Submitted by: Mr. Robert Gallagher  
| Position: Director II, State and Federal Programs  
| E-mail: robert.gallagher@omsd.k12.ca.us  
| Telephone: 909-418-6562  
| Fax: |
Bargaining Unit:  Date: 09/21/2012 Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins Title: Director II, State and Federal Programs Position: Neutral
Comments:
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 schoolsite. 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.
The Ontario-Montclair School District, on behalf of Berlyn School, requests a two year waiver (2013-2014 & 2014-2015) in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Due to the ongoing financial crisis facing California public schools, the Ontario-Montclair School District has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. Approval of this waiver would establish new QEIA ratios of 25 to 1 at all Transitional Kindergarten / Kindergarten through 6th grade classrooms:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K-3</td>
<td>20 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>4</td>
<td>23 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>5</td>
<td>24.8 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>6</td>
<td>25 to 1</td>
<td>25 to 1 (Status Quo)</td>
</tr>
</tbody>
</table>

Since the implementation of QEIA, the Ontario-Montclair School District has lost $988.00 per student (18%) in annual revenue limit funding. This loss of funding has resulted in class size target ratios increasing dramatically at all non-QEIA elementary schools and teacher reductions. The following illustrates how class sizes have increased at non-QEIA elementary schools:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K</td>
<td>20 to 1</td>
<td>29.5 to 1</td>
</tr>
<tr>
<td>1-3</td>
<td>20 to 1</td>
<td>27.5 to 1</td>
</tr>
<tr>
<td>4-6</td>
<td>30 to 1</td>
<td>31.5 to 1</td>
</tr>
</tbody>
</table>

In addition, such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Through internal and external controls, Berlyn School was fully compliant with all QEIA program requirements for the first three years of implementation (08-09, 09-10, 10-11). We are currently waiting for final county monitoring to be concluded in regards to the 11-12 school year. In addition, Berlyn has made progress in narrowing the achievement gap of its significant subgroups and has made positive API school wide growth:
Waiver Number: 43-10-2012  Period of Request: July 1, 2013, to June 30, 2015
Period Recommended: July 1, 2013, to June 30, 2014
   
Corona Elementary School
Ontario-Montclair Elementary School District

CDS Code: 36 67819 6036172

Local Educational Agency Request:

Ontario-Montclair Elementary School District (ESD) is located in San Bernardino County with a student population of approximately 22,569 students. Corona Elementary School (ES) has a student population of approximately 670 students in transitional kindergarten, kindergarten, and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–2015. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.0 in transitional kindergarten, kindergarten and grades one through three, and 19.0, 25.0, and 21.5 in grades four through six, respectively.

Ontario-Montclair ESD states that due to ongoing financial crisis, the district has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. In addition, the district states that such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Ontario-Montclair ESD requests a waiver of the QEIA CSR targets for transitional kindergarten, kindergarten and grades one through three, and grades four and six at Corona ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 25.0 students per class in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades four and six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair ESD’s request to increase the QEIA CSR target for transitional kindergarten, kindergarten and grades one through three, and grades four and six at Corona ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grades four and six classes at Corona ES for school year 2013–14; (2) Corona ES increases enrollment to 25.0 per class in core classes in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades four and six; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair ESD 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 Corona Elementary Schoolsite Council on September 27, 2012.

Local Board Approval: October 18, 2012.
<table>
<thead>
<tr>
<th><strong>California Department of Education</strong></th>
<th><strong>WAIVER SUBMISSION - General</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>CD Code: 3667819</td>
<td>Waiver Number: 43-10-2012</td>
</tr>
<tr>
<td></td>
<td>Active Year: 2012</td>
</tr>
<tr>
<td>Date In: 10/22/2012 11:22:10 AM</td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Ontario-Montclair Elementary School District</td>
<td></td>
</tr>
<tr>
<td>Address: 950 West D St.</td>
<td></td>
</tr>
<tr>
<td>Ontario, CA 91762</td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>Start: 7/1/2013 End: 6/30/2015</td>
<td></td>
</tr>
<tr>
<td>Waiver Renewal: N</td>
<td></td>
</tr>
<tr>
<td>Previous Waiver Number:</td>
<td>Previous SBE Approval Date:</td>
</tr>
<tr>
<td>Waiver Topic: Quality Education Investment Act</td>
<td></td>
</tr>
<tr>
<td>Ed Code Title: Class Size Reduction Requirements</td>
<td></td>
</tr>
<tr>
<td>Ed Code Section: 52055.740. (a)</td>
<td>Ed Code Authority: 33050</td>
</tr>
<tr>
<td>Ed Code or CCR to Waive: See attachment</td>
<td></td>
</tr>
<tr>
<td>Outcome Rationale: See attachment</td>
<td></td>
</tr>
<tr>
<td>Student Population: 670</td>
<td></td>
</tr>
<tr>
<td>City Type: Urban</td>
<td></td>
</tr>
<tr>
<td>Public Hearing Date: 10/18/2012</td>
<td>Public Hearing Advertised: Newspaper, OMSD website, District and School postings</td>
</tr>
<tr>
<td>Local Board Approval Date: 10/18/2012</td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed By: Corona School Site Council</td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed Date: 9/27/2012</td>
<td></td>
</tr>
<tr>
<td>Community Council Objection: N</td>
<td>Community Council Objection Explanation:</td>
</tr>
<tr>
<td>Audit Penalty YN: N</td>
<td></td>
</tr>
<tr>
<td>Categorical Program Monitoring: N</td>
<td></td>
</tr>
<tr>
<td>Submitted by: Mr. Robert Gallagher</td>
<td></td>
</tr>
<tr>
<td>Position: Director II, State and Federal Programs</td>
<td></td>
</tr>
<tr>
<td>E-mail: <a href="mailto:robert.gallagher@omsd.k12.ca.us">robert.gallagher@omsd.k12.ca.us</a></td>
<td></td>
</tr>
<tr>
<td>Telephone: 909-418-6562</td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
</tbody>
</table>
Bargaining Unit: Date: 09/21/2012 Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins Title: President Position: Neutral
Comments:
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:

(i) 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 schoolsite. 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.
The Ontario-Montclair School District, on behalf of Corona School, requests a two year waiver (2013-2014 & 2014-2015) in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Due to the ongoing financial crisis facing California public schools, the Ontario-Montclair School District has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. Approval of this waiver would establish new QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 6th grade classrooms:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K-3</td>
<td>20 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>4</td>
<td>19 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>5</td>
<td>25 to 1</td>
<td>25 to 1 (Status Quo)</td>
</tr>
<tr>
<td>6</td>
<td>21.5 to 1</td>
<td>25 to 1</td>
</tr>
</tbody>
</table>

Since the implementation of QEIA, the Ontario-Montclair School District has lost $988.00 per student (18%) in annual revenue limit funding. This loss of funding has resulted in class size target ratios increasing dramatically at all non-QEIA elementary schools and teacher reductions. The following illustrates how class sizes have increased at non-QEIA elementary schools:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K</td>
<td>20 to 1</td>
<td>29.5 to 1</td>
</tr>
<tr>
<td>1-3</td>
<td>20 to 1</td>
<td>27.5 to 1</td>
</tr>
<tr>
<td>4-6</td>
<td>30 to 1</td>
<td>31.5 to 1</td>
</tr>
</tbody>
</table>

In addition, such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Through internal and external controls, Corona School was fully compliant with all QEIA program requirements for the first three years of implementation (08-09, 09-10, 10-11). We are currently waiting for final county monitoring to be concluded in regards to the 11-12 school year. In addition, Corona has made progress in narrowing the achievement gap of its significant subgroups and has made positive API school wide growth. The chart below shows such growth from 2007 through projected API scores in 2012.
Waiver Number: 46-10-2012  
Period of Request: July 1, 2013, to June 30, 2015  
Period Recommended: July 1, 2013, to June 30, 2014

Lehigh Elementary School  
Ontario-Montclair Elementary School District  
CDS Code: 36 67819 6036305

Local Educational Agency Request:

Ontario-Montclair Elementary School District (ESD) is located in San Bernardino County with a student population of approximately 22,569 students. Lehigh Elementary School (ES) has a student population of approximately 717 students in transitional kindergarten, kindergarten, and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–2015. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.0 in transitional kindergarten, kindergarten and grades one through three, and 25.0, 23.5, and 25.0 in grades four through six, respectively.

Ontario-Montclair ESD states that due to ongoing financial crisis, the district has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. In addition, the district states that such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Ontario-Montclair ESD requests a waiver of the QEIA CSR targets for transitional kindergarten, kindergarten and grades one through three, and grade five at Lehigh ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 25.0 students per class in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair ESD’s request to increase the QEIA CSR target for transitional kindergarten, kindergarten and grades one through three, and grade five at Lehigh ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grade five classes at Lehigh ES for school year 2013–14; (2) Lehigh ES increases enrollment to 25.0 per class in core classes in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grade five; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair ESD 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 Lehigh Elementary Schoolsite Council on September 27, 2012.


Local Board Approval: October 18, 2012.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819  Waiver Number: 46-10-2012  Active Year: 2012

Date In: 10/22/2012 11:51:24 AM

Local Education Agency: Ontario-Montclair Elementary School District
Address: 950 West D St.
Ontario, CA 91762
Fax:

Start: 7/1/2013  End: 6/30/2015

Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740. (a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: See attachment

Outcome Rationale: See attachment

Student Population: 717

City Type: Urban

Public Hearing Date: 10/18/2012
Public Hearing Advertised: Newspaper, OMSD website, District and School postings

Local Board Approval Date: 10/18/2012

Community Council Reviewed By: Lehigh School Site Council
Community Council Reviewed Date: 9/27/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II, State and Federal Programs
E-mail: robert.gallagher@omsd.k12.ca.us
Telephone: 909-418-6562
Fax:
Bargaining Unit: Date: 09/21/2012 Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins Title: President Position: Neutral Comments:
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:

(i) 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 2005-06.

(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 schoolsite. 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 2005-06" 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.
The Ontario-Montclair School District, on behalf of Lehigh School, requests a two year waiver (2013-2014 & 2014-2015) in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Due to the ongoing financial crisis facing California public schools, the Ontario-Montclair School District has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. Approval of this waiver would establish new QEIA ratios of 25 to 1 at all Transitional Kindergarten / Kindergarten through 6th grade classrooms:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK / K 3</td>
<td>20 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>4</td>
<td>25 to 1</td>
<td>25 to 1 (Status Quo)</td>
</tr>
<tr>
<td>5</td>
<td>23.5 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>6</td>
<td>25 to 1</td>
<td>25 to 1 (Status Quo)</td>
</tr>
</tbody>
</table>

Since the implementation of QEIA, the Ontario-Montclair School District has lost $988.00 per student (18%) in annual revenue limit funding. This loss of funding has resulted in class size target ratios increasing dramatically at all non-QEIA elementary schools and teacher reductions. The following illustrates how class sizes have increased at non-QEIA elementary schools:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK / K</td>
<td>20 to 1</td>
<td>29.5 to 1</td>
</tr>
<tr>
<td>1-3</td>
<td>20 to 1</td>
<td>27.5 to 1</td>
</tr>
<tr>
<td>4-6</td>
<td>30 to 1</td>
<td>31.5 to 1</td>
</tr>
</tbody>
</table>

In addition, such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Through internal and external controls, Lehigh School was fully compliant with all QEIA program requirements for the first three years of implementation (08-09, 09-10, 10-11). We are currently waiting for final county monitoring to be concluded in regards to the 11-12 school year. In addition, Lehigh has made progress in narrowing the achievement gap of its significant subgroups and has made positive API school wide growth. The chart below shows such growth from 2007 through projected API scores in 2012.

![Lehigh API Scores 2007-2012](chart.png)
Waiver Number: 48-10-2012  
Period of Request: July 1, 2013, to June 30, 2015  
Period Recommended: July 1, 2013, to June 30, 2014

2014  
Mission Elementary School  
Ontario-Montclair Elementary School District  

CDS Code: 36 67819 6036354

Local Educational Agency Request:

Ontario-Montclair Elementary School District (ESD) is located in San Bernardino County with a student population of approximately 22,569 students. Mission Elementary School (ES) has a student population of approximately 756 students in transitional kindergarten, kindergarten, and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–2015. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.0 in transitional kindergarten, kindergarten and grades one through three, and 23.8, 22.0, and 22.2 in grades four through six, respectively.

Ontario-Montclair ESD states that due to ongoing financial crisis, the district has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. In addition, the district states that such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Ontario-Montclair ESD requests a waiver of the QEIA CSR targets for transitional kindergarten, kindergarten and grades one through three, and grades four through six at Mission ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 25.0 students per class in core classes in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades four through six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair ESD’s request to increase the QEIA CSR target for transitional kindergarten, kindergarten and grades one through three, and grades four through six at Mission ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grades four through six classes at Mission ES for school year 2013–14; (2) Mission ES increases enrollment to 25.0 per class in core classes in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades four through six; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair ESD 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: October 18, 2012.
# California Department of Education

## WAIVER SUBMISSION - General

<table>
<thead>
<tr>
<th>CD Code: 3667819</th>
<th>Waiver Number: 48-10-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date In: 10/22/2012 12:09:39 PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Ontario-Montclair Elementary School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: 950 West D St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ontario, CA 91762</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start: 7/1/2013</td>
<td>End: 6/30/2015</td>
<td></td>
</tr>
<tr>
<td>Waiver Renewal: N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous Waiver Number:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous SBE Approval Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waiver Topic: Quality Education Investment Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Title: Class Size Reduction Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Section: 52055.740. (a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Authority: 33050</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code or CCR to Waive: See attachment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome Rationale: See attachment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Population: 756</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Type: Urban</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Hearing Date: 10/18/2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Hearing Advertised: Newspaper. OMSD website, District and School postings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Board Approval Date: 10/18/2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed By: Mission School Site Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed Date: 9/27/2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Objection: N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Council Objection Explanation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit Penalty YN: N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Categorical Program Monitoring: N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submitted by: Mr. Robert Gallagher</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position: Director II, State and Federal Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-mail: <a href="mailto:robert.gallagher@omsd.k12.ca.us">robert.gallagher@omsd.k12.ca.us</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone: 909-418-6562</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Bargaining Unit: Date: 09/21/2012 Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins Title: President Position: Neutral
Comments:
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:

(i) 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 schoolsite. 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.
The Ontario-Montclair School District, on behalf of Mission School, requests a two year waiver (2013-2014 & 2014-2015) in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Due to the ongoing financial crisis facing California public schools, the Ontario-Montclair School District has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. Approval of this waiver would establish new QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 6th grade classrooms:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K-3</td>
<td>20 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>4</td>
<td>23.8 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>5</td>
<td>22 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>6</td>
<td>22.2 to 1</td>
<td>25 to 1</td>
</tr>
</tbody>
</table>

Since the implementation of QEIA, the Ontario-Montclair School District has lost $988.00 per student (18%) in annual revenue limit funding. This loss of funding has resulted in class size target ratios increasing dramatically at all non-QEIA elementary schools and teacher reductions. The following illustrates how class sizes have increased at non-QEIA elementary schools:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K</td>
<td>20 to 1</td>
<td>29.5 to 1</td>
</tr>
<tr>
<td>1-3</td>
<td>20 to 1</td>
<td>27.5 to 1</td>
</tr>
<tr>
<td>4-6</td>
<td>30 to 1</td>
<td>31.5 to 1</td>
</tr>
</tbody>
</table>

In addition, such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Through internal and external controls, Mission School was fully compliant with all QEIA program requirements for the first three years of implementation (08-09, 09-10, 10-11). We are currently waiting for final county monitoring to be concluded in regards to the 11-12 school year. In addition, Mission has made progress in narrowing the achievement gap of its significant subgroups and has made positive API school wide growth. The chart below shows such growth from 2007 through projected API scores in 2012.
Waiver Number: 49-10-2012  
Period of Request: July 1, 2013, to June 30, 2015  
Period Recommended: July 1, 2013, to June 30, 2014

Montera Elementary School  
Ontario-Montclair Elementary School District

CDS Code: 36 67819 0100115

Local Educational Agency Request:

Ontario-Montclair Elementary School District (ESD) is located in San Bernardino County with a student population of approximately 22,569 students. Montera Elementary School (ES) has a student population of approximately 646 students in transitional kindergarten, kindergarten, and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–2015. The school’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.0 in transitional kindergarten, kindergarten and grades one through three, and 23.8, 22.0, and 22.2 in grades four through six, respectively.

Ontario-Montclair ESD states that due to ongoing financial crisis, the district has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. In addition, the district states that such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Ontario-Montclair ESD requests a waiver of the QEIA CSR targets for transitional kindergarten, kindergarten and grades one through three, and grades five and six at Montera ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 25.0 students per class in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades five and six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair ESD’s request to increase the QEIA CSR target for transitional kindergarten, kindergarten and grades one through three, and grades five and six at Montera ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grades five and six classes at Montera ES for school year 2013–14; (2) Montera ES increases enrollment to 25.0 per class in core classes in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades five and six; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair ESD 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 Montera Elementary Schoolsite Council on September 27, 2012.

Local Board Approval: October 18, 2012.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819 Waiver Number: 49-10-2012 Active Year: 2012

Date In: 10/22/2012 12:22:37 PM

Local Education Agency: Ontario-Montclair Elementary School District
Address: 950 West D St.
Ontario, CA 91762
Fax:

Start: 7/1/2012 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740. (a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: See attachment
Outcome Rationale: See attachment

Student Population: 646
City Type: Urban

Public Hearing Date: 10/18/2012
Public Hearing Advertised: Newspaper, OMSD website, District and School postings

Local Board Approval Date: 10/18/2012

Community Council Reviewed By: Montera School Site Council
Community Council Reviewed Date: 9/27/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II, State and Federal Programs
E-mail: robert.gallagher@omsd.k12.ca.us
Telephone: 909-418-6562
Fax:
Bargaining Unit: Date: 09/21/2012 Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins Title: President Position: Neutral Comments:
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:

(i) 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 schoolsite. 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.
The Ontario-Montclair School District, on behalf of Montera School, requests a two year waiver (2013-2014 & 2014-2015) in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Due to the ongoing financial crisis facing California public schools, the Ontario-Montclair School District has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. Approval of this waiver would establish new QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 6th grade classrooms:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK / K-3</td>
<td>20 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>4</td>
<td>25 to 1</td>
<td>25 to 1 (Status Quo)</td>
</tr>
<tr>
<td>5</td>
<td>23 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>6</td>
<td>24.7 to 1</td>
<td>25 to 1</td>
</tr>
</tbody>
</table>

Since the implementation of QEIA, the Ontario-Montclair School District has lost $988.00 per student (18%) in annual revenue limit funding. This loss of funding has resulted in class size target ratios increasing dramatically at all non-QEIA elementary schools and teacher reductions. The following illustrates how class sizes have increased at non-QEIA elementary schools:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K</td>
<td>20 to 1</td>
<td>29.5 to 1</td>
</tr>
<tr>
<td>1-3</td>
<td>20 to 1</td>
<td>27.5 to 1</td>
</tr>
<tr>
<td>4-6</td>
<td>30 to 1</td>
<td>31.5 to 1</td>
</tr>
</tbody>
</table>

In addition, such low QEIA CSR ratios have forced neighborhood students to be "overflowed" to non-QEIA schools through busing which adds additional costs.

Through internal and external controls, Montera School was fully compliant with all QEIA program requirements for the first three years of implementation (08-09, 09-10, 10-11). We are currently waiting for final county monitoring to be concluded in regards to the 11-12 school year. In addition, Montera has made progress in narrowing the achievement gap of its significant subgroups and has made positive API school wide growth. The chart below shows such growth from 2007 through projected API scores in 2012.

![Montera Chart](image)
Local Educational Agency Request:

Ontario-Montclair Elementary School District (ESD) is located in San Bernardino County with a student population of approximately 22,569 students. Sultana Elementary School (ES) has a student population of approximately 830 students in transitional kindergarten, kindergarten, and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–2015. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.0 in transitional kindergarten, kindergarten and grades one through three, and 25.0, 24.5, and 23.5 in grades four through six, respectively.

Ontario-Montclair ESD states that due to ongoing financial crisis, the district has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. In addition, the district states that such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Ontario-Montclair ESD requests a waiver of the QEIA CSR targets for transitional kindergarten, kindergarten and grades one through three, and grades five and six at Sultana ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 25.0 students per class in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades five and six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair ESD’s request to increase the QEIA CSR target for transitional kindergarten, kindergarten and grades one through three, and grades five and six at Sultana ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grades five and six classes at Sultana ES for school year 2013–14; (2) Sultana ES increases enrollment to 25.0 per class in core classes in transitional kindergarten, kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades five and six; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair ESD 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: October 18, 2012.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819    Waiver Number: 50-10-2012    Active Year: 2012

Date In: 10/22/2012 12:43:11 PM

Local Education Agency: Ontario-Montclair Elementary School District
Address: 950 West D St.
Ontario, CA 91762
Fax:

Start: 7/1/2013    End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number:    Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740. (a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: See attachment

Outcome Rationale: See attachment

Student Population: 830

City Type: Urban

Public Hearing Date: 10/18/2012
Public Hearing Advertised: Newspaper, OMSD website, District and School postings

Local Board Approval Date: 10/18/2012

Community Council Reviewed By: Sultana School Site Council
Community Council Reviewed Date: 9/26/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II, State and Federal Programs
E-mail: robert.gallagher@omsd.k12.ca.us
Telephone: 909-418-6562
Fax:
Bargaining Unit: Date: 09/21/2012 Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins Title: President Position: Neutral Comments:
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:

(i) 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 schoolsite. 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.
The Ontario-Montclair School District, on behalf of Sultana School, requests a two year waiver (2013-2014 & 2014-2015) in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Due to the ongoing financial crisis facing California public schools, the Ontario-Montclair School District has reached a point where it can no longer sustain the QEIA general fund encroachment and fund the necessary teachers to meet such low CSR requirements. Approval of this waiver would establish new QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 6th grade classrooms:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K-3</td>
<td>20 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>4</td>
<td>25 to 1</td>
<td>25 to 1 (Status Quo)</td>
</tr>
<tr>
<td>5</td>
<td>25 to 1</td>
<td>25 to 1</td>
</tr>
<tr>
<td>6</td>
<td>25 to 1</td>
<td>25 to 1</td>
</tr>
</tbody>
</table>

Since the implementation of QEIA, the Ontario-Montclair School District has lost $988.00 per student (18%) in annual revenue limit funding. This loss of funding has resulted in class size target ratios increasing dramatically at all non-QEIA elementary schools and teacher reductions. The following illustrates how class sizes have increased at non-QEIA elementary schools:

<table>
<thead>
<tr>
<th>Grade</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>TK/K</td>
<td>20 to 1</td>
<td>29.5 to 1</td>
</tr>
<tr>
<td>1-3</td>
<td>27.5 to 1</td>
<td>31.5 to 1</td>
</tr>
<tr>
<td>4-6</td>
<td>30 to 1</td>
<td>31.5 to 1</td>
</tr>
</tbody>
</table>

In addition, such low QEIA CSR ratios have forced neighborhood students to be “overflowed” to non-QEIA schools through busing which adds additional costs.

Through internal and external controls, Sultana School was fully compliant with all QEIA program requirements for the first three years of implementation (08-09, 09-10, 10-11). We are currently waiting for final county monitoring to be concluded in regards to the 11-12 school year. In addition, Sultana has made progress in narrowing the achievement gap of its significant subgroups and has made positive API school wide growth. The chart below shows such growth from 2007 through projected API scores in 2012.
Waiver Number: 34-10-2012  Period of Request: July 1, 2012, to June 29, 2014
Period Recommended: July 1, 2012, to June 30, 2013
CDS Code: 27 66142 6026611

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County with a student population of approximately 8,268 students. Sherwood Elementary School (ES) has a student population of approximately 841 students in kindergarten and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met through a waiver for school years 2010–11 and 2011–12. The district is asking for a continuance of the previous waiver with one change in QEIA CSR target for kindergarten and grades one through three for school years 2012–13 and 2013–2014. The school’s QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science have been 23.0 in kindergarten and grades one through three, and 25.0 students per class in combined average in core classes in grades four through six, with no class exceeding 27 students regardless of the combined average class size.

Salinas City ESD states that due to ongoing district instructional decisions, budget constraints, and returning to class size reduction targets of 2009–10 that is causing increased student/teacher ratio in non-QEIA schools, the district can no longer sustain funds necessary to meet the low QEIA CSR requirements. The district states that Sherwood ES is composed predominantly of English learners from low income and migrant families, resulting in a high mobility rate. The district also states that because some students start after the school year begins and move away before the school year ends, it is difficult to maintain lower class sizes.

Salinas City ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades four through six at Sherwood ES for school years 2012–13 and 2013–14, and the establishment of alternative CSR targets of 24.0 students per class in kindergarten and grades one through three, and a continuance of a combined average target of 25.0 students in core classes in grades four through six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to increase the QEIA CSR target for kindergarten and grades one through three and maintain the QEIA CSR target for grades four through six at Sherwood ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three and grades four through six classes at Sherwood ES for school year 2012–13; (2) Sherwood ES increases enrollment to 24.0 per class in core classes in kindergarten and grades one through three, and continues with a combined average target of 25.0 students per class in core classes in grades four through six; (3) No core class in grades four through six may exceed 27 students per
classroom regardless of the combined average classroom size; and (4) Within 30 days of approval of this waiver, Salinas City ESD 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 Sherwood Elementary Schoolsite Council on October 5, 2012.

Supported by California School Employee Association, Ch. 149, September 27, 2012.

**Local Board Approval:** October 8, 2012.
<table>
<thead>
<tr>
<th>CD Code: 2766142</th>
<th>Waiver Number: 34-10-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date In: 10/19/2012 3:27:16 PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Salinas City Elementary School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: 840 South Main St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salinas, CA 93901</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start: 7/1/2012</td>
<td>End: 6/29/2014</td>
<td></td>
</tr>
<tr>
<td>Waiver Renewal: Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous Waiver Number: 72-12-2011-W-28</td>
<td>Previous SBE Approval Date: 3/8/2012</td>
<td></td>
</tr>
<tr>
<td>Waiver Topic: Quality Education Investment Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Title: Class Size Reduction Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Section: 52055.740(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Authority: 33050</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code or CCR to Waive: 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:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Meet all of the following class size requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(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)).]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(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:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) At least five pupils fewer per classroom than was the average in 2006-07.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) An average of 25 pupils per classroom.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome Rationale: [See attached: Quality Education Investment Act (QEIA) Class Size Waiver]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sherwood Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Sherwood Elementary School is seeking a waiver of this requirement from 2012-2013 and future QEIA years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Population: 841</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Type: Urban</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Public Hearing Date: 10/8/2012

Public Hearing Advertised: Notice posted at each school and District Webpage

Local Board Approval Date: 10/8/2012

Community Council Reviewed By: Sherwood SSC
Community Council Reviewed Date: 10/5/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ernesto Gonzalez
Position: Coordinator PI and Categorical Programs
E-mail: egonzalezsr@salinascity.k12.ca.us
Telephone: 831-784-2235
Fax:

Bargaining Unit: Date: 09/27/2012 Name: California School Employee Association, Ch. 149
Representative: Joe Sanchez Title: President Position: Support
Comments:

Bargaining Unit: Date: 09/25/2012 Name: Salinas Elementary Teacher Council of CTA
Representative: Carol R Title: President Position: Support
Comments:
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Salinas City Elementary School District and Sherwood Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Sherwood Elementary School

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinder</td>
<td>20.4</td>
<td>21.4</td>
<td>18</td>
<td>20.1</td>
<td>18.2</td>
<td>21.5</td>
<td>22</td>
<td>24</td>
</tr>
<tr>
<td>Grade 1</td>
<td>20.4</td>
<td>18.8</td>
<td>18.4</td>
<td>18.4</td>
<td>20</td>
<td>20.3</td>
<td>20.7</td>
<td>23</td>
</tr>
<tr>
<td>Grade 2</td>
<td>20.4</td>
<td>21.2</td>
<td>19.7</td>
<td>17.6</td>
<td>20</td>
<td>22.1</td>
<td>19.5</td>
<td>22</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.4</td>
<td>21.7</td>
<td>16.7</td>
<td>19.7</td>
<td>18.4</td>
<td>23.5</td>
<td>21.5</td>
<td>24</td>
</tr>
<tr>
<td>Grade 4</td>
<td>23.8</td>
<td>28.8</td>
<td>21.9</td>
<td>22.7</td>
<td>19</td>
<td>21.1</td>
<td>24</td>
<td>26</td>
</tr>
<tr>
<td>Grade 5</td>
<td>18.8</td>
<td>23.8</td>
<td>23.4</td>
<td>22.1</td>
<td>21.1</td>
<td>22.7</td>
<td>20.3</td>
<td>25</td>
</tr>
<tr>
<td>Grade 6</td>
<td>19.8</td>
<td>24.8</td>
<td>21.4</td>
<td>21.3</td>
<td>25.3</td>
<td>20.7</td>
<td>22.3</td>
<td>22</td>
</tr>
</tbody>
</table>

Desired Outcome
For the 2012-2013 School Year Salinas City Elementary School District and Sherwood Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013 and future QEIA years.

- CSR target modification requested for K-3rd students for the 2012—2013 and future QEIA years.
  - Option 1: Ratio of 24 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 24/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)
  - Option 2: Ratio of 23 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 23/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)

- CSR target modification requested for 4th-6th Grade classes for 2012—2013 and future QEIA years.
  - Option 1: Establish an average of 26 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.
  - Option 2: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.

For the 2012-2013 School Year Salinas City Elementary School District and Sherwood Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013 and future QEIA school years.

- CSR target modification requested for K-3rd students for the 2012—2013 and future QEIA years.
  - Option 1: Ratio of 24 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 24/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)

- CSR target modification requested for 4th-6th Grade classes for 2012—2013 and future QEIA years.
  - Option 1: Establish an average of 26 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.
Rationale: Various factors have impacted the school's ability to meet the CSR targets

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Sherwood Elementary School have encountered in meeting the QEIA CSR Target.

In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Sherwood Elementary has a high mobility rate. Less than 25% of students who start Kindergarten continue to be enrolled at Sherwood by the end of the sixth grade.

Furthermore, Sherwood was already attempting to reduce class size in fourth, fifth and sixth grade. The QEIA CSR Average Target was established at 23.8, 18.8 and 19.8 and makes it difficult to achieve with dwindling budgets.

Because of Sherwood Elementary School's low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Sherwood does not include combination classes. QEIA funding is assisting Sherwood Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 72 point API growth over the last four years, 86 API growth over five years. Sherwood Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for the 2012-13 and future QEIA school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Sherwood Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction waiver requirements for full implementation.
- 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.

Additional Information for 2012-2013

- Sherwood hired six additional elementary school teachers for the 2010-2011 school year.
- Sherwood hired seven additional elementary school teachers for the 2011-2012 school year to help meet class size requirements.
- Sherwood hired 7 additional elementary school teachers for the 2012-2013 school year to help meet class size requirements.
- Non-QEIA schools have one to four combination classes.
- Sherwood school has no combination classes.

Sherwood Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Waiver Number: 36-10-2012  Period of Request: July 1, 2012, to June 29, 2014
Period Recommended: July 1, 2012, to June 30, 2013

Natividad Elementary School
Salinas City Elementary School District

CDS Code: 27 66142 6026611

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County with a student population of approximately 8,268 students. Natividad Elementary School (ES) has a student population of approximately 701 students in kindergarten and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met through a waiver for school years 2010–11 and 2011–12. The district is asking for a continuance of the previous waiver with one change in QEIA CSR target for kindergarten and grades one through three for school years 2012–13 and 2013–2014. The school’s QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science have been 23.0 in kindergarten and grades one through three, and 25.0 students per class in combined average in core classes in grades four through six, with no class exceeding 27 students regardless of the combined average class size.

Salinas City ESD states that due to ongoing district instructional decisions, budget constraints, and returning to class size reduction targets of 2009–10 that is causing increased student/teacher ratio in non-QEIA schools, the district can no longer sustain funds necessary to meet the low QEIA CSR requirements. The district states that Natividad ES is composed predominantly of English learners from low income and migrant families, resulting in a high mobility rate. The district also states that because some students start after the school year begins and move away before the school year ends, it is difficult to maintain lower class sizes.

Salinas City ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades four through six at Natividad ES for school years 2012–13 and 2013–14, and the establishment of alternative CSR targets of 24.0 students per class in kindergarten and grades one through three, and a continuance of a combined average target of 25.0 students in core classes in grades four through six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to increase the QEIA CSR target for kindergarten and grades one through three and maintain the QEIA CSR target for grades four through six at Natividad ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three and grades four through six classes at Natividad ES for school year 2012–13; (2) Natividad ES increases enrollment to 24.0 per class in core classes in kindergarten and grades one through three, and continues with a combined average target of 25.0 students per class in core classes in grades four through six; (3) No core class in grades four through six may exceed 27 students per
classroom regardless of the combined average classroom size; and (4) Within 30 days of approval of this waiver, Salinas City ESD 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 Natividad Elementary Schoolsite Council on October 2, 2012.

Supported by California School Employee Association, Ch. 149, September 27, 2012.

Local Board Approval: October 8, 2012.
CD Code: 2766142  Waiver Number: 36-10-2012  Active Year: 2012

Date In: 10/22/2012 9:34:50 AM

Local Education Agency: Salinas City Elementary School District
Address: 840 South Main St.
Salinas, CA 93901

Start: 7/1/2012  End: 6/29/2014

Waiver Renewal: Y
Previous Waiver Number: 70-12-2011-W-28  Previous SBE Approval Date: 3/8/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a) (1) (A); section (a) (1) (B) (i) & (ii)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 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.]

Outcome Rationale:
Natividad Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Natividad Elementary School is seeking a waiver of this requirement from 2012-2013 and future QEIA years.

[See attached: Quality Education Investment Act (QEIA) Class Size Waiver]

Student Population: 701

City Type: Urban
Public Hearing Date: 10/8/2012

Public Hearing Advertised: Notice posted at each school and District Webpage

Local Board Approval Date: 10/8/2012

Community Council Reviewed By: Natividad SSC
Community Council Reviewed Date: 10/2/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ernesto Gonzalez
Position: Coordinator PI and Categorical Programs
E-mail: egonzalezsr@salinascity.k12.ca.us
Telephone: 831-784-2235
Fax:

Bargaining Unit: Date: 09/27/2012 Name: California School Employee Association, Ch. 149
Representative: Joe Sanchez Title: President Position: Support
Comments:

Bargaining Unit: Date: 09/25/2012 Name: Salinas Elementary Teacher Council of CTA
Representative: Carol Rodrigues Title: President Position: Support
Comments:
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Salinas City Elementary School District and Natividad Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Natividad Elementary School

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinder</td>
<td>20.4</td>
<td>18</td>
<td>20.5</td>
<td>18.5</td>
<td>20.3</td>
<td>19.1</td>
<td>22.1</td>
<td>22</td>
</tr>
<tr>
<td>Grade 1</td>
<td>20.4</td>
<td>19.8</td>
<td>18.5</td>
<td>19.5</td>
<td>18</td>
<td>21.4</td>
<td>23.6</td>
<td>22</td>
</tr>
<tr>
<td>Grade 2</td>
<td>20.4</td>
<td>18.2</td>
<td>19.5</td>
<td>20</td>
<td>20.2</td>
<td>19.1</td>
<td>19.2</td>
<td>23</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.4</td>
<td>17.6</td>
<td>19.2</td>
<td>18.2</td>
<td>20.4</td>
<td>19.9</td>
<td>21.9</td>
<td>24</td>
</tr>
<tr>
<td>Grade 4</td>
<td>25</td>
<td>30.3</td>
<td>20.5</td>
<td>22.5</td>
<td>21.5</td>
<td>21.1</td>
<td>25.7</td>
<td>26</td>
</tr>
<tr>
<td>Grade 5</td>
<td>25</td>
<td>30.3</td>
<td>23.6</td>
<td>23</td>
<td>20.1</td>
<td>21.4</td>
<td>22.3</td>
<td>26</td>
</tr>
<tr>
<td>Grade 6</td>
<td>21</td>
<td>26</td>
<td>22.4</td>
<td>22.6</td>
<td>29.5</td>
<td>21.1</td>
<td>30.6</td>
<td>25</td>
</tr>
</tbody>
</table>

Desired Outcome
For the 2012-2013 School Year Salinas City Elementary School District and Natividad Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013 and future QEIA years.

- CSR target modification requested for K-3rd students for the 2012—2013 and future QEIA years.
  - **Option 1:** Ratio of 24 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 24/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)
  - **Option 2:** Ratio of 23 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 23/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)

- CSR target modification requested for 4th-6th Grade classes for 2012—2013 and future QEIA years.
  - **Option 1:** Establish an average of 26 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.
  - **Option 2:** Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.

For the 2012-2013 School Year Salinas City Elementary School District and Natividad Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013 and future QEIA school years.

- CSR target modification requested for K-3rd students for the 2012—2013 and future QEIA years.
  - **Option 1:** Ratio of 24 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 24/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)
- CSR target modification requested for 4th-6th Grade classes for 2012—2013 and future QEIA years.
  - **Option 1:** Establish an average of 26 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.
Rationale: Various factors have impacted the school’s ability to meet the CSR targets
The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Natividad Elementary School have encountered in meeting the QEIA CSR Target.

In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Natividad Elementary has a high mobility rate. Less than 30% of students who start Kindergarten continue to be enrolled at Natividad by the end of the sixth grade.

Furthermore, Natividad was already attempting to reduce class size in sixth grade. The QEIA CSR Target was established at 21 and makes it more difficult to achieve than a 25 student average.

Because of Natividad Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Natividad does not include combination classes. QEIA funding is assisting Natividad Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 36 point API growth over the last four years, 92 API growth over five years. Natividad Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for 2012-2013 and future QEIA school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Natividad Elementary has substantially met the following requirements at the previous benchmark years:
- Met the class size reduction waiver requirements for full implementation.
- 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.

Additional Information for 2012-2013
- Natividad hired seven additional elementary school teachers for the 2010-2011 school year.
- Natividad hired four additional elementary school teachers for the 2011-2012 school year and hired two additional teachers in January 2012 to help meet class size requirements.
- Natividad hired seven additional elementary school teachers for the 2012-2013 school year.

Natividad Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
Waiver Number: 38-10-2012  
Period of Request: July 1, 2012, to June 29, 2014  
Period Recommended: July 1, 2012, to June 30, 2013  

Los Padres Elementary School  
Salinas City Elementary School District  

CDS Code: 27 66142 6026611

Local Educational Agency Request:

Salinas City Elementary School District (ESD) is located in Monterey County with a student population of approximately 8,268 students. Los Padres Elementary School (ES) has a student population of approximately 782 students in kindergarten and grades one through six. The class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were met through a waiver for school years 2010–11 and 2011–12. The district is asking for a continuance of the previous waiver with one change in QEIA CSR target for kindergarten and grades one through three for school years 2012–13 and 2013–2014. The school’s QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science have been 23.0 in kindergarten and grades one through three, and 25.0 students per class in combined average in core classes in grades four through six, with no class exceeding 27 students regardless of the combined average class size.

Salinas City ESD states that due to ongoing district instructional decisions, budget constraints, and returning to class size reduction targets of 2009–10 that is causing increased student/teacher ratio in non-QEIA schools, the district can no longer sustain funds necessary to meet the low QEIA CSR requirements. The district states that Los Padres ES is composed predominantly of English learners from low income and migrant families, resulting in a high mobility rate. The district also states that because some students start after the school year begins and move away before the school year ends, it is difficult to maintain lower class sizes.

Salinas City ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades four through six at Los Padres ES for school years 2012–13 and 2013–14, and the establishment of alternative CSR targets of 24.0 students per class in core classes in kindergarten and grades one through three, and a continuance of a combined average target of 25.0 students in core classes in grades four through six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to increase the QEIA CSR target for kindergarten and grades one through three and maintain the QEIA CSR target for grades four through six at Los Padres ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three and grades four through six classes at Los Padres ES for school year 2012–13; (2) Los Padres ES increases enrollment to 24.0 per class in core classes in kindergarten and grades one through three, and continues with a combined average target of 25.0 students per class in core classes in grades four through six; (3) No core class in grades four through six may exceed 27 students per
classroom regardless of the combined average classroom size; and (4) Within 30 days of approval of this waiver, Salinas City ESD 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 Los Padres Elementary Schoolsite Council on October 8, 2012.

Supported by California School Employee Association, Ch. 149, September 27, 2012.

**Local Board Approval:** October 8, 2012.
Ed Code or CCR to Waive: 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.]

Outcome Rationale: Los Padres Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement for 2012-2013 and future QEIA years. (See attached: Quality Education Investment Act (QEIA) Class Size Waiver)

Student Population: 782

City Type: Urban

Public Hearing Date: 10/8/2012

Public Hearing Advertised: Notice posted at each school and District Webpage
Local Board Approval Date: 10/8/2012

Community Council Reviewed By: Los Padres SSC
Community Council Reviewed Date: 10/8/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ernesto Gonzalez
Position: Coordinator PI and Categorical Programs
E-mail: egonzalezsr@salinascity.k12.ca.us
Telephone: 831-784-2235
Fax:

Bargaining Unit:  Date: 09/27/2012 Name: California School Employee Association, Ch. 149
Representative: Joe Sanchez Title: President Position: Support
Comments:

Bargaining Unit:  Date: 09/25/2012 Name: Salinas Elementary Teacher Council of CTA
Representative: Carol Rodrigues Title: President Position: Support
Comments:
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Salinas City Elementary School District and Los Padres Elementary School have encountered various challenges in meeting the QEIA CSR Target.

Class Size Reduction Information for Los Padres Elementary School

<table>
<thead>
<tr>
<th>Grade</th>
<th>2005-06 Base Class Size Average</th>
<th>QEIA CSR Target</th>
<th>06-07</th>
<th>07-08</th>
<th>08-09</th>
<th>09-10</th>
<th>10-11</th>
<th>11-12</th>
<th>Projected 12-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinder</td>
<td>19.6</td>
<td>20.4</td>
<td>21.3</td>
<td>18.5</td>
<td>20.0</td>
<td>22.8</td>
<td>25.9</td>
<td>24.0</td>
<td></td>
</tr>
<tr>
<td>Grade 1</td>
<td>22.8</td>
<td>20.4</td>
<td>19.0</td>
<td>18.7</td>
<td>20.0</td>
<td>22.5</td>
<td>22.0</td>
<td>23.0</td>
<td></td>
</tr>
<tr>
<td>Grade 2</td>
<td>19.8</td>
<td>20.4</td>
<td>18.8</td>
<td>19.2</td>
<td>19.0</td>
<td>21.3</td>
<td>22.1</td>
<td>24.0</td>
<td></td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.0</td>
<td>20.4</td>
<td>20.4</td>
<td>19.7</td>
<td>19.0</td>
<td>20.7</td>
<td>20.1</td>
<td>23.0</td>
<td></td>
</tr>
<tr>
<td>Grade 4</td>
<td>32.0</td>
<td>25.0</td>
<td>24.2</td>
<td>23.5</td>
<td>26.1</td>
<td>23.7</td>
<td>22.7</td>
<td>25.0</td>
<td></td>
</tr>
<tr>
<td>Grade 5</td>
<td>32.0</td>
<td>25.0</td>
<td>24.1</td>
<td>21.4</td>
<td>24.3</td>
<td>24.7</td>
<td>25.6</td>
<td>24.0</td>
<td></td>
</tr>
<tr>
<td>Grade 6</td>
<td>27.7</td>
<td>22.7</td>
<td>30.7</td>
<td>24.3</td>
<td>21.9</td>
<td>23.6</td>
<td>25.5</td>
<td>26.0</td>
<td></td>
</tr>
</tbody>
</table>

Desired Outcome

For the 2012-2013 School Year Salinas City Elementary School District and Los Padres Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013 and future QEIA years.

- CSR target modification requested for K-3rd students for the 2012—2013 and future QEIA years.
  - **Option 1**: Ratio of 24 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 24/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)
  - **Option 2**: Ratio of 23 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 23/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)

- CSR target modification requested for 4th-6th Grade classes for 2012—2013 and future QEIA years.
  - **Option 1**: Establish an average of 26 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.
  - **Option 2**: Establish an average of 25 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.

For the 2012-2013 School Year Salinas City Elementary School District and Los Padres Elementary School are requesting CSR targets for grades K-6th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013 and future QEIA school years.

- CSR target modification requested for K-3rd students for the 2012—2013 and future QEIA years.
  - **Option 1**: Ratio of 24 students to 1 teacher average in each class in K-3 classrooms. No class shall exceed 24/1 student/teacher average. (Request is for the 2012-2013 and future QEIA school years.)

- CSR target modification requested for 4th-6th Grade classes for 2012—2013 and future QEIA years.
  - **Option 1**: Establish an average of 26 students for all of the 4th to 6th grade classes combined and that no class in 4th to 6th grade exceed an average of 27 students in any classroom for the 2012-2013 and future QEIA school years.
Rationale: Various factors have impacted the school’s ability to meet the CSR targets

The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, including EC Section 52124.3, the new schedule of reduced funding percentages for classes exceeding 20.44 pupils are some of the challenges that Salinas City Elementary School District and Los Padres Elementary School have encountered in meeting the QEIA CSR Target.

In addition, the school is composed predominantly of English learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins and move away before school ends. Los Padres Elementary has a high mobility rate. Less than 25% of students who start Kindergarten continue to be enrolled at Los Padres by the end of the sixth grade.

Furthermore, Los Padres was already attempting to reduce class size in sixth grade. The QEIA CSR Average Target was established at 22.7 and makes it more difficult to achieve than a 25 student average.

Because of Los Padres Elementary School’s low academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. Instruction at Los Padres does not include combination classes. QEIA funding is assisting Los Padres Elementary School in its efforts to have a low student teacher ratio. (See Table above)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 70 point API growth over the last four years, 111 API growth over five years. Los Padres Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for 2012-2013 and future QEIA school years. Without QEIA’s funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Los Padres Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction waiver requirements for full implementation.
- 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.

Additional Information for 2012-13

- Los Padres hired five additional elementary school teachers for the 2010-2011 school year.
- Los Padres hired five additional elementary school teachers for the 2011-2012 school year hired two additional teachers in January to help meet class size requirements.
- Los Padres hired six additional elementary school teachers for the 2012-2013 school year.
- Non-QEIA schools have one to four combination classes.
- Los Padres has no combination classes.

Los Padres Elementary School is asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.
ITEM W-17
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request by two local educational agencies to waive portions of California Education Code Section 52055.740(a), regarding Highly Qualified Teachers and/or the Williams case settlement requirements under the Quality Education Investment Act.

Waiver Numbers: Compton Unified 30-10-2012
Compton Unified 31-10-2012
Compton Unified 32-10-2012
Compton Unified 33-10-2012
Santa Maria Joint Union High 5-11-2012

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

See Attachments 1, 3, 5, 7, and 9 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 waive the Highly Qualified Teachers (HQT) target and the Williams case settlement requirements as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All HQT and Williams case settlement requirement waivers previously presented have been approved by the SBE.

SUMMARY OF KEY ISSUES

Quality Education Investment Act

Per California Education Code (EC) Section 52055.710(c) and (d), it is the intent of the Legislature that QEIA funding accomplish the following:

(c) Improve the quality of academic instruction and the level of pupil achievement in schools in which pupils have high levels of poverty and complex educational needs.

(d) Develop exemplary school district and school practices that will create the working conditions and classroom learning environments that will attract and retain well qualified teachers, administrators, and other staff.
To assist local educational agencies (LEAs) in properly implementing requirements to
meet statutory timelines, 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, QEIA schools were required to
demonstrate one-third progress toward full implementation of program requirements. At
the end of the 2009–10 school year, QEIA schools were required to demonstrate two-
thirds progress toward full program implementation. QEIA schools were required to
demonstrate full compliance with all program requirements at the end of the 2010–11
school year.

**Highly Qualified Teachers**

California EC Section 52055.740(a)(3) requires, in QEIA funded schools, that by the
day of the 2010–11 school year and each year after, each teacher, including intern
teachers, be highly qualified in accordance with the federal No Child Left Behind Act
(NCLB) of 2001.

The federal NCLB statutes require that all elementary, middle, and high school teachers
assigned to teach core academic subjects be highly qualified. In California, the NCLB
core academic subjects are defined as:

- English/language arts/reading (including reading intervention and California High
  School Exit Exam [CAHSEE] English classes)
- Mathematics (including math intervention and CAHSEE math classes)
- Biological sciences; chemistry; geosciences; and physics
- Social science (history; government; economics; and geography)
- Foreign languages (specific)
- Drama/theater; visual arts (including dance); and music

Meeting the federal requirement for HQT is determined based on the number of classes
in core academic subjects taught by highly qualified teachers as reported in the
California Longitudinal Pupil Achievement Data System (CALPADS).

**Williams Case Settlement Requirements**

California EC Section 52055.740(b)(4) requires QEIA funded schools, by the end of the
2008–09 school year and each year thereafter, to meet all of the requirements of the
settlement agreement in *Eliezer Williams, et al., vs. State of California, et al.*

These requirements include:

- Ensuring students have sufficient instructional materials.
• Ensuring school facilities pose no emergency or urgent threat to health and safety.

• Ensuring there are no teacher vacancies or misassignments.

If an LEA requests a waiver of the HQT or Williams case settlement requirements, the CDE reviews a range of information regarding the unique circumstances of the school and the district to formulate a recommendation to the SBE.

**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)**

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the HQT 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: Compton Unified School District Request for a Quality Education Investment Act Williams Waiver 30-10-2012 (1 page)

Attachment 2: Compton Unified School District General Waiver Request 30-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Compton Unified School District Request for a Quality Education Investment Act Williams Waiver 31-10-2012 (1 page)

Attachment 4: Compton Unified School District General Waiver Request 31-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Compton Unified School District Request for a Quality Education Investment Williams Waiver 32-10-2012 (1 page)

Attachment 6: Compton Unified School District General Waiver Request 32-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Compton Unified School District Request for a Quality Education Investment Act Williams Waiver 33-10-2012 (1 page)
Attachment 8: Compton Unified School District General Waiver Request 33-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Santa Maria Joint Union High School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 5-11-2012 (1 page)

Attachment 10: Santa Maria Joint Union High School District Waiver Request 5-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 30-10-2012
Period of Request: July 1, 2011, to June 29, 2012
Period Recommended: July 1, 2011, to June 29, 2012
CDS Code: 19 73437 6023741

Anderson Elementary School
Compton Unified School District

Local Educational Agency Request:

Compton Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 24,781 students. Anderson Elementary School (ES) serves 485 students in kindergarten and grades one through five. Monitoring performed by the Los Angeles County Office of Education (COE) indicates that the Williams case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Anderson ES for the 2011–12 school year.

Compton USD states that one teacher at Anderson ES was misassigned during the 2011–12 school year by placing one student with Other Health Impairment and Specific Learning Disability in a classroom taught by a teacher with a Moderate/Severe credential. The district also states that the Special Education Department addressed the issue of placement of students with appropriately credentialed teachers. In addition, the district stated that the Los Angeles COE acknowledged the district’s effort to correct the misassignment and wanted the correction made before the beginning of the 2012–13 school year. The district stated that in compliance with this requirement, the correction of the misassignment was made prior to the start of the 2012–13 school year.

Compton USD is requesting that the Williams case settlement requirement for teachers at Anderson ES be waived for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Compton USD’s request that Williams case settlement requirements for teachers at Anderson ES be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Anderson ES for school year 2011–12; (2) Anderson ES meets the Williams case settlement requirements in years 2012–13 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Compton 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 Williams case settlement requirements.

Reviewed by Anderson Elementary School Site Council on September 27, 2012.

Supported by Compton Education Association, September 26, 2012.

Local Board Approval: October 9, 2012.
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1973437  Waiver Number: 30-10-2012  Active Year: 2012

Date In: 10/19/2012 10:13:02 AM

Local Education Agency: Compton Unified School District
Address: 501 South Santa Fe Ave.
Compton, CA 90221
Fax: 310-632-2825


Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Williams Settlement
Ed Code Section: 52055.740
Ed Code Authority: 33050

Ed Code or CCR to Waive: 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:

(4) [Meet all of the requirements of the settlement agreement in Williams v. State of California] (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, [the requirements regarding teachers], instructional materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

Outcome Rationale: Circumstance that brought about the requests:
This misassignment occurred as a result of the placement of one student with OHI and SLD in a classroom taught by a teacher with moderate/Severe credential. The placement was determined by the IEP team. The Special Education Department is addressing placement of students with appropriately credentialed teachers. The Los Angeles County Office of Education Williams Assignment Monitoring Unit acknowledged the district’s effort to correct the misassignment and indicated that it should be corrected prior to the start of the 2012-2013 school year. The district, in compliance with this requirement, did correct the misassignment prior to the start of this school year.

The waiver is necessary because without it, Anderson Elementary School is in jeopardy of losing their QEIA funding. We know if this occurs, it could have a profound impact on student achievement because class sizes will increase. Data has proven that the most successful learning outcomes for students occur with smaller student/teacher ratio. Waiving the section of the Williams Settlement assignments for the above special education circumstances will allow Anderson Elementary School to maintain and continue to receive QEIA funding.

Revised: 1/8/2013 11:29 AM
Student Population: 485
City Type: Urban

Public Hearing Date: 10/9/2012

Public Hearing Advertised: Posted at each school site and on district website (front page)

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Anderson Elementary School Site Council (SSC)
Community Council Reviewed Date: 9/27/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Greg Ogomaka
Position: Senior Director
E-mail: gogomaka@compton.k12.ca.us
Telephone: 310-639-4321 x55220
Fax: 310-632-2825

Bargaining Unit: Date: 09/26/2012 Name: Compton Education Association
Representative: Patrick Sullivan Title: President Position: Support
Comments:
Waiver Number: 31-10-2012

Period of Request: July 1, 2011, to June 29, 2012

Period Recommended: July 1, 2011, to June 29, 2012

CDS Code: 19 73437 6057574

Vanguard Learning Center
Compton Unified School District

Local Educational Agency Request:

Compton Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 24,781 students. Vanguard Learning Center serves 309 students in grades six through eight. Monitoring performed by the Los Angeles County Office of Education (COE) indicates that the Williams case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Vanguard Learning Center for the 2011–12 school year.

Compton USD states that one teacher at Vanguard Learning Center was misassigned during the 2011–12 school year by placing one student with Specific Learning Disability in a classroom taught by a teacher with Moderate/Severe credentials. The district also states that the Special Education Department addressed the issue of placement of students with appropriately credentialed teachers. In addition, the district stated that the Los Angeles COE acknowledged the district’s effort to correct the misassignment and wanted the correction made before the beginning of the 2012–13 school year. The district stated that in compliance with this requirement, the correction of the misassignment was made prior to the start of the 2012–13 school year.

Compton USD is requesting that the Williams case settlement requirement for teachers at Vanguard Learning Center be waived for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Compton USD’s request that Williams case settlement requirements for teachers at Vanguard Learning Center be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Vanguard Learning Center for school year 2011–12; (2) Vanguard Learning Center meets the Williams case settlement requirements in years 2012–13 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Compton 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 Williams case settlement requirements.

Reviewed by Vanguard Learning Center School Site Council on September 27, 2012.

Supported by Compton Education Association, September 26, 2012.

Local Board Approval: October 9, 2012.
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1973437      Waiver Number: 31-10-2012      Active Year: 2012  

Date In: 10/19/2012 11:28:23 AM

Local Education Agency: Compton Unified School District  
Address: 501 South Santa Fe Ave.  
Compton, CA 90221  
Fax: 310-632-2825


Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act  
Ed Code Title: Williams Settlement  
Ed Code Section: 52055.740  
Ed Code Authority: 33050

Ed Code or CCR to Waive: (4) [Meet all of the requirements of the settlement agreement in Williams v. State of California] (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, [the requirements regarding teachers], instructional materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

Outcome Rationale: Circumstance that brought about the requests:  
The misassignment at Vanguard occurred as a result of the placement of one SLD student in a classroom taught by a teacher with moderate/Severe credential. The CUSD Special Education Department is addressing the placement of students with appropriately credentialed teachers. The Los Angeles County Office of Education William Assignment Monitoring Unit acknowledged the district’s effort to correct the misassignment and indicated that it should be corrected prior to the start of the 2012-2013 school year. The district, in compliance with this requirement, did correct the misassignment prior to the start of this school year.

The waiver is necessary because without it, Vanguard Learning Center is in jeopardy of losing their QEIA funding. Should this occurs, it could have a profound impact on student achievement because class sizes will increase. Data has proven that the most successful learning outcomes for students occur with smaller student/teacher ratio. Waiving the section of the Williams Settlement assignments for the above special education circumstances will allow Vanguard Middle School to maintain and continue to receive QEIA funding.

Student Population: 309

City Type: Urban
Public Hearing Date: 10/9/2012

Public Hearing Advertised: Posted at the school site and on district website (front page)

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Vanguard Learning Center School Site Council (SSC)
Community Council Reviewed Date: 9/27/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Greg Ogomaka
Position: Senior Director
E-mail: gogomaka@compton.k12.ca.us
Telephone: 310-639-4321 x55220
Fax: 310-632-2825

Bargaining Unit:  Date: 09/26/2012 Name: Compton Education Association Representative:
Patrick Sullivan Title: President Position: Support
Comments:
Waiver Number: 32-10-2012  
Period of Request: July 1, 2011, to June 29, 2012  
Period Recommended: July 1, 2011, to June 29, 2012  
CDS Code: 19 73437 6061279

Walton Middle School
Compton Unified School District

Local Educational Agency Request:

Compton Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 24,781 students. Walton Middle School (MS) serves 538 students in grades six through eight. Monitoring performed by the Los Angeles County Office of Education (COE) indicates that the Williams case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Walton MS for the 2011–12 school year.

Compton USD states that one teacher at Walton MS was misassigned during the 2011–12 school year by placing one student with Other Health Impairment and Specific Learning Disability and another student with Autism in a classroom taught by a teacher with a Moderate/Severe credential. The district also states that the Special Education Department addressed the issue of placement of students with appropriately credentialed teachers. In addition, the district stated that the Los Angeles COE acknowledged the district’s effort to correct the misassignment and wanted the correction made before the beginning of the 2012–13 school year. The district stated that in compliance with this requirement, the correction of the misassignment was made prior to the start of the 2012–13 school year.

Compton USD is requesting that the Williams case settlement requirement for teachers at Walton MS be waived for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Compton USD’s request that Williams case settlement requirements for teachers at Walton MS be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Walton MS for school year 2011–12; (2) Walton MS meets the Williams case settlement requirements in years 2012–13 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Compton 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 Williams case settlement requirements.

Reviewed by Walton Middle School Site Council on September 26, 2012.

Supported by Compton Education Association, September 26, 2012.

Local Board Approval: October 9, 2012.
## California Department of Education
### WAIVER SUBMISSION - General

<table>
<thead>
<tr>
<th>CD Code: 1973437</th>
<th>Waiver Number: 32-10-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date In: 10/19/2012 12:01:48 PM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Local Education Agency: Compton Unified School District  
Address: 501 South Santa Fe Ave.  
Compton, CA 90221  
Fax: 310-632-2825

Start: 7/1/2011  
End: 6/29/2012

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act  
Ed Code Title: Williams Settlement  
Ed Code Section: 52055.740  
Ed Code Authority: 33050

Ed Code or CCR to Waive: (4) [Meet all of the requirements of the settlement agreement in Williams v. State of California] (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, [the requirements regarding teachers], instructional materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

Outcome Rationale: Circumstance that brought about the requests:  
This misassignment occurred as a result of the placement of one student with OHI and SLD, and another student with Autism in a classroom setting taught by teachers with Moderate/Severe credentials. The placement was determined by the students' IEP team as the most appropriate place for the two students. The Special Education department is addressing the placement of students with appropriately credentialed teachers. The County acknowledged the district's effort to correct the misassignment and indicated that it should be corrected prior to the start of the 2012-2013 school year. The district, in compliance with this requirement, did correct the misassignment prior to the start of this school year.

The waiver is necessary because without it, Walton Middle School is in jeopardy of losing their QEIA funding. We know if this occurs, it could have a profound impact on student achievement because class sizes will increase. Data has proven that the most successful learning outcomes for students occur with smaller student/teacher ratio. Waiving the section of the Williams Settlement assignments for the above special education circumstances will allow Walton Middle School to maintain and continue to receive QEIA funding.

Student Population: 538

City Type: Urban
Public Hearing Date: 10/9/2012

Public Hearing Advertised: Posted at the school site and on district website (front page)

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Walton Middle School Site Council (SSC)
Community Council Reviewed Date: 9/26/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Greg Ogomaka
Position: Senior Director
E-mail: gogomaka@compton.k12.ca.us
Telephone: 310-639-4321 x55220
Fax: 310-632-2825

Bargaining Unit: Date: 09/26/2012 Name: Compton Education Association
Representative: Patrick Sullivan Title: President Position: Support
Comments:
**Waiver Number:** 33-10-2012  
**Period of Request:** July 1, 2011, to June 29, 2012  
**Period Recommended:** July 1, 2011, to June 29, 2012  
**CDS Code:** 19 73437 6012413

Washington Elementary School
Compton Unified School District

**Local Educational Agency Request:**

Compton Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 24,781 students. Washington Elementary School (ES) serves 456 students in kindergarten and grades one through five. Monitoring performed by the Los Angeles County Office of Education (COE) indicates that the *Williams* case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Washington ES for the 2011–12 school year.

Compton USD states that one teacher at Washington ES was misassigned during the 2011–12 school year by placing one student with Specific Learning Disability in a classroom taught by a teacher with a Moderate/Severe credential. The district also states that the Special Education Department addressed the issue of placement of students with appropriately credentialed teachers. In addition, the district stated that the Los Angeles COE acknowledged the district’s effort to correct the misassignment and wanted the correction made before the beginning of the 2012–13 school year. The district stated that in compliance with this requirement, the correction of the misassignment was made prior to the start of the 2012–13 school year.

Compton USD is requesting that the *Williams* case settlement requirement for teachers at Washington ES be waived for school year 2011–12.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Compton USD’s request that *Williams* case settlement requirements for teachers at Washington ES be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Washington ES for school year 2011–12; (2) Washington ES meets the *Williams* case settlement requirements in years 2012–13 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Compton 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 *Williams* case settlement requirements.


Supported by Compton Education Association, September 26, 2012.

**Local Board Approval:** October 9, 2012.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1973437 Waiver Number: 33-10-2012 Active Year: 2012

Date In: 10/19/2012 12:46:50 PM

Local Education Agency: Compton Unified School District
Address: 501 South Santa Fe Ave.
Compton, CA 90221
Fax: 310-632-2825


Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Williams Settlement
Ed Code Section: 52055.740
Ed Code Authority: 33050

Ed Code or CCR to Waive: (4) [Meet all of the requirements of the settlement agreement in Williams v. State of California] (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, [the requirements regarding teachers], instructional materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

Outcome Rationale: Circumstance that brought about the requests:
This misassignment occurred as a result of the placement of one SLD student with a teacher with moderate/severe credential. This placement was determined by the IEP team. The Special Education department is addressing the placement of students with appropriately credentialed teachers. The County acknowledged the district’s effort to correct the misassignment and indicated that it should be corrected prior to the start of the 2012-2013 school year. In compliance with this requirement, the district corrected the misassignment prior to the start of this school year.

The waiver is necessary because without it, Washington Elementary School is in jeopardy of losing their QEIA funding. We know if this occurs, it could have a profound impact on student achievement because class sizes will increase. Data has proven that the most successful learning outcomes for students occur with smaller student/teacher ration. Waiving the section of the Williams Settlement assignments for the above special education circumstances will allow Washington Elementary School to maintain and continue to receive QEIA funding.

Student Population: 456
City Type: Urban
Public Hearing Date: 10/9/2012

Public Hearing Advertised: Posted at the school site and on district website (front page)

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Washington Elementary School Site Council (SSC)
Community Council Reviewed Date: 9/26/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Greg Ogomaka
Position: Senior Director
E-mail: gogomaka@compton.k12.ca.us
Telephone: 310-639-4321 x55220
Fax: 310-632-2825

Bargaining Unit: Date: 09/26/2012 Name: Compton Education Association
Representative: Patrick Sullivan Title: President Position: Support
Comments:
Waiver Number: 5-11-2012  
Period of Request: August 16, 2011, to June 7, 2012
Santa Maria High School  
4236030
Santa Maria Joint Union High School District

Local Educational Agency Request:

Santa Maria Joint Union High School District (JUHSD) is a suburban school district located in Santa Barbara County and has a student population of approximately 7,633 students. Santa Maria High School (HS) serves 2,128 students in grades nine through twelve. Monitoring performed by the Santa Barbara County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Santa Maria HS for the 2011–12 school year.

Santa Maria JUHSD states that one teacher in one core class at Santa Maria HS was not HQT during the 2011–12 school year. The district believed that the teacher in the Special Education Math class had a “Mild-Moderate” Special Education Credential and was, therefore, in compliance with HQT requirements. Learning differently, the district states the teacher’s schedule for the 2012–13 school year has subsequently been changed and the school now meets the 100% HQT requirement.

Santa Maria JUHSD is requesting that the HQT requirement for teachers at Santa Maria HS be waived for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Santa Maria JUHSD’s request that HQT requirements for teachers at Santa Maria HS be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Santa Maria HS for school year 2011–12; (2) Santa Maria HS meet the HQT requirements in years 2012–13 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Santa Maria JUHSD 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 HQT requirements.

Reviewed by Santa Maria High School Site Council on November 6, 2012.

Supported by California Teachers Association Faculty Association, November 6, 2012.

Local Board Approval: November 6, 2012.
Outcome Rationale: Santa Maria High School, part of the Santa Maria Joint Union High School District in northern Santa Barbara County substantially met all of its 2011-12 QEIA requirements except for the NCLB 100% Highly Qualified Teachers requirement. There was one core class (out of approximately 600 courses taught at the school site) taught by one teacher who was not Highly Qualified.

The Santa Maria Joint Union High School District believed that the Special Education Math class the teacher was instructing was covered by his ‘Mild-Moderate’ Special Education Credential, therefore maintaining compliance with HQT requirements. This teachers schedule for the 2012-13 school year has subsequently been changed, and the school now meets the 100% Highly Qualified Teacher requirement.

Given that the school has addressed its HQT issue and met all its other QEIA requirements since the inception of the grant, including a 37 point API increase over the last two years, a waiver for funding termination is being requested so that the school can continue to receive QEIA funding through 2014-15. The funding is needed to ensure that student achievement and student outcomes continue to improve.
Student Population: 2128

City Type: Suburban

Public Hearing Date: 11/6/2012
Public Hearing Advertised: Posted at school, and posted at district office.

Local Board Approval Date: 11/6/2012

Community Council Reviewed By: Santa Maria High School's School Site Council and District Cabinet reviewed this waiver request.
Community Council Reviewed Date: 11/6/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. John Davis
Position: Assistant Superintendent, Instruction
E-mail: jdavis@smjuhsd.org
Telephone: 805-922-4573 x4211
Fax: 805-928-9916

Bargaining Unit: Date: 11/06/2012 Name: CTA Faculty Association
Representative: Mark Goodman Title: Faculty Association President
Position: Support
Comments:
ITEM W-18
General Waiver

SUBJECT

Request by Salinas City Elementary School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

Waiver Numbers:  Salinas City Elementary 40-10-2012  
Salinas City Elementary 51-10-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

See Attachments 1 and 3 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 waive the Teacher Experience Index (TEI) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All TEI waivers previously presented have been approved by the SBE. However, it is noted that QEIA is supplemental funding.

SUMMARY OF KEY ISSUES

Teacher Experience Index

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 include an index based on the 2005–06 California Basic Educational Data System Professional Assignment Information Form as the base-reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. Approved by the district superintendent, the index is an aggregate indicator of the teaching experience on a scale of one to ten. QEIA schools
are required to have a TEI equal to or exceeding the average for the school district for this type of school and maintain or exceed this experience level for the duration of funding.

If an LEA requests a waiver of the TEI, the CDE reviews a range of information regarding the unique circumstances of the school and the LEA when formulating a recommendation to the SBE.

**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)**

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the TEI 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: Salinas City Elementary School District Request 40-10-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 2: Salinas City Elementary School District General Waiver Request 40-10-2012 (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Salinas City Elementary School District Request 51-10-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages).

Attachment 4: Salinas City Elementary School District General Waiver Request 51-10-2012 (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
**Waiver Number:** 40-10-2012  
**Period of Request:** July 1, 2012, to June 29, 2014  
**Period Recommended:** July 1, 2012, to June 30, 2013

Natividad Elementary School  
6026595  
Salinas City Elementary School District

**Local Educational Agency Request:**

Salinas City Elementary School District (ESD) is an urban school district located in Monterey County and has a student population of approximately 8,632 students. Natividad Elementary School (ES) serves 701 students in kindergarten and grades one through six. Salinas City ESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Salinas City ESD elementary school TEI is 8.2. Salinas City ESD’s average TEI for 2011–12 for this type of school is 7.3.

Salinas City ESD states that since 2005–06, Natividad ES has experienced a number of retirements that have impacted the growth in the TEI. The district also states that retirement incentives have encouraged experienced teachers to retire. Furthermore, the district states that in fully implementing the class size reduction (CSR) requirement, the school has recruited new teachers, some of whom have less experience; and therefore, meeting CSR targets has negatively impacted the TEI requirement. The district states that transferring teachers to Natividad ES to meet the TEI target is made difficult by articles in the collective bargaining agreement which limit teacher assignment. Lastly, the district states that because of the high crime rate in the school area, some teachers choose to transfer to other schools within the district.

Salinas City ESD requests a waiver of the QEIA TEI target for Natividad ES and establishment of an alternative TEI target of 7.6 for school year 2012–13 and 8.1 for school year 2013–14. A previous waiver was granted to Natividad ES that established an alternative TEI target for school years 2010–11 and 2011–12.

**Additional Local Educational Agency and School Information for Consideration:**

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>12*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>8,632</td>
</tr>
<tr>
<td>School ADA</td>
<td>707</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–6</td>
</tr>
<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
<td>12</td>
</tr>
<tr>
<td>2005–06 TEI (Baseline Calculation)</td>
<td>8.2</td>
</tr>
<tr>
<td>2011–12 QEIA School TEI</td>
<td>7.3</td>
</tr>
<tr>
<td>2012–13 QEIA School TEI</td>
<td>7.6</td>
</tr>
<tr>
<td>2011–12 Similar Type School TEI</td>
<td>7.2</td>
</tr>
<tr>
<td>2012–13 Similar Type School TEI</td>
<td>7.9</td>
</tr>
<tr>
<td>Percent of Similar Type School (2011–12 Data)</td>
<td>101%</td>
</tr>
<tr>
<td>Made API Growth Target?</td>
<td>No</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>

*City Midsize: Territory inside an urbanized area and inside a principal city
with population less than 250,000 and greater than or equal to 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Salinas City ESD’s request to reduce its TEI target for Natividad ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Natividad ES; (2) For the period of July 1, 2012, through June 30, 2013, the alternate TEI target of 7.6 shall be established at Natividad ES; and (3) Within 30 days of approval of this waiver, Salinas City ESD 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 TEI requirement.

Reviewed by Natividad Elementary Schoolsite Council on October 2, 2012.


Supported by California School Employee Association, Ch. 149, September 27, 2012.

Local Board Approval: October 8, 2012.
California Department of Education  
WAIVER SUBMISSION - General

<table>
<thead>
<tr>
<th>CD Code: 2766142</th>
<th>Waiver Number: 40-10-2012</th>
<th>Active Year: 2012</th>
</tr>
</thead>
</table>

Date In: 10/22/2012 10:44:53 AM

Local Education Agency: Salinas City Elementary School District  
Address: 840 South Main St.  
Salinas, CA 93901  
Fax:

Start: 7/1/2012  
End: 6/29/2014  
Waiver Renewal: Y  
Previous Waiver Number: 89-12-2011-W-29  
Previous SBE Approval Date:  
3/8/2012

Waiver Topic: Quality Education Investment Act  
Ed Code Title: Teacher Experience Index  
Ed Code Section: 52055.740 (a) (4)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: 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:  
[(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.]

Outcome Rationale: By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or “Teacher Experience Index Targets” were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7.

Natividad Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Natividad Elementary School is seeking a waiver of this requirement from 2012-2013 and future QEIA years. [See attached: Teacher Experience Index]

Student Population: 701  
City Type: Urban  
Public Hearing Date: 10/8/2012
Public Hearing Advertised: Notice posted at each school and District Webpage

Local Board Approval Date: 10/8/2012
Community Council Reviewed By: Natividad SSC
Community Council Reviewed Date: 10/2/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ernesto Gonzalez
Position: Coordinator PI and Categorical Programs
E-mail: egonzalezsr@salinascity.k12.ca.us
Telephone: 831-784-2235
Fax:

Bargaining Unit: Date: 09/27/2012 Name: California School Employee Association, Ch. 149
Representative: Joe Sanchez Title: President Position: Support
Comments:

Bargaining Unit: Date: 09/25/2012 Name: Salinas Elementary Teacher Council of CTA
Representative: Carol Rodrigues Title: President Position: Support
Comments:
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

Teacher Experience Index

7. Desired outcome/rationale

Salinas City Elementary School District and Natividad Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Natividad Elementary.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Padres calculated TEI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natividad calculated TEI</td>
<td>7.0</td>
<td>6.8</td>
<td>7.0</td>
<td>7.3</td>
<td>7.6</td>
<td>8.1</td>
</tr>
<tr>
<td>Sherwood calculated TEI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District (TEI) Target (2005-06)</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td></td>
</tr>
<tr>
<td>State QEIA School's TEI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The table above shows TEI for Natividad Elementary School.

- Natividad’s TEI is at 7.6 indicating that new teachers are staying.

Various factors have impacted the school's ability to meet the TEI target of 8.2 years:

- Since 2005-2006 the District and Natividad Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Natividad has created difficulties in meeting the TEI requirement.
- The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Natividad Elementary School to meet the TEI target difficult.
- Natividad Elementary is located in Northeast Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Natividad Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Natividad Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction waiver requirements for full implementation.
- 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.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>8</td>
<td>56</td>
<td>706</td>
</tr>
<tr>
<td>2008-2009</td>
<td>5</td>
<td>5</td>
<td>710</td>
</tr>
<tr>
<td>2009-2010</td>
<td>5</td>
<td>23</td>
<td>734</td>
</tr>
<tr>
<td>2010-2011</td>
<td>5</td>
<td>14</td>
<td>747</td>
</tr>
<tr>
<td>2011-2012</td>
<td>5</td>
<td>-6</td>
<td>744</td>
</tr>
<tr>
<td>4 Year Average</td>
<td>5</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

4 Non-Title I Schools’ 4 Year API Average = 2.31, 3 Year API Average = - 0.67
5 Non-Title I Schools’ 4 Year API Average = 3.85, 3 Year API Average = - 3.00
3 QEIA Title I Schools’ 4 Year API Average = 15.33, 3 Year API Average = 14.56
Natividad’s 4 Year API Average = 9 3 Year API Average = 10.33

Natividad Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Natividad Elementary School is seeking a waiver of this requirement for 2012-2013 and future school years.

Natividad is asking for a TEI of 7.6 for the 2012-2013 school year and future QEIA years.

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 36 point API growth over the last four years, 92 API growth over five years.

As evidenced by the data shown above, QEIA schools show significant gains in API Growth when compared to Non QEIA schools.

Natividad Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2012-2013 and future QEIA school years.
**Waiver Number:** 51-10-2012  
**Period of Request:** July 1, 2012, to June 29, 2014  
**Period Recommended:** July 1, 2012, to June 30, 2013

Los Padres Elementary School  
6026561  
Salinas City Elementary School District

**CDS Code:** 27 66142

### Local Educational Agency Request:

Salinas City Elementary School District (ESD) is an urban school district located in Monterey County and has a student population of approximately 8,632 students. Los Padres Elementary School (ES) serves 782 students in kindergarten and grades one through six. Salinas City ESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Salinas City ESD elementary school TEI is 8.2. Salinas City ESD’s average TEI for 2011–12 for this type of school is 7.3.

Salinas City ESD states that since 2005–06, Los Padres ES has experienced a number of retirements that have impacted the growth in the TEI. The district also states that retirement incentives have encouraged experienced teachers to retire. Furthermore, the district states that in fully implementing the class size reduction (CSR) requirement, the school has recruited new teachers, some of whom have less experience; and therefore, meeting CSR targets has negatively impacted the TEI requirement. The district states that transferring teachers to Los Padres ES to meet the TEI target is made difficult by articles in the collective bargaining agreement which limit teacher assignment. Lastly, the district states that because of the high crime rate in the school area, some teachers choose to transfer to other schools within the district.

Salinas City ESD requests a waiver of the QEIA TEI target for Los Padres ES and establishment of an alternative TEI target of 7.9 for school year 2012–13 and 8.4 for school year 2013–14, even though Los Padres ES is projected to be .2 above target in school year 2013–14. A previous waiver was granted to Los Padres ES that established an alternative TEI target for school years 2010–2011 and 2011–2012.

### Additional Local Educational Agency and School Information for Consideration:

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>12*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>8,632</td>
</tr>
<tr>
<td>School ADA</td>
<td>781</td>
</tr>
<tr>
<td>Grade Span</td>
<td>K–6</td>
</tr>
<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
<td>12</td>
</tr>
<tr>
<td>2005–06 TEI (Baseline Calculation)</td>
<td>8.2</td>
</tr>
<tr>
<td>2011–12 QEIA School TEI</td>
<td>7.2</td>
</tr>
<tr>
<td>2012–13 QEIA School TEI</td>
<td>7.9</td>
</tr>
<tr>
<td>2011–12 Similar Type School TEI</td>
<td>7.2</td>
</tr>
<tr>
<td>2012–13 Similar Type School TEI</td>
<td>7.9</td>
</tr>
<tr>
<td>Percent of Similar Type School (2011–12 Data)</td>
<td>101%</td>
</tr>
<tr>
<td>Made API Growth Target?</td>
<td>Yes</td>
</tr>
<tr>
<td>Made AYP?</td>
<td>No</td>
</tr>
</tbody>
</table>
*City Midsize: Territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Salinas City ESD’s request to reduce its TEI target for Los Padres ES for school year 2012–13. The request to reduce its TEI target for 2013–14 is not recommended for approval as the target TEI at Los Padres ES will exceed the required baseline of 8.2.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Los Padres ES; (2) For the period of July 1, 2012, through June 30, 2013, the alternate TEI target of 7.9 shall be established at Los Padres ES; and (3) Within 30 days of approval of this waiver, Salinas City ESD 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 TEI requirement.

Reviewed by Los Padres Elementary Schoolsite Council on October 2, 2012.


Supported by California School Employee Association, Ch. 149, September 27, 2012.

**Local Board Approval:** October 8, 2012.
WAIVER SUBMISSION - General

CD Code: 2766142  Waiver Number: 51-10-2012  Active Year: 2012

Date In: 10/22/2012 1:30:37 PM

Local Education Agency: Salinas City Elementary School District
Address: 840 South Main St.
Salinas, CA 93901
Fax:

Start: 7/1/2012  End: 6/29/2014

Waiver Renewal: Y
Previous Waiver Number: 91-12-2011-W-29  Previous SBE Approval Date: 3/8/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Teacher Experience Index
Ed Code Section: 52055.740 (a) (4)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 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:
[(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.]

EC 52055.730 (d) On or before June 30, 2007, the Superintendent, in consultation with interested parties, shall develop a uniform process that can be used to calculate average experience for purposes of reporting, analyzing, or evaluating the distribution of classroom teaching experience in grades, school sites, or subjects across the district. The uniform process shall include an index that uses the 2005-06 California Basic Educational Data System (CBEDS) Professional Ass

Outcome Rationale: By 2010-2011, QEIA schools must ensure that their average level of teaching experience meets or exceeds the average level of teaching experience among all teachers at the same type of school in the district. The average level of teaching experience that QEIA schools must meet is based on the teaching experience levels reported by the district in 2005-2006. District average experience levels or “Teacher Experience Index Targets” were calculated and were established at 8.2. The State QEIA Schools TEI is 6.7.

Los Padres Elementary School is asking for a waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement for 2012-2013 and future QEIA years. (See attached: Teacher Experience Index)
Student Population: 782
City Type: Urban
Public Hearing Date: 10/8/2012
Public Hearing Advertised: Notice posted at each school and District Webpage
Local Board Approval Date: 10/8/2012
Community Council Reviewed By: Los Padres SSC
Community Council Reviewed Date: 10/8/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Mr. Ernesto Gonzalez
Position: Coordinator PI and Categorical Programs
E-mail: egonzalezsr@salinascity.k12.ca.us
Telephone: 831-784-2235
Fax:
Bargaining Unit: Date: 09/27/2012 Name: California School Employee Association, Ch. 149
Representative: Joe Sanchez Title: President Position: Support Comments:
Bargaining Unit: Date: 09/25/2012 Name: Salinas Elementary Teacher Council of CTA
Representative: Carol Rodrigues Title: President Position: Support Comments:
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
Teacher Experience Index  

7. Desired outcome/rationale

Salinas City Elementary School District and Los Padres Elementary School have encountered various challenges in meeting the Teacher Experience Index. In 2005-2006, the District had a large number of experienced elementary school staff resulting in a calculated TEI of 8.2. Of the 486 QEIA Schools, only 19 have an average TEI equal to or higher than Los Padres Elementary.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Padres calculated TEI</td>
<td>4.6</td>
<td>5.9</td>
<td>6.5</td>
<td>7.2</td>
<td>7.9</td>
<td>8.4</td>
</tr>
<tr>
<td>Natividad calculated TEI</td>
<td>7.0</td>
<td>6.8</td>
<td>7.0</td>
<td>7.3</td>
<td>7.6</td>
<td>8.1</td>
</tr>
<tr>
<td>Sherwood calculated TEI</td>
<td>6.2</td>
<td>6.9</td>
<td>7.4</td>
<td>7.8</td>
<td>8.3</td>
<td></td>
</tr>
<tr>
<td>District (TEI) Target (2005-06)</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td>8.2</td>
<td></td>
</tr>
<tr>
<td>State QEIA School's TEI</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td>6.7</td>
<td></td>
</tr>
</tbody>
</table>

The table above shows growth in TEI for Los Padres Elementary School.
- Los Padres’ TEI is at 7.9 indicating that new teachers are staying.

Various factors have impacted the school's ability to meet the TEI target of 8.2 years:
- Since 2005-2006 the District and Los Padres Elementary School have experienced a number of retirements and change in status that impacts our growth in TEI experience value.
- The District has provided retirement incentives (Golden Handshake) to encourage experienced teachers to retire.
- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers, some of which have less experience, but who are highly motivated to inspire children to learn as seen by API growth. Hiring new teachers has a negative impact on the Teacher Experience Index. In taking the necessary steps to try to meet the CSR requirement, Los Padres has created difficulties in meeting the TEI requirement.
- The teacher transfer articles of our collective bargaining agreement limit teacher assignment. These articles make transferring teachers to Los Padres Elementary School to meet the TEI target difficult.
- Los Padres Elementary is located in East Salinas and has a higher crime rate area than other areas of Salinas where there is a more stable teacher population. While some teachers stay, others transfer to other schools within the district.

The combination of new hires at Los Padres Elementary School, adhering to contractual language in transferring experienced teachers, experienced teachers becoming resource teachers as well as retirements, has made it a challenge to meet the TEI requirement.

Los Padres Elementary has substantially met the following requirements at the previous benchmark years:
- Met the class size reduction waiver requirements for full implementation.
- 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.

<table>
<thead>
<tr>
<th>Year</th>
<th>Growth Target</th>
<th>Growth</th>
<th>Growth API</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>9</td>
<td>41</td>
<td>662</td>
</tr>
<tr>
<td>2008-2009</td>
<td>7</td>
<td>21</td>
<td>685</td>
</tr>
<tr>
<td>2009-2010</td>
<td>6</td>
<td>19</td>
<td>704</td>
</tr>
<tr>
<td>2010-2011</td>
<td>5</td>
<td>22</td>
<td>724</td>
</tr>
<tr>
<td>2011-2012</td>
<td>5</td>
<td>8</td>
<td>734</td>
</tr>
<tr>
<td>4 Year Average</td>
<td>5</td>
<td>17.5</td>
<td></td>
</tr>
</tbody>
</table>

4 Non-Title I Schools’ 4 Year API Average = 2.31, 3 Year API Average = - 0.67
5 Non-Title I Schools’ 4 Year API Average = 3.85, 3 Year API Average = - 3.00
3 QEIA Title I Schools’ 4 Year API Average = 15.33 3 Year API Average = 14.56
Los Padres’ 4 Year API Average = 18 3 Year API Average = 17

Los Padres Elementary School is asking for a waiver of the Teacher Experience Index requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Los Padres Elementary School is seeking a waiver of this requirement for 2012-2013 and future QEIA years.

Los Padres is asking for a TEI of 7.9 for the 2012-2013 school year and future QEIA years.

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 70 point API growth over the last four years, 111 API growth over five years.

As evidenced by the data shown above, QEIA schools show significant gains in API Growth when compared to Non QEIA schools.

Los Padres Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the TEI requirement for the 2012-2013 and future QEIA school years.
ITEM W-19
## General Waiver

### SUBJECT

Request by Kern County Office of Education for a renewal to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from a 25:1 to a 27.5:1 pupil-teacher ratio at Valley Oaks Charter School.

Waiver Number: 21-10-2012

### RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education recommends approval of this waiver renewal request with the condition that scores for all subgroups improve or remain stable, and that scores for students with special needs improve.

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

The State Board of Education (SBE) approved the previous waiver for this school on March 11, 2011 with the following conditions:

1. If Valley Oaks Charter School (VOCS) does not meet its 2010–11 Academic Performance Index (API) growth target for the Hispanic or Latino subgroup, the waiver will not be recommended for renewal; and

2. Because the waiver is granted for two years less one day, California Education Code (EC) Section 33051(b) will not apply, and the charter school will be required to reapply for the waiver.

Valley Oaks Charter School has met the conditions placed on them when they were granted the pupil teacher ratio waiver in March 2011.

This is a request for a renewal of the waiver to raise the pupil-to-teacher ratio of this charter school to 27.5:1. The requested waiver falls within the SBE Independent Study: average daily attendance-to-teacher ratio. The SBE Policy #01-03 (http://www.cde.ca.gov/be/ms/po/policy01-03-apr2001.asp) states that a waiver shall not be greater than 10 percent above the ratio that would be applicable absent the waiver, and this agreed new maximum ratio will be maintained in all future years of the waiver.
SUMMARY OF KEY ISSUES

1. Valley Oaks Charter School has met the requirements of the conditions placed on them when they were granted the pupil teacher ratio waiver in March 2011. Valley Oaks charter School API Growth target was 7 and they had a growth of 29 for their Hispanic/Latino students.

2. Valley Oaks Charter is an existing traditional independent study charter school

3. Valley Oaks Charter School has an enrollment of 1,262 students, of which 227 are Hispanic or Latino of Any Race, and 828 are white. These are the only two numerically significant subgroups.

4. Valley Oaks Charter School has a similar school rank of 2 but a statewide rank of 2.

5. Valley Oaks Charter School has a 2011 base API of 748 and a 2012 Schoolwide Growth Academic Performance Index (API) of 750. It did not reach its schoolwide target for 2011-12. Additionally, the school did not make its API growth target for the schools’ Hispanic/Latino students in 2011-12. However significant progress had been made in the previous year as noted above.

6. Valley Oaks did not meet its schoolwide Adequate Yearly Progress for the past three-year period.

<table>
<thead>
<tr>
<th>API Score</th>
<th>2009–10</th>
<th>2010–11</th>
<th>2011–12</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>749</td>
<td>748</td>
<td>750</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

7. Mathematics and English-Language Arts (ELA) proficiency levels improved slightly or remained stable schoolwide and for numerically significant student subgroups over three years with the exception of students with disabilities. Over the past three years, Mathematics proficiency declined by 16 percentage points and ELA proficiency declined 13 percentage points for students with disabilities.

8. CAHSEE ELA Grade 10 pass rate is slightly higher than the state pass rate for the past three years.

<table>
<thead>
<tr>
<th>AYP Percent Prof. or Advanced</th>
<th>ELA 2009–10</th>
<th>ELA 2010–11</th>
<th>ELA 2011–12</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schoolwide</td>
<td>54</td>
<td>54</td>
<td>55</td>
<td>1</td>
</tr>
<tr>
<td>Hispanic</td>
<td>35</td>
<td>43</td>
<td>43</td>
<td>8</td>
</tr>
<tr>
<td>White</td>
<td>58</td>
<td>56</td>
<td>58</td>
<td>0</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>47</td>
<td>48</td>
<td>34</td>
<td>-13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>38      41      38      0</td>
</tr>
<tr>
<td>23      27      26      3</td>
</tr>
<tr>
<td>41      45      41      0</td>
</tr>
<tr>
<td>36      39      20     -16</td>
</tr>
</tbody>
</table>
9. CAHSEE ELA Grade 10 pass rate is slightly higher than the state pass rate for the past three years.

10. The school’s California High School Exit Exam (CAHSEE) Mathematics Grade 10 pass rate has been slightly higher than the state pass rate for the past three years.

11. CST ELA percent proficient and above is almost identical to the state.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Measurable Objectives (AMO)</td>
<td>8 of 13</td>
<td>11 of 14</td>
<td>7 of 14</td>
</tr>
<tr>
<td>Participation Rate met (Target: 95%)</td>
<td>ELA: All Math: All</td>
<td>ELA: All Math: All</td>
<td>ELA: All Math: All</td>
</tr>
<tr>
<td>Percent Proficient AMO met (sub groups)</td>
<td><strong>ELA: W</strong>  <strong>Math: W</strong></td>
<td><em><strong>ELA: H</strong></em>  <em><strong>Math: H</strong></em>  <em><strong>W</strong></em></td>
<td>****ELA: ****Math: ****</td>
</tr>
<tr>
<td>Percent Proficient AMO not met (sub groups)</td>
<td><strong>ELA: SW H</strong>  <strong>Math: SW H W</strong></td>
<td><em><strong>ELA: SW</strong></em>  <em><strong>Math: SW</strong></em></td>
<td><strong><strong>ELA: SW H W</strong></strong>  Math: SW H W</td>
</tr>
<tr>
<td>API Growth Criteria (minimum API of 740 or 1 point growth)</td>
<td>Met</td>
<td>Met</td>
<td>Met</td>
</tr>
<tr>
<td>Graduation Rate: (Goal: 90%)</td>
<td>N/A</td>
<td>Met</td>
<td>No</td>
</tr>
</tbody>
</table>

*Sub-group achieved Proficiency Target through Safe Harbor
**ELA Proficiency Target: 56.8%  **Math Proficiency Target: 58.0%
***ELA Proficiency Target: 67.6%  ***Math Proficiency Target: 68.5%
****ELA Proficiency Target: 78.4% ****Math Proficiency Target: 79.0%*

SW: Schoolwide
AA: African American
A: Asian
H: Hispanic or Latino
W: White
TMR: Two or More Races
SED: Socioeconomically Disadvantaged
EL: English Learners
SD: Students with Disabilities

12. Valley Oaks Charter has not met their AMO requirements for the past three years.

13. Valley Oaks Charter School did not meet its schoolwide graduate rate of 75.97 percent. The 2012 cohort graduation rate was 73.34.

The county’s justification for raising the average daily attendance ratio is as follows:

1. The current state budget has resulted in dramatic cuts to the school budget and has made it difficult to continue a commitment to enrichment activities that make the school of value to the former homeschooling families.

2. The use of the independent study delivery method means that no teacher will ever experience the 27.5:1 ratio at any given time since they meet with students individually or in small groups.
3. The school has added enrichment classes to improve student academic achievement in core subject areas such as mathematics and English-Language Arts.

4. Staff members provide workshops for parents to help improve their skills in working with their student.

5. The school is using STAR Renaissance to provide parents with benchmark data to help guide instruction of their child and to recommend additional assistance and resources.

6. The school has formed a task force to examine whether they can do a better job of tracking and coding the students who have previously been labeled “drop-outs” upon leaving Valley Oaks Charter School.

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: Kern County Office of Education’s Valley Oaks Charter School has a student population of 1,262 and is located in a small city in Kern County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2012, to June 29, 2014
Period Recommended: July 1, 2012, to June 29, 2014

Local board approval date(s): October 9, 2012

Public hearing held on date(s): October 9, 2012

Bargaining unit(s) consulted on date(s): September 19, 2012

Name of bargaining unit/representative(s) consulted: Kern County Education Association, represented by Sixto Urzua, President

Position of bargaining unit(s) (choose only one):
☐ Neutral  ☒ Support  ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper  ☒ posting at each school  ☐ other (specify)

Advisory committee(s) consulted: Valley Oaks Charter School Governing Board

Objections raised (choose one):  ☒ None  ☐ Objections are as follows:
Date(s) consulted: September 24, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost-savings for the county and increased average daily attendance claims from the state.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages). Original waiver request is signed and on file in the Waiver Office.
Outcome Rationale: The current state budget crisis has resulted in dramatic cuts to our budget and has caused unprecedented financial hardship and challenges to our charter school. It has become increasingly difficult to continue our fiscal and programmatic commitment to the depth of enrichment activities that has made this charter school such a success and of value to the community. Valley Oaks Charter School is currently using carry-over funds to maintain an already-reduced level of enrichment offerings for pupils enrolled in the school.

We request permission to continue claiming average daily attendance (ADA) at levels up to 27.5 ADA per full-time equivalent (FTE) teacher. Maintaining this ratio would allow Valley Oaks Charter School to continue with the array of enrichment activities which make the school so...
special. The charter school has been successful in bridging the gap between home-schoolers and the public school system by offering this population an excellent academic program that is WASC accredited and responsive to the community. The school’s annual audits, independent study board policies and attendance reports reflect a commitment to adhering to all independent study laws and regulations and also reflect an existing pupil-to-teacher ratio of 27.5:1.

This waiver renewal request is consistent with the general purpose of the law as described above and the 27.5:1 pupil-to-teacher ratio requested does not exceed the 10% limit. All additional funds will be expended on independent study services for Valley Oaks Charter School pupils. Valley Oaks Charter School will provide the Kern County Office of Education with an annual report of expenditures and assurances to the CDE, utilizing the standard report form supplied, the Local Education Agency Report to California Department of Education: Use of Apportionment Funds Generated by Students in Independent Study.

Student Population: 1262

City Type: Small

Public Hearing Date: 10/9/2012

Public Hearing Advertised: Notice was posted at each school, at the Kern County Office of Education and on the website

Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Valley Oaks Charter School Governing Board
Community Council Reviewed Date: 9/24/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Blanca Cavazos
Position: Chief Instructional Officer
E-mail: blcavazos@kern.org
Telephone: 661-636-4428

Bargaining Unit:  Date: 09/19/2012 Name: Kern County Education Association Representative: Sixto Urzua Title: President Position: Support
Comments:
ITEM W-20
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

General Waiver

SUBJECT
Request by Alpaugh Unified School District to waive portions of California Education Code Section 51745.6 and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Central California Connections Academy Charter School.

Waiver Number: 5-10-2012

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education recommends denial of this waiver renewal request based on California Education Code (EC) Section 33051(a)(1): The educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved the previous waiver for this school on November 9, 2011. There were no conditions set by SBE on the previous waiver.

This is a request for a renewal of the waiver to raise the pupil-to-teacher ratio of this charter school to 27.5:1. The requested waiver falls within the SBE Independent Study: average daily attendance-to-teacher ratio. The SBE Policy #01-03 (http://www.cde.ca.gov/be/ms/po/policy01-03-apr2001.asp) states that a waiver shall not be greater than 10 percent above the ratio that would be applicable absent the waiver, and this agreed upon new maximum ratio will be maintained in all future years of the waiver.

SUMMARY OF KEY ISSUES

1. Central California Connections did not have any conditions on their previous waiver.

2. Central California Connections Academy is an existing virtual school in the district.
3. The Academy has an enrollment of 218 students, of which 101 are white and 66 are socioeconomically disadvantaged. These are the only two significant subgroups at the school. Additionally, 78 students are Hispanic or Latino of Any Race.

4. Central California Connections Academy has a Similar Schools rank of 10 but a Statewide Rank of 4.

5. The school has a 2011 base API of 780 and a 2012 Growth Academic Performance Index (API) of 739.

6. The 2011–12 Growth API was negative 41 points.

7. The academy did not meet its schoolwide Adequate Yearly Progress target over the past three-year period.

<table>
<thead>
<tr>
<th>API Score</th>
<th>2009–10</th>
<th>2010–11</th>
<th>2011–12</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>718</td>
<td>780</td>
<td>739</td>
<td>21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AYP</th>
<th>ELA 2009–10</th>
<th>ELA 2010–11</th>
<th>ELA 2011–12</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Prof. or Advanced</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schoolwide</td>
<td>62</td>
<td>65</td>
<td>57</td>
<td>-5</td>
</tr>
<tr>
<td>Hispanic</td>
<td>53</td>
<td>67</td>
<td>40</td>
<td>-13</td>
</tr>
<tr>
<td>White</td>
<td>61</td>
<td>62</td>
<td>67</td>
<td>6</td>
</tr>
<tr>
<td>Special needs</td>
<td>54</td>
<td>64</td>
<td>64</td>
<td>10</td>
</tr>
<tr>
<td>Math 2009–10</td>
<td>46</td>
<td>42</td>
<td>26</td>
<td>-20</td>
</tr>
<tr>
<td>Math 2010–11</td>
<td>37</td>
<td>33</td>
<td>7</td>
<td>-30</td>
</tr>
<tr>
<td>Math 2011–12</td>
<td>53</td>
<td>47</td>
<td>37</td>
<td>-16</td>
</tr>
</tbody>
</table>

8. Mathematics proficiency level significantly declined schoolwide over the past three-year period. The Hispanic or Latino students experienced the greatest decline of 30 percentage points followed by a Schoolwide decline of 20 percentage points.

9. English Language Arts (ELA) proficiency level significantly declined schoolwide over the past three-year period. The Hispanic or Latino students experienced the greatest decline of 13 percentage points followed by Students with Disabilities decline of 10 percentage points.

10. Central California Connections Academy did not meet its ELA or Mathematics or its 2012 ELA or Mathematics Annual Measurable Objectives (AMO) schoolwide.

11. The Academy has experienced a steady decline in meeting their required AMOs over the past three-year period.
12. CAHSEE Grade 10 ELA and Mathematics pass rate is at or above the state average, but their tenth grade students who score proficient or advanced has significantly decreased over the past three-year period in both subject areas.

<table>
<thead>
<tr>
<th>Central CA Connections</th>
<th>2009 – 10</th>
<th>2010 – 11</th>
<th>2011 – 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Measurable Objectives (AMO)</td>
<td>5 of 5</td>
<td>4 of 5</td>
<td>6 of 9</td>
</tr>
<tr>
<td>Participation Rate met (Target: 95%)</td>
<td>ELA: All Math: All</td>
<td>ELA: All Math: All</td>
<td>ELA: All Math: All</td>
</tr>
<tr>
<td>Percent Proficient AMO met (subgroups)</td>
<td>**ELA: SW **Math: SW</td>
<td>***ELA: SW ***Math: SW</td>
<td>****ELA: SW ****Math: SW</td>
</tr>
<tr>
<td>Percent Proficient AMO not met (subgroups)</td>
<td>**ELA: SW **Math: SW</td>
<td>***ELA: SW ***Math: SW</td>
<td>****ELA: SW ****Math: SW</td>
</tr>
<tr>
<td>API Growth Criteria (minimum API of 740 or 1 point growth)</td>
<td>Met</td>
<td>Met</td>
<td>Not Met</td>
</tr>
<tr>
<td>Graduation Rate: (Goal: 90%)</td>
<td>N/A</td>
<td>Met</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Sub-group achieved Proficiency Target through Safe Harbor
**ELA Proficiency Target: 56.8% **Math Proficiency Target: 58.0%
***ELA Proficiency Target: 67.6% ***Math Proficiency Target: 68.5%
****ELA Proficiency Target: 78.4% ****Math Proficiency Target: 79.0%

The school administrators report the following uses for the additional revenues:
- In-depth assessment data with quick access by teachers
- Targeted intervention courses for struggling students
- Specialized staff to provide interventions
- More professional development for teachers
- Additional resources for students struggling with math.

Additionally, the authorizing district reports that the 27.5:1 ratio is lower than that of many of the comprehensive high schools in the five-county region the charter serves.

**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:** Alpaugh Unified School District/Central California Connections Academy has a student population of 217 and is located in a rural setting in Tulare County.

**Authority for Waiver:** EC Section 33050
**Period of request:** July 1, 2012 to June 29, 2014

**Local board approval date(s):** September 13, 2012

**Public hearing held on date(s):** September 13, 2012

**Bargaining unit(s) consulted on date(s):** The charter school does not have a bargaining unit

**Name of bargaining unit/representative(s) consulted:** The charter school does not have a bargaining unit

**Position of bargaining unit(s) (choose only one):**
- [ ] Neutral
- [ ] Support
- [x] Oppose: The charter school does not have a bargaining unit

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
- [ ] posting in a newspaper
- [x] posting at each school
- [ ] other (post office)

**Advisory committee(s) consulted:** Board of Directors of Central California Connections Academy

**Objections raised (choose one):**
- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** August 28, 2012

**FISCAL ANALYSIS (AS APPROPRIATE)**

The increased pupil-to-teacher ratio would result in cost-savings for the school and increased average daily attendance claims from the state.

**ATTACHMENT(S)**

Attachment 1: Alpaugh Unified School District Waiver Request 5-10-2012 (2 pages)
Original waiver request is signed and on file in the Waiver Office.
California Department of Education  
WAIVER SUBMISSION – General Waiver

CD Code: 5471803  Waiver Number: 5-10-2012  Active Year: 2012

Date In: 10/2/2012 2:10:49 PM

LEA Name: Alpaugh Unified School District  
Address: 5313 Road 39  
Alpaugh, CA 93201  
Fax:

Start: 7/1/2012  End: 6/29/2014

Waiver Renewal: Y

Previous Waiver Number: 19-6-2011-W-2  Previous SBE Approval Date: 11/9/2011

Waiver Topic: Independent Study Program  
Ed Code Title: Pupil Teacher Ratio  
Ed Code Section: 51745.6 and CCR Title 5, Section 11704 and portions of 11963.4 (a)(3)  
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: California Education Code Section 51745.6 and California Code of Regulations, Title 5, sections 11704 and portions of 11963.4(a)(3) as follows:

…and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of [25:1] 27.5:1.

Outcome Rationale: Central California Connections Academy (CenCA) provides a high quality virtual education to students in Central California. Teachers work primarily from the school office but serve students in a large geographic area using a variety of technological tools. An increase in the pupil to teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students. Given the budget constraints caused by the current financial crisis, CenCA proposes to implement needed budget cuts by fully utilizing such efficiencies offered by on-line education. Despite fiscal challenges, if any additional revenue results from the increased ratio, it will be directed back to services which support student learning in the virtual environment, such as enhanced curricular offerings, increased test preparation services, increased remediation and intervention services for struggling students, and/or increased access to technology tools.

Student Population: 217

City Type: Rural

Public Hearing Date: 9/13/2012

Public Hearing Advertised: Notice posted at each school and at the post office
Local Board Approval Date: 9/13/2012
Community Council Reviewed By: The Board of Directors of Central California Connections Academy
Community Council Reviewed Date: 8/28/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Franci Sassin
Position: Business Manager
E-mail: fsassin@sbcglobal.net
Telephone: 949-306-8498
ITEM W-21
General Waiver

SUBJECT

Request by Capistrano Unified School District for a renewal to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Capistrano Connections Academy Charter School.

Waiver Number: 14-3-2012

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education recommends denial of this waiver renewal request based on California Education Code (EC) Section 33051(a)(1): The educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved the previous waiver for this school on July 13, 2011 with the condition that it meet its growth targets. Capistrano Connections Academy Charter School did not meet the conditions of the previous waiver. In the 2010–11 school year, the school Academic Performance Index (API) decreased from a 2010 Base API of 794 to a 2011 Growth API of 779. In addition, it failed to meet growth targets for all three of its significant subgroups: Hispanic, white, and socio-economically disadvantaged.

This is a request for a renewal of the waiver to raise the pupil-to-teacher ratio of this charter school to 27.5:1. The requested waiver falls within the SBE Independent Study: average daily attendance-to-teacher ratio. The SBE Policy #01-03 (http://www.cde.ca.gov/be/ms-po/policy01-03-apr2001.asp) states that a waiver shall not be greater than 10 percent above the ratio that would be applicable absent the waiver, and this agreed new maximum ratio will be maintained in all future years of the waiver.
SUMMARY OF KEY ISSUES

The Capistrano Connections Academy is an online, independent study charter school. Since the SBE approval of an increased pupil-to-teacher ratio, the school has not met many of its targets.

1. Capistrano Connections Academy did not meet the conditions of the previous waiver.

2. Capistrano Connections Academy is an existing virtual school.

3. Capistrano Connections Academy has an enrollment of 1,593, of which 452 are Hispanic or Latino of Any Race, 728 are white, and 354 are socioeconomically disadvantaged. There are only three significant subgroups at the school.

4. The Capistrano Connections Academy has a Similar Schools rank of 9 (down from 10), and a Statewide Rank of 7 (up from 5).

5. The school has a 2011 Base API of 782 and a 2012 Growth API of 778.

6. The 2011 12 Growth API was a negative 4 points.

7. Capistrano Connections Academy did not meet its Annual Yearly Progress Growth targets schoolwide or for numerically significant student subgroups.

8. Mathematics proficiency levels declined schoolwide and across the numerically significant student subgroups over the past three years. The largest decline was with the African American students with a 13 percentage point decrease.

9. English Language Arts (ELA) proficiency levels declined schoolwide and with a majority of the numerically significant subgroups over the past three years. Students with Disabilities experienced the greatest decline with a 6 percentage point drop.

<table>
<thead>
<tr>
<th>API Score</th>
<th>2009–10</th>
<th>2010–11</th>
<th>2011–12</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score</td>
<td>794</td>
<td>782</td>
<td>778</td>
<td>-16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AYP</th>
<th>ELA 2009–10</th>
<th>ELA 2010–11</th>
<th>ELA 2011–12</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Proficient or Advanced</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schoolwide</td>
<td>67</td>
<td>66</td>
<td>66</td>
<td>-1</td>
</tr>
<tr>
<td>African American</td>
<td>53</td>
<td>58</td>
<td>49</td>
<td>-4</td>
</tr>
<tr>
<td>Hispanic</td>
<td>61</td>
<td>58</td>
<td>59</td>
<td>-2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>53</td>
<td>47</td>
<td>45</td>
<td>-8</td>
</tr>
<tr>
<td></td>
<td>39</td>
<td>26</td>
<td>26</td>
<td>-13</td>
</tr>
<tr>
<td></td>
<td>47</td>
<td>43</td>
<td>39</td>
<td>-8</td>
</tr>
</tbody>
</table>
10. Capistrano Connections Academy did not meet their 2011 Mathematics or 2012 ELA and Mathematics Annual Measurable Objectives for all of their numerically significant subgroups.

11. The Academy has experienced a steady decrease in the percentage of students meeting the proficient or advanced objective for Mathematics and ELA.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Measurable Objectives (AMO)</td>
<td>17 of 17</td>
<td>13 of 19</td>
<td>13 of 20</td>
</tr>
<tr>
<td>Participation Rate met (Target: 95%)</td>
<td>ELA: All Math: All</td>
<td>ELA: All Math: All</td>
<td>ELA: All Math: All</td>
</tr>
<tr>
<td>Percent Proficient AMO met (sub groups)</td>
<td><strong>ELA: SW H W SED</strong> <strong>Math: SW H W SED</strong></td>
<td><em><strong>ELA: W SED</strong></em> <em><strong>Math:</strong></em></td>
<td>****ELA: ****Math:</td>
</tr>
<tr>
<td>Percent Proficient AMO not met (sub groups)</td>
<td>**ELA: **Math:</td>
<td>***ELA: SW H ***Math: SW H W SED</td>
<td>****ELA: SW H W ****Math: SW H W</td>
</tr>
<tr>
<td>API Growth Criteria (minimum API of 740 or 1 point growth)</td>
<td>Met</td>
<td>Met</td>
<td>Met</td>
</tr>
<tr>
<td>Graduation Rate: (Goal: 90%)</td>
<td>N/A</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

12. The school’s California High School Exit Exam (CAHSEE) Mathematics Grade 10 pass rate has been slightly higher than the state passing rate for 2011–12, but their tenth grade students who score proficient or advanced has significantly decreased over the past three-year period in both subject areas.

13. Capistrano Connections Academy students’ CAHSEE English Language Arts Grade 10 pass rate is slightly higher than the state passing rate for 2011–12.

*Sub-group achieved Proficiency Target through Safe Harbor
**ELA Proficiency Target: 56.8% **Math Proficiency Target: 58.0%
***ELA Proficiency Target: 67.6% ***Math Proficiency Target: 68.5%
****ELA Proficiency Target: 78.4% ****Math Proficiency Target: 79.0%

SW: Schoolwide  
AA: African American  
A: Asian  
H: Hispanic or Latino  
W: White  
TMR: Two or More Races  
SED: Socioeconomically Disadvantaged  
EL: English Learners  
SD: Students with Disabilities
Capistrano Connections Academy administrators report that the Academy grew by 50 percent from October 2009 to October 2011. During that time, the API scores for Capistrano Connections Academy grew from 725 in 2007 to 793 in 2010. In all of those years, it had a Similar Schools rank of 10.

The school notes that the API scores do not reflect the same student population year-to-year due to high mobility. Thus, the school’s administrators argue that a decrease in the API score reflects a different student body rather than a reduction in the effectiveness of their instruction.

Capistrano Connections Academy administrators report that they used the additional revenues gained from the previous waiver approval for the following, all of which use funds that might otherwise not have been available if the school had to spend additional money on hiring more teachers to meet the lower student teacher ratio:

- New technological tools, including more student computers
- Data management tools
- New intervention programs
- Improved curriculum
- Improved professional development.

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: The charter school has a student population of 1,593 (as of October 2011) and is located in and sponsored by Capistrano Unified School District, a suburban district in Orange County. However, as a virtual school, the charter school enrolls students from all areas of Orange County and contiguous counties.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2012, to June 29, 2013

Local board approval date(s): February 29, 2012

Public hearing held on date(s): February 29, 2012
Bargaining unit(s) consulted on date(s): This school is a charter, and has no bargaining unit.

Public hearing advertised by (choose one or more):
- posting in a newspaper  ✔ posting at each school  □ other (specify)

Advisory committee(s) consulted: The Board of Directors of Capistrano Connections Academy approved requesting renewal of the waiver at a board meeting.
Objections raised (choose one): ☒ None   □ Objections are as follows:

Date(s) consulted: January 24, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost-savings for the school and increased average daily attendance claims from the state.

ATTACHMENT(S)

Attachment 1: Capistrano Unified School District General Waiver Request 14-3-2012
General Waiver Request (3 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: ____  
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  
back-up material to: waiver@cde.ca.gov

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>3</th>
<th>0</th>
<th>6</th>
<th>6</th>
<th>4</th>
<th>6</th>
<th>4</th>
</tr>
</thead>
</table>

Local educational agency:  
Capistrano Unified School District on behalf of  
Capistrano Connections Academy

Contact name and Title:  
Frances Sassin  
Business Manager, California Connections  
Academy schools and  
Julie Hatchel, Assistant Superintendent,  
Education Services, Capistrano Unified  
School District

Contact person’s e-mail address:  
fsassin@sbcglobal.net  
jhatchel@capousd.org

Address:  
33122 Valle Rd  
San Juan Capistrano  
CA  
92675

Phone (and extension, if necessary):  
(949) 461-1667 X309

Fax Number:  
(949) 425-8791

Period of request:  (month/day/year)  
From: 7/1/2012  
To: 6/29/2013

Local board approval date: (Required)  
February 29, 2012

Date of public hearing: (Required)  
February 29, 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: BOTH  
California Education Code Section 51745.6, and California Code of Regulations, Title 5, sections 11704, and portions of 11963.4(a)(3), Topic of the waiver: Pupil to Teacher Ratio for Independent Study Charter Schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 31-3-2011-WC-2 and date of SBE Approval: July 13, 2011  
Renewals of waivers must be submitted two months before the active waiver expires.  
PLEASE SEE ATTACHED EXPLANATION OF RENEWAL REQUEST

3. Collective bargaining unit information. Does the district have any employee bargaining units?  
_X_ No  __ Yes  If yes, please complete required information below:  
See comment 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):  
Independent Charter School does not have a bargaining unit

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)

1/8/2013 11:30 AM
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   The Board of Directors of Capistrano Connections Academy approved requesting renewal of the waiver at a board meeting.

   Date the committee/council reviewed the waiver request: January 24, 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).

   California Education Code Section 51745.6, and California Code of Regulations, Title 5, sections 11704 and portions of 11963.4(a)(3) as follows:

   …and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1  27.5:1

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.

   Capistrano Connections Academy (CapoCA) provides a high quality virtual education to students in Southern California. Teachers work primarily from the school office but serve students in a large geographic area using a variety of technological tools. An increase in the pupil to teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students. Given the budget constraints caused by the current financial crisis, CapoCA proposes to implement needed budget cuts by fully utilizing such efficiencies offered by on-line education. Despite fiscal challenges, if any additional revenue results from the increased ratio, it will be directed back to services which support student learning in the virtual environment, such as enhanced curricular offerings, increased test preparation services, increased remediation and intervention services for struggling students, and/or increased access to technology tools.

   See also attached explanation of school API scores.

8. Demographic Information:

   The charter school has a student population of 1593 (as of October, 2011) and is located in and sponsored by Capistrano Unified School District, a suburban district in Orange County. However, as a virtual school, the charter enrolls students from all areas of Orange County and contiguous counties.

   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.

   Signature of Superintendent or Designee: Joseph M. Farley

   Title: Superintendent

   Date:
ITEM W-22
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

General Waiver

SUBJECT

Request by Curtis Creek Elementary School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5, Section 4701, to remove their school from the Open Enrollment List of “low-achieving schools” for the 2012–13 school year.

Waiver Number: 29-10-2012

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 does not meet 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 does not meet the SBE streamlined waiver criteria to be removed from the 2012-13 Open Enrollment list. The SBE approved the non-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 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.

Demographic Information: Tuolumne County

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010 to June 30, 2014

Period of recommendation: July 1, 2012 to June 30, 2013

Local board approval date(s): October 9, 2012

Public hearing held on date(s): October 9, 2012

Bargaining unit(s) consulted on date(s): Curtis Creek Faculty Association
Representative: Beth McIlroy, consulted on September 18, 2012

Public hearing advertised by (choose one or more): Posted at five locations, two school sites, County Schools Office, Local Newspaper and Library

Advisory committee(s) consulted: Curtis Creek School Site Council

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Schools Requesting a General Waiver from the 2012-13 Open Enrollment List (1 page).

Attachment 2: Curtis Creek Elementary School District General Waiver Request 29-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office).
# Schools Requesting a General Waiver from the 2012-13 Open Enrollment List

<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>29-10-2012</td>
<td>Tuolumne Curtis Creek Elementary Curtis Creek Elementary</td>
<td>792</td>
<td>Schoolwide: 794, White: 800, SED: 756</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>4, 3</td>
<td>Year 2</td>
<td>Support 09/18/2012</td>
<td>Requested: 07/1/2010 to 06/30/2014</td>
<td>Recommended: 07/01/2012 to 06/30/2013</td>
</tr>
</tbody>
</table>

*Only student groups that are numerically significant are included in this column.

SED – Socioeconomically Disadvantaged

Prepared by the California Department of Education
Revised: 11/09/2012 2:27 PM
| California Department of Education  
| WAIVER SUBMISSION - General  |

| CD Code: 5572355 | Waiver Number: 29-10-2012 | Active Year: 2012 |
| Date In: 10/18/2012 11:51:36 AM |
| Local Education Agency: Curtis Creek Elementary School District  
| Address: 18755 Standard Rd.  
| Sonora, CA 95370  
| Fax: |
| Start: 7/1/2010 | End: 6/30/2014 |
| Waiver Renewal: Y  
| Previous Waiver Number: 16-12-2010 | Previous SBE Approval Date: 4/21/2011 |
| Waiver Topic: Open Enrollment  
| Ed Code Title: Removal From the List of LEAs  
| Ed Code Section: 48352(a) and CCR Title 5 Section 4701  
| Ed Code Authority: 33050 |

Ed Code or CCR to Waive: *Education Code* 48352. For purposes of this article, the following definitions apply:

- [(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 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.
    - Court, community, or community day schools shall not be included on the list.
    - Charter schools shall not be included on the list.

Outcome Rationale: The school district is requesting that Curtis Creek School be removed from the State's low achieving school list. The Current Academic Performance Index Score was over 800 for testing completed in Spring 2012. We continue to be actively engaged in improving the performance of our students through staff development and RTI programs.

Student Population: 463

City Type: Rural

Public Hearing Date: 10/9/2012  
Public Hearing Advertised: Posted at 5 locations, two school sites, County Schools Office,
Local Newspaper and Library
Local Board Approval Date: 10/9/2012

Community Council Reviewed By: Curtis Creek School Site Council
Community Council Reviewed Date: 9/17/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janice Quinn
Position: Administrative Assistant
E-mail: jquinn@ccreek.k12.ca.us
Telephone: 209-533-1083 x351
Fax:

Bargaining Unit: Date: 09/18/2012
Name: Curtis Creek Faculty Association
Representative: Beth McIlroy
Title: Presidents
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for January 16, 2013

ITEM W-23
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

☐ Specific Waiver

SUBJECT

Request by three 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: Fontana Unified School District 68-10-2012  
Fontana Unified School District 69-10-2012  
Lincoln Unified School District 25-5-2012  
Shaffer Union Elementary School District 3-10-2012  
Shaffer Union Elementary School District 4-10-2012

☐ Action  
☐ Consent

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 CDE also recommends that the SBE find 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 for students in the classes specified in the districts' applications.

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 these 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 Department 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 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (2 pages)

Attachment 2: Fontana Unified School District Specific Waiver Request 68-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fontana Unified School District Specific Waiver Request 69-10-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Lincoln Unified School District Specific Waiver Request 25-5-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Shaffer Union Elementary School District Specific Waiver Request 3-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Shaffer Union Elementary School District Specific Waiver Request 4-10-2012 (2 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, Representative(s) 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>68-10-2012</td>
<td>Fontana Unified School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>For K: Overall average 33; no class size larger than 34</td>
<td>For K: Overall average 33; no class size larger than 34</td>
<td>Fontana Teachers Association, Pasquale Mazzulli, President 10/15/12 Oppose</td>
<td>October 17, 2012</td>
<td>$1,000,200 each year</td>
<td>Qualified</td>
<td>No</td>
</tr>
<tr>
<td>69-10-2012</td>
<td>Fontana Unified School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>For 1-3: Overall average 33; no class size larger than 34</td>
<td>For 1-3: Overall average 33; no class size larger than 34</td>
<td>Fontana Teachers Association, Pasquale Mazzulli, President 10/15/12 Oppose</td>
<td>October 17, 2012</td>
<td>$1,000,200 each year</td>
<td>Qualified</td>
<td>No</td>
</tr>
<tr>
<td>25-5-2012</td>
<td>Lincoln Unified School District</td>
<td>Requested: July 1, 2012 to June 30, 2014</td>
<td>K: Overall average 32; no class size larger than 34</td>
<td>K: Overall average 32; no class size larger than 34</td>
<td>Lincoln Unified Teachers Association, Janet Olmstead, President 5/4/12 Oppose</td>
<td>May 9, 2012</td>
<td>$450,323 each year</td>
<td>Positive</td>
<td>Yes 7/1/10 to 6/29/12</td>
</tr>
<tr>
<td>3-10-2012</td>
<td>Shaffer Union Elementary School District</td>
<td>Requested: August 27, 2012 to June 15, 2013</td>
<td>For K: Overall average 31; no class size larger than 35</td>
<td>For K: Overall average 31; no class size larger than 35</td>
<td>Shaffer Federation of Teachers, Becky Neely, President 8/12/12 Oppose</td>
<td>September 18, 2012</td>
<td>$25,457 FY 2012-13</td>
<td>Qualified</td>
<td>No</td>
</tr>
</tbody>
</table>
## 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, Representative(s) 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>4-10-2012</td>
<td>Shaffer Union Elementary School District</td>
<td>Requested: August 27, 2012 to June 15, 2013</td>
<td>For 1-3: Overall average 30; no class size larger than 35</td>
<td>For 1-3: Overall average 30; no class size larger than 35</td>
<td>Shaffer Federation of Teachers, Becky Neely, President 9/12/12 Oppose</td>
<td>September 18, 2012</td>
<td>$25,457 FY 2012-13</td>
<td>Qualified</td>
<td>No</td>
</tr>
</tbody>
</table>

Created by California Department of Education
November 7, 2012
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 3667710  Waiver Number: 68-10-2012  Active Year: 2012

Date In: 10/24/2012 4:33:58 PM

Local Education Agency: Fontana Unified School District
Address: 9680 Citrus Ave.
Fontana, CA 92335

Start: 7/1/2012  End: 6/30/2014

Waiver Renewal: N  Previous Waiver Number:   Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or CCR to Waive:

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.

Outcome Rationale: The Fontana Unified School District is seeking to temporarily increase class size in Kindergarten and in grades one through three due to the continuing statewide budget crisis. The district is requesting that the class size limit be waived and allow the overall class size average in Kindergarten to increase from 31 to 33. In addition, the district is also requesting that individual class size maximums be increased from 33 in Kindergarten to 34. Without the waiver, Fontana Unified School District would be subject to penalties. The possible loss of additional revenue would further reduce funding and would cause additional financial burden. The District currently faces a $22.2 million budget shortfall for 2012-2013 with an additional estimated shortfall of $19.3 million for 2013-14 due to the State financial condition.

If this waiver is approved, a projected penalty of $1,000,200 could be eliminated. This calculation was projected based on 2011-2012 data. If one class had been over the maximum, the penalty computation would have included 310 classes and 173 pupils over the enrollment limit.
If this waiver is not approved and funds are further cut due to financial penalties for exceeding class size limits, instructional programs which have supported gains in student achievement will have to be reduced or limited. The consequences of this waiver not being approved would fall squarely upon the shoulders of Fontana Unified students, the majority of whom are already struggling to overcome the effects of poverty and learning a second language. Approval of this waiver is crucial to being able to continue to offer the vital core programs and services that benefit the students of the Fontana Unified School District.

Student Population: 40488

City Type: Urban

Local Board Approval Date: 10/17/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Alejandro Alvarez
Position: Associate Superintendent
E-mail: alejandro.alvarez@fusd.net
Telephone: 909-357-7600 x29116
Fax: 909-357-7532

Bargaining Unit:
Date: 10/15/2012
Name: Fontana Teachers Association
Representative: Pasquale Mazzulli
Title: President
Position: Oppose
Comments: The union will not support any decision to increase class size
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.

Outcome Rationale:

The Fontana Unified School District is seeking to temporarily increase class size in Kindergarten and in grades one through three due to the continuing statewide budget crisis. The district is requesting that the class size limit be waived and allow the overall class size average in grades 1-3 from 30 to 33. In addition, the district is also requesting that individual class size maximums be increased from 32 to 34 in grades 1-3. Without the waiver, Fontana Unified School District would be subject to penalties. The possible loss of additional revenue would further reduce funding and would cause additional financial burden. The District currently faces a $22.2 million budget shortfall for 2012-2013 with an additional estimated shortfall of $19.3 million for 2013-14 due to the State financial condition.

If this waiver is approved, a projected penalty of $1,000,200 could be eliminated. This calculation was projected based on 2011-2012 data. If one class had been over the maximum, the penalty computation would have included 310 classes and 173 pupils over the enrollment limit.

If this waiver is not approved and funds are further cut due to financial penalties for exceeding class size limits, instructional programs which have supported gains in student achievement will have to be reduced or limited. The consequences of this waiver not being approved would fall squarely upon the shoulders of Fontana Unified students, the majority of whom are already struggling to overcome the effects of poverty and learning a second language. Approval of this waiver is crucial to being able to continue to offer the vital core programs and services that benefit the students of the Fontana Unified School District.

Student Population: 40488

City Type: Urban

Local Board Approval Date: 10/17/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Alejandro Alvarez
Position: Associate Superintendent Business Services
E-mail: alejandro.alvarez@fusd.net
Telephone: 909-357-7600 x29116
Fax: 909-357-7532
Bargaining Unit:
Date: 10/15/2012
Name: Fontana Teachers Association
Representative: Pasquale Mazzulli
Title: President
Position: Oppose

Comments: The union will not support any decision to increase class sizes
## CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**

### First Time Waiver:

- **Local educational agency:** Lincoln Unified School District
- **Contact name and Title:** Rebecca Hall, Associate Superintendent
- **Address:** 2010 W. Swain Road, Stockton, CA 95207
- **Phone:** 209-953-8716
- **Fax:** 209-472-0813
- **Period of request:** From July 1, 2012 to June 30, 2014
- **Local board approval date:** May 9, 2012

### LEGAL CRITERIA

1. **Authority for the waiver:** EC 43182
   - Specific code section: **EC 41376**
   - Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

   41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, my 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, 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 recommendations, 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 specific 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) **EC 41376 (a) (b) (c)**
   - Circle One: **EC** or **CCR**
   - Brief Description of the topic of the waiver: **Waiving class size ratios for kindergarten and grades one through three**

3. **If this is a renewal of a previously approved waiver, please list Waiver No:** 4-6-2010-W-14 and date of SBE approval **9/16/2010**
   - Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.
4. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No  **X** Yes  If yes, please complete required information below:

<table>
<thead>
<tr>
<th>Bargaining unit(s) consulted on date(s):</th>
<th>Lincoln Unified Teachers Associated (LUTA) 5/4/12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>California School Employees Association Local #282 5/3/12</td>
</tr>
</tbody>
</table>

Name of bargaining unit and representative(s) consulted:
- **LUTA**: Janet Olmstead, President
- **CSEA**: Dorsey McCowan, President & Dalia Loza, chief job std.

The position(s) of the bargaining unit(s): ___ Neutral  **X** Support  **X** Oppose  (Please specify why)

Comments (if appropriate): CSEA supports the waiver. LUTA does not support the waiver comment-increasing class sizes will adversely affect student learning.

5. Advisory committee or school site council that reviewed the waiver. Name: **Mable Barron Elementary Site Council meeting, Parent Youth Alliance**

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 7, 2012**

<table>
<thead>
<tr>
<th>___ Approve</th>
<th>___ Neutral</th>
<th>___ Oppose</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Were there any objection? Yes ___ No  **X** (If there were objections please specify) vote **8-0 and 8-1**
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.)

To Waive the Class Size Penalty (Grades K, 1-3) Prospectively EC §41378 and EC §41376

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.

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.
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 current collective bargaining agreement between Lincoln Unified School District and the Lincoln Unified Teachers Association states, “Class size shall be guided by restrictions established by law unless the district receives a waiver. The District will balance classes in relationship to the needs of the instructional program, provided prudent fiscal management can be maintained.” The District has currently staffed our first through third grade classrooms in accordance with EC 41376.

The district has a very good relationship with both unions. We have worked together to make it through these very tough economical times. Lincoln USD is the first district in our county to come to an agreement with furlough days. The unions have continued to work with the district, most recently supporting our bond initiative and agreeing to additional furlough days.

The Lincoln Unified School District, in an effort to resolve a budget deficit of 19.754% of our current Revenue Limit and over 15 million in state deferrals, is attempting to create as many viable options to address our fiscal situation. In order to avoid financial penalties in the event we exceed either the class average size or individual class size, we are requesting the State Board of Education approve the waiver to increase kindergarten to an average class size not to exceed 32 students and a maximum class size of 34 and for grades 1-3 an average class size not to exceed 31 students and a maximum class size of 33. If the waiver is not approved, the financial penalties imposed on the district would have a detrimental effect on the district’s operations and ability to maintain and improve instruction in all core subjects, including reading and mathematics. Not approving this waiver could cost the district an estimated $450,323 in penalties.

8. Demographic Information:
(District/school/program) Lincoln Unified School District has a student population of 8990 and is located in an urban (urban, rural, or small city etc.) in San Joaquin 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:

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
WAIVER SUBMISSION - Specific

CD Code: 1864188  Waiver Number: 3-10-2012  Active Year: 2012

Date In: 10/2/2012 12:55:00 PM

Local Education Agency Name: Shaffer Union Elementary School District
Address: 722-055 Highway 395 North
Litchfield, CA 96117
Fax: 530-254-6577

Start: 8/27/2012  End: 6/15/2013

Waiver Renewal: N

Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or CCR to Waive: 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.]

Outcome Rationale: Our Kindergarten class is a K/1 combination class, however the first graders leave the room daily for 3.5 hours for their Core ELA and Math instruction. On top of this we have a 45 minute ELD period each afternoon where 10 students from the K/1 class leave for ELD instruction. The class only exceeds the EC and District limit for one hour and 15 minutes daily. Due to budget cuts we are having a combined class for a period of the day not dedicated to CORE. The governing board of the district adopted a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the district from developing more effective educational programs in the core area to improve instruction in reading and mathematics.

Student Population: 193

City Type: Rural
Local Board Approval Date: 9/18/2012

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Ms. Terri Daniels
Position: Superintendent/Principal E-mail: tdaniels@shafferschool.com
Telephone: 530-254-6577 x4803

Bargaining Unit: Date: 09/12/2012 Name: Shaffer Federation of Teachers Representative:
Becky Neely Title: Unit President Position: Oppose

Comments: Shaffer Federation of Teachers feels that larger class sizes is not best for the children.
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."

Outcome Rationale: This waiver request is requesting exemption from any penalties regarding EC 41376. We are a rural one school K-8 district and, while our homerooms exceed the stated pupil number according to California Education Code, all classes grades 1-8 go to ELA and Math classes according to the students areas of need. With this, the students Core Subject classes remain beneath the EC specified class limit. It is only the homeroom classes, which due to budget cuts are combo classrooms, where the ratio exceeds the stated limit. The governing board of the district adopted a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the district from developing more effective educational programs in the core area to improve instruction in reading and mathematics.

Student Population: 193

City Type: Rural

Local Board Approval Date: 9/18/2012

Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Ms. Terri Daniels
Position: Superintendent/Principal E-mail: tdaniels@shafferschool.com
Telephone: 530-254-6577 x4803

Bargaining Unit: Date: 09/12/2012 Name: Shaffer Federation of Teachers
Representative: Becky Neely Title: Unit President Position: Oppose

Comments: We feel larger class sizes is not in the best interest of the students.
ITEM 15
**CALIFORNIA STATE BOARD OF EDUCATION**

**JANUARY 2013 AGENDA**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC COMMENT.</td>
<td>□ Action&lt;br&gt;☑ Information&lt;br&gt;☐ Public Hearing</td>
</tr>
</tbody>
</table>

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 16
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

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

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. The programs recommended by the review panels were approved by the SBE in November 2012; this item addresses review panel advisory reports that were contested by the submitting publishers.

RECOMMENDATION

The CDE recommends that the SBE approve the following additional supplemental instructional materials programs:

- Scholastic Education, Expert 21

BRIEF HISTORY OF KEY ISSUES

Pursuant to SB 140, in 2012 the CDE completed a review of supplemental instructional materials programs submitted by publishers in English language arts and mathematics. The review was based upon an evaluation criteria approved by the SBE in January 2012; programs had to align to a specific subset of the Common Core State Standards (CCSS) in order to be recommended for approval.

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 evaluated the materials at their homes or workplaces throughout the summer. They reconvened 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.

At its November 2012 meeting, the SBE approved 12 English language arts and 7 mathematics supplemental programs that were recommended by the review panels.

Prior to that meeting, on October 17, 2012, the CDE conducted a public meeting to solicit public comment on the submitted instructional materials programs. Several publishers submitted content that challenged the findings of the review panels with respect to their programs. The Curriculum Frameworks and Instructional Resources Division (CFIRD), in consultation with select members of the review panels who were available to review the publisher comments, conducted a review to determine if the publisher evidence warranted a change in the recommendation of the review panel. All public comments received by the CDE have been forwarded to the SBE office.

Based on the review by select members of the review panels of the new evidence submitted by the publishers as public comment, the CDE recommends that the Expert 21 program by Scholastic Education be added to the list of recommended supplemental instructional materials programs. However, the CDE has determined that the new evidence provided by TPS Publishing, Inc. for the California State Standards Aligned Mathematics program (for grades K–3), and Scholastic, Inc. for the Scholastic CA CCSS-ELA Gap Bundle program (for grade 5) does not warrant overturning the review panel recommendation for those programs.

The complete report on the publisher-submitted public comments is included as an attachment to this item.

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

**November 2012:** The SBE approved 12 English language arts and 7 mathematics supplemental programs that were recommended by the review panels.

**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 a joint meeting between the SBE and the Commission on Teacher Credentialing (CTC). The agenda can be found on the CDE CTC and SBE Joint Meeting Agenda Web page at http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp).

August 2010: Pursuant to SB X 5 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: CFIRD Evaluation of Publisher-Submitted Public Comment (10 Pages)
At the public comment meeting held on October 17, 2012, publishers presented evidence and submitted documentation that they claimed was sufficient to justify overturning the recommendation of the review panels approved by the State Board of Education (SBE). At that meeting, Tom Adams, Director of the Curriculum Frameworks and Instructional Resources Division (CFIRD), asked publishers to indicate the new evidence that they were providing; that is, information beyond that which was provided to the review panels during the 2012 Supplemental Instructional Materials Review (SIMR) deliberations. Dr. Adams reminded publishers that they could not submit new content at that time. Proposed revisions to the supplemental materials, additional components, or other items that were not submitted during the review process would not be considered.

Staff from CFIRD, in conjunction with members of the review panels, evaluated the new evidence submitted by publishers. This report includes findings for the following programs and publishers:

3. Scholastic, Inc., *Scholastic CA CCSS-ELA Gap Bundle* (K–8)\(^1\)

The CFIRD recommendations are provided below.

**TPS Publishing, Inc., *California State Standards Aligned Mathematics***

Based upon the evidence provided in the original report and confirmed by panel members reviewing the additional evidence, CFIRD disagrees with the publisher’s submitted evidence, and confirms the panel’s original finding that the program does not meet the SBE-adopted evaluation criteria.

Throughout its comment, the publisher indicated its view that the panel failed to evaluate all of the materials provided. The CFIRD confirmed with two panel members that in fact all materials that were provided were reviewed. Furthermore, CFIRD staff members who facilitated the panels stated that the panel members addressed all of the submitted items in their deliberations.

**Criteria 1: Alignment to Standards**

The panel found that three standards were not met. The primary citations provided for Kindergarten, Grade 2, and Grade 3 in the review panel’s advisory report correctly

\(^1\) The Scholastic appeal only addressed grade 5. The review panel recommended grades K–4 and 6–7; it did not recommend grades 5 and 8.
identify exemplar examples of where the submitted supplemental program does not meet the specified Common Core State Standards. The publisher’s additional evidence does not demonstrate coverage of the cited standards.

For standard K MD 3, the reviewers contacted provided the following response to the publisher’s arguments:

Reviewer 1:
The Panel spent time discussing this standard in its evaluation of the kindergarten materials. **Counting** and **Sorting by Count** are two different skills. Sorting by Count is organizing groups that have the same quantity—for example, balloons in groups of three vs. balloons in groups of 2. It does not mean to sort by an attribute and then count the number of items in the sort.

Reviewer 2:
1. The question under consideration here is what does “sort the categories by count” mean? Does it mean that children answer the question, “How many?” or does it mean that children must act to sort the materials according to the number of objects in each category.

2. TPS Publishing does ask “How many pink flowers?” on page 328 and elsewhere in the materials. The question, “Are there more yellow flowers or pink flowers?” is also found on the page. However the children do not sort the flowers according to the number of flowers there are. In order for the children to actively sort the flowers, the question might be, “Sort by the number of flowers in each group. Put the group with the most flowers at the top of the page.” This would be sorting by number.

3. The panel deliberations included much discussion on this topic and it was found that the simple question of “how many?” was not adequate for the K.MD3 standard.

4. In addition, pages 335 and 336 include notes for the classroom. In these notes to the teacher, sorting is described as relating to color, shape, texture, weight, surface appearance, and temperature. The notes for the teacher do not include the idea of sorting by number.

5. In the CB pages 87 – 90 Addendum: the students are asked to count objects. “Record the number of items of clothes each person is wearing” is a different objective than sorting by number. If the text asked children to organize each person by the amount of clothes the person is wearing and put the person with the greatest amount first, and then the others according to number, then that would be sorting the categories by count. The students are NOT classifying by count, but simply asked to count. TPS Publishing contends otherwise and is incorrect.
6. CU pages 29 – 52: On page 43 the cars are sorted according to plastic, rubber, or metal. The directions state, “Help you (sic) teacher make a list of groups for the cars.” The children are also asked to place the cars in the correct group. Then answer the question as to why children put the car in the category. Answers to this question might be, “because the car is made of plastic.” Number is not associated with this answer. The next question about why some groups have more cars than others, again, is not numeric in nature. Answers related to the material makeup of the cars and not number would be given. Why this is shown by TPS Publishing as an example of sorting by number is mysterious to this reviewer. It may illustrate a fundamental lack of understanding by TPS Publishing about this Kindergarten standard.

7. CU pages 29 – 52: On page 44 students are asked to tell why the largest group of cars exists and the answer could simply be, for example, because there were more plastic cars. Again, this is not sorting by number but merely asking children to count the number of cars in a group.

8. CU Pages 29 – 52: On pages 46 – 48 students are to put 1, 2, 3, 4 or 5 books under a ramp. This is simply counting objects. This is not classifying objects.

9. CU Pages 29 – 52: On pages 49 – 51 the students are grouping the cars into fast, medium, or slow categories. Students are not sorting the categories by count. Students may be identifying the number of books used for the car ramp but, again, this is counting, not sorting a group of objects by number.

10. As a reviewer, I would like to state that I did not omit to review primary citations and especially the CB and CU materials. These materials were discussed in the deliberations. I used all the materials available on the website in August and September. I will state that the publisher did list hundreds of pages of text in primary citations to find examples of specific standards, which were often found on 3 – 10 pages of text. Thus the reviewer needlessly spent time looking through pages for the content.

For standard 2 G 3, the reviewers contacted provided the following response to the publisher’s arguments:

Reviewer 1:
The panel disagrees with the publisher’s statement. The quantity is what signifies the half not the shape drawn around it. A student could draw a large circle around half of the coins and a small square around the other half of the coins. The two shapes do not represent a half, they are just “encasing” half of the coins.
Reviewer 2:

1. The contention here is about the verb Recognize. The standard reads, “Recognize that equal shares of identical whole need not have the same shape.” The TPS directions for teachers state that teachers should “Tell students that equal shares of wholes need not have the same shape.” Not to be simplistic, but all mathematics curricula could be quite short if all that is required is for teacher to repeat to students the specific content standard. The Review Panel felt that simply restating content standard 2.G.3 was not sufficient coverage for the standard. In addition, Mathematical Practices standards must be taught in the context of other standards and the review panel could not find evidence of the use of any one of the eight Mathematical Practices Standards in the materials cited by TPS for this standard. Standard is not met.

2. On Page 521, the coins are aligned in two rows of six pennies. This is a combination set model and area model for fractions, which is very confusing. Adding to the confusion is the circle around 6 pennies in two rows of three and a rectangle around 6 pennies in a single row. It is difficult or impossible to see that the halves are equal because you are asking the child to see that the shape of a rectangle has the same area as an oval. Standard is not met.

3. CB 121-126 – The Three E’s. On page 126 the directions state “Can you think of two ways to divide the shape into halves so that the whole shape being formed are different shapes?” Mathematics is precise. The question is not precise. Mathematics makes sense. This question makes no sense. What are whole shapes being formed? What are different shapes? This is poorly worded to make little mathematical sense.

4. CU 73 – 88 Cake Walk. Question 4 asks: “You cut one square in half one way (unclear) and the other square in half the other way (unclear), what shapes did you get?” A child could cut a square in half vertically and cut the other square in half horizontally and obtain four equal shapes. My opinion, as an elementary mathematics specialist, is that the authors are having trouble understanding the geometric ideas and thus are using simplistic ideas (e.g., diagonal cuts and vertical cuts are the only ways to divide a square). Mathematicians would not make this mistake and would realize the countless possibilities of dividing a square in half (i.e., any line through the center divides the square in half.)

For standard 3 NF 3d, the reviewers contacted provided the following response to the publisher’s arguments:

Reviewer 1:

While the panel agrees that there is plenty of comparison of fractions with like denominators, there is no evidence of comparison of fractions with like numerators in the citations listed. Example: Without making common denominators, which fraction is greater 2/5 or 2/8. Students who understand the
meaning of the denominator could tell you that fifths are bigger so since there are 2 of a bigger denominator and 2 of a smaller denominator, 2/5 is bigger.

Reviewer 2:
1. The standard is not met because the students are supposed to compare fractions by reasoning about their size. Nowhere in the materials are students reasoning about the size of the fraction.

2. G3 TT page 236 reads “3 out of the 8 stars is (sic) red.”

3. G3 TT page 235 – 236 ask questions about pictures of sets. “What fraction of these sheep is white?” There is no comparison of two fractions with the same numerator or the same denominator. There are unit fractions on page 235, but comparing unit fractions is not what is intended for this standard.

4. CTT 327 – 336 Similarly, base ten fractions with denominators of ten and hundred are usually introduced as way to connect decimals and fractions for children. Comparing fractions with denominators of 100 is used for understanding percentages, not for comparing fractions. The standard is not met because examples of fractions comparing the same numerator are not available for children. The standard is not met because children are not asked to reason about the size of the fraction.

5. CU 43 – 62 Tetrahedron Kites: Not available on website to peruse.

6. CB 106-110: Students are asked to place a greater than, less than, or equal symbol between the fraction 5/18 and 13/18. Placing a symbol between two fractions may be comparing the fractions, but it is NOT comparing the fractions by reasoning about their size.

Criterion 5: Assessments

CFIRD staff supports the panel’s report of findings, in that assessments for all grade levels provided to reviewers and the CDE are not comprehensive: they consist of a test generator database with no instructions on implementation, analysis of results, student feedback, and implications for teaching. The worksheets that are provided in other components of the program also lack the same comprehensive feedback and guidance.

Reviewer 1:
The panel is unable to find formal assessment activities. It is important to use formative, observational data (which this program is very strong in) but formal assessment opportunities are essential for both formative and summative assessment.
Reviewer 2:

1. I concur with the Review Panel that assessments were not found in Kindergarten K.MD.3, Grade 2, G:3 TE, and Grade 3 for 3.NF 3d.

2. The panel did review the CU and the CB. The Teacher Assessment CD Rom (TA) and the Graded Assessment Database by Core Curriculum (CTA) were not available on the website for me and CD-ROMs did not work in my computer. The Focus Tutoring (CFT) was the only CD-ROM that worked in the computer and that is why many of the examples of the inaccuracies come from that component.

3. CTP states on page 38: “We now provide a literacy exercise aligned with many of the Common Core State Standards for elementary students.” No assessments are included in this “Literacy with mathematics assessment assignment.”

4. There are many mathematical questions throughout the 18 different components of the TPS Publishing materials. It is unclear how each of the questions is related to assessment. Could the authors of the materials equate asking questions to assessment? No formalized assessment system was apparent to the review panel for the standards under consideration

Criterion 6: Universal Access

CFIRD staff verified that the Universal Access part of the program for all grade levels was not provided to the reviewers and to the CDE. Thus, CFIRD staff supports the panel’s findings. After completing an extensive independent review, CFIRD staff was able to locate and authenticate parts of the program addressing Universal Access; however, the publisher failed to provide this information to the reviewers or to the CDE via the Internet links, printed documents, or the CDs submitted. Consequently, it is clear that this part of the program was not available or accessible for review by the panel. Note: Both the printed and online documents for “Teacher Project Edition” were mislabeled “Addendum to Universal Access Teacher Classroom Support Guide”. Neither document corresponds to the documents shown on page 15 (Universal Access) that was part of the evidence submitted during the public comment meeting held on October 17, 2012 at the CDE.

It is important to note that even if the missing component were to be considered, the program would still not warrant recommendation due to the other criteria not being met.

Reviewer 1:

As a panel member, I never had access to the “Flipping Books” per grade level. I am sure that the other panel members did not either. If they had, references would have been made to the differentiated activities included in these publications.
Reviewer 2:
1. There is no support for English Learners or students with learning disabilities in the CFT.

2. There is no support for English Learners or students with learning disabilities in the CB.

3. There is no support for English Learners or students with disabilities in the CU. (There is, however, a teacher tip about using a hot glue gun with children.)

4. There is support for English learners and Intensive Level students in the Universal Access Teacher Curriculum Support Guide. However, this guide was not available to this reviewer at the time of the review.

Criterion 7: Instructional support

CFIRD staff supports the panel’s report of findings. CFIRD staff was not able to identify Instructional Support segments of the program for all grade levels that provide teachers with guidance on how to use and integrate the supplemental instructional materials with the originally adopted program materials.

Reviewer 1:
The Instructional Support referred to in the TPS response is not clear. It is not as simple as matching the titles and the standards. There was no evidence of a “map” that helped teachers to weave the two programs together – deleting some activities from the CA adopted program (not all CA standards are included in the Common Core at the same grade levels) and inserting Common Core lessons where necessary. The word Addendum does mean add on – but where?

The Panel did not have the opportunity to ask questions during deliberations, because there were no TPS representatives present. It is unfortunate that TPS representatives did not attend deliberations and now have to explain after the decision.

Reviewer 2 did not provide a response for criterion 7.

Scholastic Education, Expert 21

The review panel found that four content standards were not met. The other criteria were found to be met, pending the resolution of social content citations and specific edits and corrections identified by the panel.

The publisher provided new evidence that indicates where the four standards are met in their program. That evidence focused on the publisher’s digital SAM component, which
included extensive activities to support the content in the textbook. Two reviewers were contacted to evaluate that additional evidence.

Based on the evaluation by select reviewers of the evidence provided by the publisher in public comment, CFIRD recommends that the recommendation of the review panel be overturned and that the Expert 21 program be added to the list of programs recommended by the SBE. While several reviewers indicated that they had difficulty accessing the publisher’s digital SAM component, CFIRD has confirmed that this content was available to reviewers during the review. However, CFIRD cautions the publisher in the future to provide more explicit reference to such components in its standards map when such content is necessary to demonstrate full coverage of content standards.

Reviewer 1:
1. For 6 RL 7: I do believe that the evidence they provided does meet the standard now.

2. For 6 L 1B: I do believe that the evidence they provided does meet the standard now.

3. For 7 RL 9: I do believe that the evidence they provided does meet the standard now.

4. For 8 RL 6: I do believe that the evidence they provided does meet the standard now.

Reviewer 2:
I feel that all standards are now met with the materials that were submitted.

Scholastic, Inc., Scholastic CA CCSS-ELA Gap Bundle

The panel found that three grade five and one grade eight standards were not met in the supplemental instructional materials. The publisher provided new evidence for the grade five component only.

As with the other programs, CFIRD contacted two reviewers to evaluate the new evidence.

Based upon the evidence provided in the original report and confirmed by panel members reviewing the additional evidence, CFIRD does not recommend that the findings of the review panel be overturned in this case. While some of the standards were found to be met, standard 5. L 1b was only met by using content taken from another grade level of the program. The evaluation criteria approved by the SBE for this review addressed this issue specifically, as follows:
Publishers can only cite content from the same grade level as evidence that a certain grade-level Common Core standard is covered in their program. For example, if a publisher has a kindergarten through grade six program, it could not cite its grade six textbook as evidence that a grade five Common Core standard was covered. The reason for this is that not every district may have purchased all grade levels of a particular program; a district may have only purchased kindergarten through grade five of that program, and may not have access to the grade six materials. Even if they did have the grade six materials, it would be unreasonable to expect districts to provide students with copies of multiple grade level textbooks to ensure full coverage of the CCSS. However, the publisher could include that grade six content in their grade five supplement.

Reviewer 1:
The reference pages below are from the updated standards map for the three areas that are being appealed.

p. 19
5. L 1b. Form and use the perfect (e.g., I had walked; I have walked; I will have walked) verb tenses.

New materials were posted online or if they were online they are not referenced anywhere on any of the review materials. We were never directed to online activities in the original submission. The appeal letter clearly says that the Printables are referenced on the Trait Crate back cover. Not only is there no mention of printables on the back of that item, the website printed on the back cover is www.scholastic.com, which is printed on the back of almost every item they print. These were not referenced in any way during the original materials review, nor are they now a part of the materials submitted in the program. Clearly the “Printables” lesson and activity sheet are part of a 6th grade existing item. So, I do not believe these can be used to satisfy this standard.

Citation: “Scholastic Printables lesson and activity sheet: Past, Present, and Future Perfect Tenses, pp. 1-2”
http://listbuilder.scholastic.com/content/stores/LibraryStore/pages/images/pastPresentAndFuturePerfectTenses.pdf is from Scholastic Success with Grammar, Grade 6 (it appears right on the pdf).

However, this lesson does adequately address the standard. If you deem it within your power to accept this website listing with the caveat that they reprint the item with 5th grade on the worksheet, then that may be a way forward. Could that be a “correction”?

p. 21
5. L 2b. Use a comma to separate an introductory element from the rest of the sentence.
None of the new citations in the updated standards map address this standard specifically, but a Printable is posted the covers it admirably:

And the winner is … Using commas in sentence  
http://listbuilder.scholastic.com/content/stores/LibraryStore/pages/images/AndTheWinnerIs.pdf

This worksheet is sufficient evidence and it clearly says it comes from the “Teaching Success with Writing” Grade 5.

Gilmore-See, page 2

p. 22  
5. L 2c.  
Use a comma to set off the words yes and no or to set off a tag question from the rest of the sentence, and to indicate direct address.

None of the new citations in the updated standards map address this standard specifically, but a Printable is posted the covers it admirably:

And the winner is … Using commas in sentence  
http://listbuilder.scholastic.com/content/stores/LibraryStore/pages/images/AndTheWinnerIs.pdf

This worksheet is sufficient evidence and it clearly says it comes from the “Teaching Success with Writing” Grade 5. This item was not in the original materials submitted.

Reviewer 2:

Based on the new information submitted, standard 5L1b was met with the printable activity on the website that was provided in the citation. However, the citations provided for both 5L2b and 5L2c do not address the standards. I did find an activity on their website "Using Commas in Sentences (and the winner is)" that does address both standards and is listed as a Grade 4 and Grade 5 activity. If the citations were corrected to show that activity instead of the ones listed that do not address the standard, I would feel comfortable recommending Grade 5 for approval.
ITEM 17
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT

Instructional Materials Mathematics Adoption – Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the California Code of Regulations, Title 5, Section 9517.3.

SUMMARY OF THE ISSUE(S)

In order for the California Department of Education (CDE) and State Board of Education (SBE) to meet the timeline for an adoption of instructional materials for mathematics as set forth in California Education Code (EC) Section 60207, as established by Assembly Bill 1246 (Brownley), Statutes of 2012, the attached proposed regulations must be adopted on an emergency basis.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Finding of Emergency;
- Adopt the proposed Emergency Regulations; and
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the Emergency Regulations to the Office of Administrative Law for approval.

BRIEF HISTORY OF KEY ISSUES

On September 27, 2012, Governor Brown signed into law AB 1246 (Brownley), Statutes of 2012, which authorizes a new statewide mathematics instructional materials adoption that is to take place no later than March 30, 2014. This March 30, 2014 adoption deadline necessitates streamlining the current adoption process, as it accelerates the typical process, as set forth in regulations, by approximately 6 months. This bill additionally creates EC Section 60209, which requires the CDE to assess participating publishers a fee and allows for “small publishers” to request a reduction in the fee.
EC Section 60200 and the California Code of Regulations, Title 5 (5 CCR), sections 9510 through 9525 fully establish the process by which the CDE and SBE conduct instructional materials adoptions, 5 CCR does not address the process for collecting the fee for this mathematics adoption or the process for establishing whether a publisher meets the statutory definition of “small publisher.”

These proposed new regulations will allow the adoption process to take place in the accelerated statutorily mandated timeframe and establish a reasonable fee to charge participating publishers. These regulations will allow the CDE and SBE to conduct the new mathematics instructional materials adoption, and provide to local educational agencies (LEAs) and the public a list of approved and recommended kindergarten through grade eight instructional materials aligned to the California Common Core State Standards for mathematics.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt instructional materials for use in grades one through eight (and, pursuant to EC Section 60200, kindergarten).

In 2009 the State Legislature and Governor suspended until July 2015 all statewide instructional materials adoptions due to the financial crisis and in part to alleviate the expense of this process from the general fund. On September 27, 2012, Governor Brown signed into law AB 1246 (Brownley), Statutes of 2012, which authorized the SBE to take action on a new statewide mathematics instructional materials adoption no later than March 30, 2014.

FISCAL ANALYSIS (AS APPROPRIATE)

These emergency regulations will not result in any additional costs or savings to LEAs, state agencies, or federal funding to the State. The process regulated will be self-funded by fees from participating publishers. Further, pursuant to law, LEAs will be under no obligation to purchase or implement the instructional materials approved in the adoption process.

ATTACHMENT(S)

Attachment 1: Finding of Emergency (5 Pages)
Attachment 2: Emergency Regulations (2 Pages)
Attachment 3: Economic and Fiscal Impact Statement (STD. 399) (4 Pages) The Economic and Fiscal Impact Statement is available for viewing at the State Board of Education office.
Attachment 4: Notice of Proposed Emergency Action (1 Page)
FINDING OF EMERGENCY
Instructional Materials Mathematics Adoption

The State Board of Education (SBE) finds that an emergency exists and that the emergency regulations adopted are necessary to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of students attending California’s low-achieving public schools.

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

Overview

These proposed regulations must be adopted on an emergency basis in order to meet the timelines for an adoption of instructional materials for mathematics by the SBE as set forth in California Education Code section 60207, as established by Assembly Bill (AB) 1246 (Brownley), Statutes of 2012. This law stipulates that the SBE may adopt new mathematics instructional materials no later than March 30, 2014. This statutorily mandated deadline accelerates the typical adoption process, as set forth in regulations, by approximately six months. AB 1246 also establishes Education Code section 60209 requiring the California Department of Education (CDE) to assess publishers participating in this adoption process a fee and to provide “small publishers” a reduction in the fee. In order to complete the adoption process by March 30, 2014, and to assess the required fee, new regulations must be adopted no later than May 2013.

Background

As set forth in the California Constitution, Article 9, section 7.5, the SBE adopts instructional materials for use in grades one through eight (and, pursuant to Education Code section 60200, kindergarten).

In 2009 the State Legislature and Governor suspended until July 2015 all statewide instructional materials adoptions due to the financial crisis and in part to alleviate the expense of this process from the general fund. On September 27, 2012, Governor Brown signed into law AB 1246 which authorized a new statewide mathematics instructional materials adoption take place no later than March 30, 2014.

While Education Code section 60200 and the California Code of Regulations, title 5, sections 9510 through 9525 establish the process by which the CDE and the SBE conduct instructional materials adoptions, AB 1246 accelerates the typical adoption process, as set forth in regulations, by approximately 6 months and requires the CDE to assess publishers or manufacturers choosing to participate in this adoption a fee relative to their participation. The CDE is proposing these emergency regulations in order to conduct the adoption process as required by Education Code section 60209.
Specific Basis for the Finding of Emergency

The new laws established by AB 1246 take effect on January 1, 2013, and the CDE is presenting to the SBE at their January public meeting numerous items related to this process that require SBE authorization, including reviewer applications, evaluation criteria, and these proposed emergency regulations. This fact is noted to demonstrate that the CDE’s efforts to comply with the requirements of this recently enacted bill have been timely. The timeline by which the SBE will adopt mathematics instructional materials in order to meet the statutorily mandated deadline of March 30, 2014, is accelerated by approximately six months compared to prior statewide instructional materials adoptions. As a result, these emergency regulations streamline the typical adoption process by waiving the provisions set forth in California Code of Regulations, title 5, section 9515 as they pertain to the evaluation criteria.

In addition to the accelerated timeline, the addition of Education Code section 60209 authorizes the CDE to assess participating publishers a fee and to reduce the fee for “small publishers.” Education Code section 60209(d) stipulates that before the CDE incurs substantial costs related to the adoption process it must require publishers to declare their intent to participate and indicate the details of their planned submission. Following this publisher declaration, the CDE must assess a fee payable by the publisher. The fee is to be based upon the number of programs and grade levels the publisher plans to submit. The CDE will collect publisher declarations at the first of May 2013 and thereafter will invoice publishers the appropriate fee. The CDE’s collection of this fee will immediately precede its payment for reviewer training expenses which include conference space and hotel and travel expenses for the reviewers and CDE staff.

A key component of a successful adoption process is recruiting enough teacher reviewers and providing them sufficient time to conduct their independent reviews prior to meeting together to deliberate on their findings. The only time teachers have available for this work is during the summer months when schools operating on a traditional calendar are on vacation. The CDE’s training of reviewers will occur in early-mid June in order to allow teachers to review the publisher-submitted materials during the summer of 2013.

The following timeline illustrates the necessity of emergency regulations in order for the CDE to collect the publisher fees before incurring substantial costs and implement the mathematics instructional materials adoption as required by law.

<table>
<thead>
<tr>
<th>Action*</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective date of authorizing statute, Education Code sections 60200.7 and 60209</td>
<td>January 1, 2013</td>
</tr>
<tr>
<td>SBE approval of emergency regulations</td>
<td>January 28, 2013</td>
</tr>
<tr>
<td>Event Description</td>
<td>Date</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>CDE publisher briefing and invitation to submit instructional materials programs</td>
<td>January 30, 2013</td>
</tr>
<tr>
<td>CDE present to the SBE for approval publishers requesting fee reduction based upon small business designation</td>
<td>March 14, 2013</td>
</tr>
<tr>
<td>Publisher declaration of intent to submit deadline</td>
<td>May 1, 2013</td>
</tr>
<tr>
<td>CDE invoice publishers for submissions</td>
<td>May 7, 2013</td>
</tr>
<tr>
<td>SBE approval of recruited instructional materials reviewers</td>
<td>May 9, 2013</td>
</tr>
<tr>
<td>CDE configuration of review panel assignments</td>
<td>May 24, 2013</td>
</tr>
<tr>
<td>CDE training of instructional materials reviewers</td>
<td>June 14, 2013</td>
</tr>
<tr>
<td>Payment to review training sites/services and hotels</td>
<td>June 2013</td>
</tr>
<tr>
<td><strong>Note: Date of earliest likely approval of regulations following the standard rulemaking process</strong></td>
<td><strong>August 2013</strong></td>
</tr>
<tr>
<td>Independent review of instructional materials by appointed reviewers</td>
<td>September 17, 2013</td>
</tr>
<tr>
<td>Review panel deliberations</td>
<td>September 21, 2013</td>
</tr>
<tr>
<td>Public comment period</td>
<td>October 31, 2013</td>
</tr>
<tr>
<td>Appeals/edits meetings with publishers</td>
<td>November 30, 2013</td>
</tr>
<tr>
<td>Instructional Quality Commission meeting and recommendation of review panel findings</td>
<td>January 2014</td>
</tr>
<tr>
<td>SBE action on mathematics instructional materials adoption</td>
<td>March 2014</td>
</tr>
</tbody>
</table>

*These actions represent a small, but relevant, fraction of the detail of the adoption process; the CDE has developed an eleven page, single spaced document of full detail.*
The specific process for the CDE’s assessment of the fee is based directly in Education Code section 60209; the specific fee amount coincides with the fee amount in California Code of Regulations, title 5, section 9517.1 which addresses the process for follow-up adoptions.

These Issues Could Not Be Addressed Through Nonemergency Regulations

The timeline by which the SBE will adopt new instructional mathematics as established by law disallows the time necessary to conduct the standard rulemaking process. On September 27, 2012, Governor Brown signed into law AB 1246 which requires new regulations be adopted no later than May 2013. This does not allow for sufficient time to complete the regular rulemaking process.

NON-DUPLICATION

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statute in the proposed emergency regulations is necessary in order to provide additional specific detail not included in state statute.

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 60200, 60207 and 60209, Education Code.

INFORMATIVE DIGEST

On September 27, 2012, Governor Brown signed into law AB 1246 (Brownley), Statutes of 2012, which authorized a new statewide mathematics instructional materials adoption no later than March 30, 2014. This bill additionally created California Education Code section 60209 which requires the CDE to assess participating publishers a fee. While Education Code section 60200 and the California Code of Regulations, title 5, sections 9510 through 9525 fully establish the process by which the CDE and the SBE conduct instructional materials adoptions, the California Code of Regulations, title 5, does not address the process for collecting the fee for this mathematics adoption as specified in the new law nor the amount of the fee. These proposed new regulations will address this fee and the CDE’s collection process. These regulations will allow the CDE and the SBE to conduct the new mathematics instructional materials adoption and provide to local educational agencies (LEAs) and the public a list of approved and recommended kindergarten through grade eight instructional materials aligned to the California Common Core State Standards (CCSS) for mathematics.

The CDE reviewed all state regulations relating to Instructional Materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials that are aligned to the California
CCSS for mathematics. The proposed regulations add an element of detail specific to one adoption process as set forth in new law.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The benefit of enacting the proposed regulations will be the initiation of the instructional mathematics materials adoption process from which LEAs will ultimately be able to identify resources that meet the educational needs of their educators and students.

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

The SBE did not consider any technical, theoretical, empirical study, reports, or other documents in the drafting these regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose a mandate on LEAs. No laws currently exist to require LEAs to purchase instructional materials identified on the SBE adoption list originating via these regulations.

COST ESTIMATE

These emergency regulations will not result in any additional costs or savings to local educational agencies, state agencies, or federal funding to the State. The process regulated will be self-funded by fees from participating publishers.

11-29-12 [California Department of Education]
The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in strikeout.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 9. Instructional Materials
Subchapter 1. Elementary Instructional Materials
Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials – Procedures

§ 9517.3. Mathematics Instructional Materials Adoption.

(a) The State Board of Education (SBE) adoption of basic instructional materials for mathematics scheduled to occur no later than March 30, 2014, shall be conducted according to the following requirements:

(1) CDE staff shall prepare the following documents for review and approval of the SBE at a public meeting:

(A) A Schedule of Significant Events specific to the mathematics adoption;

(B) A notice of intent to hold the mathematics adoption with the information specified in section 9517.3(a)(2)(A) and (B);

(2) A notice of intent to hold the mathematics adoption shall be posted on the CDE Web site, shall be mailed to all publishers who have participated in prior adoptions, shall be mailed to all publishers known to produce basic instructional materials in that subject, and shall be made available upon request.

The notice shall include:

(A) A Schedule of Significant Events.

(B) A statement that each publisher choosing to participate will be charged a fee as described in section 9517.3(a)(4).

(3) Each publisher shall provide a statement of intent to submit to the CDE in accordance with the dates set forth in the Schedule of Significant Events that specifies the following:
(A) Number of programs that the publisher will submit.

(B) Number of grade levels covered by each program.

(4) Based on the information included in a publisher's statement of intent to submit, the CDE shall assess a fee of $5,000 per grade level for each program submitted for review. The fee shall be payable by the publisher even if the publisher subsequently chooses to withdraw a program or reduce the number of grade levels submitted for review.

(5) A “small publisher” as defined in Education Code section 60209, may request a reduction of the fee by submitting documentation in accordance with the date set forth in the Schedule of Significant Events, that includes the following:

(A) A statement of earnings for the most recent three fiscal years.

(B) A statement verifying the number of full-time employees excluding contracted employees.

(C) A statement verifying that the small publisher is independently owned or operated and is not dominant in its field for the subject matter being submitted.

(b) The mathematics adoption shall follow all other procedures set forth in this article, except that section 9515 shall not be applicable as it pertains to the evaluation criteria. Section 9515 will, however, remain applicable as to the curriculum framework.

January xx, 2013

NOTICE OF PROPOSED EMERGENCY ACTION
Instructional Materials Mathematics Adoption

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding "Instructional Materials Mathematics Adoption" addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Debra Thacker, Reg Coordinator
California Department of Education
Administrative Support & Regulations Adoption
1430 N Street, Suite 5319
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
Fax No.: 916-323-6826

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at http://www.oal.ca.gov under the heading “Emergency Regulations.”
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT


SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60640(h)(1) specifies that the State Superintendent of Public Instruction shall apportion funds to school districts to enable districts to administer the tests within the Standardized Testing and Reporting (STAR) Program.

EC Section 60640(h)(2) states that the State Board of Education (SBE) shall annually establish the amount of funding to be apportioned to school districts for each test administered within the STAR Program.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the following school district apportionment amounts for STAR Program testing administered during the 2012–13 school year:

- $0.38 for the completion of demographic information for each student not tested with the California Standards Tests (CSTs); the California Modified Assessment (CMA); the Standards-based Tests in Spanish (STS); or the California Alternate Performance Assessment (CAPA)
- $2.52 per tested student for the completion of demographic information and administration of the CSTs, the CMA, or a combination thereof
- $2.52 per tested student for the completion of demographic information and administration of the STS to Spanish-speaking English learners (ELs)
- $5.00 per tested student for the completion of demographic information and administration of the CAPA
BRIEF HISTORY OF KEY ISSUES

The STAR apportionment funds are unrestricted funds to reimburse school districts for costs associated with the STAR Program that are above and beyond the statewide contract with test contractors. The contract with the test contractor covers the costs of all required STAR Program testing materials, test scoring, and report production. Costs associated with optional materials or services (such as additional score reports, etc.) are the responsibility of the district.

The STAR Program apportionments reimburse school districts for the following costs:

1. All staffing costs, including the STAR district coordinator and the STAR test site coordinators, staff training, and other staff expenses related to testing

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

3. All transportation costs for delivering and retrieving tests and test materials within the school district

4. All costs associated with the pre-identification of answer sheets and consumable test booklets and other activities intended to provide the complete and accurate data required per state regulations

The recommended apportionment rates are unchanged from 2011–12. The apportionment rates are per student per test, not per subject(s) completed. For example, a school district will receive a single apportionment for a student’s CST answer document whether one subject or multiple subjects have been completed. Because the CSTs and the CMA may be administered in whole or per subject, they share a single apportionment rate per student administered the CSTs, the CMA, or a portion thereof. A student’s individualized education program (IEP) determines which portions of the CMA a student is to be administered. A student who is administered the CAPA per his or her IEP is not administered any other test in the STAR Program and receives a separate reimbursement. A student who is administered the STS as a second test in his or her primary language also is administered the CST, the CMA, or a combination thereof and receives a separate reimbursement.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual SBE action as required by state law.

Since the first administration of the STAR Program tests in the 1997–98 school year, the SBE has annually approved the apportionment amounts for school districts to offset the costs associated with test administration.
FISCAL ANALYSIS (AS APPROPRIATE)

The 2012–13 Budget Act includes funding for all statewide assessment apportionments, including the STAR Program, for approved apportionment costs from the 2011-12 and prior fiscal years. The CDE has provided the Department of Finance estimated costs for statewide assessment apportionments, including $12.4 million for the STAR Program, for development of a proposed 2013–14 budget. The amount needed to pay the projected 2012–13 assessment apportionment costs, including the STAR Program, is anticipated to be funded in the 2013–14 Budget Act and approved by July 2013.

The projected apportionment costs are based on the estimated student enrollment in grades two through eleven to be tested with the CSTs, CMA, or CAPA, and the estimated number of Spanish-speaking ELs in those grades to be tested with the STS in addition to the CSTs or CMA. The overall percent of students tested has been consistently just under 100 percent of students enrolled as of the first day of testing in grades two through eleven.

ATTACHMENT(S)

None.
ITEM 19
California State Board of Education

JANUARY 2013 AGENDA

SUBJECT

Approval of 2012–13 Consolidated Applications.

☐ Action

☐ Information

☐ Public Hearing

SUMMARY OF THE ISSUE(S)

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 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 Attachments 1 and 2.

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 163 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.

Attachment 2 identifies the LEAs that have noncompliant issues and have been noncompliant for more than 365 days. The CDE recommends conditional approval of the 2012–13 ConApp for these 7 LEAs. Attachment 2 also includes ConApp entitlement figures from school year 2011–12 because the figures for 2012–13 have not yet been determined.

Attachment 3 lists the program issue(s) for which each LEA was found to be noncompliant during a Federal Program Monitoring visit.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2012–13 ConApps for 1,368 LEAs. Attachments 1 and 2 represent the third 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 (6 pages)

Attachment 2: Consolidated Applications List (2012–13) - Conditional Approvals (1 page)

Attachment 3: List of LEAs with Conditional Approval with One or More Noncompliant Issue(s) for More Than 365 Days (18 pages)
Consolidated Applications List (2012–13) – Regular Approvals

The following local educational agencies 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.

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>Local Educational Agency Name</th>
<th>Total 2011–12 ConApp 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>
<th>2011–12* Percent At or Above Proficiency - Language Arts</th>
<th>2011–12* Percent At or Above Proficiency - Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>36750773631207</td>
<td>Academy for Academic Excellence</td>
<td>$9,752</td>
<td>$7</td>
<td>$0</td>
<td>$0</td>
<td>74</td>
<td>65.4</td>
</tr>
<tr>
<td>01611190122085</td>
<td>Academy of Alameda</td>
<td>$116,089</td>
<td>$247</td>
<td>$112,355</td>
<td>$431</td>
<td>54.5</td>
<td>47.4</td>
</tr>
<tr>
<td>33669770000000</td>
<td>Alvord Unified</td>
<td>$10,510,014</td>
<td>$533</td>
<td>$3,663,787</td>
<td>$709</td>
<td>51.5</td>
<td>55.4</td>
</tr>
<tr>
<td>45698560000000</td>
<td>Anderson Union High</td>
<td>$688,314</td>
<td>$331</td>
<td>$437,866</td>
<td>$591</td>
<td>54.9</td>
<td>58.4</td>
</tr>
<tr>
<td>36750770000000</td>
<td>Apple Valley Unified</td>
<td>$5,778,341</td>
<td>$437</td>
<td>$3,726,177</td>
<td>$0</td>
<td>57.3</td>
<td>54.6</td>
</tr>
<tr>
<td>37683383731395</td>
<td>Audeo Charter</td>
<td>$105,325</td>
<td>$216</td>
<td>$101,733</td>
<td>$323</td>
<td>57.9</td>
<td>34.7</td>
</tr>
<tr>
<td>01612590106906</td>
<td>Bay Area Technology</td>
<td>$61,271</td>
<td>$279</td>
<td>$59,792</td>
<td>$375</td>
<td>47.8</td>
<td>43.7</td>
</tr>
<tr>
<td>33669930000000</td>
<td>Beaumont Unified</td>
<td>$1,838,979</td>
<td>$218</td>
<td>$807,515</td>
<td>$380</td>
<td>63.6</td>
<td>64.4</td>
</tr>
<tr>
<td>19643030000000</td>
<td>Bellflower Unified</td>
<td>$5,407,053</td>
<td>$387</td>
<td>$2,854,107</td>
<td>$589</td>
<td>55.4</td>
<td>58.3</td>
</tr>
<tr>
<td>10620260000000</td>
<td>Big Creek Elementary</td>
<td>$25,092</td>
<td>$440</td>
<td>$13,472</td>
<td>$3,584</td>
<td>70.6</td>
<td>50</td>
</tr>
<tr>
<td>04614080000000</td>
<td>Biggs Unified</td>
<td>$257,612</td>
<td>$443</td>
<td>$111,970</td>
<td>$585</td>
<td>39</td>
<td>41.8</td>
</tr>
<tr>
<td>21653000000000</td>
<td>Bolinas-Stinson Union</td>
<td>$29,207</td>
<td>$245</td>
<td>$17,721</td>
<td>$748</td>
<td>80.5</td>
<td>67.5</td>
</tr>
<tr>
<td>37679830000000</td>
<td>Borrego Springs Unified</td>
<td>$222,957</td>
<td>$448</td>
<td>$74,583</td>
<td>$0</td>
<td>43.1</td>
<td>43.5</td>
</tr>
<tr>
<td>13630730000000</td>
<td>Brawley Elementary</td>
<td>$3,395,210</td>
<td>$900</td>
<td>$1,718,959</td>
<td>$1,162</td>
<td>54</td>
<td>56</td>
</tr>
<tr>
<td>55723630100099</td>
<td>California Virtual Academy @ Jamestown</td>
<td>$47,168</td>
<td>$151</td>
<td>$44,967</td>
<td>$282</td>
<td>47.8</td>
<td>23.9</td>
</tr>
<tr>
<td>16638750112698</td>
<td>California Virtual Academy @ Kings</td>
<td>$88,061</td>
<td>$107</td>
<td>$81,961</td>
<td>$194</td>
<td>61.8</td>
<td>41</td>
</tr>
<tr>
<td>19650940112706</td>
<td>California Virtual Academy @ Los Angeles</td>
<td>$442,766</td>
<td>$89</td>
<td>$410,658</td>
<td>$165</td>
<td>56.7</td>
<td>36.5</td>
</tr>
<tr>
<td>37684036120893</td>
<td>California Virtual Academy @ San Diego</td>
<td>$202,536</td>
<td>$73</td>
<td>$185,236</td>
<td>$139</td>
<td>61.7</td>
<td>39.7</td>
</tr>
<tr>
<td>41689160112284</td>
<td>California Virtual Academy @ San Mateo</td>
<td>$71,169</td>
<td>$59</td>
<td>$64,183</td>
<td>$134</td>
<td>63.4</td>
<td>42.7</td>
</tr>
<tr>
<td>49707970107284</td>
<td>California Virtual Academy @ Sonoma</td>
<td>$94,836</td>
<td>$80</td>
<td>$87,388</td>
<td>$161</td>
<td>57.6</td>
<td>36.7</td>
</tr>
<tr>
<td>51714230111161</td>
<td>California Virtual Academy @ Sutter</td>
<td>$64,866</td>
<td>$91</td>
<td>$58,866</td>
<td>$164</td>
<td>48.4</td>
<td>30.4</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Local Educational Agency Name</td>
<td>Total 2011–12 ConApp Entitlement</td>
<td>Total 2011–12 Title I Entitlement</td>
<td>Total 2011–12 Per Free and Reduced Lunch Student</td>
<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>
<tr>
<td>----------------</td>
<td>-----------------------------------------------------</td>
<td>----------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>09618460123125</td>
<td>Camino Science and Natural Resources Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>82.1</td>
<td>78.6</td>
</tr>
<tr>
<td>34674390123901</td>
<td>Capitol Collegiate Academy</td>
<td>$15,577</td>
<td>$264</td>
<td>$15,156</td>
<td>$338</td>
<td>53.6</td>
<td>59</td>
</tr>
<tr>
<td>10621661030840</td>
<td>Carter G. Woodson Public Charter</td>
<td>$150,921</td>
<td>$422</td>
<td>$145,678</td>
<td>$473</td>
<td>7.6</td>
<td>3.1</td>
</tr>
<tr>
<td>40687260000000</td>
<td>Cayucos Elementary</td>
<td>$44,300</td>
<td>$192</td>
<td>$25,385</td>
<td>$820</td>
<td>72.5</td>
<td>80</td>
</tr>
<tr>
<td>19648810127126</td>
<td>Celerity Exa Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>19647330115139</td>
<td>Center for Advanced Learning</td>
<td>$130,795</td>
<td>$489</td>
<td>$111,059</td>
<td>$465</td>
<td>52.9</td>
<td>63.5</td>
</tr>
<tr>
<td>37683383730959</td>
<td>Charter School of San Diego</td>
<td>$408,205</td>
<td>$225</td>
<td>$347,370</td>
<td>$347</td>
<td>45.1</td>
<td>29.7</td>
</tr>
<tr>
<td>04614240000000</td>
<td>Chico Unified</td>
<td>$5,654,409</td>
<td>$463</td>
<td>$3,413,191</td>
<td>$1,758</td>
<td>58.8</td>
<td>58.1</td>
</tr>
<tr>
<td>20651930000000</td>
<td>Chowchilla Elementary</td>
<td>$1,252,640</td>
<td>$619</td>
<td>$595,003</td>
<td>$785</td>
<td>46.9</td>
<td>48.8</td>
</tr>
<tr>
<td>19647330126102</td>
<td>City Charter Middle</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>45699480000000</td>
<td>Columbia Elementary</td>
<td>$188,236</td>
<td>$202</td>
<td>$97,905</td>
<td>$487</td>
<td>62.5</td>
<td>58.9</td>
</tr>
<tr>
<td>01100170123968</td>
<td>Community School for Creative Education</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>47.8</td>
<td>56.5</td>
</tr>
<tr>
<td>43694500121483</td>
<td>Cornerstone Academy Preparatory</td>
<td>$28,309</td>
<td>$135</td>
<td>$26,716</td>
<td>$191</td>
<td>85</td>
<td>90</td>
</tr>
<tr>
<td>50710680000000</td>
<td>Denair Unified</td>
<td>$474,756</td>
<td>$282</td>
<td>$276,287</td>
<td>$520</td>
<td>51.8</td>
<td>44.9</td>
</tr>
<tr>
<td>33670410000000</td>
<td>Desert Center Unified</td>
<td>$27,996</td>
<td>$1,217</td>
<td>$11,478</td>
<td>$1,555</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>43104390123257</td>
<td>Downtown College Prep - Alum Rock</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>53.3</td>
<td>60.4</td>
</tr>
<tr>
<td>43696664330585</td>
<td>Downtown College Preparatory</td>
<td>$148,665</td>
<td>$428</td>
<td>$130,220</td>
<td>$521</td>
<td>41.3</td>
<td>46.9</td>
</tr>
<tr>
<td>51713730000000</td>
<td>East Nicolaus Joint Union High</td>
<td>$28,248</td>
<td>$84</td>
<td>$17,875</td>
<td>$324</td>
<td>62.2</td>
<td>53.8</td>
</tr>
<tr>
<td>10101086085112</td>
<td>Edison-Bethune Charter Academy</td>
<td>$273,066</td>
<td>$530</td>
<td>$250,449</td>
<td>$560</td>
<td>49.4</td>
<td>62.8</td>
</tr>
<tr>
<td>24656800000000</td>
<td>El Nido Elementary</td>
<td>$135,017</td>
<td>$828</td>
<td>$53,385</td>
<td>$924</td>
<td>50.5</td>
<td>57.3</td>
</tr>
<tr>
<td>15751680000000</td>
<td>El Tejon Unified</td>
<td>$328,590</td>
<td>$304</td>
<td>$186,464</td>
<td>$733</td>
<td>52.3</td>
<td>46.8</td>
</tr>
<tr>
<td>43694274330726</td>
<td>Escuela Popular Accelerated Family Learning</td>
<td>$147,591</td>
<td>$448</td>
<td>$110,789</td>
<td>$677</td>
<td>26.6</td>
<td>36.4</td>
</tr>
<tr>
<td>43694270107151</td>
<td>Escuela Popular/Center for Training and Careers, Family Learning</td>
<td>$117,004</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>24.1</td>
<td>55.6</td>
</tr>
<tr>
<td>36678760121343</td>
<td>Excel Prep Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>42.4</td>
<td>36.4</td>
</tr>
<tr>
<td>36679343630761</td>
<td>Excelsior Charter</td>
<td>$153,145</td>
<td>$118</td>
<td>$144,384</td>
<td>$260</td>
<td>62.6</td>
<td>45</td>
</tr>
<tr>
<td>23655650000000</td>
<td>Fort Bragg Unified</td>
<td>$829,173</td>
<td>$438</td>
<td>$414,792</td>
<td>$653</td>
<td>53</td>
<td>48.8</td>
</tr>
<tr>
<td>15634790000000</td>
<td>Fruitvale Elementary</td>
<td>$399,248</td>
<td>$121</td>
<td>$190,745</td>
<td>$328</td>
<td>72.8</td>
<td>67.8</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Local Educational Agency Name</td>
<td>Total 2011–12 ConApp Entitlement</td>
<td>Total 2011–12 Entitlement Per Student</td>
<td>Total 2011–12 Title I Entitlement</td>
<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>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------------------------</td>
<td>----------------------------------</td>
<td>------------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>43694840123760</td>
<td>Gilroy Prep</td>
<td>$39,449</td>
<td>$230</td>
<td>$38,223</td>
<td>$358</td>
<td>88.3</td>
<td>93.3</td>
</tr>
<tr>
<td>43694840000000</td>
<td>Gilroy Unified</td>
<td>$3,804,739</td>
<td>$347</td>
<td>$1,362,271</td>
<td>$620</td>
<td>59.9</td>
<td>61.7</td>
</tr>
<tr>
<td>55724130112276</td>
<td>Gold Rush Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>55.5</td>
<td>40.7</td>
</tr>
<tr>
<td>34674470114983</td>
<td>Golden Valley Charter School of Sacramento</td>
<td>$49,466</td>
<td>$125</td>
<td>$49,466</td>
<td>$254</td>
<td>54.1</td>
<td>51.2</td>
</tr>
<tr>
<td>27754730000000</td>
<td>Gonzales Unified</td>
<td>$1,674,577</td>
<td>$707</td>
<td>$685,336</td>
<td>$824</td>
<td>35.7</td>
<td>39.8</td>
</tr>
<tr>
<td>24657550125575</td>
<td>Green Valley Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>04755070000000</td>
<td>Gridley Unified</td>
<td>$1,015,066</td>
<td>$501</td>
<td>$561,329</td>
<td>$916</td>
<td>59.3</td>
<td>60.6</td>
</tr>
<tr>
<td>11765620000000</td>
<td>Hamilton Unified</td>
<td>$327,163</td>
<td>$432</td>
<td>$159,897</td>
<td>$531</td>
<td>44.9</td>
<td>35.5</td>
</tr>
<tr>
<td>36677770124214</td>
<td>Hope Academy Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>38</td>
<td>16.9</td>
</tr>
<tr>
<td>49707630000000</td>
<td>Horicon Elementary</td>
<td>$19,495</td>
<td>$282</td>
<td>$0</td>
<td>$389</td>
<td>52.8</td>
<td>29.7</td>
</tr>
<tr>
<td>19646340000000</td>
<td>Inglewood Unified</td>
<td>$12,040,849</td>
<td>$914</td>
<td>$6,970,929</td>
<td>$1,378</td>
<td>45.3</td>
<td>46.8</td>
</tr>
<tr>
<td>39685440000000</td>
<td>Jefferson Elementary</td>
<td>$404,050</td>
<td>$160</td>
<td>$110,150</td>
<td>$577</td>
<td>68.7</td>
<td>64.4</td>
</tr>
<tr>
<td>45700450000000</td>
<td>Junction Elementary</td>
<td>$70,410</td>
<td>$255</td>
<td>$46,002</td>
<td>$964</td>
<td>67.8</td>
<td>67.3</td>
</tr>
<tr>
<td>15635450000000</td>
<td>Kernville Union Elementary</td>
<td>$532,569</td>
<td>$669</td>
<td>$327,714</td>
<td>$899</td>
<td>54.9</td>
<td>45.8</td>
</tr>
<tr>
<td>50711340000000</td>
<td>Keyes Union</td>
<td>$521,922</td>
<td>$479</td>
<td>$176,549</td>
<td>$703</td>
<td>50.7</td>
<td>50.6</td>
</tr>
<tr>
<td>10622400000000</td>
<td>Kingsburg Elementary Charity</td>
<td>$787,925</td>
<td>$335</td>
<td>$442,595</td>
<td>$638</td>
<td>65.6</td>
<td>64.5</td>
</tr>
<tr>
<td>10622570000000</td>
<td>Kingsburg Joint Union High</td>
<td>$261,490</td>
<td>$232</td>
<td>$163,456</td>
<td>$1,146</td>
<td>60.9</td>
<td>66.4</td>
</tr>
<tr>
<td>37683380101345</td>
<td>KIPP Adelante Preparatory Academy</td>
<td>$187,495</td>
<td>$513</td>
<td>$162,009</td>
<td>$516</td>
<td>49.9</td>
<td>54.2</td>
</tr>
<tr>
<td>38684780101337</td>
<td>KIPP Bayview Academy</td>
<td>$70,304</td>
<td>$277</td>
<td>$68,174</td>
<td>$339</td>
<td>64.3</td>
<td>70.2</td>
</tr>
<tr>
<td>01612590115014</td>
<td>KIPP Bridge Charter</td>
<td>$76,125</td>
<td>$292</td>
<td>$74,008</td>
<td>$404</td>
<td>73.2</td>
<td>86.6</td>
</tr>
<tr>
<td>43693690106633</td>
<td>KIPP Heartwood Academy</td>
<td>$125,894</td>
<td>$314</td>
<td>$122,435</td>
<td>$373</td>
<td>75.4</td>
<td>79.5</td>
</tr>
<tr>
<td>01613090114421</td>
<td>KIPP King Collegiate High</td>
<td>$93,906</td>
<td>$215</td>
<td>$90,963</td>
<td>$300</td>
<td>76.8</td>
<td>74</td>
</tr>
<tr>
<td>38684780101352</td>
<td>KIPP San Francisco Bay Academy</td>
<td>$97,938</td>
<td>$281</td>
<td>$95,161</td>
<td>$366</td>
<td>72.3</td>
<td>85.8</td>
</tr>
<tr>
<td>43694270116889</td>
<td>KIPP San Jose Collegiate</td>
<td>$67,333</td>
<td>$189</td>
<td>$65,295</td>
<td>$268</td>
<td>75.5</td>
<td>88.7</td>
</tr>
<tr>
<td>01613090101212</td>
<td>KIPP Summit Academy</td>
<td>$149,731</td>
<td>$381</td>
<td>$90,608</td>
<td>$558</td>
<td>77.8</td>
<td>78.4</td>
</tr>
<tr>
<td>07617050000000</td>
<td>Knightsen Elementary</td>
<td>$100,481</td>
<td>$208</td>
<td>$24,410</td>
<td>$540</td>
<td>61.7</td>
<td>66.1</td>
</tr>
<tr>
<td>21653420000000</td>
<td>Laguna Joint Elementary</td>
<td>$9,542</td>
<td>$454</td>
<td>$0</td>
<td>$525</td>
<td>58.3</td>
<td>75</td>
</tr>
<tr>
<td>21653590000000</td>
<td>Lagunitas Elementary</td>
<td>$50,185</td>
<td>$185</td>
<td>$34,257</td>
<td>$772</td>
<td>69.7</td>
<td>43.8</td>
</tr>
<tr>
<td>21653750000000</td>
<td>Lincoln Elementary</td>
<td>$6,293</td>
<td>$572</td>
<td>$0</td>
<td>$787</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>39685770000000</td>
<td>Linden Unified</td>
<td>$843,057</td>
<td>$356</td>
<td>$345,927</td>
<td>$644</td>
<td>53.2</td>
<td>54.7</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Local Educational Agency Name</td>
<td>Total 2011–12 ConApp Entitlement</td>
<td>Total 2011–12 Title I Entitlement</td>
<td>2011–12 Title I 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>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------------------------</td>
<td>----------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>196471700000000</td>
<td>Little Lake City Elementary</td>
<td>$1,392,381</td>
<td>$289</td>
<td>$535,693</td>
<td>$438</td>
<td>62.8</td>
<td>63.9</td>
</tr>
<tr>
<td>517139900000000</td>
<td>Live Oak Unified</td>
<td>$1,171,058</td>
<td>$654</td>
<td>$695,770</td>
<td>$797</td>
<td>50.3</td>
<td>53.7</td>
</tr>
<tr>
<td>396858500000000</td>
<td>Lodi Unified</td>
<td>$15,331,045</td>
<td>$519</td>
<td>$7,955,169</td>
<td>$822</td>
<td>50.1</td>
<td>51.7</td>
</tr>
<tr>
<td>316684500000000</td>
<td>Loomis Union Elementary</td>
<td>$331,114</td>
<td>$129</td>
<td>$192,722</td>
<td>$722</td>
<td>80.1</td>
<td>78</td>
</tr>
<tr>
<td>01612590126748</td>
<td>LPS Oakland R &amp; D Campus</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>19647330115030</td>
<td>Magnolia Science Academy 3</td>
<td>$83,597</td>
<td>$309</td>
<td>$81,986</td>
<td>$500</td>
<td>56.1</td>
<td>34.9</td>
</tr>
<tr>
<td>19647330117622</td>
<td>Magnolia Science Academy 4</td>
<td>$23,921</td>
<td>$148</td>
<td>$22,659</td>
<td>$206</td>
<td>47.5</td>
<td>41</td>
</tr>
<tr>
<td>19647330117630</td>
<td>Magnolia Science Academy 5</td>
<td>$52,734</td>
<td>$223</td>
<td>$50,780</td>
<td>$345</td>
<td>73.8</td>
<td>88.5</td>
</tr>
<tr>
<td>19647330117648</td>
<td>Magnolia Science Academy 6</td>
<td>$30,397</td>
<td>$255</td>
<td>$29,540</td>
<td>$345</td>
<td>73.8</td>
<td>88.5</td>
</tr>
<tr>
<td>19647330117655</td>
<td>Magnolia Science Academy 7</td>
<td>$176,437</td>
<td>$365</td>
<td>$171,899</td>
<td>$380</td>
<td>42</td>
<td>25.3</td>
</tr>
<tr>
<td>37683380109157</td>
<td>Magnolia Science Academy San Diego</td>
<td>$20,012</td>
<td>$65</td>
<td>$19,098</td>
<td>$202</td>
<td>74.2</td>
<td>52.5</td>
</tr>
<tr>
<td>43104390120261</td>
<td>Magnolia Science Academy Santa Clara</td>
<td>$11,833</td>
<td>$51</td>
<td>$11,833</td>
<td>$268</td>
<td>81.1</td>
<td>68.1</td>
</tr>
<tr>
<td>37681890121061</td>
<td>Mandarin Language Academy</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>63</td>
<td>70.4</td>
</tr>
<tr>
<td>136318000000000</td>
<td>McCabe Union Elementary</td>
<td>$92,294</td>
<td>$74</td>
<td>$34,754</td>
<td>$254</td>
<td>76</td>
<td>80</td>
</tr>
<tr>
<td>39754990102392</td>
<td>Millennium Charter</td>
<td>$642</td>
<td>$1</td>
<td>$0</td>
<td>$23</td>
<td>58.4</td>
<td>58.4</td>
</tr>
<tr>
<td>36750440114389</td>
<td>Mirus Secondary</td>
<td>$44,508</td>
<td>$254</td>
<td>$42,747</td>
<td>$306</td>
<td>25.5</td>
<td>7.4</td>
</tr>
<tr>
<td>076174700000000</td>
<td>Moraga Elementary</td>
<td>$96,748</td>
<td>$55</td>
<td>$41,781</td>
<td>$0</td>
<td>93.1</td>
<td>90.4</td>
</tr>
<tr>
<td>016121800000000</td>
<td>Mountain House Elementary</td>
<td>$11,929</td>
<td>$277</td>
<td>$2,096</td>
<td>$596</td>
<td>53.6</td>
<td>50</td>
</tr>
<tr>
<td>366778500000000</td>
<td>Mountain View Elementary</td>
<td>$560,196</td>
<td>$200</td>
<td>$345</td>
<td>$333</td>
<td>62.6</td>
<td>57.1</td>
</tr>
<tr>
<td>296634000000000</td>
<td>Nevada City Elementary</td>
<td>$180,823</td>
<td>$168</td>
<td>$90,264</td>
<td>$692</td>
<td>71.7</td>
<td>62.4</td>
</tr>
<tr>
<td>291029800000000</td>
<td>Nevada County Office of Education</td>
<td>$450,578</td>
<td>$307</td>
<td>$438,912</td>
<td>$640</td>
<td>53.6</td>
<td>43.2</td>
</tr>
<tr>
<td>04614240110551</td>
<td>Nord Country</td>
<td>$31,070</td>
<td>$207</td>
<td>$29,988</td>
<td>$0</td>
<td>43.7</td>
<td>46.6</td>
</tr>
<tr>
<td>37684520114264</td>
<td>North County Trade Tech High</td>
<td>$24,368</td>
<td>$221</td>
<td>$23,662</td>
<td>$329</td>
<td>30.4</td>
<td>39.1</td>
</tr>
<tr>
<td>01612596117972</td>
<td>North Oakland Community Charter</td>
<td>$10,369</td>
<td>$47</td>
<td>$9,770</td>
<td>$216</td>
<td>78.7</td>
<td>74.9</td>
</tr>
<tr>
<td>36103630115808</td>
<td>Norton Space and Aeronautics Academy</td>
<td>$143,700</td>
<td>$272</td>
<td>$127,936</td>
<td>$0</td>
<td>32.4</td>
<td>37.7</td>
</tr>
<tr>
<td>37683386114961</td>
<td>Nubia Leadership Academy</td>
<td>$107,245</td>
<td>$474</td>
<td>$92,760</td>
<td>$595</td>
<td>36.4</td>
<td>38.6</td>
</tr>
<tr>
<td>547201700000000</td>
<td>Oak Valley Union Elementary</td>
<td>$223,696</td>
<td>$509</td>
<td>$89,430</td>
<td>$657</td>
<td>56.7</td>
<td>56.3</td>
</tr>
<tr>
<td>016125900000000</td>
<td>Oakland Unified</td>
<td>$37,019,044</td>
<td>$954</td>
<td>$19,981,946</td>
<td>$0</td>
<td>48.5</td>
<td>52</td>
</tr>
<tr>
<td>497084700000000</td>
<td>Old Adobe Union</td>
<td>$505,215</td>
<td>$293</td>
<td>$140,776</td>
<td>$666</td>
<td>60.7</td>
<td>59.1</td>
</tr>
<tr>
<td>436963300000000</td>
<td>Orchard Elementary</td>
<td>$283,682</td>
<td>$320</td>
<td>$77,660</td>
<td>$738</td>
<td>55.3</td>
<td>59</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Local Educational Agency Name</td>
<td>Total 2011–12 ConApp Entitlement</td>
<td>Total 2011–12 Entitlement Per Student</td>
<td>Total 2011–12 Title I Entitlement</td>
<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>
<tr>
<td>-------------------</td>
<td>----------------------------------------</td>
<td>----------------------------------</td>
<td>---------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>41689320000000</td>
<td>Pacifica</td>
<td>$403,003</td>
<td>$127</td>
<td>$102,389</td>
<td>$548</td>
<td>70.4</td>
<td>67.6</td>
</tr>
<tr>
<td>19648810000000</td>
<td>Pasadena Unified</td>
<td>$11,752,196</td>
<td>$647</td>
<td>$6,516,493</td>
<td>$944</td>
<td>53.8</td>
<td>55.5</td>
</tr>
<tr>
<td>54755230000000</td>
<td>Porterville Unified</td>
<td>$10,769,474</td>
<td>$782</td>
<td>$5,899,722</td>
<td>$1,012</td>
<td>47.6</td>
<td>56.7</td>
</tr>
<tr>
<td>07616480119586</td>
<td>R.A.A.M.P. Charter Academy</td>
<td>$36,128</td>
<td>$233</td>
<td>$35,073</td>
<td>$293</td>
<td>25.3</td>
<td>40.7</td>
</tr>
<tr>
<td>01611430122697</td>
<td>REALM Charter High</td>
<td>$28,019</td>
<td>$350</td>
<td>$27,268</td>
<td>$389</td>
<td>41.2</td>
<td>17.6</td>
</tr>
<tr>
<td>01611430122689</td>
<td>REALM Charter Middle</td>
<td>$30,903</td>
<td>$328</td>
<td>$30,058</td>
<td>$396</td>
<td>42</td>
<td>37</td>
</tr>
<tr>
<td>19753410000000</td>
<td>Redondo Beach Unified</td>
<td>$1,226,839</td>
<td>$141</td>
<td>$538,862</td>
<td>$657</td>
<td>81.4</td>
<td>78</td>
</tr>
<tr>
<td>07617960110973</td>
<td>Richmond College Preparatory</td>
<td>$71,484</td>
<td>$245</td>
<td>$69,335</td>
<td>$249</td>
<td>43.2</td>
<td>70.2</td>
</tr>
<tr>
<td>45752670113407</td>
<td>Rocky Point Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>55.9</td>
<td>59.1</td>
</tr>
<tr>
<td>19649310000000</td>
<td>Rosemead Elementary</td>
<td>$2,062,798</td>
<td>$725</td>
<td>$964,009</td>
<td>$846</td>
<td>67.6</td>
<td>70.6</td>
</tr>
<tr>
<td>34674390000000</td>
<td>Sacramento City Unified</td>
<td>$37,665,416</td>
<td>$859</td>
<td>$20,870,121</td>
<td>$1,212</td>
<td>52.4</td>
<td>56.7</td>
</tr>
<tr>
<td>28672900000000</td>
<td>Saint Helena Unified</td>
<td>$380,224</td>
<td>$281</td>
<td>$128,178</td>
<td>$690</td>
<td>66.9</td>
<td>62.7</td>
</tr>
<tr>
<td>50712660000000</td>
<td>Salida Union Elementary</td>
<td>$860,056</td>
<td>$324</td>
<td>$287,397</td>
<td>$495</td>
<td>55.4</td>
<td>53.1</td>
</tr>
<tr>
<td>27661750000000</td>
<td>San Ardo Union Elementary</td>
<td>$305,163</td>
<td>$934</td>
<td>$243,097</td>
<td>$3,281</td>
<td>24.3</td>
<td>33.3</td>
</tr>
<tr>
<td>37103710000000</td>
<td>San Diego County Office of Education</td>
<td>$4,076,252</td>
<td>$1,359</td>
<td>$3,759,879</td>
<td>$5,127</td>
<td>15.8</td>
<td>17.3</td>
</tr>
<tr>
<td>44698150000000</td>
<td>Santa Cruz City Elementary</td>
<td>$1,141,273</td>
<td>$505</td>
<td>$564,725</td>
<td>$1,116</td>
<td>62</td>
<td>67.7</td>
</tr>
<tr>
<td>44698230000000</td>
<td>Santa Cruz City High</td>
<td>$1,073,013</td>
<td>$227</td>
<td>$555,897</td>
<td>$705</td>
<td>65.8</td>
<td>60.9</td>
</tr>
<tr>
<td>09765980000000</td>
<td>SBC - Pacific Technology</td>
<td>$35,513</td>
<td>$126</td>
<td>$34,084</td>
<td>$303</td>
<td>70.9</td>
<td>58.9</td>
</tr>
<tr>
<td>10621661030642</td>
<td>School of Unlimited Learning</td>
<td>$86,515</td>
<td>$354</td>
<td>$79,527</td>
<td>$609</td>
<td>10</td>
<td>9.5</td>
</tr>
<tr>
<td>54721160000000</td>
<td>Sequoia Union Elementary</td>
<td>$106,688</td>
<td>$312</td>
<td>$67,945</td>
<td>$820</td>
<td>62.4</td>
<td>67.3</td>
</tr>
<tr>
<td>3667876017192</td>
<td>SOAR Charter Academy</td>
<td>$71,639</td>
<td>$218</td>
<td>$69,540</td>
<td>$308</td>
<td>45.4</td>
<td>42.8</td>
</tr>
<tr>
<td>44698490000000</td>
<td>Soquel Union Elementary</td>
<td>$545,350</td>
<td>$286</td>
<td>$234,635</td>
<td>$777</td>
<td>67.7</td>
<td>64</td>
</tr>
<tr>
<td>15637760000000</td>
<td>Southern Kern Unified</td>
<td>$1,119,988</td>
<td>$330</td>
<td>$510,424</td>
<td>$507</td>
<td>39.4</td>
<td>38.3</td>
</tr>
<tr>
<td>15637920000000</td>
<td>Standard Elementary</td>
<td>$1,095,701</td>
<td>$377</td>
<td>$630,905</td>
<td>$491</td>
<td>47.1</td>
<td>49.4</td>
</tr>
<tr>
<td>01751190000000</td>
<td>Sunol Glen Unified</td>
<td>$11,234</td>
<td>$42</td>
<td>$0</td>
<td>$468</td>
<td>85.1</td>
<td>84.3</td>
</tr>
<tr>
<td>43696660124065</td>
<td>Sunrise Middle</td>
<td>$25,414</td>
<td>$330</td>
<td>$24,710</td>
<td>$352</td>
<td>20</td>
<td>15.7</td>
</tr>
<tr>
<td>18641970000000</td>
<td>Susanville Elementary</td>
<td>$472,147</td>
<td>$455</td>
<td>$265,105</td>
<td>$931</td>
<td>53.7</td>
<td>54.8</td>
</tr>
<tr>
<td>19647330106427</td>
<td>Synergy Charter Academy</td>
<td>$109,014</td>
<td>$350</td>
<td>$106,129</td>
<td>$412</td>
<td>84.2</td>
<td>92.6</td>
</tr>
<tr>
<td>1964733017895</td>
<td>Synergy Kinetic Academy</td>
<td>$145,921</td>
<td>$308</td>
<td>$141,453</td>
<td>$346</td>
<td>54.9</td>
<td>42.3</td>
</tr>
<tr>
<td>19647330124560</td>
<td>Synergy Quantum Academy</td>
<td>$139,816</td>
<td>$364</td>
<td>$136,995</td>
<td>$398</td>
<td>31.8</td>
<td>30.3</td>
</tr>
<tr>
<td>54721990000000</td>
<td>Terra Bella Union Elementary</td>
<td>$997,030</td>
<td>$1,100</td>
<td>$540,889</td>
<td>$1,205</td>
<td>39.1</td>
<td>49.9</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Local Educational Agency Name</td>
<td>Total 2011–12 Entitlement</td>
<td>Total 2011–12 Entitlement Per Student</td>
<td>Total 2011–12 Title I Entitlement</td>
<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>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------</td>
<td>---------------------------</td>
<td>---------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>54722300000000</td>
<td>Traver Joint Elementary</td>
<td>$234,335</td>
<td>$1,018</td>
<td>$134,485</td>
<td>$1,143</td>
<td>39.2</td>
<td>42.7</td>
</tr>
<tr>
<td>36678920000000</td>
<td>Trona Joint Unified</td>
<td>$209,519</td>
<td>$691</td>
<td>$140,327</td>
<td>$1,163</td>
<td>59.9</td>
<td>61.3</td>
</tr>
<tr>
<td>25735930000000</td>
<td>Tulelake Basin Joint Unified</td>
<td>$517,093</td>
<td>$1,038</td>
<td>$280,998</td>
<td>$1,286</td>
<td>47</td>
<td>45.1</td>
</tr>
<tr>
<td>29664150000000</td>
<td>Twin Ridges Elementary</td>
<td>$121,181</td>
<td>$1,132</td>
<td>$72,358</td>
<td>$1,409</td>
<td>50.7</td>
<td>48.5</td>
</tr>
<tr>
<td>34765050000000</td>
<td>Twin Rivers Unified</td>
<td>$22,105,397</td>
<td>$813</td>
<td>$11,685,900</td>
<td>$1,004</td>
<td>44.1</td>
<td>48.8</td>
</tr>
<tr>
<td>43697080000000</td>
<td>Union Elementary</td>
<td>$603,370</td>
<td>$118</td>
<td>$153,388</td>
<td>$919</td>
<td>83.8</td>
<td>83.9</td>
</tr>
<tr>
<td>21655160000000</td>
<td>Union Joint Elementary</td>
<td>$6,232</td>
<td>$779</td>
<td>$0</td>
<td>$2,077</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>01100170125567</td>
<td>Urban Montessori Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>48705730000000</td>
<td>Vacaville Unified</td>
<td>$2,828,130</td>
<td>$236</td>
<td>$1,242,479</td>
<td>$588</td>
<td>60.3</td>
<td>58.3</td>
</tr>
<tr>
<td>10621660111633</td>
<td>Valley Arts and Science Academy</td>
<td>$77,444</td>
<td>$267</td>
<td>$75,152</td>
<td>$308</td>
<td>33</td>
<td>35.8</td>
</tr>
<tr>
<td>10621660106740</td>
<td>Valley Preparatory Academy Charter</td>
<td>$55,961</td>
<td>$199</td>
<td>$53,604</td>
<td>$254</td>
<td>60.1</td>
<td>63.7</td>
</tr>
<tr>
<td>56105610112417</td>
<td>Ventura Charter School of Arts and Global Education</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>68.1</td>
<td>55.3</td>
</tr>
<tr>
<td>15638340000000</td>
<td>Vineland Elementary</td>
<td>$953,071</td>
<td>$1,226</td>
<td>$457,589</td>
<td>$1,141</td>
<td>29.2</td>
<td>33.7</td>
</tr>
<tr>
<td>54722560000000</td>
<td>Visalia Unified</td>
<td>$13,360,431</td>
<td>$497</td>
<td>$7,729,203</td>
<td>$844</td>
<td>55.2</td>
<td>58.5</td>
</tr>
<tr>
<td>10767781030774</td>
<td>W. E. B. DuBois Public Charter</td>
<td>$168,691</td>
<td>$567</td>
<td>$146,389</td>
<td>$446</td>
<td>16.9</td>
<td>16.4</td>
</tr>
<tr>
<td>07617960000000</td>
<td>West Contra Costa Unified</td>
<td>$17,786,993</td>
<td>$615</td>
<td>$8,823,680</td>
<td>$975</td>
<td>46.9</td>
<td>46.6</td>
</tr>
<tr>
<td>10625470000000</td>
<td>Westside Elementary</td>
<td>$277,895</td>
<td>$1,089</td>
<td>$79,779</td>
<td>$1,125</td>
<td>36.6</td>
<td>35.5</td>
</tr>
<tr>
<td>19647330121012</td>
<td>Westside Innovative School House</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>71.7</td>
<td>80</td>
</tr>
<tr>
<td>23656230125658</td>
<td>Willis Elementary Charter</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>24658700000000</td>
<td>Winton Elementary</td>
<td>$1,705,467</td>
<td>$927</td>
<td>$789,717</td>
<td>$1,043</td>
<td>45.2</td>
<td>54.6</td>
</tr>
<tr>
<td>19101990112730</td>
<td>Wisdom Academy for Young Scientists</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>37.6</td>
<td>45.4</td>
</tr>
<tr>
<td>54767940000000</td>
<td>Woodlake Unified</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>51714645130125</td>
<td>Yuba City Charter</td>
<td>$51,043</td>
<td>$293</td>
<td>$43,692</td>
<td>$455</td>
<td>26.6</td>
<td>11.5</td>
</tr>
</tbody>
</table>

*The 2011–12 targets for elementary, middle schools, and middle school districts are 78.4 percent for language arts and 79 percent for math. The 2011–12 targets for high schools and high school districts are 77.8 percent for language arts and 77.4 percent for math. The 2011–12 targets for unified districts, high school districts, and county offices of education are 78 percent for language arts and 78.2 percent for math.

Total Number of LEAs in the report: 163
Total ConApp entitlement funds for districts receiving regular approval: $260,157,673
The following local educational agencies have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and are making satisfactory progress toward resolving one or two noncompliant issues that are more than 365 days. The California Department of Education recommends conditional approval of these applications.

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>Local Educational Agency Name</th>
<th>Total 2011–12 ConApp 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>
<th>2011–12 Percent At or Above Proficiency - Language Arts</th>
<th>2011–12 Percent At or Above Proficiency - Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>19642460000000</td>
<td>Antelope Valley Union High</td>
<td>$7,989,846</td>
<td>$339</td>
<td>$4,857,276</td>
<td>$553</td>
<td>47.9</td>
<td>47.7</td>
</tr>
<tr>
<td>54718370000000</td>
<td>Burton Elementary</td>
<td>$1,066,450</td>
<td>$265</td>
<td>$464,302</td>
<td>$359</td>
<td>51.2</td>
<td>47.7</td>
</tr>
<tr>
<td>33736760000000</td>
<td>Coachella Valley Unified</td>
<td>$15,478,235</td>
<td>$841</td>
<td>$7,075,847</td>
<td>$1,018</td>
<td>35.8</td>
<td>45.1</td>
</tr>
<tr>
<td>48705320000000</td>
<td>Dixon Unified</td>
<td>$931,914</td>
<td>$255</td>
<td>$338,783</td>
<td>$0</td>
<td>51.9</td>
<td>55.1</td>
</tr>
<tr>
<td>16739320000000</td>
<td>Reef-Sunset Unified</td>
<td>$2,331,317</td>
<td>$894</td>
<td>$913,165</td>
<td>$922</td>
<td>29</td>
<td>37</td>
</tr>
<tr>
<td>34674470000000</td>
<td>San Juan Unified</td>
<td>$18,569,705</td>
<td>$420</td>
<td>$11,592,561</td>
<td>$1,026</td>
<td>61.3</td>
<td>60.1</td>
</tr>
<tr>
<td>37683790000000</td>
<td>San Ysidro Elementary</td>
<td>$3,706,786</td>
<td>$700</td>
<td>$1,242,531</td>
<td>$953</td>
<td>53.8</td>
<td>61.8</td>
</tr>
</tbody>
</table>

*The 2011-12 targets for elementary, middle schools, and middle school districts are 78.4 percent for language arts and 79 percent for math. The 2011–12 targets for high schools and high school districts are 77.8 percent for language arts and 77.4 percent for math. The 2011–12 targets for unified districts, high school districts, and county offices of education are 78 percent for language arts and 78.2 percent for math.

Total Number of LEAs in the report: 7
Total ConApp entitlement funds for districts receiving regular approval: $50,074,253
List of LEAs with Conditional Approval with One or More Noncompliant Issue(s) for More Than 365 Days

Local Educational Agency Name: Antelope Valley Union High School District
County District Code: 1964246
Year Reviewed: 2010–11
Number of Days Noncompliant as of November 27, 2012: 676 days

1) Program and Code: English Learner, II-EL 7

   Requirement: School Site Council (SSC) annually approves the Single Plan for Student Achievement (SPSA).

   Summary of non-compliant issue: The SSC did not have an opportunity to update the SPSA and the SSC lacked knowledge of funding allocated to the school.

   Description of resolution status: On November 9, 2012, the CDE again requested that the LEA to submit agendas and minutes of SSC meetings, from Littlerock High School and Antelope Valley High School, documenting SPSA development including an analysis of English learner academic performance data, a discussion of English learner student needs, and subsequent activities designed and funded to meet identified needs of English learners at each site. The agendas and sign-in sheets must document the development of SPSAs from Littlerock and Antelope Valley High Schools.
Local Educational Agency Name: Burton Elementary School District  
County District Code: 5471837  
Year Reviewed: 2010–11  
Number of Days Noncompliant as of November 27, 2012: 671 days

1) **Program and Code:** English Learner, I-EL 2  

**Requirement:** A school site with 21 or more English learners must have a functioning English Learner Advisory Committee (ELAC).

**Summary of non-compliant issue:** Burton Middle School lacked a fully functioning ELAC.

**Description of resolution status:** On November 7, 2012, the district uploaded links to an ELAC Web site in which responsive documents were posted for ELAC. The Web site links did not operate, therefore CDE requested the LEA to upload the documents to CAIS. The LEA did not respond to the request.

2) **Program and Code:** English Learner, I-EL 3

**Requirement:** A LEA with 51 or more English learners must have a functioning District English Learner Advisory Committee (DELAC).

**Summary of non-compliant issue:** Burton Elementary School District lacked a fully functioning DELAC.

**Description of resolution status:** On November 7, 2012, the district uploaded links to a DELAC Web site in which responsive documents were posted for DELAC. The links did not operate, therefore CDE requested the LEA to upload the documents to CAIS. The LEA did not respond to the request.
1) **Program and Code:** English Learner, I-EL 2

**Requirement:** A school site with 21 or more English learners must have a functioning ELAC that meet requirements (a) through (i).

**Summary of non-compliant issue:** A review of documentation, ELAC and SSC meeting minutes/notes and agendas, interviews with ELAC and SSC members and school staff at Toro Canyon Middle School, Coachella Valley High School and Valle del Sol Elementary reveal that the following requirements were not met: at Toro Canyon Middle School the ELAC has not met requirements (d), (e), and (f); at Coachella Valley High School the ELAC has not met requirement (e), (f) and (h); and at Valle del Sol Elementary the ELAC has not met requirements (a) through (i).

**Description of resolution status:** The CDE requested the district submit documentation such as ELAC and SSC meeting minutes/notes, agendas and sign-in sheets to demonstrate that the requirements have been met. Meeting notes should explicitly reflect the discussions of the required items and tasks.

On September 26, 2012, the CDE responded to documents provided by the district and asked that the SSC minutes uploaded (dated August 10, 2011) were not current. The district was asked to uploading all current information (from August 2012) as required in the finding. The LEA did not respond to the request.

2) **Program and Code:** English Learner, II-EL 7

**Requirement:** For all programs funded through the Consolidated Application including programs for English learners, Economic Impact Aid-Limited English Proficient (EIA-LEP), and Title III and operated at the school, the SSC must annually develop, review, update, and approve the SPSA, including proposed expenditures. The SPSA must consolidate all plans required by these programs and contain:

(c) Activities to reach school goals that improve the academic performance of students
(d) Expenditures of funds allocated to the school through the Consolidated Application

**Summary of non-compliant issue:** A review of SPSAs and fiscal documentation, SSC minutes and agendas, and interviews with school and district staff and SSC members at Toro Canyon Middle School, Coachella Valley High School, and Valle del Sol Elementary revealed that the SPSAs needed to be revised to demonstrate that all activities are aligned with expenditures by funding source, that all positions funded from categorical funds are part of the SPSAs, and that the SSCs approved all of the expenditures and activities on the SPSAs at the schools.

**Description of resolution status:** The district was asked to submit documentation to the CDE such as updated, revised and approved SPSAs, SSCs minutes, agendas and sign-in sheets demonstrating that the SPSAs activities and expenditures are accountable and aligned for each categorical funding source and that the SSCs have approved allowable expenditures. The LEA did not respond to a follow up request dated September 26, 2012, from the CDE.

3) **Program and Code:** English Learner, III-EL 9

**Requirement:** For all categorical programs, the LEA must maintain an inventory record for each piece of equipment, with an acquisition cost of $500 or more per unit purchased with state and/or federal funds including EIA-LEP and Title III. The record must describe the acquisition by:

(a) Type  
(b) Model  
(c) Serial number  
(d) Funding source  
(e) Acquisition date  
(f) Cost  
(g) Location  
(h) Current condition  
(i) Transfer, replacement, or disposition of obsolete or unusable equipment

**Summary of non-compliant issue:** A review of school and district records demonstrated that the inventory was not complete nor were all required components met.

**Description of resolution status:** The district must submit to the CDE an updated inventory of all equipment. The LEA did not respond to a follow up request dated September 26, 2012, from the CDE.
4) **Program and Code:** English Learner, III-EL 11

**Requirement:** The LEA must disburse categorical funds, including EIA-LEP, in accordance with the approved Consolidated Application.

**Summary of non-compliant issue:** A review of fiscal documents, SPSAs and addendums, Consolidated Application, SSCs meeting minutes and agendas, and interviews with school and district staff and SSC parent members revealed that the SPSAs allocation to the schools did not match the EIA-LEP allocation to the schools per the Consolidated Application.

**Description of resolution status:** The district must submit to the CDE updated SPSAs in which the disbursement to the schools matches the allocation in the approved Consolidated Application. The LEA did not respond to a follow up request dated September 26, 2012, from the CDE.

5) **Program and Code:** English Learner, III-EL 12

**Requirement:** The LEA must properly assess administrative charges for direct or indirect costs of federal funds for salaries and wages in proportion to an allowable quantity and duties of the employee.

12.1 Each employee paid in part from a single cost objective and in part from other revenue, or an employee paid from multiple cost objectives, must complete a Personnel Activity Report (PAR) each pay period, or an approved sampling method is used.

12.2 Employees funded under a single cost objective, and employees funded with state funds under the School-Based Coordinated Program, must complete a semiannual certification of such employment.

**Summary of non-compliant issue:** A review of fiscal documents, SPSAs, job descriptions, time accounting records and PARs or semiannual certifications demonstrated that at Toro Canyon Middle School, at Coachella Valley High School and at Valle del Sol Elementary the categorically funded positions did not consistently have all the necessary time documents such as PARs or semiannual certifications and their components.

**Description of resolution status:** CVUSD must submit updated and complete PARs or semiannual certifications, as required, for the respective positions, position descriptions and updated SPSAs. These positions must have job descriptions that demonstrate that their cost is allowable under the funding source demonstrating the percentage of time dedicated to the allowable activity and also be included in the SPSAs activities explicitly.
Specifically, the district must provide evidence that positions funded partially or completely out of EIA-LEP and Title III have time accounting documents. The CDE requested that the district provide documents for any current employees paid out of these funding sources. The LEA did not respond to a follow up request dated September 26, 2012, from the CDE.
Local Educational Agency Name: Dixon Unified School District
County District Code: 4870532
Year Reviewed: 2010–11
Number of Days Noncompliant as of November 27, 2012: 648 days

1) Program and Code: English Learner, III-EL 10

Requirement: Adequate general fund resources must be used to provide each English learner with learning opportunities in an appropriate program, including English language development and the rest of the core curriculum. The provision of such services may not be contingent upon the receipt of state or federal categorical aid funds. 10.1. For the following programs, EIA-LEP and Title III, the LEA uses categorical funds only to supplement, and not supplant, state and local funds.

Summary of non-compliant issue: A review of expenditure reports revealed that at Anderson Elementary School where 43.6 percent of the students are English learners, Economic Impact Aid (EIA) funds ($30,000) were used to purchase document cameras and LCD projectors for all the classrooms in the school.

Description of resolution status: The district must submit evidence to CDE, revised expenditure reports for EIA-LEP funds. The purchase of document cameras and LCD projectors for all the classrooms at Anderson Elementary School, these expenditures need to be reversed back to the EIA-LEP account for other allowable uses for English learners.

The LEA uploaded a "resolution memo," based on a conversation on how to resolve the item. However, it states that, "DUSD will transfer a credit of $15,000 to the Anderson EIA account (7090) to supplement the 2012–13 program for English learners," based on the finding, the account that needs to be reimbursed is EIA-LEP (7091) and not 7090, which is EIA-State Compensatory Education. This correction is needed to resolve the item.
Local Educational Agency Name: Reef-Sunset Unified School District  
County District Code: 1673932  
Year Reviewed: 2010–11  
Number of Days Noncompliant as of November 27, 2012: 594 days

1) **Program and Code:** English Learner, II-EL 7  

**Requirement:** For all programs funded through the Consolidated Application including programs for English learners, EIA-LEP, and Title III and operated at the school, the SSC must annually develop, review, update, and approve the SPSA, including proposed expenditures.  

**Summary of non-compliant issue:** Site administrators and SSC members did not have the proper training to understand their role in determining the appropriate allocation of funding for direct services to English learners, and ELAC did not have the opportunity to provide advice and other input to the SSC on the proposed expenditures.  

**Description of resolution status:** The LEA uploaded meeting minutes, agendas, and sign-in sheets, but the documents were not sufficient to address the findings. On August 1, 2012, the CDE requested the LEA to submit a plan on the use of EIA-LEP and Title III funds to provide direct service to English learners and the revised SPSA along with meeting minutes, agendas, and sign-in sheets. However, the LEA did not respond to the request.

2) **Program and Code:** English Learner, III-EL 11  

**Requirement:** The LEA must disburse categorical funds in accordance with the approved Consolidated Application.  

**Summary of non-compliant issue:** The LEA did not provide documentation showing the disbursement of EIA-LEP funds to site in accordance with the approved Consolidated Application.  

**Description of resolution status:** On August 1, 2012, the CDE requested the LEA to upload documentation showing the disbursement of EIA-LEP funds to site in accordance with the approved Consolidated Application. The LEA did not respond to the request.

3) **Program and Code:** English Learner, IV-EL 14
**Requirement:** The LEA must monitor for a minimum of two years the progress of pupils reclassified to ensure correct classification, placement, and additional academic support, if needed.

**Summary of non-compliant issue:** The district did not maintain the required two year follow-up documentation of the decision regarding reclassification and participants in the process in the permanent record of all reclassified students.

**Description of resolution status:** The documents uploaded did not contain the process and criteria to reclassify English learners in grades 1 and 2. On August 1, 2012, the CDE requested the LEA to upload document showing the process and criteria to reclassify English learners in grades 1 and 2. The LEA did not respond to the request.

4) **Program and Code:** English Learner, VII-EL 21

**Requirement:** Academic instruction for English learners must be designed and implemented to ensure that they meet the district’s content and performance standards for their respective grade levels in a reasonable amount of time.

a. The LEA must implement a plan to assist all English learners to achieve at high levels in the core academic subjects so that those children can meet the same challenging state academic content and achievement standards all children are expected to meet.

b. The LEA must develop and implement a plan for monitoring and overcoming any academic deficits English learners incur while acquiring English.

**Summary of non-compliant issue:** The majority of long term English learners are not making academic progress, and they are at risk of acquiring academic deficits that are irreparable and which may lead to dropping out of school.

**Description of resolution status:** The LEA must submit a strategic plan that will help long term English learners to overcome their academic deficits and acquire English language proficiency for grade promotion and high school graduation.

The LEA uploaded a list of additional ELD services for long term English learners, but it is not sufficient to address the findings. On August 1, 2012, the CDE requested that the LEA address the language stated in the findings to
develop a strategic plan to address the academic deficit of long term English learners. The LEA did not respond to the request.
Local Educational Agency Name: San Juan Unified School District  
County District Code: 3467447  
Year Reviewed: 2010–11  
Number of Days Noncompliant as of November 27, 2012: 634 days

1) **Program and Code:** English Learner, IV-EL 13

**Requirement:** The LEA implements a process and criteria to determine the effectiveness of programs for English learners, including:

(a) A way to demonstrate that the programs for English learners produce within a reasonable period of time:

i. English language proficiency comparable to that of average native speakers of English in the district

ii. Academic results indicating that English learners are achieving and sustaining parity of academic achievement with students who entered the district’s school system already proficient in English

(b) An ongoing mechanism for using the procedures described above to improve district-wide and school site EL program implementation and to modify the program, as needed, to ensure that each English learner achieves full proficiency in English and academic achievement at grade level as rapidly as possible.

**Summary of non-compliant issue:** Site reviews of Dyer-Kelly ES, Howe Avenue ES, Thomas Edison ES, Will Rogers MS, Encina Preparatory HS, and a review of multiple assessments including: CSTs, AYP, Annual Measurable Achievement Objectives (AMAOs), API, and documentation on school data and subgroup analysis, indicated that the district implemented program for English learners did not achieve the intended outcomes of this categorical program.

**Description of resolution status:** The district must submit documentation, such as evidence of planning meetings, coordination with educators and EL staff, and steps taken to develop and implement a clear instructional focus for each English learner at all California English Language Development Test (CELDT) proficiency levels and documentation of developing and implementing an ongoing process to improve district wide and school site EL program implementation to ensure that each English learner achieves full proficiency in English and academic achievement at grade level as rapidly as possible.

On September 10, 2012, the CDE contacted the LEA by phone to request this information and provided a follow up written reminder on November 8, 2012. The LEA did not respond to these requests.
2) **Program and Code**: English Learner, V-EL 16

**Requirement**: The LEA provides high-quality professional development to classroom teachers, principals, administrators, and other school or community-based personnel that is:

(a) Designed to improve the instruction and assessment of English learners

(b) Designed to enhance the teacher’s ability to understand and use curricula, assessment measures, and instructional strategies for English learners

(c) Based on research demonstrating the effectiveness of the professional development in increasing the pupil’s English proficiency or the teacher’s subject matter knowledge, teaching knowledge, and teaching skills

(d) Of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher’s performance in the classroom

**Summary of non-compliant issue**: A review of documentation, the district's *English Learner Master Plan*, classroom observations, and interviews with school site and district staff at Howe Elementary School, Dyer-Kelly Elementary School, Thomas Edison Elementary School, and Will Rogers Middle School, indicate that English learner development focus and instructional strategies are designed for English learner students who are at CELDT levels: Beginning, Early Intermediate, and partially at Intermediate. English learner students at Intermediate and above did not receive explicit English language development instruction with emphasis in the four domains and in alignment with the district’s *English Learner Master Plan*. The *English Learner Master Plan* states that professional development is particularly concerned with the development of English learners in the four domains of language: reading, writing, listening and speaking. A review of documentation and classroom observations and interviews with students and school site staff at Encina Preparatory High School indicate that teaching knowledge and teaching skills for English learners did not address the four domains.

**Description of resolution status**: The district must submit a plan, schedule, sign-in sheets, hand-outs or information on the planning and delivery of sustainable professional development that supports the explicit teaching of language, English language development instruction in the four domains, and how academic progress will be monitored and evaluated with immediacy.

On September 10, 2012, the CDE contacted the LEA by phone to request this information and provided a follow up written reminder on November 8, 2012. The LEA has not responded to these requests.
3) **Program and Code:** English Learner, VII-EL 20

**Requirement:** Each English learner receives a program of instruction in English language development in order to develop proficiency in English as rapidly and effectively as possible.

**Summary of non-compliant issue:** A review of documentation at Dyer-Kelly Elementary School, Howe Elementary School, Will Rogers Middle School, Thomas Edison Elementary School and Encina Preparatory High School including class schedules and lesson plans, classroom observations, and interviews with school and district staff revealed that English learner students who are identified at the Intermediate and above CELDT levels are not receiving explicit English language development instruction and are not routinely engaged in academic language in the classroom.

**Description of resolution status:** The district must submit a plan enacting and evaluating instructed English language development that is aligned with professional development to increase pedagogical knowledge to accelerate learning. The district must submit a revised *Master Plan for English Learners*, and provide documentation on the collaboration with the district's English Learner Monitoring and Progress Advisory Council, and English learners staff, on how explicit English language development will be delivered in all domains to each English learner including English learners students at CELDT levels Intermediate and above in accordance with statutory requirements. The documentation must indicate how English language development will be implemented with research based strategies.

On September 10, 2012, the CDE contacted the LEA by phone to request this information and provided a follow up written reminder on November 8, 2012. The LEA did not respond to these requests.

4) **Program and Code:** English Learner, VII-EL 21

**Requirement:** Academic instruction for English learners is designed and implemented to ensure that English learners meet the district’s content and performance standards for their respective grade levels in a reasonable amount of time.

21.1 The LEA has implemented a plan to assist all English learners to achieve at high levels in the core academic subjects so that those children can meet the same challenging state academic content and achievement standards all children are expected to meet.
21.2 The LEA has developed and is implementing a plan for monitoring and overcoming any academic deficits English learners incur while acquiring English. Actions to overcome academic deficits are taken before the deficits become irreparable.

**Summary of non-compliant issue:** Site reviews of Dyer-Kelly Elementary School, Howe Elementary School, Will Rogers Middle School, Thomas Edison Elementary School and Encina Preparatory High School and a review of the documentation, including class schedules, curriculum, student data, Standardized Testing and Reporting Program, Academic Yearly Progress (AYP), AMAO, benchmark assessments and interviews with school and district staff indicate that English learners are not making adequate progress, not meeting academic content standards, reclassification goals, AYP, or the projected annual gains in proficiency levels on the CELDT.

**Description of resolution status:** The district's English learners do not meet performance standards for multiple reporting periods, and frequently multiple years, corrective actions have not occurred with immediacy and formative assessments are not systematic. The district must submit documentation that verifies developing and implementing a course of action for frequent monitoring and intervening of academic progress and how this process will be monitored and supported with professional development for school site staff.

On September 10, 2012, the CDE contacted the LEA by phone to request this information and provided a follow up written reminder on November 8, 2012. The LEA has not responded to these requests.
Local Educational Agency Name: San Ysidro Elementary School District  
County District Code: 3768379  
Year Reviewed: 2010–11  
Number of Days Noncompliant as of November 27, 2012: 614 days

1) **Program and Code:** II-CE 08  
**Requirement:** The SSC must annually develop, review, update, and approve the SPSA, including proposed expenditures and content to address elements of this item.  

**Summary of Noncompliant Issue:** The SPSA for both La Mirada Elementary and San Ysidro Middle School need to be updated for the current year with proposed expenditures based on the funds allocated to the schools according to the district’s 2010–11 ConApp Part II and clearly allocated to the goals and activities of the SPSA.  

**Description of resolution status:** The SPSA re-submitted on November 14, 2012, for each of the schools show the 2011–12 Title I and EIA-SCE allocation, but none of these funds are aligned to the goals and activities in the plans.  

The district has been advised that the plans should be updated annually (both plans are for 2 years) and the SSC approval dates are from April and June of 2011. The documents did not include evidence of local board approval. The plans must be further revised to align funds to goals and activities and are re-submitted with evidence of local board as well as SSC approval.

2) **Program and Code:** Compensatory Education, III-CE 18  
**Requirement:** Districts are required to disburse Title I, Part A and EIA-SCE funds to Title I schools in accordance with the approved Consolidated Application (2010-11 ConApp Part II).  

**Summary of Noncompliant Issue:** The documentation provided did not indicate that the district disburses Title I, Part A and EIA-SCE funds to Title I schools in accordance with the ConApp (2010–11 ConApp Part II) to La Mirada Elementary and San Ysidro Middle School, as reflected in the budget for a current SPSA for each of these schools.  

**Description of resolution status:** Per a conference call on November 5, 2012, the district is advised to provide 2011–12 SPSAs show evidence of the full disbursement of Title I, Part A and EIA-SCE funds allocated to the schools in the district’s certified 2011–12 CARS ConApp.
3) **Program and Code**: Compensatory Education, III-CE 20

**Requirement**: The district must provide the following documentation for personnel paid fully or in part by Title I, Part A, and EIA-SCE funds; 1) List of employees funded with Title I, Part A, and EIA-SCE, 2) Job descriptions and duty statements for these employees, 3) Time accounting records, e.g. semiannual certification, personnel activity reports (PARs).

**Summary of Noncompliant Issue**: The district did not submit a list of employees funded with Title I, Part A and EIA-SCE by percent of full time equivalent or submit a semiannual certification or PARs for the three employees paid with these funds at the two sites visited.

**Description of Resolution Status**: The LEA provided time accounting records e.g. for staff at La Mirada School an Instructional Media Resource Aide paid 100 percent from Title I, Part A. This document meets requirements.

The LEA submitted time accounting records e.g. PAR for staff (administrative clerks) at the San Ysidro Middle School (one paid 18.75 percent and one paid 50 percent from Title I, Part A funds). These documents must be revised for the staff members referred to above to include details of the employees activity daily by hours or report of the total hours or percentage of hours spent in categorical program or cost objective.

4) **Program Code**: English Learner, I-EL 02

**Requirement**: Schools that have 21 or more English Learners are required to have a functioning ELAC that meets legal requirements.

**Summary of Noncompliant Issue**: Interviews with parents and administrators and a review of documentation revealed that San Ysidro Middle school did not establish a functioning ELAC.

**Description of Resolution Status**: The LEA was reminded on February 28, 2012, that to resolve this item they must submit evidence, such as ballots, meeting announcements, minutes, rosters and other documentation verifying that the ELAC at San Ysidro Middle School has been legally constituted, trained on the role of the ELAC in full consultation with committee members and has developed an annual timeline to guide them in fulfilling their legal responsibilities, including advising the SSC on the development of the SPSA and electing one or more representatives to the DELAC. The LEA did not respond to this request or follow up request dated November 20, 2012.
5) **Program Code:** English Learner, II-EL 6

**Requirement:** LEAs operating categorical programs, including Title III, implements and monitors the approved LEA plan.

**Summary of Noncompliance Issue:** The LEA plan was not available for review. Documentation submitted, including the 2008 LEA Addendum, did not meet all requirements.

**Description of Resolution Status:** Documentation submitted on February 28, 2012, including the 2008 LEA Addendum, was not current, and did not meet all requirements above. The LEA did not respond to the follow up request.

6) **Program and Code:** English Learner, II-EL 7

**Requirement:** For all programs funded through the Consolidated Application, including programs for English learners, such as EIA-LEP and Title III and operated at the school, the SSC must annually, develop, review, update, and approve the SPSA, including proposed expenditures.

**Summary of Noncompliant Issue:** A review of the Consolidated Application, the most recent SPSA at La Mirada Elementary (Plan Period 2008–09) and San Ysidro Middle School (available to reviewer in draft format), site fiscal records, and interviews with staff, including SSC members, indicated that each site at the LEA did not have a currently approved SPSA.

**Description of Resolution Status:** As of February 26, 2012, the LEA has not provided evidence that each site has a currently approved SPSA. In addition, the LEA must submit evidence of the development of policies, training activities for SSC members and site leadership to assist SSC members in the development of a current SPSA, along with revised SPSA. Each plan must contain a budget with proposed expenditures of categorical funding providing supplemental support to English learners, aligned to the site allocations located in the Consolidated Application and directly addressing the identified academic needs of English learners at the site.

The LEA did not respond to this request.

7) **Program and Code:** Improving Teacher Quality, I-ITQ 01

**Requirement:** LEA teachers, paraprofessionals, principals, other relevant personnel, and parents have collaborated in the planning of staff development activities and preparation of the LEA plan.
Summary of Noncompliant Issue: The LEA plan was not made available for the reviewer. There was no evidence that the LEA teachers, paraprofessionals, and other relevant personnel and parents have collaborated in the planning of staff development.

Description of Resolution Status: On November 6, 2012, the requested that the LEA provide evidence that its teachers, paraprofessionals, and other relevant personnel, and parents have collaborated in the planning of staff development activities in preparation of the LEA plan. The two page document the LEA uploaded did not meet the requirements of this item. The LEA did not respond further to this request.

8) Program and Code: Improving Teacher Quality, III-ITQ 03

Requirement: For participating private schools, the LEA provides equitable educational services and benefits to address the needs of eligible school students, their teachers, and their families.

Summary of Noncompliance Status: Review of documents and interview with administrators indicated that San Ysidro did not consult with participating private schools on use of Title II – Part A funds.

Description of Resolution Status: As of November 6, 2012, the documents the LEA uploaded continue to not meet requirements. The district must notify private schools about the consultation process and then provide CDE with a written affirmation signed by official of LEA and private school that the required consultation has occurred. The LEA did not respond to this request.
ITEM 20
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 three 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 three direct-funded charter school 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 1,656 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 (2 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>
</tr>
</thead>
<tbody>
<tr>
<td>California Connections Academy @Ripon</td>
<td>39-68650-0125849</td>
<td>None available; opened August 2012</td>
</tr>
<tr>
<td>FAME Public Charter</td>
<td>01-10017-0109835</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Yuba Environmental Science Academy</td>
<td>58-72736-0117242</td>
<td>See Attachment 2</td>
</tr>
</tbody>
</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: FAME Public Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS CODE: 01-10017-0109835</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>Percent At or Above Proficient (78.4%)</th>
<th>Met 2012 AYP Criteria?</th>
<th>Percent At or Above Proficient (79.0%)</th>
<th>Met 2012 AYP Criteria?</th>
<th>2011 Base API</th>
<th>2012 Growth API</th>
<th>Met 2011–12 Growth API Targets***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schoolwide No, met 16 of 26</td>
<td>61.7</td>
<td>No</td>
<td>57.0</td>
<td>Yes (SH)</td>
<td>777</td>
<td>769</td>
<td>Yes</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>46.8</td>
<td>**</td>
<td>49.4</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>75.5</td>
<td>Yes (SH)</td>
<td>71.8</td>
<td>Yes (SH)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td>83.3</td>
<td>**</td>
<td>75.0</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>55.4</td>
<td>Yes (SH)</td>
<td>41.0</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>46.7</td>
<td>**</td>
<td>33.3</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>59.8</td>
<td>No</td>
<td>56.9</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two or More Races</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>50.9</td>
<td>No</td>
<td>50.4</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English Learners</td>
<td>50.5</td>
<td>No</td>
<td>55.1</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>49.2</td>
<td>**</td>
<td>46.7</td>
<td>**</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.

SH = Passed by safe harbor: The school, LEA, or student group met the criteria for safe harbor, which is an alternate method of meeting the AMO if a school, an LEA, or a student group 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

<table>
<thead>
<tr>
<th>LEA Name: Yuba Environmental Science Charter Academy</th>
<th>Met All Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Myet All Adequate Yearly Progress (AYP) Criteria?</td>
<td>Percent At or Above Proficient (78.4%)</td>
<td>Percent At or Above Proficient (79.0%)</td>
<td>Met 2012 AYP Criteria?</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, met 4 of 5</td>
<td>52.8</td>
<td>39.6</td>
<td>No</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Asian</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Filipino</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>--</td>
<td>--</td>
<td>--</td>
<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>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>English Learners</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>**</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.
SH = Passed by safe harbor: The school, LEA, or student group met the criteria for safe harbor, which is an alternate method of meeting the AMO if a school, an LEA, or a student group shows progress in moving students from scoring at the below proficient level to the proficient level.

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) Section 1116(e)(4)(C) 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 that the State Board of Education (SBE) remove SES providers from the approved 2010–12, 2011–13, and/or 2012–14 lists who failed to submit a complete 2011–12 SES Accountability Report, pursuant to the California Code of Regulations, Title 5 (5 CCR) Section 13075.4(a). 5 CCR sections 13075.4(a) and 13075.5(d)(1), (2), and (3)(H) are located on the CDE SES Web document located at www.cde.ca.gov/ta/ac/ti/documents/sesregsnew082011.doc. The list of providers recommended for removal has been provided as Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Federal law requires an SEA to monitor and evaluate approved SES providers in accordance with ESEA, Title I, Part A Section 1116(e)(4)(B). 5 CCR Section 13075.4(a) requires approved SES providers to submit an annual SES Accountability Report to the CDE by the submission deadline. 5 CCR Section 13075.5(d)(3)(H) allows the SBE to terminate an approved provider for failing to provide monitoring and program evaluation information requested by the SBE.

On December 17, 2012, SES providers recommended for removal from the state approved provider list were notified that action will be taken by the SBE on that recommendation at its January 2013 meeting. A copy of the notification of recommendation for removal has been provided as Attachment 2.
Pursuant to 5 CCR Section 13075.5(d)(1) and (2), the SES providers who did not submit or submitted incomplete Accountability Reports by the deadline were given an additional 30 calendar days to submit a complete report. These providers received additional technical assistance from the CDE, and the CDE SES Accountability Report Web page was reopened to allow the submission of the corrected reports by the resubmission deadline of December 5, 2012. A copy of the notification of an extended deadline for resubmission has been provided as Attachment 3.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2011 and January 2012 meetings, the SBE approved 21 Program Improvement (PI) local educational agencies (LEAs) based on an approved waiver of 34 Code of Federal Regulations Section 200.47(b)(1)(iv)(A) and (B) granted for the 2011–12 school year.

At its July 2011 meeting, the SBE approved 75 of 139 applicants to serve as providers from July 1, 2011, through June 30, 2013.

At its May 2011 meeting, the SBE approved 161 providers out of 209 applicants to serve as SES providers from July 1, 2011, through June 30, 2013.

The combined total of SBE-approved providers authorized to provide SES for either the 2009–11 or 2010–12 cycle is currently 253.

At its November 2010 meeting, the SBE removed a total of 39 providers from the 2008–10 or 2009–11 approved provider list for failure to submit their 2009–10 Accountability Report.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: Supplemental Educational Services Providers Recommended for Removal from the 2010–12, 2011–13, and 2012–14 Approved Lists for Failure to Submit the 2011–12 Supplemental Educational Services Accountability Report (2 pages)

Attachment 2: December 17, 2012, Recommendation for Removal from the Approved List of Supplemental Educational Services Providers (1 page)

Attachment 3: November 2, 2012, Supplemental Educational Services Accountability Report Extension (1 page)
**Supplemental Educational Services Providers Recommended for Removal from the 2010–12, 2011–13, and 2012–14 Approved Lists for Failure to Submit the 2011–12 Supplemental Educational Services Accountability Report**

The X indicates each approval period from which the identified provider will be removed if the State Board of Education approves the California Department of Education staff recommendation.

<table>
<thead>
<tr>
<th>Provider Name</th>
<th>Approval Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>! Futuro ! Online</td>
<td>X</td>
</tr>
<tr>
<td># 1 2 3 A+ Score!</td>
<td>X</td>
</tr>
<tr>
<td>1st Class Preparatory Pre-K</td>
<td>X</td>
</tr>
<tr>
<td>Adelante Educational Services, Inc.</td>
<td></td>
</tr>
<tr>
<td>After School Education and Safety (ASES) Santa Maria-Bonita School District</td>
<td>X</td>
</tr>
<tr>
<td>Alpha Tutoring Services, Inc.</td>
<td>X</td>
</tr>
<tr>
<td>Babbage Net School</td>
<td>X</td>
</tr>
<tr>
<td>Banyan Tree Learning Center DBA Banyan Tree Educational Services</td>
<td>X</td>
</tr>
<tr>
<td>Boyer Learning Center</td>
<td>X</td>
</tr>
<tr>
<td>Brainfuse, Inc.</td>
<td>X</td>
</tr>
<tr>
<td>California Reading and Literature Project (CRLP)</td>
<td>X</td>
</tr>
<tr>
<td>Child Development and Enrichment, Inc. DBA The Reading Clinic</td>
<td>X</td>
</tr>
<tr>
<td>Clark Consulting and Training, Inc.</td>
<td>X</td>
</tr>
<tr>
<td>CTOA Services Inc. DBA Mathnasium of Mira Mesa</td>
<td>X</td>
</tr>
<tr>
<td>Dixon Unified School District</td>
<td>X</td>
</tr>
<tr>
<td>EducationAdvantage!, LLC</td>
<td>X</td>
</tr>
<tr>
<td>Entrepreneurial Ventures in Education, Inc. DBA Summer Advantage USA</td>
<td>X</td>
</tr>
<tr>
<td>Fashola Mitchell Education Solutions, Inc.</td>
<td>X</td>
</tr>
<tr>
<td>Hill Ventures, Inc. dba Tutoring Club</td>
<td>X</td>
</tr>
<tr>
<td>JPM Ventures, dba: Sylvan Learning Center in Moreno Valley</td>
<td>X</td>
</tr>
<tr>
<td>JPP Ventures Inc.; Sylvan Learning Center in San Marino</td>
<td>X</td>
</tr>
<tr>
<td>Provider Name</td>
<td>Approval Period</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Karen Thorworth-Pongs; DBA The Learning Curve of Orange County (formerly Angela Dean Educators)</td>
<td>X</td>
</tr>
<tr>
<td>Legacy Charter Schools</td>
<td>X</td>
</tr>
<tr>
<td>Lindamood-Bell Learning Processes</td>
<td>X</td>
</tr>
<tr>
<td>OPOK I d/b/a A+ Grades Up (A wholly owned subsidiary of KnowledgePoints, Inc.)</td>
<td>X</td>
</tr>
<tr>
<td>Say Yes! To Life, Inc. DBA, A Say Yes! To Life Educational Service</td>
<td>X</td>
</tr>
<tr>
<td>Spectrum Solutions LLC DBA Mathnasium of San Clemente</td>
<td>X</td>
</tr>
<tr>
<td>Sylvan Learning Center of the Imperial Valley</td>
<td>X</td>
</tr>
<tr>
<td>VanMorgan Learning Systems, Inc.; dba Corona Norco Tutoring Club</td>
<td>X</td>
</tr>
</tbody>
</table>
December 17, 2012

Dear Supplemental Educational Services Provider:

RECOMMENDATION FOR REMOVAL FROM THE APPROVED LIST OF SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

This letter serves as notification that the California Department of Education (CDE) is recommending your organization to the California State Board of Education (SBE) for removal from the approved list of Supplemental Educational Services (SES) providers.

Our records indicate that you are an SES provider approved in 2010, 2011, or 2012, and you did not submit the (1) required 2011–12 SES Accountability Report by October 1, 2012, or (2) the report submitted by the deadline was incomplete or inaccurate. The Accountability Report is required pursuant to California Code of Regulations, Title 5 (5 CCR), Section 13075.4(a).

Consistent with 5 CCR, Section 13075.5(d)(1), a written notice was provided to you on November 2, 2012, with an additional opportunity for your organization to resubmit your report by December 5, 2012.

As indicated in 5 CCR, Section 13075.5(d)(2), failure to comply with the written notice after 30 calendar days may result in a recommendation to the SBE to remove the organization as an approved provider. The SBE is currently scheduled to take action on the recommendation for removal from CDE at its January 2013 meeting.

If you have any questions regarding this subject, please contact Stephanie Smith, Education Programs Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at ses@cde.ca.gov.

Sincerely,

/s/

Jeff Breshears, Administrator
Title I Policy and Program Guidance Office

JB:ss
November 2, 2012

Dear Supplemental Educational Services Provider:

SUPPLEMENTAL EDUCATIONAL SERVICES ACCOUNTABILITY REPORT EXTENSION

Our records indicate your organization either did not submit the required 2011–12 Supplemental Educational Services (SES) Accountability Report by October 1, 2012, or the report submitted was incomplete or inaccurate. The California Code of Regulations, Title 5 (5 CCR) for SES requires the submission of the annual SES Accountability Report. The regulations stipulate that failure to provide this report may result in the termination of your SES approved provider status.

Pursuant to 5 CCR, Section 13075.5(d)(2), this notice provides you with an additional opportunity for your organization to submit or resubmit a corrected report no later than 5:00 p.m. on December 5, 2012. Failure to submit the report by this deadline will result in the recommendation to the State Board of Education to remove your organization as an approved provider.

Online access to the report is located on the California Department of Education SES Accountability Report Web page at http://www.cde.ca.gov/ta/ac/ti/ap1/logon.aspx. Attached are three documents to assist you in working with an updated version of the online SES report. These documents include the following:

- Summary Checklist identifying information that is lacking (Attachment 1)
- SES Data Reporting Form (Attachment 2)
- Record Layout for Uploading of SES Student Data (Attachment 3)

If you have questions regarding technical assistance, please contact Clifton Davis, Jr., Associate Governmental Program Analyst, Title I Policy and Program Guidance Office, by phone at 916-322-5140 or by e-mail at SES@cde.ca.gov.

If you have any questions regarding this subject, please contact Stephanie Smith, Education Programs Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at SES@cde.ca.gov.

Sincerely,

/s/

Jeff Breshears, Administrator
Title I Policy and Program Guidance Office

JB:ss
Attachments
ITEM 22
SUBJECT

Request by Chula Vista Elementary School District regarding California Education Code sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Chula Vista Elementary School District and South Bay Family Young Men’s Christian Association (YMCA) to enter into leases and agreements relating to real property and buildings to be used jointly by the District and the South Bay Family YMCA.

SUMMARY OF THE ISSUE(S)

California Education Code (EC) 17524(a) specifies the governing board of a school district shall not approve any joint occupancy proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education (SBE) for its approval or disapproval.

Upon receiving approval from the SBE, the district will enter into negotiations with the South Bay Family Young Men’s Christian Association (YMCA) regarding the specific terms of the joint occupancy agreement. The district has indicated that any such agreement will contain restricted district use hours along with a physical barrier from the school facilities, requirements regarding liability insurance, and be in accordance with all legal requirements.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Chula Vista Elementary School District’s proposal to enter into a joint occupancy agreement with South Bay Family YMCA to develop a community recreation facility at Mae L. Feaster Charter School.

BRIEF HISTORY OF KEY ISSUES

California EC Section 17515 allows a school district to enter into a joint occupancy agreement providing certain requirements are met and pursuant to EC Section 17517 the agreement does not exceed 66 years. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property.

Pursuant to EC sections 17521 et seq., the district governing board issued a Request for Proposals (RFP) on June 12, 2012. Only one proposal was received.
The joint occupancy agreement is between the Chula Vista Elementary School District and the South Bay Family YMCA. The proposal includes the development of a gymnasium, child recreation center, outdoor play yard, youth fitness area, teen and family wellness center, multipurpose rooms, 25-yard swimming pool, children’s splash pond, sports pavilion, outdoor courts, and social lounge. The proposed community center will be constructed on 4.32 acres of the Mae L. Feaster Charter School. The facilities and fields will be available for use by students, district employees, and the community.

The district is committed to offering more physical activity opportunities for district employees and students. The athletic fields, wellness center, swimming pool, and fitness area will engage students and community members in exercise, addressing issues of youth obesity and supporting healthy lifestyle choices.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several joint occupancy agreements with the Los Angeles Unified School District and various partners. In March 2012 the SBE approved a joint occupancy agreement with the San Diego Unified School District and the Peninsula YMCA and in May 2012 a joint occupancy agreement between Napa Valley Unified School District and Napa Valley College was approved.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no state fiscal impact.

ATTACHMENT(S)

Attachment 1: Proposal for Joint Occupancy between Chula Vista Elementary School District and the South Bay Family YMCA for Recreation Facilities and a Community Center at Mae L. Feaster Charter School. (4 pages)

Attachment 2: Joint Occupancy Lease and Development Agreement (37 pages)

Attachment 3: Joint Occupancy Lease and Development Agreement Operational Provisions (4 pages)
This PDF is the official version of Item 22 Attachment 1 - YMCA Joint Occupancy Proposal to the Chula Vista Elementary School District, from the California State Board of Education (SBE) Meeting Agenda, January 16, 2013. The Accessible Alternative Version (AAV) of this document is available at http://www.cde.ca.gov/be/ag/yr13/jan13item22a1aav.asp.
September 10, 2012

Dr. Francisco Escobedo  
Superintendent  
Chula Vista Elementary School District  
84 East J Street  
Chula Vista, CA 91910

Dear Dr. Escobedo:

On behalf of the YMCA of San Diego County-South Bay Family YMCA, please accept the attached proposal for the use of property located at Feaster Charter Elementary School, 670 Flower Street, Chula Vista, CA 91910.

The YMCA proposes to develop the property with a YMCA facility and programs which focus on Youth Development, Healthy Living and Social Responsibility. The impact of the Y facility and programs will strengthen the foundations of the community surrounding the existing school.

We look forward to hearing from you soon.

Sincerely,

Tina Williams  
Executive Director
1. Landlord: Chula Vista Elementary School District

2. Tenant: YMCA of San Diego County, a California non-profit public benefit corporation.


4. Use: The YMCA proposes to construct the following improvements and related amenities for the purpose of providing recreational, educational and social programs and services intended to benefit the District and Community and for any other uses needed in the community, typically provided by the tenant and acceptable to the landlord. (See attached draft site plan)

   30,000-40,000 square foot facility which will include the following major components:
   - Administration, Lobby and Social Areas
   - Locker/Shower Facilities
   - Gymnasium
   - Child Recreation Center and Outdoor Play Yard and Youth Fitness Area
   - Teen and Family Wellness Center and Multi-purpose Rooms
   - 6-8 Lane Swimming Pool and Children’s Splash Pad
   - Covered Soccer/Sports Pavilion
   - Outdoor Courts
   - Landscaping and Parking

5. Lease Term: Thirty (30) Calendar years with an option to extend for an additional Thirty (30) years.

6. Rent: Tenant shall pay Landlord as “rent” the amount of $1.00 payable on an annual basis on each anniversary of the effective date.

7. Funding: The proposed project received a grant in the amount of $4,994,700 from the State of California, Department of Parks & Recreation, Statewide Park Program – Proposition 84. Additional funding will be required to complete the entire project. The YMCA will conduct a Capital Campaign to raise sufficient additional funds to complete the project.
South Bay Family YMCA
1201 Paseo Magda
Chula Vista CA, 91910

Oscar Esquivel
Chula Vista Elementary
School District
84 East J Street
Chula Vista, CA 91910
AAV of Item 22 Attachment 1

Accessible Alternative Version (AAV) of Item 22 Attachment 1 for the January 2013 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 22 Attachment 1 - YMCA Joint Occupancy Proposal to the Chula Vista Elementary School District from the State Board of Education (SBE) Meeting Agenda, January 16, 2013. The scanned Item 22 Attachment 1 (PDF) version is considered to be the official version of the document.

saftib-sftsd-jan13item01a01
Attachment 1

The Y
For Youth Development
For Healthy Living
For Social Responsibility

September 10, 2012

Dr. Francisco Escobedo
Superintendent
Chula Vista Elementary School District
84 east J Street
Chula Vista, CA 91910

Dear Dr. Escobedo:

On behalf of the YMCA (Young Men’s Christian Association) of San Diego County-South Bay Family YMCA, please accept the attached proposal for the use of property located at Feaster Charter Elementary School, 670 Flower Street, Chula Vista, CA 91910.

The YMCA proposes to develop the property with a YMCA facility and programs which focus on Youth Development, Healthy Living and Social Responsibility. The impact of the Y facility and programs will strengthen the foundations of the community surrounding the existing school.

We look forward to hearing from you soon.

Sincerely,

Tina Williams
Executive Director

Proposal for Ground Lease

670 Flower Street
Chula Vista, CA 91910

1. Landlord: Chula Vista Elementary School District
2. Tenant: YMCA of San Diego County, a California non-profit public benefit corporation.
4. Use: The YMCA proposes to construct the following improvements and related amenities for the purpose of providing recreational, educational, and social programs and services intended to benefit the District and Community and for any other uses needed in the community, typically provided by the tenant and acceptable to the landlord. (See attached draft site plan.)
30,000-40,000 square foot facility which will include the following major components:

- Administration, lobby and social areas
- Locker/shower facilities
- Gymnasium
- Child recreation center and outdoor play yard and youth fitness area
- Teen and family wellness center and multi-purpose rooms
- Six to eight lane swimming pool and children’s splash pool
- Covered soccer/sports pavilion
- Outdoor courts
- Landscaping and parking

5. Lease Term: Thirty (30) calendar years with an option to extend for an additional thirty (30) years.

6. Rent: Tenant shall pay landlord as “rent” the amount of $1.00 payable on an annual basis on each anniversary of the effective date.

7. Funding: The proposed project received a grant in the amount of $4,994,700 from the State of California, Department of Parks and Recreation, Statewide park program – Proposition 84. Additional funding will be required to complete the entire project. The YMCA will conduct a Capital Campaign to raise sufficient additional funds to complete the project.

(A map of the preliminary site plan is included in the original PDF version of the YMCA Joint Occupancy Proposal to the Chula Vista Elementary School District letter.)

The Y
South Bay Family YMCA
1201 Paseo Magda
Chula Vista, CA 91910

Oscar Esquivel
Chula Vista Elementary School District
84 East J Street
Chula Vista, CA 91910

South Bay Family YMCA
1201 Paseo Magda, Chula Vista, CA 91910
Phone Number: 619-421-9622
Fax Number: 619-421-8012
Web Site: [South Bay Family YMCA, San Diego County](http://www.southbay.ymca.org)

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

Last Reviewed: Friday, January 04, 2013
JOINT OCCUPANCY LEASE AND DEVELOPMENT AGREEMENT

This JOINT OCCUPANCY LEASE AND DEVELOPMENT AGREEMENT (this “Lease”) is made as of ________________ (“Effective Date”) by and between the CHULA VISTA ELEMENTARY SCHOOL DISTRICT, a school district organized and existing pursuant to the California Education Code (“Landlord” and, sometimes referred to herein as, “District”), and YMCA OF SAN DIEGO COUNTY, a California non-profit public benefit corporation (“Tenant”) with respect to the following facts:

I. Recitals.

A. Landlord, a California school district, is the owner of that certain real property located at 670 Flower Street, Chula Vista, California 91910, commonly known as the Feaster Charter School.

B. California Education Code Section 17515 et seq. authorizes school districts to enter into joint occupancy leases and agreements with private persons, firms or corporations for the purpose of jointly occupying real property upon terms and conditions as the parties thereto may agree.

C. The governing board of a school district may let real property that belongs to the district if the instrument by which the property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the joint use of the school district and the lessee during the term of the agreement.

D. On June 12, 2012, Landlord’s Governing Board (“Board”) adopted resolution number 2011-12.109, Resolution of Intent to Lease Real Property for Joint Use of a Community Recreation Facility at Mae L. Feaster Elementary School. Notice of adoption of the resolution and the time and place of holding the public hearing was made by publishing the resolution once a week for three weeks in The Star News.

E. On September 12, 2012, at a public hearing of the Board received and accepted a single proposal for the development and lease of a portion of Landlord’s property at the Mae L. Feaster Charter School property for joint use of a state-of-the-art community recreation facility by Landlord and Tenant.

F. Pursuant to the foregoing Landlord intends to lease a portion of the Mae L. Feaster Elementary School Property for development a state of the art recreation facility for joint use. The leased property is depicted and more particularly described on Exhibit A, attached hereto and incorporated herein by this reference (the “Premises”), to Tenant.
G. Tenant shall construct, develop and open the state-of-the-art community recreation facility on the Premises for joint use with Landlord. Tenant shall offer the Programs (as defined below) and services more particularly described in this Lease (collectively, the "Project"), all pursuant to the terms and conditions set forth herein.

II. Agreement.

NOW, THEREFORE, in consideration of the terms and conditions of this Lease, Landlord and Tenant agree as follows:

1. LEASE OF THE PROPERTY.

Landlord, for and in consideration of the rents, covenants, and agreements hereinafter reserved and contained on the part of Tenant to be paid, kept, performed and observed by Tenant, hereby leases to Tenant, and Tenant hereby hires and leases from Landlord the Premises.

2. LEASE TERM AND TERMINATION.

2.1 Initial Term. Subject to the terms and conditions of this Lease, Tenant hereby leases the Premises from Landlord and Landlord hereby leases the Premises to Tenant for an initial term (the "Initial Term") commencing on the Effective Date and ending on the calendar date that is Thirty (30) calendar years later, unless sooner terminated as provided for herein.

2.2 Optional Term. At the end of the Initial Term, Tenant is granted the option to extend this Lease for an additional Thirty (30) calendar years (the "Optional Term") provided that the following conditions are met: (i) Tenant has completed the Improvements (as defined below) in a timely manner to the satisfaction of Landlord; (ii) Tenant is in actual occupancy of the Premises and is maintaining and operating the Improvements in accordance with the terms hereof to the satisfaction of Landlord; (iii) Tenant has timely paid all loan payments, rent and other financial obligations, as they become due, during the Initial Term; and (iv) Tenant is not in default of any of the terms, covenants and conditions of this Lease.

2.3 Termination. This Lease may be terminated as follows:

a. By Landlord, upon 90 days written notice to Tenant, in the event that the Premises becomes subject to any law or regulation that prohibits, or make impracticable, the continued operation of the Improvements in the manner contemplated hereunder.

b. By Landlord, upon thirty (30) days written notice to Tenant in the event of a Default (which in the sole discretion of District constitutes
a material default) and subsequent failure to cure in any manner provided hereunder, or, if not otherwise provided, failure to cure with in thirty (30) days of notice from Landlord of the conditions resulting in the default.

c. It is understood and agreed that, upon termination of this Lease, for any reason, Tenant shall surrender the Premises and Improvements to Landlord in substantially their condition on the date construction is complete and the Improvements are accepted; reasonable wear and tear and any other conditions acceptable to Landlord are exempted. If, however, the termination is due to a Default involving failure to maintain the Improvements and the Improvements have deteriorated so as to, in Landlord's sole discretion, be unfit for the purpose for which they are being constructed, Landlord may decide to repair or demolish the Improvements and Tenant shall be solely responsible and agrees to reimburse Landlord for any and all costs incurred by Landlord in connection therewith.

3. THE IMPROVEMENTS AND PROJECT.

3.1 Construction of Improvements. Tenant shall, at its sole cost and expense, cause the construction of the following improvements, facilities and related amenities (the "Improvements") on or prior to the Completion Date (as defined below):

<table>
<thead>
<tr>
<th>Brief Description</th>
<th>Approximate Area (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration, Lobby and Social Lounge</td>
<td>7,596</td>
</tr>
<tr>
<td>Locker/Shower Room</td>
<td>3,157</td>
</tr>
<tr>
<td>Gymnasium</td>
<td>7,344</td>
</tr>
<tr>
<td>Child Recreation Center &amp; Outdoor Play Yard/Youth Fitness Area</td>
<td>7,785</td>
</tr>
<tr>
<td>Teen &amp; Family Wellness Center &amp; Multi-Purpose Rooms</td>
<td>11,275</td>
</tr>
<tr>
<td>6 Lane 25 yard Pool &amp; Children’s Splash Pond</td>
<td>32,960</td>
</tr>
<tr>
<td>Synthetic Surface Soccer/Sports Pavilion</td>
<td>32,578</td>
</tr>
<tr>
<td>Outdoor Courts</td>
<td>26,648</td>
</tr>
<tr>
<td><strong>SUBTOTAL:</strong></td>
<td><strong>129,343</strong></td>
</tr>
</tbody>
</table>

Landscaping As Needed
Parking As Needed

3.2 Design and Construction. Prior to commencing any construction work in connection with the Improvements, Tenant shall, at a minimum, do the following: (i) engage the services of a licensed architect and any other
needed design consultant; (ii) obtain all permits required by law in connection with the construction of the Improvements; (iii) obtain all required approvals for the preliminary and final design schematics, plans and specifications, including, but not limited to Landlord, the YMCA national and state headquarters, as applicable, the California Department of Education ("CDE"), the Division of the State Architect ("DSA") and any other applicable approvals from any governmental agencies or other institutions or entities having jurisdiction over the construction and operation of the Premises and/or the Improvements; (iv) engage a licensed contractor to construct the Improvements; (v) obtain the approval of the Board of Trustees of the District in connection with the final design and exterior colors; and (vi) provide Copies to Landlord of all final approvals.

a. Tenant shall construct, or cause to be constructed, the Improvements in accordance with all applicable laws and in a form satisfactory to Landlord. At all times during construction and inspections of the Premises conducted in connection with this Lease, a physical barrier, and visual screening satisfactory to the District, must be in place to prevent access to the site by non-construction personnel, specially students, and to prevent or minimize contact between the contractors, subcontractors or agents of Tenant and District students. It shall be Tenant's responsibility to comply with the fingerprinting provisions of the Education Code, in accordance with the provisions of the Operational Provisions defined below, and to ensure that all agents, contractors, subcontractors or any other persons entering the Premises in connection with the construction or design of the Improvements comply with such fingerprinting requirements, to the extent applicable.

b. At all times during construction, and until final acceptance of the Improvement, Tenant shall provide the District with up to date contact information for the Inspector of Record, required by DSA and retained by Tenant in connection with the construction of the Improvements.

3.3 Completion Date. The Improvements, in substantially the form of the design drawings and specifications derived from the conceptual site and floor plans of which are attached hereto as Exhibits B-1 and B-2, as approved by the District prior to the commencement of construction, shall be completed, ready for occupancy and operational on or prior to __________ (the "Completion Date"), as such timing is more particularly set forth in the Schedule of Performance attached hereto as Exhibit C (the "Schedule of Performance"). Tenant shall not unreasonably
postpone construction of the Improvements contemplated herein. The Improvements shall be designed with reasonable and customary care the purpose for which they are being built and shall comply with all zoning and general plan requirements applicable to the Premises, as modified by Tenant's Conditional Use Permit. On or prior to the date that is sixty (60) calendar days from the Completion Date, Tenant shall provide copies of the final “as-built” drawings to the District.

3.4 **Compliance with Applicable Laws.** The Tenant shall construct or cause to be constructed the Improvements, and all associated public infrastructure facilities and amenities required by the City of Chula Vista (the "City") pursuant to its conditions of approval, if any, and all parking areas and landscaping, in accordance with and within the limitations established in this Lease and as required by the City. In connection with the construction, alteration or any required repairs, the Tenant shall also comply with the requirements of the CDE, the Field Act, commencing with section 17280 of the Education Code, as amended from time to time (the "Field Act"), Title 24 of the California Code of Regulations, the Americans with Disabilities Act, commencing with section 12101 of volume 42 of the United States Code, as amended from time to time the ("ADA"), the local fire department, the City's Municipal Code, the Area Redevelopment Plan, if any, all applicable federal, state and local laws, rules and regulations and any applicable mitigation measures adopted pursuant to the California Environmental Quality Act ("CEQA") and all other applicable laws, rules or regulations.

3.5 **Cost of Construction.** The cost of constructing all Improvements, and all public infrastructure facilities relating to the Project or required by Landlord, the City, OSA, CDE, CEQA, YMCA of the USA or any other federal, state or local unit of government having jurisdiction over, or providing services to, the Project shall be borne solely by the Tenant.

3.6 **Construction Period.** Anything to the contrary herein contained notwithstanding, Tenant shall complete all construction on the main facility within Eighteen (18) months of the commencement thereof (the "Construction Period"). The commencement of construction shall be the date provided in the Schedule of Performance or before, as evidenced by notice to proceed to any contractor or subcontractor, and can only be changed or amended by the written mutual agreement of the parties and any revisions shall only become effective after both the District and Tenant have agreed to the change. Until such an amendment is approved, the previously approved Schedule of Performance shall continue to govern the obligations of the parties.

3.7

Tentative Joint Occupancy Lease and Development Agreement – Chula Vista Elementary School District – YMCA of San Diego
3.8 **Progress of Construction.** During the Construction Period, the Tenant shall submit to Landlord monthly written reports of the progress to date of the construction. The reports shall be in the same form and in the same detail as are normally prepared for internal reports of the Tenant or for reports from the Tenant's general contractor to the Tenant. The reports shall be in such form and detail as to reasonably inform Landlord of the status of construction to the date of each report, and shall include a reasonable number of photographs (if so requested by Landlord) taken since the date of the immediately previous report submitted by the Tenant to Landlord.

3.9 **Notice of Construction Meetings.** Tenant shall give reasonable notice to Landlord of the date, time and place of each construction-related meeting. Landlord may choose to attend any such meeting at its sole discretion.

3.10 **Final Acceptance of Improvements.** Prior to Tenant's final acceptance of the Improvements, Tenant shall obtain all appropriate certificates and warranties and shall conduct all necessary inspections. Tenant shall provide copies of all such certificates, including a certificate certifying that no materials containing lead or asbestos have been specified, used or installed on the Improvements, to the District.

4. **USE OF THE PREMISES AND IMPROVEMENTS AND OPERATIONAL PROVISIONS.**

4.1 **Use of the Premises.** Tenant covenants and agrees for itself, its successors and assigns, that during the Term, unless otherwise consented to by Landlord in writing, the Premises shall be devoted to and used for the construction and development of the Improvements and the operation of the Programs as further set forth herein.

4.2 **Purpose and Use of the Improvements.** The Improvements shall be used primarily for recreational, educational and social programs and services intended to benefit the District and the community, including but not limited to those described in Exhibit D, and for any other uses needed in the community, typically provided by Tenant, appropriate for the Improvements constructed and acceptable to Landlord (collectively, the "Programs"). Landlord reserves the right to, on an annual basis, on or prior to the anniversary date of the Effective Date of this Lease, review and comment upon and/or veto any of the programs being provided or made available to the community by Tenant; provided that the District will only veto any programs not in compliance with District policies or procedures or that materially interfere with the educational functions and operations of the District and/or the Feaster Charter School.
4.3 **District Use.** District and Tenant agree that District shall be allowed to make use of the Premises and the Improvements in the following manner:

a. **Exclusive Use of Certain Improvements.** Students of the District's Feaster Charter School, and any other students or employees designated by District and approved by Tenant, shall have sole and exclusive use of certain Improvements on the days and times set forth in Exhibit E, as from time to time modified or amended by District and Tenant. There shall be no charge or fees for such use, except for agreed upon lifeguard and supervisory costs, if any, and clean-up and damage costs, if District fails to clean-up and/or repair any damage caused by such users in the manner provided for herein. Exhibit E may be amended at any time by the mutual agreement of the parties, which agreement shall be so evidenced by the signature of an authorized representative of each party on a revised version of Exhibit E, which shall be effective as of the date thereof. Any such exhibit shall govern the District's "Exclusive Use" from its date forward, until amended by the parties, but shall have no other effect on the contents and validity of this Lease.

b. **Reserved Use.** In addition to the Exclusive Use reserved to the District above, the District and Tenant may agree on dates and times for District students and/or employees designated by District and agreed to by Tenant to reserve the use of the facilities during hours of non-operation by the YMCA at the charge and upon the conditions agreed upon by Tenant and District.

c. **Shared Use.** District's staff, students and invitees may use the Improvements and/or participate in YMCA Programs at rates, including flat rates and/or group rates, and pursuant to any conditions agreed upon by District and Tenant.

d. **Other Use.** Nothing in this Agreement shall be construed to prohibit or prevent the use of the Premises or Improvements by District's students, staff, volunteers, employees, agents or invitees in the manner, at the fees and on the conditions normally applicable to any person in the community.

4.4 **Physical Barrier.** Once completed, the Improvements and Premises shall be accessible to the District from the Feaster Charter School Property, but shall be separated with a physical barrier from the school facilities located at the Feaster Charter School Property. The barrier can be a chain-link fence to match existing fence and access can be through a gate that should remain locked at all times. Only the Principal or designee of the Principal, of the school and the manager assigned by Tenant to supervise
the operations at the Improvements shall have keys to said lock. The keys shall be accounted for at all times and shall only be used on the dates and times scheduled by mutual agreement of the parties for District use of the Improvements.

4.5 **Operational Provisions.** The Tenant’s use and operation of the Improvements and the Premises shall also be subject to the District’s laws and regulations governing the use and operation of District property. Certain operational provisions for Tenant are set forth in **Exhibit F.** The operational provisions constitute obligations of Tenant additional to all other obligations set forth in this Lease. If a conflict arises in connection with any operational guideline and any obligation set forth in this Lease, Tenant shall inform District and District shall determine, at its sole discretion, which obligations Tenant must fulfill. Exhibit F may be amended at any time by the mutual agreement of the parties hereto, which agreement shall be evidenced by the signature of an authorized representative of each party on a revised version of Exhibit F. Any such amendment shall be effective as of the date thereof and shall replace the then current version of Exhibit F, but shall have no other effect on the content and validity of this Lease.

4.6 **Only Lawful Uses Permitted.** Tenant shall not use the Feaster Charter School Property, Premises or Improvements for any purpose that is in violation of any law, ordinance or regulation of any federal, state, county or local governmental body or entity. Furthermore, Tenant shall not maintain or commit any nuisance, as now or hereafter defined by any applicable statutory or decisional law, on the Property, Premises or Improvements, or any part thereof.

5. **RENT.**

5.1 **Net Lease.** Except as otherwise provided in this Lease, it is the intent of the parties hereto that the rent paid by Tenant to Landlord pursuant to this Lease shall be absolutely net to Landlord and that Tenant shall pay all costs, taxes, charges, and expenses of every kind and nature against the Premises and the Improvements which may arise or become due during the Term.

5.2 **Rent.** During the Initial Term of this Lease, Tenant shall pay to Landlord as rent (“Rent”) the amount of one dollar ($1.00), payable on an annual basis no later than the Effective Date and on each anniversary of the Effective Date thereafter. During the Optional Term, Tenant shall pay to Landlord as Rent the amount of one dollar ($1.00) or as adjusted by Landlord and Tenant.
5.3 **Payment of Rent.** All Rent that becomes due and payable pursuant to this Lease shall be paid to Landlord at the address of Landlord listed in Section 24.7 or such other place as Landlord may from time to time designate by written notice to the Tenant without notice or demand, and without set off, counterclaim, abatement, deferment, suspension or deduction. The term “rent” or “Rent” shall include all payments under this Lease, including, without limitation, any additional rent, fees, charges, taxes, utility costs or expenses which may be due and payable to Landlord under the terms of this Lease.

6. **UTILITIES AND TAXES.**

6.1 **Utilities.** Tenant shall pay or cause to be paid, all charges for gas, electricity, water, garbage collection, telephone, internet, cable television, and any other services or utilities furnished to the Premises in connection with the Improvements and/or Programs and/or any use thereof. To the extent any sewer use charges, tap-in fees, capacity fees, permit fees, hookup or similar charges or assessments for utilities concerning the Premises or the Improvements are levied against the Feaster Charter School Property during the Term, Tenant agrees to compensate Landlord for such charges promptly upon request. Tenant shall provide for separate utility connections for all utilities used on the Premises, to the extent required by law or the service provider.

6.2 **Real Estate Taxes.**

a. As used herein, the term “real estate taxes” shall mean all real estate or real property taxes, possessory interest taxes, assessments for the Improvements or the Premises, municipal or county water and sewer fees, assessments, rates and charges, or any other assessments or taxes, which shall be levied against, or in connection with, the Premises.

b. Tenant shall have the right to contest the amount or validity of any real estate or real property taxes, in whole or in part, by appropriate administrative and legal proceedings, without any costs or expense to Landlord, and Tenant may postpone payment of any such contested real estate or real property taxes pending the prosecution of such proceedings and any appeals so long as such proceedings shall operate to prevent the collection of such real estate taxes and the sale of the Premises and any Improvements to satisfy any lien arising out of the nonpayment of the same, and Tenant furnishes a bond to Landlord in an amount acceptable to Landlord securing the payment of the same in the event a decision in such contest shall be adverse to Tenant.
6.3 **Personal Property.** Tenant covenants and agrees to pay before delinquency all personal property taxes, assessments and liens of every kind and nature upon all personal property as may be from time to time situated within the Premises or the Improvements.

6.4 **Possessory Interest.** Pursuant to the provisions of the California Revenue and Taxation Code, Landlord hereby provides notice to Tenant that Tenant's leasehold interest created by this Lease may result in a possessory interest tax being levied against Tenant, and that in such event Tenant shall be obligated to pay such tax.

If, pursuant to the California Revenue and Taxation Code, the Premises and/or Improvements are required to be assessed and taxed in the same manner as privately owned property, Tenant shall pay or cause to be paid before any fine, penalty, interest or cost may be added thereto for the nonpayment thereof, all real estate taxes which may be levied against any and all interests in the Premises and any Improvements during the Term, and not merely the assessed value of the leasehold interest in the Premises; provided, however, that Tenant may apply for any applicable exemption from the payment of property taxes and assessments.

7. **OWNERSHIP OF IMPROVEMENTS, FIXTURES AND FURNISHINGS.**

7.1 **Ownership During Term.** All Improvements constructed on the Premises by Tenant, as permitted by this Lease, shall, during the Term, be and remain the property of Tenant; provided, however, that: (i) Tenant shall have no right to waste the Improvements, or to destroy, demolish or remove any Improvements except as otherwise permitted pursuant to this Lease or approved by Landlord pursuant to a written amendment to this Lease; and, (ii) Tenant's rights and powers with respect to the Improvements are subject to the terms and limitations of this Lease.

7.2 **Ownership at Termination.** Upon termination of this Lease for any reason whatsoever, title to all Improvements, fixtures and furnishings on the Premises and/or any other portion of the Feaster Charter School Property shall, without compensation to Tenant, automatically vest in Landlord free and clear of all liens, encumbrances, and claims to or against them by Tenant or any third person, firm, or entity, including but not limited to any mortgagee or lender. Tenant agrees to execute a quitclaim deed and go all things necessary to transfer clean title to the Premises and Improvements to Landlord. Tenant shall transfer the Premises and Improvements in good, clean, and safe working condition to the District.
8. INDEMNIFICATION: FAITHFUL PERFORMANCE.

8.1 Tenant shall not suffer or permit any liens to be enforced against the fee simple estate in reversion of Landlord as to the Premises and the Improvements, nor against Tenant's leasehold interest, for any reason, including but not limited to by reason of work, labor, services, or materials supplied or claimed to have been supplied to Tenant or anyone holding the Premises, or any part thereof, through or under Tenant. Tenant agrees to defend, indemnify, and hold Landlord and City and their respective trustees, officers, officials, employees, agents, and representatives, harmless against such liens, claims, or actions, including attorney's fees and costs. If any such lien shall at any time be filed against the Feaster Charter School Property, Premises and/or Improvements, Tenant shall, within thirty (30) days after notice to Tenant of the filing thereof, cause the same to be discharged of record; provided, however, that Tenant shall have the right to contest the amount or validity, in whole or in part, of any such lien by appropriate proceedings but in such event, Tenant shall notify Landlord and promptly bond such lien in the manner authorized by law with a responsible surety company qualified to do business in the State of California or provide other security acceptable to Landlord. Tenant shall prosecute such proceedings with due diligence.

8.2 Nothing in this Lease shall be deemed to be, nor shall be construed in any way to constitute, the consent or request of Landlord, express or implied, by inference or otherwise, to any person, firm or corporation for the performance of any labor or the furnishing of any materials for any construction, rebuilding, alteration or repair of or to the Improvements, or any part thereof.

8.3 Prior to commencement of construction of the Improvements, or any repair or alteration thereto (other than emergency repair or alteration), Tenant shall give Landlord not less than thirty (30) days advance notice in writing of intention to begin said activity in order that nonresponsibility notices may be posted and recorded as provided by state and local laws. It is agreed that Tenant may provide reasonable notice of not less than twenty-four (24) hours in case of an emergency repair or alteration.

9. [RESERVED]

10. MAINTENANCE AND REPAIR; CAPITAL REPLACEMENT RESERVE.

10.1 Maintenance and Repair. Landlord places prime importance on quality maintenance to ensure the safety and well-being of its students, staff, visitors and volunteers at the Feaster Charter School and any other person using the Improvements and/or participating in any Programs.
Except as otherwise provided in this Lease, Tenant assumes full responsibility for the construction, operation and maintenance of the Improvements, without any expense to Landlord, and agrees to perform all repairs and replacements necessary to maintain and preserve the Improvements and the Premises in a clean and safe condition reasonably satisfactory to Landlord and in compliance with all applicable laws. Normal wear and tear of the Improvements will be acceptable to Landlord assuming Tenant regularly constructs and performs all necessary repairs to maintain the Improvements in first-class condition, similar to their condition on the date the Improvements are accepted from the contractor. In addition, Tenant shall keep the Premises and the Improvements free from all graffiti and any accumulation of debris or waste material.

10.2 Tenant hereby waives all rights to make repairs or to cause any work to be performed at the expense of Landlord as provided for in Section 1941 and 1942 of the California Civil Code.

10.3 Notwithstanding the foregoing, in the event Tenant breaches any of the covenants contained in this Article 10 and such default continues for a period of two (2) days after written notice from Landlord (with respect to graffiti, debris, waste material), ten (10) days after written notice from Landlord with respect to general maintenance, thirty (30) days after written notice from Landlord (with respect to landscaping and building improvement work estimated at 55,000 or less “minor work”), or sixty (60) days after written notice from Landlord (with respect to landscaping and building improvement work estimated at over 55,000 “major work”) then Landlord, in addition to whatever other remedy it may have at law or inequity, shall have the right to enter upon the Premises and perform or cause to be performed all such acts and work necessary to cure the default. Pursuant to such right of entry, Landlord shall be permitted (but is not required) to enter upon the Premises to perform all acts and work necessary to protect, maintain, and preserve the Improvements, including any minor work or major work required. All costs incurred by Landlord in connection with the performance of said works of maintenance and/or repair plus a twenty percent (20%) administrative charge, shall be paid by Tenant within thirty (30) days of receipt of an invoice from Landlord. Payment of such invoice by Tenant shall not come from or reduce any rent or other monies due Landlord pursuant to this Lease or any other instrument or agreement between Landlord and Tenant.

10.4 The following standards shall be complied with by Tenant, its contractors, its maintenance staff and maintenance contractors, as applicable:

a. Tenant shall maintain the Improvements, including all common areas, all interior and exterior facades, and all exterior areas of all
buildings, in a safe and sanitary fashion suitable for their intended purpose. Tenant shall be responsible for all utility services, administrative services, supplies, contract services, maintenance, maintenance reserves, and management for the Premises including interior spaces, common area spaces and public rights-of-way for the Improvements.

b. Landscape maintenance shall include, but not be limited to: watering/irrigation; fertilization; mowing, edging, and trimming of grass; tree and shrub pruning; trimming and shaping of trees and shrubs to maintain a healthy, natural appearance and safe road conditions and visibility, and optimum irrigation coverage; replacement, as needed, of all plant materials; control of weeds in all planters, shrubs, lawns, ground covers, or other planted areas; and staking for support of trees.

c. Clean-up maintenance shall include, but not be limited to: maintenance of all private paths, parking areas, driveways and other paved areas in clean and weed-free condition; maintenance of all such areas clear of dirt, mud, trash, debris or other matter which is unsafe or unsightly; and removal of all trash, litter and other debris from all areas maintained prior to the end of the day in which the maintenance operations are performed to ensure that all cuttings, weeds, leaves and other debris are properly disposed of.

d. The Improvements shall be constructed, repaired and maintained in conformance and in compliance with the approved construction and architectural plans and design scheme, as the same may be amended from time to time with the approval of Landlord (and the City, if such approval is required).

e. All construction repair and maintenance work shall conform to all applicable federal and state Occupation Safety and Health Act standards and regulations.

f. Any and all chemicals, unhealthful substances, and pesticides used in and during construction, repair and maintenance shall be applied only by persons possessing valid California applicator licenses, and in strict accordance with all governing regulations. Precautionary measures shall be employed recognizing that all areas are open to public access.

g. Parking lots, lighting fixtures, trash enclosures, and all areas on the Premises which can be seen from the adjacent streets shall be kept free from any accumulation of debris or waste materials by
regularly scheduled maintenance.

11. ENVIRONMENTAL MATTERS.

11.1 Definitions. For the purposes of this Lease, unless the context otherwise specifies or requires, the following terms shall have the meanings herein specified:

a. The term “Hazardous Materials” shall mean any substance, material, or waste which is or becomes regulated by any local governmental authority, the County of San Diego, the State of California, regional governmental authority or the United States Government, including, but not limited to, any material or substance which is (i) defined as a “hazardous waste,” “extremely hazardous waste,” or “restricted hazardous waste” under Section 25115, 25117 or 25122.7, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law), (ii) defined as a “hazardous substance” under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act), (iii) defined as a “hazardous material,” “hazardous substance,” or “hazardous waste” under Section 25501 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory), (iv) defined as a “hazardous substance” under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances), (v) petroleum, (vi) friable asbestos, (vii) polychlorinated byphenyls, (viii) listed under Article 9 or defined as “hazardous” or “extremely hazardous” pursuant to Article II of Title 22 of the California Administrative Code, (ix) designated as “hazardous substances” pursuant to Section 311 of the Clean Water Act (33 U.S.C. ' 13-17), (x) defined as a “hazardous waste” pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. ' 6901 et seq. (42 U.S.C. 6903) or (xi) defined as “hazardous substances” pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq.

b. The term “Hazardous Materials Contamination” shall mean the contamination (whether presently existing or hereafter occurring) of the Improvements, facilities, soil, groundwater, air or other elements on, in or of the Feaster Charter School Property or the Premises by Hazardous Materials, or the contamination of the buildings, facilities, soil, groundwater, air or other elements on, in or of the Feaster Charter School Property or the Premises by Hazardous Materials.
of any other property as a result of Hazardous Materials at any time (whether before or after the Date of Lease) emanating from the Premises.

c. The term "Governmental Requirements" shall mean all past, present and future laws, ordinances, statutes, codes, rules, regulations, orders and decrees of the United States, the state, the county, the city, or any other political subdivision in which the Premises are located, and any other state, county city, political subdivision, Landlord, instrumentality or other entity exercising jurisdiction over Landlord, Tenant or the Premises.

11.2 **Tenant's Environmental Indemnity.** Tenant shall save, protect, defend, indemnify and hold harmless Landlord, its, trustees, officers, officials, employees, volunteers, assigns, successors in interest and agents from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, penalties, fines and monetary sanctions), losses, costs or expenses (including, without limitation, consultants' fees, investigation fees, reasonable attorney's fees and costs and remedial and response costs) (the foregoing are collectively referred to as "Liabilities" in this paragraph) which may now or in the future be incurred or suffered by Landlord and its, trustees, officers, officials, employees, or agents by reason of, resulting from, in connection with, or existing in any manner whatsoever as a direct or indirect result of (1) Tenant's use, generation, discharge, emission or release from the Premises of any Hazardous Materials or Hazardous Materials Contamination prior to or after the commencement of this Lease, including any Liabilities incurred under any Governmental Requirements relating to such Hazardous Materials or Hazardous Materials Contamination, (2) the performance by Tenant of any acts or omissions with respect to use or operation of the Premises, the Improvements or the Programs, including, but not limited to, the performance of any act required by this Lease, and (3) the performance by Landlord of any act required to be performed by the Tenant under this Lease. Tenant's obligations under this Article 11 shall survive the expiration or early termination of this Lease and shall not merge with any grant deed.

11.3 **Landlord's Covenant.** Landlord covenants and represents that, as of the Effective Date of this Lease, there are no known Hazardous Materials or Hazardous Materials Contamination at the premises. Tenant may, at its sole cost and expense, conduct a Phase I Environmental Site Assessment ("ESA") prior to making improvements on the Premises and, if so recommended in the Phase I ESA, a Phase II ESA. Landlord agrees to remediate any Hazardous Materials Contamination uncovered by the Phase II ESA, at Landlord's sole cost and expense.
11.4 **Duty to Prevent Hazardous Material Contamination.** Tenant shall take all necessary precautions to prevent the release of any Hazardous Materials into the environment. Such precautions shall include compliance with all Governmental Requirements with respect to Hazardous Materials. In addition, Tenant shall install and utilize such equipment and implement and adhere to such procedures as are consistent with the standards generally applied by similar projects in San Diego County, California as respects the disclosure, storage, use, removal, and disposal of Hazardous Materials. Tenant shall not, and shall not cause or permit any other person or entity to, release, store, bring upon, dispose of or transport to or from the Premises any Hazardous Materials or by-products or waste from such Hazardous Materials.

11.5 **Obligation of Tenant to Remediate Premises.** In the event of contamination of the Premises arising directly or indirectly from Tenant's use, generation, discharge, emission or release upon, about or beneath the Premises of any Hazardous Materials occurring during the Term, Tenant shall, subject to Landlord's rights herein, at its sole cost and expense, promptly take (i) all action properly required by any federal, state, regional, or local governmental or political subdivision requirements and (ii) all actions necessary to make full economic use of the Premises for the purposes contemplated by this Lease, which requirements or necessity. Such actions shall include, but not be limited to, the investigation of the environmental condition of the Premises, the preparation of any feasibility studies or reports and the performance of any cleanup, remedial, removal or restoration work. Tenant shall take all actions necessary to promptly restore the Premises to an environmentally sound condition for the uses contemplated by this applicable Governmental Requirements.

11.6 **Right of Entry.** Notwithstanding any other term or provision of this Lease, Tenant shall permit Landlord or its agents or employees to enter the Premises at any time during normal business hours, without prior notice in the event of an emergency, and with not less than twenty-four (24) hours advance notice if no emergency is involved, to inspect, monitor and/or take emergency or long-term remedial action with respect to Hazardous Materials and Hazardous Materials Contamination on or affecting the Premises or Improvements, or to discharge Tenant's obligations hereunder with respect to such Hazardous Materials and Hazardous Materials Contamination when Tenant has failed to do so after written notice from Landlord and expiration of a reasonable opportunity to cure such deficiency, not exceeding seven (7) days, unless such cure reasonably requires a greater period of time in which case Tenant shall be in compliance herewith if Tenant commences such cure within the same
seven (7) day period. All costs and expenses incurred by Landlord in
connection with performing Tenant's obligations hereunder shall be
reimbursed by Tenant to Landlord within thirty (30) days of Tenant's
receipt of written request therefor.

11.7 **Storage or Handling of Hazardous Materials.** Subject to the provisions
of this Lease, Tenant, at its sole cost and expense, shall comply with all
Governmental Requirements for the storage, use, transportation, handling
and disposal of Hazardous Materials on or about the Premises. In the
event Tenant does store, use, transport, handle or dispose of any
Hazardous Materials, Tenant shall notify Landlord in writing at least ten
(10) days prior to their first appearance on the Premises and Tenant's
failure to do so shall constitute a material default under this Lease. Tenant
shall conduct all monitoring activities required or prescribed by applicable
Governmental Requirements, and shall, at its sole cost and expense,
comply with all posting requirements of Proposition 65 or any other
similarly enacted Governmental Requirements. After notification to
Landlord of the intended use of a hazardous material, Landlord may, at its
sole discretion, determine that such use shall not be allowed on the
Premises and/or the Improvements and shall notify Tenant in writing.
Tenant agrees to abide by any such determination.

12. DAMAGE OR DESTRUCTION.

12.1 **Obligation to Repair and Restore Damage Due to Casualty Covered
by Insurance.** Subject to Section 12.3 below, if the Improvements are
totally or partially destroyed or rendered wholly or partly uninhabitable by
fire or other casualty, Tenant shall take all steps necessary to promptly
and diligently commence the repair or replacement of the Improvements
(and any parts of the Premises and the Feaster Charter School Property
collaterally damaged by said fire or casualty) to substantially the same
condition as existed immediately prior to the casualty, whether or not any
insurance proceeds are sufficient to cover the actual cost of repair,
replacement, or restoration. Tenant shall be solely responsible for any
costs exceeding any insurance proceeds. Tenant shall complete the same
as soon as possible thereafter so that the Improvements and Programs
can continue to be operated and occupied in accordance with the Lease.
In no event shall the repair, replacement, or restoration period exceed one
(1) year from the date of loss unless Landlord's Superintendent, or her or
his designee, in his or her sole and absolute discretion, approves a longer
period of time. Repair or restoration of any affected portion of the Feaster
Charter School Property shall be given priority, at District's request.
Landlord shall cooperate with Tenant, at no expense to Landlord, in
obtaining any governmental permits required for the repair, replacement,
or restoration. If, however, the then-existing laws of any other

---

Tentative Joint Occupancy Lease and Development Agreement – Chula Vista Elementary School District –
YMCA of San Diego
governmental agencies with jurisdiction over the Feaster Charter School Property and Premises do not permit the repair, replacement, or restoration, Tenant may elect not to repair, replace, or restore the Improvements by giving notice to Landlord (in which event Tenant will be entitled to all insurance proceeds but Tenant shall be required to remove all debris from the Feaster Charter School Property and the Premises and to restore the Brief Description Property and Premises to approximately their original condition on the date of this Lease) or Tenant may reconstruct such other Improvements as are consistent with applicable land use regulations and approved by the City, Landlord, and the other governmental agencies with jurisdiction. In the event Tenant elects not to repair, replace, or restore, and gives Landlord notice of such election as provided herein, this Lease shall terminate.

12.2 Continued Operations. During any period of repair, Tenant shall continue, or cause the continuation of, the operation of the Improvements and Programs to the extent reasonably practicable and to the extent it is safe.

12.3 Damage or Destruction Due to Cause Not Required to be Covered by Insurance. If any Improvements are completely destroyed or substantially damaged by a casualty against which Tenant is not required to (and has not) insured, then Tenant may elect not to repair, replace, or restore such Improvements by providing Landlord with written notice within ninety (90) days after such substantial damage or destruction. In such event, Tenant shall remove all debris from the Feaster Charter School Property and Premises. As used in this Section 12.3, “substantial damage” caused by a casualty not required to be (and not) covered by insurance shall mean damage or destruction which is ten (10%) or more of the replacement cost of the Improvements, to the extent constructed at the time of the casualty. If Tenant fails to give such notice Tenant shall be conclusively deemed to have waived its right not to repair, replace, or restore the Improvements and thereafter Tenant shall promptly commence and complete the repair, replacement, or restoration of the damaged or destroyed Improvements in accordance with Section 12.1 above shall continue operation of the Improvements and Programs during the period of repair (if practicable) in accordance with Section 12.2 above. If Tenant elects not to repair, replace, or restore, and gives Landlord notice of such election as provided herein, this Lease shall terminate.

13. SALE, ASSIGNMENT, SUBLEASE OR OTHER TRANSFER.

13.1 No Assignment. Tenant shall not sell, assign, sublease, mortgage, pledge, hypothecate or otherwise transfer this Lease or any right therein, nor make any total or partial sale, assignment, sublease, mortgage,
pledge, hypothecation or transfer in any other mode or form of the whole or any part of the Premises or Improvements (each of which events is referred to in this Lease as an "assignment"), without prior written approval of Landlord, which approval may be given or withheld in Landlord's sole and absolute discretion. It shall be deemed reasonable for Landlord to refuse to consent to an assignment for any reason or for no stated reason. In the event such approval is granted, the assignment shall not be effective unless and until the assignor and assignee have signed an assignment and assumption agreement in a form and with contents approved by Landlord's Governing Board. Any purported assignment without the prior written consent of Landlord shall render this Lease absolutely null and void and shall confer no rights whatsoever upon any purported assignee or transferee and shall cause the automatic vesting of title to the Improvements in Landlord, in the manner provided above.

13.2 No Subordination. Landlord and Tenant acknowledge and agree that neither Landlord's interest or fee ownership of the Premises (including its reversionary interest therein and in the Improvements) nor Landlord's right to receive rent hereunder shall be subordinate to any permitted encumbrance or any other lien, mortgage, deed of trust, pledge or other encumbrance of Tenant's leasehold interest hereunder.

14. INDEMNITY.

14.1 Tenant Indemnity. Tenant agrees to indemnify, defend and save free and harmless Landlord, its agents, officers, representatives and employees from and against any claims, liabilities, penalties, fines and for any damage to the goods, properties or effects of Tenant, its subtenants or representatives, agents, employees, guests, licensees, invitees, patrons or clientele or of any other person whomsoever, and for injuries to or deaths of any persons, whether caused by or resulting from any act or omission of Tenant or its subtenants or any other person on or about the Premises and Improvements, or in connection with the operation thereof, or from any defect in the Premises or the Improvements (collectively referred to in this paragraph as the "Claims"). Upon demand from Landlord, Tenant shall appear and defend Landlord against any such Claims. Tenant also agrees to indemnify, defend, and save free and harmless Landlord and its officers, officials, employees, agents, and representatives against any costs and expenses incurred by Landlord (including but not limited to attorney's fees and costs and expert witness fees) on account of any Claims. Tenant shall not be responsible for (and such indemnity shall not apply to) any such Claims due to or arising solely out of any acts, errors or omissions of Landlord or its officers, officials, employees, agents, and representatives. This provision shall survive the termination of this Lease.
14.2 **District Indemnity.** In connection with the Exclusive Use of any improvements by the District, as described above in Section 4.3, or any other exclusive use of any Improvements by District employees, officers, or agents, District agrees to defend and indemnify and hold harmless the YMCA and its officers, directors, agents and employees from and against any claims, liabilities, penalties, fines or damage arising out of the sole and exclusive negligent acts or omissions of District's officers, employees or agents; provided that no violation of any duty of care owed by the YMCA hereunder has contributed to the damage, injury or other incident for which relief is being sought. In the event that both parties are held jointly and severally liable for an act or negligence related to the District's Exclusive Use of the Premises and or the Improvements, and, if there is no determination as to the relative fault of each party, the District and the YMCA shall each bear their own costs of defense and shall cooperate to reach an agreement as to the appropriate sharing of liabilities, penalties, fines and/or damages arising from the claim.

15. **INSURANCE BY TENANT.**

15.1 **Insurance to be Provided by Tenant.** During the Term, Tenant, at its sale cost and expense, shall:

a. Maintain or cause to be maintained a policy or policies of insurance against loss or damage to the Premises and the Improvements, resulting from fire, lightning, vandalism, malicious mischief, and such other perils ordinarily included in extended coverage fire insurance and casualty loss policies. Such insurance policy shall be maintained in an amount not less than one hundred percent (100%) of the "Full Replacement Cost" of the Improvements, as defined herein in this Article 15.

b. Maintain or cause to be maintained such policies of insurance, in such amounts and with such terms and conditions that are set forth in any loan documents concerning the Improvements.

c. Maintain or cause to be maintained Commercial General Liability insurance, in an amount not less than Five Million Dollars ($5,000,000), per person, per occurrence and not less than Ten Million Dollars ($10,000,000) aggregate limit with deductible or self-insurance of not more than $100,000. Aggregate limits shall be specific to the premiums. The required amount of insurance shall be subject to increases as Landlord may reasonably require from time to time. Tenant agrees that provisions of this paragraph as to maintenance of insurance shall not be construed as limiting in any
way the extent to which Tenant may be held responsible for the payment of damages to persons or property resulting from Tenant's activities, or the activities of any other person or persons for which Tenant is otherwise responsible.

d. Maintain or cause to be maintained worker's compensation insurance issued by a responsible carrier or through or a self insurance program, as authorized under the laws of the State of California to insure employers against liability for compensation under the workers' compensation laws now in force in California, or any laws hereafter enacted as an amendment or supplement thereto or in lieu thereof. Such workers' compensation insurance shall cover all persons employed by Tenant in connection with the Premises, Improvements and Programs and shall cover full liability for compensation under any such act aforesaid, based upon death or bodily injury claims made by, for or behalf of any person incurring or suffering injury or death in connection with the Premises or the Improvements or the operation thereof by Tenant. If Tenant self-insures for worker's compensation, Tenant must provide District with a Certificate of Consent to Self-Insure issued by the State of California and a letter certifying self-insurance and limits on liability. In addition, District may request evidence of financial integrity, such as copies of Tenant's audited financial statements.

e. Before commencement of any demolition or construction work the Tenant shall also procure or cause to be procured, at Tenant's sole cost and expense and shall maintain in force until completion of the construction of the Project "all risk" builder's risk insurance, including coverage for vandalism and malicious mischief, in a form and amount and with a company reasonably acceptable to Landlord. The builder's risk insurance shall cover improvements in place and all material and equipment at the job site furnished under contract, but shall exclude contractors', subcontractors', and construction managers' tools and equipment and property owned by contractors' and subcontractors' employees.

15.2 Definition of "Full Replacement Cost". The term "Full Replacement Cost" as used in this Article 15 shall mean the actual replacement cost (excluding the cost of excavation, foundation and footings below the lowest floor and without deduction for depreciation) of the Improvements, including the cost of construction, architectural and engineering fees, and inspection and supervision. To ascertain the amount of coverage required, Tenant shall cause the Full Replacement Cost to be determined from time to time by appraisal by the insurer or, if no such appraisal is available, by
an appraiser mutually acceptable to Landlord and Tenant, not less often than once every twelve (12) months.

15.3 **General Insurance Provisions.** All policies of insurance provided for in this Article 15, except for the workers’ compensation insurance, shall name Tenant as the insured and Landlord as additional insured. Tenant must provide District with Certificates of Insurance that indicate appropriate coverages as provided for in this Lease. Tenant agrees to timely pay all premiums for such insurance and, at its sole cost and expense, to comply and secure compliance with all insurance requirements necessary for the maintenance of such insurance. Tenant agrees to submit policies of all insurance required by this Article 15 of this Lease, or certificates evidencing the existence thereof, to Landlord on or before the effective date of this Lease, indicating full coverage of the contractual liability imposed by this Lease. At least thirty (30) days prior to expiration of any such policy, copies of renewal policies, or certificates evidencing the existence thereof shall be submitted to Landlord. Unless otherwise provided in Section 15.1, all insurance provided for under this Article 15 shall be effected under policies issued by insurers of recognized responsibility, licensed or permitted to do business in the State of California, approved by Landlord. All policies and certificates of insurance, including worker’s compensation, shall also: (i) provide that such policies shall not be canceled or limited in any manner without at least thirty (30) days prior written notice to Landlord; and (ii) provide that such coverage is primary and not contributing with any insurance as may be obtained by Landlord and shall contain a waiver of subrogation for the benefit of Landlord.

15.4 **Failure to Maintain Insurance.** If Tenant fails or refuses to procure or maintain insurance as required by this Lease, Landlord shall have the right, at Landlord’s election, and upon ten (10) days prior notice to Tenant, to procure and maintain such insurance and charge Tenant for the same. Landlord shall give prompt notice of the payment of such premiums, stating the amounts paid and the name of the insured(s).

15.5 **Insurance Proceeds Resulting from Loss or Damage to the Improvements.** All proceeds of insurance with respect to loss or damage to the Improvements during the Term of this Lease shall be payable, under the provisions of the policy of insurance, to Tenant, and said proceeds shall constitute a trust fund to be used for the restoration, repair and rebuilding of the Improvements.

a. To the extent that such proceeds exceed the cost of such restoration, repair or rebuilding, then such proceeds shall be apportioned between Tenant and Landlord as their interests may
appear.

b. In the event this Lease is terminated by mutual agreement of Landlord and Tenant and the Improvements are not restored, repaired or rebuilt, the insurance proceeds shall be jointly retained by Landlord and Tenant and shall be applied first to any payments due under this Lease from Tenant to Landlord, second to restore the Premises and the Improvements to their original condition and to a neat and clean condition, and finally any excess shall be apportioned between Tenant and Landlord as their interests may appear. The value of each interest for the purpose of apportioning excess proceeds under this Section shall be the fair market value of such interests immediately prior to the occurrence of the damage or destruction.

16. INSURANCE BY DISTRICT.

District shall maintain in effect adequate insurance, as required by law, in connection with any school related activities of District students to be performed or carried out at the Premises or the Improvements. In the event that District does not maintain insurance for those activities, District will provide a statement of self-insurance in form and content satisfactory to the YMCA.

17. OBLIGATION TO REFRAIN FROM DISCRIMINATION.

There shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the Premises or the Improvements or participation in the Programs, and Tenant itself or any person claiming under or through it shall not establish or permit any such practice or practices of discrimination or segregation.

18. NONDISCRIMINATION IN EMPLOYMENT.

Tenant, for itself and its successors and assigns, agrees that during the operation of Programs and the Improvements, and during any work of repair or replacement, Tenant shall not discriminate against any employee or applicant for employment on the basis of any category or status not permitted by law.

19. LABOR STANDARDS.

Tenant shall comply, and require all contractors and subcontractors employed pursuant to this Lease to comply with all applicable labor standards provisions of the California Labor Code and federal law, including payment of prevailing wage...
if applicable.

20. COMPLIANCE WITH LAW.

Tenant agrees, at its sole cost and expense, to comply and secure compliance with all the requirements now in force, or which may hereafter be in force, of all municipal, county, state and federal and any other regulatory authorities, pertaining to the Feaster Charter School Property, the Premises and the Improvements, as well as the Programs. The judgment of any court of competent jurisdiction, or the admission of Tenant in any action or proceeding against them, or any of them, whether Landlord be a party thereto or not, that Tenant, has violated any such ordinance or statute in the use of the Premises or the Improvements, or in the operation of the Programs, shall be conclusive of that fact as between Landlord and Tenant.

21. ENTRY AND INSPECTION.

Landlord reserves and shall have the right during reasonable business hours (except in cases of emergency), upon twenty-four (24) hours prior notice (except in cases of emergency) to Tenant by Landlord, to enter the Premises for the purpose of viewing and ascertaining the condition of the same, or to protect its interests in the Premises and the Improvements or to inspect the operations conducted thereon.

22. RIGHT TO MAINTAIN AND CURE PERIOD.

In the event that the entry or inspection by Landlord pursuant to Section 21 hereof discloses that the Premises or the Improvements are not in a decent, safe, and sanitary condition, Landlord shall give written notice to Tenant specifying the unacceptable condition or conditions. Tenant shall then have thirty (30) days to cure, correct, or remedy the condition(s), unless a lesser period is specified hereunder or is required to protect the health or safety of the tenants or residents of the community (the "Cure Period"). If such cure, correction, or remedy, is not reasonably completed during the Cure Period, Tenant shall not be in default if the cure, correction, or remedy is commenced within the Cure Period and is diligently prosecuted to completion to District's satisfaction. If the condition(s) are not cured, corrected, or remedied with the above time periods, Landlord shall have the right upon notice to Tenant (except in case of emergency, in which event no notice shall be necessary), to have any necessary maintenance work done for and at the expense of Tenant and Tenant hereby agrees to pay promptly any and all costs incurred by Landlord, plus a twenty (20%) percent administrative charge, in having such necessary maintenance work done in order to keep the Premises and or the Improvements in a decent, safe and sanitary condition. If Tenant fails to reimburse Landlord within thirty (30) days of the date of an invoice sent by Landlord to Tenant in connection with such
work, Tenant shall pay Landlord interest on such amounts at the highest rate permitted by law, as provided in Section 24.6 herein. The rights reserved in this Section shall not create any obligations on Landlord or increase obligations elsewhere in this Lease imposed on Landlord.

23. EVENTS OF DEFAULT AND REMEDIES.

23.1 Events of Default by Tenant. The occurrence of one or more of any of the following events shall constitute an “Event of Default” by Tenant hereunder if Tenant shall have not cured, corrected, or remedied such failure within the Cure Period, or if it is not practicable to cure or remedy such failure within the Cure Period (which impracticality shall not apply to monetary defaults), within such longer period as shall be reasonable under the circumstances provided that Tenant has commenced to cure within the Cure Period and has made progress satisfactory to Landlord:

a. Construction of the Improvements is not commenced or completed within the time set forth in the Schedule of Performance; or

b. Tenant shall abandon or surrender the Premises or the Improvements; or

c. Tenant shall fail or refuse to pay, within ten (10) days of notice from Landlord, any installment of Rent or any other sum required by this Lease to be paid by Tenant either to Landlord or another creditor; or

d. Tenant shall fail to perform any covenant or condition of this Lease; or

e. Tenant shall be declared in default pursuant to any loan or grant obtained by Tenant in connection with the Improvements or the Programs.

23.2 Remedies of Landlord. In the event of any such default as described in Section 23.1 Landlord may, at its option, take anyone or more of the following actions:

a. Correct or cause to be corrected said default and charge the costs thereof (including costs incurred by Landlord in enforcing this provision) to the account of Tenant, which charge shall be due and payable within thirty (30) days after presentation by Landlord of a statement of all or part of said costs, plus a twenty (20%) percent administrative charge;
b. Correct or cause to be corrected said default and pay the costs thereof (including costs incurred by Landlord in enforcing this provision) from the proceeds of any insurance;

c. Exercise its right to maintain any and all actions at law or suits in equity to compel Tenant to correct or cause to be corrected said default;

d. Have a receiver appointed to take possession of Tenant's interest in the Premises and the Improvements, with power in said receiver to administer Tenant's interest in the Premises and the Improvements, to collect all funds available to Tenant in connection with its operation and maintenance of the Premises and the Improvements; and to perform all other consistent with Tenant's obligation under this Lease as the court deems proper;

e. Maintain and operate the Premises and the Improvements, without terminating this Lease;

f. Terminate this Lease by written notice to Tenant.

23.3 **Right of Landlord in the Event of Termination of Lease.** Upon termination of this Lease pursuant to Section 23.2, it shall be lawful for Landlord to re-enter and repossess the Premises and the Improvements and Tenant, in such event, does hereby waive any demand for possession thereof, and agrees to surrender and deliver the Premises and the Improvements peaceably to Landlord immediately upon such termination in good order, condition and repair, except for reasonable wear and tear. Tenant agrees that upon such termination, title to all the Improvements shall automatically vest in Landlord.

a. Even though Tenant has breached the Lease and abandoned the Premises or the Improvements, this Lease shall continue in effect for so long as Landlord does not terminate Tenant's right to possession, and Landlord may enforce all of its rights and remedies under this Lease. No ejectment, re-entry or other act by or on behalf of Landlord shall constitute a termination unless Landlord gives Tenant notice of termination in writing.

b. Termination of this Lease shall not relieve or release Tenant from any obligation incurred pursuant to this Lease prior to the date of such termination. Termination of this Lease shall not relieve Tenant from the obligation to pay any sum due to Landlord or from any claim for damages against Tenant.
23.3 **Damages.** Damages which Landlord recovers in the event of default under this Lease shall be those which are then available under applicable California case and statutory law to landlords for leases in the State of California.

23.4 **Rights and Remedies are Cumulative.** The remedies provided by this Article 23 are not exclusive and shall be cumulative to all other rights and remedies possessed by Landlord under this Lease or at law or equity. The exercise by Landlord of one or more such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by Tenant.

24. **MISCELLANEOUS.**

24.1 **Governing Law.** The laws of the State of California shall govern the interpretation and enforcement of this Lease.

24.2 **Legal Actions and Venue.** In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this Lease. Such legal actions must be instituted in the Superior Court of San Diego County, State of California, in any other appropriate court in that County, or in the Federal District Court in the District of California in which the Feaster Charter School Property is located.

24.3 **Incorporation of Recitals.** The Recitals set forth above and all Exhibits attached to this Lease, as those exhibits may be amended from time to time, are incorporated herein by reference.

24.4 **Acceptance of Service of Process.** In the event that any legal action is commenced by Tenant against Landlord, service of process on Landlord shall be made by personal service upon Landlord, or in such other manner as may be provided by law. In the event that any legal action is commenced by Landlord against Tenant, service of process on Tenant shall be made by in any manner as may be provided by law, and shall be effective whether made within or without the State of California.

24.5 **Inspection of Books and Records.** Landlord has the right upon not less than forty-eight (48) hours notice, and during normal business hours) to inspect the books and records of Tenant pertaining to the Premises and the operation of the Improvements as pertinent to the purposes of this Lease.

24.6 **Interest.** Any amount due Landlord that is not paid when due shall bear
interest at the highest rate permitted under law from the day such amount becomes past due and accruing daily on all unpaid balances until said amount plus interest is fully paid.

24.7 Notices. All notices, statements, demands, requests, consents, approvals, authorizations, offers, agreements, appointments or designations hereunder by either party to the other shall be in writing and shall be given either by (i) personal service, (ii) delivery by reputable document delivery service that provides a receipt showing date and time of delivery, or (iii) mailing in the United States mail, certified or registered mail, return receipt requested, postage prepaid, and addressed as follows:

**Landlord:** Chula Vista Elementary School District  
84 East J Street  
Chula Vista, California 91911  
Telephone: (619) 425-9600  
Facsimile: (619) 425-XXXX

With a copy to: TBA  
Address  
City, State Zip  
Telephone: (XXX) XXX-XXXX  
Facsimile: (XXX) XXX-XXXX

**Tenant:** YMCA of San Diego County  
3708 Ruffin Road  
San Diego, CA 92123  
(858) 292-9622  
Facsimile: (858) 292-0045

With a copy to: Attention: Bernie Porter  
Chief Counsel  
YMCA of San Diego County  
3708 Ruffin Road  
San Diego, CA 92123  
(858) 292-9622  
Facsimile: (858) 292-0045

Any such notice shall also be sent via facsimile or electronic mail. Either party may later designate a different address for service of notice by providing written notice to the other party. Notices personally delivered or delivered by document delivery service shall be effective upon receipt; provided, however that refusal to accept delivery shall constitute receipt. Mailed notices shall be effective as of Noon on the third business day following deposit with the United
States Postal Service. Any notices attempted to be delivered to an address from which the receiving party has moved without providing notice to the delivering party shall be effective as of Noon on the third day after the attempted delivery or deposit in the United States mail.

24.8 **Time is of the Essence.** Time is of the essence in the performance of the terms and conditions of this Lease.

24.9 **Non-Merger of Fee and Leasehold Estates.** If both Landlord’s and Tenant’s estates in the Premises and the Improvements become vested in the same owner, this Lease shall nevertheless not be destroyed by application of the doctrine of merger except at the express election of Landlord. The expiration or termination of this Lease, or voluntary or involuntary surrender by Tenant, or the mutual cancellation of this Lease, shall not work as a merger and shall, at the option of Landlord, terminate all or any existing tenancies, subleases, or subtenancies or may, at the option of Landlord, operate as an assignment to Landlord of any or all such existing subleases or subtenancies.

24.10 **Holding Over.** The occupancy of the Premises after the expiration of the Term of this Lease shall be construed to be a tenancy from month to month, and all other terms and conditions of this Lease shall continue in full force and effect.

24.11 **Conflict of Interest.** No member, official or employee of Landlord shall have any personal interest, direct or indirect, in this Lease nor shall any such member, official or employee participate in any decision relating to the Lease which affects his personal interests or the interests of any corporation, partnership or association in which he is directly or indirectly interested. Tenant warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Lease.

24.12 **Non-Liability of Landlord Officials and Employees.** No member, official, officer, employee, agent, or representative of Landlord shall be personally liable to Tenant, or any successor in interest, in the event of any default or breach by Landlord or for any amount which may become due to Tenant or successor or on any obligations under the terms of this Lease.

24.13 **Relationship.** The relationship between the parties hereto shall at all times be deemed to be that of landlord and tenant. The parties do not intend nor shall this Lease be deemed to create a partnership or joint venture.
24.14 **Waivers and Amendments.** All waivers of the provisions of this Lease must be in writing and signed by the appropriate authorities of Landlord or Tenant. The waiver by Landlord of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or any subsequent breach of the same or any other term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by Landlord shall not be deemed to be a waiver of any preceding breach of Tenant of any term, covenant or condition of this Lease, regardless of Landlord’s knowledge of such preceding breach at the time of acceptance of such rent. Failure on the part of Landlord to require or exact full and complete compliance with any of the covenants or conditions of this Lease shall not be construed as in any manner changing the terms hereof and shall not prevent Landlord from enforcing any provision hereof. All amendments hereto must be in writing and signed by the appropriate authorities of Landlord and Tenant.

24.15 **Entire Agreement.** This Lease sets forth the entire understanding of the parties with respect to Tenant’s ground lease of the Premises and the Construction and operation of the Improvements.

24.16 **Counterparts.** This Lease may be executed in counterparts, each of which, when this Lease has been signed by all the parties hereto, shall be deemed an original.

24.17 **Severability.** If any provision of this Lease or the application thereof to any person or circumstances shall be invalid or unenforceable to any extent, the remainder of this Lease and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforceable to the greatest extent permitted by law.

24.18 **Terminology.** All personal pronouns used in this Lease, whether used in the masculine, feminine, or neuter gender, shall include all other genders; the singular shall include the plural, and vice versa. Titles of sections are for convenience only, and neither limits nor amplifies the provisions of the Lease itself.

24.19 **Memorandum.** Unless otherwise agreed to by Landlord, a memorandum of this Lease shall not be recorded.

24.20 **Binding Effect.** This Lease, and the terms, provisions, promises, covenants and conditions hereof, shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.
24.21 **Estopped Certificate.** Each of the parties shall at any time and from time to time upon not less than thirty (30) days' prior notice by the other, execute, acknowledge and deliver to such other party a statement in writing certifying that this Lease is unmodified and is in full force and effect (or if there shall have been modifications that this Lease is in full force and effect as modified and stating the modifications), and the dates to which the rent has been paid by Tenant, and stating whether or not to the best knowledge of the signer of such certificate such other party is in default in performing or observing any provision of this Lease, and, if in default, specifying each such default of which the signer may have knowledge, and such other matters as such other party may reasonably request, it being intended that any such statement delivered by Tenant may be relied upon by Landlord or any successor in interest to Landlord or any prospective mortgagee or encumbrances thereof, and it being further intended that any such statement delivered by Landlord may be relied upon by any prospective assignee of Tenant's interest in this Lease or any prospective mortgagee or encumbrances thereof. Reliance on any such certificate may not extend to any default as to which the signer of the certificate shall have had no actual knowledge.

24.22 **Force Majeure.** The time within which Landlord or Tenant is obligated herein to perform any obligation hereunder, other than an obligation that may be performed by the payment of money, shall be extended and the performance excused when the delay is caused by fire, earthquake or other acts of God, strike, lockout, acts of public enemy, acts of terrorism, riot, insurrection or other cause beyond the reasonable control of the applicable party.

24.23 **Quiet Enjoyment.** Landlord does hereby covenant, promise and agree to and with Tenant that Tenant, for so long as Tenant is not in default hereof, shall and may at all times peaceably and quietly have, hold, use, occupy and possess the Premises throughout the Term.

24.24 **Landlord Approvals and Actions.** Whenever a reference is made herein to an action or approval to be undertaken by Landlord, the Superintendent of Landlord or his or her designee is authorized to act on behalf of Landlord unless specifically provided otherwise herein or the law otherwise requires. No approval required hereby by Landlord or Tenant shall be unreasonably withheld or delayed.

25. [RESERVED]

26. **RIGHTS OF LEASEHOLD MORTGAGEE CONCERNING FINANCING.**

Tenant has informed Landlord that Tenant plans to encumber the Premises and
the Improvements for the construction of the Project (the “Construction Loan”). Tenant will cause the encumbrance to be removed as an exception to title within ten years of the end of construction by paying off the Construction Loan or otherwise entering into agreements with any lenders to remove such exceptions. Landlord agrees that so long as any Leasehold Mortgage shall remain unsatisfied of record or until written notice of satisfaction is given by the holders of any such Leasehold Mortgage to Landlord, the following provisions shall apply:

26.1 **No Cancellation.** There shall be no early cancellation, surrender or modification of this Lease by joint action of Landlord and Tenant without the prior consent in writing of each Leasehold Mortgagee.

26.2 **Notice of Default.** Landlord shall, upon serving Tenant with any notice of default, simultaneously serve a copy of the notice upon each Leasehold Mortgagee of whom it has knowledge at the latest address previously given to Landlord.

26.3 **Leasehold Mortgagee’s Right to Perform.** Each Leasehold Mortgagee shall have the rights, but not the obligations, at any time prior to termination of this Lease to pay all of the rent due hereunder, with all due interest and late charges, to effect any insurance, to pay any taxes or assessments, to make any repairs or improvements, to do any other act or thing required of Tenant hereunder, and to do any act or thing which may be necessary and proper pursuant to the terms hereof to be done in the performance and observation of the agreements, covenants and conditions hereof to prevent termination of this Lease. Any Leasehold Mortgagee and its agents and contractors shall have full access, subject to the terms of the Lease, to the Premises for purposes of accomplishing any of the foregoing. Any of the foregoing done by Leasehold Mortgagee shall be as effective to prevent a termination of this Lease as the same would have been if done by Tenant.

26.4 **Leasehold Mortgagees Right to Cure.** Subject to any Cure Period in this Lease, if any default shall occur which, pursuant to any provision of this Lease, purportedly entitles Landlord to terminate this Lease, Landlord shall not be entitled to terminate this Lease, and the notice shall be rendered void, if the Leasehold Mortgagee or trustee under any such mortgage, within thirty (30) days after the default, shall both: (i) either (a) cure the default if the same can be cured by the expenditure of money; or (b) if the default is not so curable, commence, or cause any trustee under the Leasehold Mortgage to commence, and thereafter to diligently and promptly pursue to completion steps and proceedings to foreclose on the interests covered by the Leasehold Mortgage; and (ii) perform or cause the performance of all the covenants and conditions of this Lease requiring the expenditure of money by Tenant until such time as the
leasehold shall be sold upon foreclosure pursuant to the Leasehold Mortgage, or shall be released or reconveyed there under, or shall be transferred upon judicial foreclosure or by deed or assignment in lieu of foreclosure.

26.5 **Termination Subject to Mortgagee Rights.** All rights of Landlord to terminate this Lease as the result of the occurrence of any default shall be subject to, and conditioned upon, Landlord having first giving to each Leasehold Mortgagee written notice of the default in the same manner and with the same time period as required in favor of Tenant, and all Leasehold Mortgagees having failed to remedy such default or acquire Tenant's leasehold estate hereunder or commence foreclosure or other appropriate proceedings in the nature thereof as set forth in this Lease.

26.6 **Mortgagee Loss Payable.** Landlord agrees that the names of each Leasehold Mortgagee shall be added to the "Loss Payable Endorsement" of any and all insurance policies required to be carried by Tenant under this Lease on condition that the insurance proceeds are to be applied in the manner specified in the applicable Leasehold Mortgage.

26.7 **New Lease.** Landlord agrees that in the event of termination of this Lease by reason of any default by Tenant, or by reason of the disaffirmance hereof by a receiver, liquidator or trustee for Tenant or its property, Landlord will enter into a new lease of the Premises with the most senior Leasehold Mortgagee requesting a new lease for the remainder of the Term, effective as of the date of such termination, at the rent, and upon the terms, provisions, covenants and agreements as herein contained and subject to the rights, if any, of any parties then in possession of any part of the Premises, provided:

a. The senior Leasehold Mortgagee shall make written request upon Landlord for the new lease within thirty (30) days after the date of termination;

b. The senior Leasehold Mortgagee shall pay to Landlord at the time of the execution and delivery of the new lease any and all sums which would, at the time of the execution and delivery thereof, be due and unpaid pursuant to this Lease but for its termination, and in addition thereto any expenses, including attorneys' fees, to which Landlord shall have been subjected by reason of the default;

c. The senior Leasehold Mortgagee shall perform and observe all covenants herein contained on Tenant's part to be performed, and shall further remedy any other conditions which Tenant under the terminated Lease was obligated to perform under its terms, to the
extent the same are curable or may be performed by the senior Leasehold Mortgagee; and

d. The tenant under the new lease shall have the same obligations and responsibilities and the same right, title and interest in and to all Improvements as Tenant had under the terminated Lease immediately prior to its termination.

e. Notwithstanding anything to the contrary expressed or implied elsewhere in this Lease, any new lease made pursuant to this Section 26, shall be prior to any Leasehold Mortgage or other lien, charge or encumbrance on the Premises, to the same extent as the terminated Lease, and shall be accompanied by a conveyance of title to the Improvements (free of any mortgage, deed of trust, lien, charge, or encumbrance created by Landlord) for a term of years equal to the term of the new lease, subject to the reversion in favor of Landlord upon expiration or sooner termination of the new lease. The rights granted any Leasehold Mortgagee to a new lease shall survive any termination of this Lease.

f. If a Leasehold Mortgagee shall elect to demand a new lease under this Section 26, Landlord agrees, at the request of, on behalf of and at the expense of the Leasehold Mortgagee, to institute and pursue diligently to conclusion any appropriate legal remedy or remedies to oust or remove the original Tenant from the Premises, and any subtenants actually occupying the Premises, or any part thereof, as designated by the Leasehold Mortgagee subject to any non-disturbance or attornment agreements with such subtenants.

g. Unless and until Landlord has received notice from all Leasehold Mortgagees that the Leasehold Mortgagees elect not to demand a new lease as provided in this Section 26, or until the thirty (30) day period after the date of termination has expired, Landlord shall not cancel or agree to the termination or surrender of any existing subleases nor enter into any new subleases hereunder without the prior written consent of the Leasehold Mortgagee.

26.8 **No Obligation to Cure.** Nothing herein contained shall require any Leasehold Mortgagee to enter into a new lease or to cure any default of Tenant referred to above.

26.9 **Right to Assign.** Foreclosure of any Leasehold Mortgage, or any sale thereunder, whether by judicial proceedings or by virtue of any power contained in the Leasehold Mortgage, or any conveyance of the leasehold estate hereunder from Tenant to any Leasehold Mortgagee or its designee...
through, or in lieu of, foreclosure or other appropriate proceedings in the nature thereof, shall not require the consent of Landlord or constitute a breach of any provision of or a default under this Lease, and upon such foreclosure, sale or conveyance Landlord shall recognize the purchaser or other transferee in connection therewith as the Tenant hereunder.

26.10 **No Personal Liability.** In the event any Leasehold Mortgagee or its designee becomes the Tenant under this Lease or under any new lease obtained pursuant to this Section 26, the Leasehold Mortgagee or its designee shall be personally liable for the obligations of Tenant under this Lease or a new lease only for the period of time that the Leasehold Mortgagee or its designee remains the actual beneficial holder of the leasehold estate hereunder, and only to the extent provided in this Lease or such new lease. The right of any Leasehold Mortgagee, or its designee, thereafter to assign this Lease or the new lease shall be subject to the restrictions on assignment within the Lease except that an assignment by any Leasehold Mortgagee to an assignee with a net worth ("Net Worth") of not less than the present value of the rental payments due for the balance of the lease term (excluding Option periods) shall be exempt from any assignment restriction. For purposes of this Section 26 Net Worth shall mean, as of any applicable date of determination, the excess of (I) the net book value of all assets of the proposed assignee after all appropriate deductions (including, without limitation, reserves for doubtful receivables, obsolescence, depreciation and amortization), over (ii) all debt of the proposed assignee, all as determined in accordance with GAAP.

26.11 **Separate Agreement.** Landlord shall, upon request, execute, acknowledge and deliver to each Leasehold Mortgagee, an agreement prepared at the sole cost and expense of Tenant, in form satisfactory to Landlord, Tenant and each Leasehold Mortgagee, between Landlord, Tenant and the Leasehold Mortgagees, agreeing to all of the provisions hereof.

26.12 **Certain Definitions:**

The term "Leasehold Mortgage," whenever used herein, shall mean: (a) the instrument or instruments securing one or more financings pursuant to the terms of this Lease, encumbering only the leasehold interest of Tenant, and include whatever security instruments are used in the locale of the Premises, including, without limitation, mortgages, deeds of trust, security deeds, and conditional deeds, as well as financing statements, security agreements and other documentation required pursuant to the Uniform Commercial Code; and (b) any instruments required in connection with a sale-leaseback transaction. The term "Leasehold Mortgagee" shall include one or more holders of the beneficial interest and secured position.
26.13 **Landlord's Mortgages.** Landlord may mortgage or otherwise encumber its interest in the Premises; however, such mortgage or other encumbrance shall be subject to Tenant and any Leasehold Mortgagee receiving assurance (a "nondisturbance agreement") from the lender encumbering Landlord's interest that the Tenant's possession, this Lease and the Leasehold Mortgagee's security interest in the Lease will not be disturbed so long as Tenant (or the Leasehold Mortgagee) is not in breach of the Lease and attorns to the record owner of Landlord's interest. Upon request by a lender encumbering Landlord's interest in the Premises, Tenant shall enter into a subordination, non-disturbance and attornment agreement that shall subordinate the Lease to the encumbrance by Landlord. Such subordination, non-disturbance and attornment agreement must substantially provide that as long as Tenant (or the Leasehold Mortgagee) performs Tenant's obligations under the Lease, no foreclosure of, deed given in lieu of foreclosure of, of sale under the encumbrance, and no steps or procedures taken under the encumbrance, shall affect Tenant's (or the Leasehold Mortgagee's) rights under this Lease.

26.14 **No Liability.** Any such Leasehold Mortgage shall provide that Landlord shall have no personal liability or obligation for the repayment of any such loan or for the performance of any obligations under such mortgage or any of the other documents or instruments which evidence, govern or secure such loan. In no event shall Landlord have any obligation to subordinate its leasehold interest in the Premises or any financing secured by Landlord's leasehold interest to any Tenant financing or to execute any obligation to subordinate its leasehold interest in the Premises to any Tenant financing or to execute any Leasehold Mortgage. In addition, Landlord shall have no obligation to guarantee any of Tenant's indebtedness or other obligations under such loan.

26.15 **Due Authority of Signatories.** Each person signing this Lease represents and warrants that he or she has been duly authorized, by appropriate action of the Party that he or she represents, to act on behalf of that Party and to bind that Party to the terms and conditions of this Lease.

[The remainder of this page is intentionally left blank - the signature page follows]
IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by their lawfully authorized officers.

Landlord:
Chula Vista Elementary School District
BY:
Dr. Francisco Escobedo
Superintendent

Tenant:
YMCA of San Diego County,
A California nonprofit public corporation
BY:
President

Attest:

By:
Name:
Title:

By:
Name:
Title:
EXHIBIT F

TO JOINT OCCUPANCY LEASE AND DEVELOPMENT AGREEMENT OPERATIONAL PROVISIONS

1. OPERATION OF THE IMPROVEMENTS. Hours of operation and schedules for all activities, including swimming pool activities, hours of Restricted District Use and hours of shared use by District and Tenant, shall be established from time to time, as agreed upon by the parties.

Scheduling shall include schedules of maintenance, supervision of program activities, supervision (by a licensed lifeguard) of swimming-pool activities and any other activity of critical import to the operation of the Improvements, as determined by the parties.

All costs associated with the supervision of activities, including but not limited to the cost of qualified lifeguards at all times the swimming pool is open to the public, including District Use hours and shared time, shall be borne by Tenant. Tenant may require reimbursement from the District, on a monthly basis, for the actual cost to Tenant of the qualified lifeguards supervising District students during Restricted District Use hours. After each period of Restricted District Use, District shall leave the Improvements clean and in good condition. It shall be the responsibility of District staff assigned to supervise the Restricted District Use hours to promptly report to the District and the Tenant any damages caused by such use. District shall promptly reimburse Tenant for the cost of repairing any such damage.

Tenant shall provide lockers and other necessary facilities to accommodate valuables of the persons using the Improvements and/or participating in the Programs. The lockers, shower and other facilities shall be available to all persons so making use of the Improvements during the Restricted District Use at no charge.

An initial schedule shall be in place no later than the date that construction is completed. Upon the final approval and execution of the Lease and these Provisions, the District and the Tenant shall appoint representatives to establish a committee (the "Steering Committee") to be responsible for preparing the required schedules of use and to ensure that all requirements of this Provision and the Lease are complied with. The parties shall agree on the time and manner of appointment and replacement of Steering Committee members.

2. NO MAJOR ALTERATIONS. Tenant shall have no right to conduct any major alteration of the Improvements or the Premises without District's prior written consent. A "major alteration" includes changes to the external colors approved by Landlord and any physical changes to the structures, internal or external.
3. NO DRUGS. The Feaster Charter School Property is a Drug Free Zone and no use of any illegal substances, tobacco or tobacco products, or consumption of alcohol, shall be permitted by Tenant on the Premises or the Improvements.

4. COMPLIANCE WITH DISTRICT'S STORMWATER MANAGEMENT PROGRAM. At all times during the construction and operation of the Improvements, Tenant shall comply with the then current Stormwater Management Program. District has provided information to Tenant concerning the current requirements of said program. It shall be Tenant's sole responsibility to request bi-annual updates from the District and to ensure full compliance with all requirements of said program.

5. FINGERPRINTING REQUIREMENT. Tenant shall, at all times while the Lease is in effect, including during the construction period, comply with the fingerprinting requirement of the California Education Code Section 45125.1, as from time to time amended. Tenant may satisfy this requirement by obtaining a fingerprinting report (or background check report) for each person involved in the construction and/or operation of the Improvements or Programs, as applicable, that may come into contact with District students and by completing a certificate substantially in the following form:

Certificate Concerning Finger Printing

With respect to the GROUND LEASE AND DEVELOPMENT AGREEMENT ("Lease") dated ________ 20__ by and between the CHULA VISTA ELEMENTARY SCHOOL DISTRICT, a school district organized and existing pursuant to the California Education Code ("District"), and YMCA OF SAN DIEGO COUNTY, a California nonprofit public benefit corporation ("Tenant"), Tenant hereby certifies to the District's Board of Trustees that it has completed the criminal background checks required under the California Education Code, section 45125.1 or as renumbered, and that none of its employees, contractors, subcontractors, agents or volunteers that may come in contact with District students has been convicted of a violent felony listed in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

__________________________    ________________________
Tenant's Representative          Date:

If Tenant chooses to satisfy this requirement by the periodic filing of certificates similar to the above, Tenant shall update its filing each time a person not previously covered by a similar certificate is employed by Tenant, or a person
previously employed by Tenant is assigned a task that will bring him or her into contact with District students. While the Lease remains in effect, Tenant shall maintain adequate records of the results of its background checks and shall make them available to the District for inspection within 24 hours of notice from the District that it wishes to inspect said records. In addition, Tenant shall promptly provide the District with a summary background report for any employees, contractors, subcontractors, agents or volunteers whom Tenant discovers have been previously convicted of a violent felony listed in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 192.7(c). In connection with those contractors, subcontractors or agents for whom Tenant can provide evidence to the District that no contact with students will occur, Tenant may complete the following certificate and may submit a written request to the District to make the findings specified therein:

REQUEST FOR EXEMPTION

With respect to the GROUND LEASE AND DEVELOPMENT AGREEMENT (“Lease”) dated __________, 20__ by and between the CHULA VISTA ELEMENTARY SCHOOL DISTRICT, a school district organized and existing pursuant to the California Education Code (“District”), and YMCA OF SAN DIEGO COUNTY, a California nonprofit public benefit corporation (“Tenant”), Tenant hereby requests an exemption from its obligation to conduct background checks, as required under Education Code Section 45125.1. The exemption is requested in connection with (an individual employed by __________) or (a contractor, subcontractor, or agent). Tenant believes that an exemption is warranted because:

____ The individual, or all employees of the contractor, subcontractor or agent identified above, will have limited contact with DISTRICT students during the course _______________; or

____ Emergency or exceptional circumstances exist.

(A FULL EXPLANATION MUST BE ATTACHED)

EXEMPTION FROM FINGERPRINTING REQUIREMENTS

The CHULA VISTA ELEMENTARY SCHOOL DISTRICT, a school district organized and existing pursuant to the California Education Code (“District”), has determined that ________________ is exempt from the criminal background check certification requirements of the Education Code because:
_ will have limited contact with DISTRICT students during the course of the ___; or

___ Emergency or exceptional circumstances exist.

District Official __________________________ Date: __________________________

6. COMPLIANCE WITH DISTRICT’S PESTICIDE USE POLICY. All pesticide use must be in consultation with District maintenance staff and conformance with District Pesticide Use Policy, as said policy may be amended from time to time. A copy of the District’s current pesticide use policy has been provided to Tenant.

7. NON INTERFERENCE. At all times while the Lease remains in effect, Tenant shall be responsible for ensuring that its contractors, subcontractors, agents, employees, guests, volunteers, program participants and any other person making use of, or visiting, the Premises and/or the Improvements, does not in any manner interfere with District activities at the Feaster Charter School and does not use or access any school facilities, including parking provided for school employees and/or school related purposes.

7. ANNUAL REVIEW. Annually, on or prior to the anniversary date of the Effective Date of the Lease, representatives of the District and the Tenant shall meet to review any and all issues related to the co-location of the Improvements and the school facilities at the Feaster Charter School Property, to review the Programs and discuss any changes Tenant proposes to make, to review this Provision and to make any revisions required to the Lease, any Exhibits thereof and/or to this Provision.

10. AMENDMENT/CHANGES. This Operational Provisions can be revised annually, or from time to time, as it becomes necessary to ensure that Tenant is operating in compliance with all applicable District policies at all times.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

By: __________________________
Date: __________________________

YMCA OF SAN DIEGO COUNTY

By: __________________________
Date: __________________________
ITEM 23
SUBJECT
Assignment of Numbers for Charter School Petitions.

SUMMARY OF THE ISSUE(S)

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 1,499 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, 8 all-charter districts that 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 Petition (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>
<tbody>
<tr>
<td>1500</td>
<td>Summit Public Schools: Shasta</td>
<td>San Mateo</td>
<td>Jefferson Union High School District</td>
<td>Caitlyn Herman 455 5&lt;sup&gt;th&lt;/sup&gt; Avenue Redwood City, CA 94063</td>
</tr>
<tr>
<td>1501</td>
<td>Environmental Charter Middle School</td>
<td>Los Angeles</td>
<td>Los Angeles Office of Education</td>
<td>Alison Diaz 3600 West Imperial Hwy Inglewood, CA 90303</td>
</tr>
<tr>
<td>1502</td>
<td>KIPP San Francisco College Preparatory</td>
<td>San Francisco</td>
<td>San Francisco Unified School District</td>
<td>Caroline Gifford 1404 Franklin Street, Suite 500 Oakland, CA 94612</td>
</tr>
<tr>
<td>1503</td>
<td>Kepler Neighborhood School</td>
<td>Fresno</td>
<td>Fresno Unified School District</td>
<td>Sheila Skippie 1112 East Franklin Avenue Fresno, CA 93701</td>
</tr>
<tr>
<td>1504</td>
<td>Intellectual Virtues Academy of Long Beach</td>
<td>Los Angeles</td>
<td>Long Beach Unified School District</td>
<td>Robert Covolo 1897 College Circle Long Beach CA 90815</td>
</tr>
<tr>
<td>1505</td>
<td>Rocketship Nine Elementary</td>
<td>Santa Clara</td>
<td>Santa Clara County Office of Education</td>
<td>Carolyn Davies 854 Sylvandale Avenue San Jose, CA 95111</td>
</tr>
<tr>
<td>1506</td>
<td>Optimist Charter</td>
<td>Los Angeles</td>
<td>Los Angeles County Office of Education</td>
<td>Allen Eskot 6957 North Figueroa Los Angeles, CA 90042</td>
</tr>
</tbody>
</table>
ITEM 24
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2013 AGENDA

SUBJECT

☐ Action
☐ Information
☐ Public Hearing

SUMMARY OF THE ISSUE(S)

In California’s federal 2010–2015 Charter Schools Program (CSP) application, $5 million is allocated for awarding dissemination sub-grant awards through a competitive process. Beginning with the 2012–13 fiscal year, California will award up to 10 dissemination sub-grants for a total of $2.5 million, and up to 10 dissemination sub-grants for a total of $2.5 million in the 2013–14 fiscal year. Each sub-grant is for a two-year project.

Of the $53.6 million of federal funds awarded to California for the 2012–13 fiscal year, $5 million will be available for the 2012–13 Dissemination Sub-grant Program.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2012–13 Public Charter Schools Grant Program (PCSGP) Dissemination Sub-grant Request for Applications (RFA) and direct the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all necessary actions required to finalize the RFA.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2010 meeting, the SBE approved the CDE to apply for federal funds under the federal CSP, which included CDE’s proposal to provide dissemination sub-grants to charter schools for dissemination activities. On August 18, 2010, the CDE was awarded approximately $290 million to administer the federal CSP for a total award period of five years for the 2010–15 grant cycle. California’s sub-grant program, the PCSGP, is administered by the CDE on behalf of the SBE.
SUMMARY OF KEY ISSUES

PCSGP
The overall 2010–15 PCSGP is designed to increase financial support for the startup and expansion of charter schools, build a better national understanding of the public charter school model, and increase the number of high-quality public charter schools across the nation. The goal of the 2010–15 PCSGP is to increase student achievement that leads to closing student achievement gaps through high-quality charter schools. To meet this goal, the objectives of the 2010–15 PCSGP are: (1) increase the number of high-quality charter schools in California; (2) strengthen charter school sustainability through capacity building; (3) improve academic achievement of charter school students; and (4) disseminate best practices from high-quality charter schools.

Dissemination Sub-grant
In support of the PCSGP goals, the competitive Dissemination Sub-grant Program is designed to disseminate best practices in public education broadly to California’s charter and non-charter public schools.

Both in California’s CSP application, and in subsequent annual progress reports to the federal CSP, California committed to awarding dissemination sub-grants to disseminate best practices beginning with the 2012–13 fiscal year.

The CDE will make dissemination funding available annually as two-year sub-grants on a competitive basis to eligible applicants. Dissemination sub-grants are intended to incentivize existing high-performing charter schools to make their best practices broadly available to California’s charter and non-charter public schools.

Dissemination sub-grants will be subject to monitoring by the PCSGP staff. Staff is including a risk-based screening process to determine which PCSGP charter schools to participate in the site visit or desk audit processes. In an effort to make the most efficient use of state travel funding, if dissemination sub-grant awardees are located in the same geographic area as other planning and implementation sub-grantees being monitored through a site visit, the PCSGP team may include the dissemination sub-grantee in a site visit as well.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the 2012–13 Dissemination Sub-grant RFA will allow CDE to initiate the process of awarding $2.5 million in PCSGP dissemination sub-grant funds to up to 10 eligible applicants this fiscal year. Administrative funds were made available to the state for administering the overall PCSGP program.

ATTACHMENT(S)

California Department of Education

Request for Applications
Public Charter Schools Grant Program
2012–13

Dissemination Sub-Grants

Public Charter Schools Grant Program
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814-5901
E-mail: charters@cde.ca.gov
Phone: 916-322-6029
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Timeline</strong></td>
<td>4</td>
</tr>
<tr>
<td><strong>General Information</strong></td>
<td>5</td>
</tr>
<tr>
<td>A. Introduction</td>
<td>5</td>
</tr>
<tr>
<td>B. Research on Dissemination Models</td>
<td>5</td>
</tr>
<tr>
<td>C. Eligibility</td>
<td>7</td>
</tr>
<tr>
<td>D. Sub-grant Activities</td>
<td>9</td>
</tr>
<tr>
<td>E. Sub-grant Priorities</td>
<td>9</td>
</tr>
<tr>
<td>F. Technical Assistance</td>
<td>10</td>
</tr>
<tr>
<td><strong>Funding Priority and Funding Levels</strong></td>
<td>11</td>
</tr>
<tr>
<td>A. Funding Priority</td>
<td>11</td>
</tr>
<tr>
<td>B. Funding Levels</td>
<td>11</td>
</tr>
<tr>
<td>C. Sub-grant Period</td>
<td>11</td>
</tr>
<tr>
<td>D. Costs of Preparing the Application</td>
<td>11</td>
</tr>
<tr>
<td><strong>Program Accountability and Monitoring</strong></td>
<td>12</td>
</tr>
<tr>
<td>A. Program Accountability</td>
<td>12</td>
</tr>
<tr>
<td>B. Fiscal Reporting Requirements</td>
<td>12</td>
</tr>
<tr>
<td>C. Performance Reporting Requirements</td>
<td>13</td>
</tr>
<tr>
<td>D. Annual Budget</td>
<td>14</td>
</tr>
<tr>
<td>E. Monitoring</td>
<td>14</td>
</tr>
<tr>
<td>F. Program Evaluation</td>
<td>14</td>
</tr>
<tr>
<td>G. Webinars and Conference Calls</td>
<td>15</td>
</tr>
<tr>
<td><strong>Fiscal Operations</strong></td>
<td>16</td>
</tr>
<tr>
<td>A. Allowable Costs</td>
<td>16</td>
</tr>
<tr>
<td><strong>Application Requirements</strong></td>
<td>18</td>
</tr>
<tr>
<td>I. Narrative Response Requirements–Part 1 (Form 2–Required)</td>
<td>19</td>
</tr>
<tr>
<td>II. Narrative Response Requirements–Part 2 (Form 3–Required)</td>
<td>20</td>
</tr>
<tr>
<td>III. Proposed Budget Summary and Narrative (Forms 5 and 6–Required)</td>
<td>25</td>
</tr>
<tr>
<td>IV. Charter School Work Plan/Activities (Form 7–Required)</td>
<td>26</td>
</tr>
<tr>
<td><strong>Application Review and Scoring Process</strong></td>
<td>27</td>
</tr>
<tr>
<td>A. Application Eligibility Screening Criteria and Process</td>
<td>27</td>
</tr>
<tr>
<td>B. Peer Review</td>
<td>27</td>
</tr>
<tr>
<td>C. Scoring Criteria</td>
<td>27</td>
</tr>
<tr>
<td>D. Approval Process</td>
<td>28</td>
</tr>
<tr>
<td>E. Sub-grant Award Notification (GAN)</td>
<td>29</td>
</tr>
<tr>
<td>F. Appeal Process</td>
<td>29</td>
</tr>
<tr>
<td><strong>Submission of Applications</strong></td>
<td>30</td>
</tr>
<tr>
<td><strong>Forms</strong></td>
<td>32</td>
</tr>
<tr>
<td>PCSGP Dissemination Sub-grant Application Checklist (Required)</td>
<td>33</td>
</tr>
<tr>
<td>Form 1–Application for Funding (Required)</td>
<td>34</td>
</tr>
<tr>
<td>Form 2–Narrative Response Part 1 (Required) – 4 page limit</td>
<td>36</td>
</tr>
<tr>
<td>Form 3–Narrative Response Part 2 (Required) – 15 page limit</td>
<td>37</td>
</tr>
</tbody>
</table>
Form 4–Budget Instructions (Not Required) .............................................................38
Form 5–Proposed Budget Summary (Required) ......................................................39
Form 6–Proposed Budget Narrative (Required) .......................................................40
Form 7–Charter School Work Plan/Activities (Required) ........................................41
Form 8–Object of Expenditure Codes (Not Required) ..............................................42
Form 9–General Assurances and Certifications (Required) .....................................45
Form 10–Sub-grant Conditions and Assurances (Required) ....................................46

Appendices ............................................................................................................49

Appendix A: Dissemination Sub-grant Rubric ...........................................................49
Appendix B: Definitions of Dissemination Sub-grant Terms ......................................61
Appendix C: Procurement .....................................................................................63
Appendix D: Equipment and Supplies Standards ....................................................72
Appendix E: Financial Management Standards .....................................................76
Appendix F: Dissemination Sub-grant Resources ....................................................78
## Timeline

A number of important dates are identified below to apply for 2012–13 Dissemination Sub-Grant Program funds. 2012-13 Dissemination Sub-Grant Program effective start dates are from May 3, 2013 through June 30, 2013.

<table>
<thead>
<tr>
<th>Important Events</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post draft Request for Applications (RFA) on the California Department of Education (CDE) Web site</td>
<td><strong>January 7, 2013</strong></td>
</tr>
<tr>
<td>Present RFA at the California State Board of Education (SBE) meeting for approval</td>
<td><strong>January 16–17, 2013</strong></td>
</tr>
<tr>
<td>Post Final RFA to CDE Web site</td>
<td><strong>January 17, 2013</strong></td>
</tr>
<tr>
<td></td>
<td>(pending SBE approval)</td>
</tr>
<tr>
<td>Provide Technical Assistance (TA) Webinar</td>
<td><strong>January 28, 2013</strong></td>
</tr>
<tr>
<td>Dissemination Sub-Grant Program application due date</td>
<td><strong>March 29, 2013</strong></td>
</tr>
<tr>
<td>Conduct application review to evaluate and score applications (Dissemination Sub-Grant program staff and peer reviewers)</td>
<td><strong>April 16–17, 2013</strong></td>
</tr>
<tr>
<td>Notify awardees of their approval and post results to the CDE Web site</td>
<td><strong>May 3, 2013</strong></td>
</tr>
<tr>
<td>Grant effective date</td>
<td><strong>May 3, 2013</strong></td>
</tr>
<tr>
<td>Issue Sub-grant Award Notification (GAN) to grantees. Grantees must sign and return the GAN (approximately 1–2 weeks)</td>
<td><strong>May 10, 2013</strong> (tentative)</td>
</tr>
<tr>
<td>Schedule first payments</td>
<td>Approximately 3-6 weeks upon CDE receipt of signed GANs</td>
</tr>
</tbody>
</table>
General Information

A. Introduction

The Federal Public Charter Schools Grant Program (PCSGP) is a sub-grant program funded by the Charter Schools Program (CSP), authorized by 20 U.S. Code (U.S.C) sections 7221–7221j, and administered by the U.S. Department of Education (ED). The PCSGP is a discretionary grant program. California was awarded approximately $300 million in grant funds for 2010–15 activities. States that are awarded these federal funds distribute them in grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools to develop high quality and high performing charter schools. In addition, up to $5 million of the PCSGP funds is available to successful charter schools for activities related to the dissemination of best practices used in their schools. The dissemination sub-grant program is focused on closing the achievement gaps, and ensuring student academic success in state and national academic standards.

Hereafter, the term California Department of Education (CDE) refers to the CDE operating under the policy direction of the California State Board of Education (SBE). The CDE will award Dissemination Sub-Grants in 2012–13 and 2013–14 school years, pending annual allocations from the ED. These sub-grants are used for disseminating best practices widely throughout California to charter and non-charter public schools.

The CDE intends to fund up to ten (10) dissemination sub-grant projects in the 2012–13 fiscal year for a total of $2,500,000. Depending on continued funding, the CDE intends to fund up to ten (10) dissemination sub-grant projects in the 2013–14 fiscal year for a total of $2,500,000. The CDE made the decision to close the 2012–13 application window, score, and fund dissemination sub-grants in the Spring of 2013 to allow schools the opportunity to plan sub-grant activities for the next school year, and allow schools to possibly take advantage of the summer to start project activities. Dissemination project outcomes will be widely disseminated throughout the state to other California charter and non-charter public schools through the CDE sponsored Brokers of Expertise Web site. Dissemination sub-grants may not exceed twenty-four (24) months.

B. Research on Dissemination Models

The 2010–15 dissemination sub-grant program is the third wave of federal funding to promote the dissemination of successful practices, and is part of a broader funding strategy of the federal CSP. The ED contracted WestEd and Public Impact to complete the national evaluation of the first 2000–05 dissemination sub-grant cycle. The report, entitled “Assessment of Charter Schools Program Dissemination Funding” provides key insights on effective dissemination practices. Select findings are incorporated into this dissemination sub-grant Request for Applications (RFA).
**Depth Over Breadth**

One significant finding in the study is that certain models of dissemination are more successful than others. The study team reports “the most successful projects involved mentoring or other ongoing, ‘hands-on’ relationships between schools.” Although these projects involve fewer people overall, prior dissemination sub-grant cycle respondents believe projects offering depth, instead of more broad dissemination projects (e.g., training larger numbers of schools) had a greater positive, long-lasting impact on instructional practices and academic achievement.” This finding is further supported by recent national program research conducted by the California Comprehensive Center (WestEd) on behalf of the CDE. A review of current available literature on the subject indicates deeper projects that build long-lasting mentoring relationships between teachers, and between administrators, in fewer mentor and beneficiary schools, as well as projects that develop strong ongoing support networks, have a greater impact on improving academic achievement than one-time classes or development of static deliverables provided to many schools.

Less successful dissemination methods included one-time workshops, handbooks, videos and web-based materials, which were often left on shelves and not used or accessed. Another significant finding supported by research is that dissemination sub-grant projects that focus on evaluation of existing programs and practices is less helpful than other dissemination projects.

**Project Ideas**

Recent research conducted by the California Comprehensive Center (WestEd) on behalf of the CDE indicates there are several areas where educational best practices widely disseminated throughout the state could provide the greatest benefit from dissemination sub-grant funds. Accordingly the CDE is providing the following list of potential projects for consideration. Applicants are not restricted to projects listed on this list, and no priority points are awarded for projects on this list. Potential projects include, but are not limited to the following:

- Developing, or disseminating curriculum, instruction, or assessment roll-out activities specifically for Special Education students.

- Developing, or disseminating existing successful Blended Learning Strategy programs.

- Developing, or disseminating existing Teacher Evaluation programs—development and dissemination of teacher evaluation programs that are geared toward improving practice and support good teaching, rather than punitive measures.
• Developing, or disseminating existing best in class Science, Technology, Engineering, and Math (STEM) Programs.

• Developing, or disseminating existing successful programs focused on improving specific Special Population Academic Achievement results (e.g., English Language Learner, Special Education, Low Socio-economic Status [SES], other demographic student-groups, etc…).

• Developing, or disseminating existing best in class Career and College Readiness Programs.

• Developing or disseminating successful dropout-prevention programs.

• Projects demonstrating success in assisting schools to exit program improvement (PI) status.

C. Eligibility

The Elementary and Secondary Education Act (ESEA), Title V, Part B, Section 5204(6)(A) lists dissemination sub-grant charter school eligibility criteria. Charter schools are eligible to apply for the dissemination sub-grant if they meet all of the following criteria:

1. Absent a waiver, the school has not previously been awarded a Charter School Program dissemination sub-grant (20 U.S.C. 7221c[f][6][B] and 7221a[d][2]); and

2. The school operates according to the federal definition of a charter school (ESEA, Section 5210[1]); and

3. The school has been in operation for at least three (3) consecutive years; and

4. The school has demonstrated overall success in the following areas:
   a. Substantial progress in improving student academic achievement; and
   b. High levels of parent satisfaction; and
   c. Management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

Charter schools converted from a non-charter public school must be in operation as a charter school for at least three (3) consecutive years to be eligible.
Charter schools continuously open, and with an open effective date on or before January 1, 2010 are eligible to apply.

“Substantial progress in improving student academic achievement” means the charter school has met both the school and all student-group Academic Performance Index (API) growth targets for two of the past three years;

or

Charter schools participating in the Alternative Schools Accountability Model (ASAM) that demonstrate meeting or exceeding their overall charter mission to serve high-risk students may also be eligible. In order to be eligible, ASAM applicant schools are required to submit strong and compelling evidence of charter school success serving these high-risk student populations. ASAM program eligibility information is located on the CDE Web site at: http://www.cde.ca.gov/ta/ac/am/considerpart.asp.

“High levels of parent satisfaction” means the charter school demonstrates it regularly surveys parents, conducts parent meetings, or some other means of collecting parent satisfaction information. Strong applications include a description of how the collected parent information is used to calibrate the charter school’s programs and operations to the needs to the student community, and examples of the results from implementing parental feedback.

Examples of evidence to have “the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school,” may include, but are not limited to: if applicable, having the ability to provide or contract for special education services; establishing minimum enrollment and average daily attendance (ADA) to ensure adequate school funding; or identification and recruitment of appropriately credentialed teachers. Fiscal evidence may include, but is not limited to, accurate and reasonable school budget and cash flow projections that reflect the financial plan of the charter school based on its educational program, charter petition, ongoing or future obligations of the charter school. Evidence from a review of the annual audit independent auditor’s opinions, reported findings, and any pertinent notes to the financial statements also demonstrates financial viability.

While charter schools are the only entities eligible to apply for the sub-grant as an “eligible applicant,” they are encouraged to “partner” with non-charter public schools, school districts, county offices of education, charter management organizations, or charter school associations in their application. If the desired project partner is not an eligible applicant per ESEA Title V, Part B, Section 5204(6)(A), eligible applicant charter schools can enter into a contract for services (34 CFR 75.708[b]). In doing so, the charter school must follow applicable procurement procedures and pay reasonable fees for the goods and/or services. Sub-grant funds are not intended to be “pass-through” funds to other agencies.
D. Sub-grant Activities

A charter school may use funds to assist other beneficiary schools in adopting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as:

1. Assisting individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

2. Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

3. Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

4. Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

E. Sub-grant Priorities

The CDE is providing priority bonus points in the competition for projects that address the following areas. There are up to two (2) optional priority points available in the competition for applications that respond to the following state priorities:

- Collaboration with non-charter public schools; or
- Use of Brokers of Expertise for program activities.

Collaboration With Non-charter Public Schools Priority

Of the two priority points available in the competition, one (1) priority point is available in this “collaboration with non-charter public schools” section. A key finding of the Assessment of CSP Dissemination Funding report is that historically there are impediments to dissemination projects that include non-charter public schools. The CDE is dedicated to ensuring that the benefits of funding charter school dissemination sub-grant projects extend to all California charter and non-charter public schools.
Applications that include partnering with one or more non-charter public schools will receive one (1) priority point in the scoring phase of the competition. The names of the schools and collaboration details are required to receive this priority point.

**Use of Brokers of Expertise Priority**

Of the two priority points available in the competition, one (1) priority point is available in this “Brokers of Expertise” section. Applications that describe using existing Brokers of Expertise collaboration tools will receive one (1) priority point in the scoring phase of the competition. Detailed information about collaboration activities is required to receive this priority point.

**F. Technical Assistance**

The CDE intends to provide technical assistance (TA) through a Webinar covering the application process. After charter schools are awarded sub-grants, the CDE may also provide additional reporting TA if needed by sub-grantees.
Funding Priority and Funding Levels

A. Funding Priority

The application process is highly competitive. The CDE will only consider awarding funds to those applications that demonstrate a viable dissemination project. There may be insufficient funding to serve all eligible applicants. Applications will be scored by peer reviewers using a process to determine if applications receive a qualifying score. If insufficient funds are available to award all applications that receive a qualifying score, a funding priority based on overall score, in descending order, will be applied until all funds are exhausted. If there are insufficient funds to fully award the last application with a qualifying score, the CDE may, at its discretion, work with the applicant to amend their project to use the remaining available funds. If that applicant declines to accept an amended award, the CDE may select the next application for funding consideration. If insufficient funds are available, at its discretion the CDE may also consider other factors, including, but not limited to, diversity in proposed projects (e.g., awarding a greater number of different types of projects), geographic distribution, beneficiary school needs, and grade level distribution.

It is the CDE’s intention to exhaust all available dissemination sub-grant funding to applicants, in order to ensure as many projects as possible can be awarded and conducted.

B. Funding Levels

The CDE intention is to fund as close to 10 sub-grant awards as possible. While the target project size is approximately $250,000 per application, to maximize flexibility in the design of Dissemination sub-grant projects, the CDE has not established minimum or maximum funding levels for dissemination sub-grants. The CDE will evaluate projects on a case-by-case basis. However, the CDE reserves the right to request budgetary revisions as a condition of funding.

C. Sub-grant Period

Dissemination sub-grants cannot exceed a period of two years. Funding will be allocated on an annual basis dependent on satisfactory progress toward meeting project goals and predicated on the receipt of funding each year from the ED. Grantees may only use sub-grant funds for allowable sub-grant project expenditures during the Sub-grant project period. Any unspent funds remaining at the end of the sub-grant project period must be returned to the CDE.

D. Costs of Preparing the Application

Costs of preparing and delivering applications are the responsibility of the applicant, will not be reimbursed, and may not be charged to the sub-grant.
Program Accountability and Monitoring

The CDE is responsible for monitoring PCSGP implementation in accordance with the following program accountability requirements:

1. Each applicant receiving funding through this RFA meets the eligibility requirements for the sub-grant described herein, and the applicant has provided all required assurances that it will comply with all program implementation and reporting requirements established through this RFA.

2. Each applicant receiving funding through this RFA appropriately uses these funds described in this application.

3. Each applicant implements activities funded through this application within the timeline in which the funds provided are to be used.

To fulfill its monitoring responsibilities, the CDE requires funded applicants to submit appropriate fiscal and program documentation. In addition, representatives of the state may conduct site visits to a selected representative sample of funded applicants. The purpose of visits is to validate information submitted by applicants, and gather additional information from interviews and observations for monitoring and evaluation purposes.

Applicants awarded dissemination sub-grant funds must satisfy periodic reporting and accountability requirements throughout the term of the sub-grant. Applicants may be required to submit quarterly and annual progress reports to the CDE. These requirements address: (A) program accountability; (B) fiscal reporting requirements; (C) performance reporting; (D) annual budget; (E) monitoring; (F) program evaluation; and (G) webinars and conference calls.

A. Program Accountability

Each identified sub-grantee is responsible for carrying out its responsibilities in accordance with ESEA Title V Part B sections 5201-5211, available at [http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html](http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html) and its approved sub-grant application and work plan. Sub-grantees may also be required to submit periodic reports to the CDE, to report on the use of sub-grant funds and the progress of proposed sub-grant activities.

B. Fiscal Reporting Requirements

Sub-grantees must submit any required quarterly benchmark reports (QBRs) to the CDE for the duration of their sub-grant award. Sub-grantee expenditures are reported on the QBRs. The sub-grantee is responsible for ensuring that reports are accurate, complete, and submitted on time.
Fiscal Reporting Due Dates:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Reporting Period</th>
<th>Report Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>July 1–September 30</td>
<td>October 31</td>
</tr>
<tr>
<td>2</td>
<td>October 1–December 31</td>
<td>January 31</td>
</tr>
<tr>
<td>3</td>
<td>January 1–March 31</td>
<td>April 30</td>
</tr>
<tr>
<td>4</td>
<td>April 1–June 30</td>
<td>July 31</td>
</tr>
</tbody>
</table>

C. Performance Reporting Requirements

Annual performance reports (APRs) must be submitted to the CDE to report project progress no later than June 30th of each year. The sub-grantee is responsible for ensuring that reports are accurate, complete, and submitted on time. Progress toward achieving sub-grant goals and objectives will be monitored through the APR process. Submission of invoices and receipts may be required.

The following additional requirements are required of all sub-grant recipients, and are to be reported in the APR in the period the activity occurred:

1. Make at least one public presentation about the dissemination project at a meeting, conference, or other education related training during the **first year** of the dissemination sub-grant;

2. Make at least one public presentation about the dissemination project at a meeting, conference, or other education related training during the **second year** of the dissemination sub-grant; and

3. For schools partnering with other recipient schools—partner schools that do not meet the eligibility criteria will demonstrate strong and compelling evidence of school success in serving their student populations. Non-school partners (e.g., associations, CMOs, etc…) will demonstrate success in serving student populations.

4. Make available through the Internet any dissemination project deliverables/materials through the Brokers of Expertise Web site (e.g., templates, forms, Web cast presentations, training sessions, PowerPoint presentations, etc…) for wide dissemination throughout the state.

5. Program evaluation reports, including a final evaluation report describing success in meeting performance measures and goals.
D. Annual Budget

An annual budget of projected expenditures to be funded by the sub-grant must be submitted during the application process. The annual budget must be submitted to the CDE no later than July 1 for each subsequent year of the Sub-grant.

E. Monitoring

The CDE will monitor sub-grantees by reviewing and approving QBRs and APRs. All information in monitoring reports is subject to verification.

The CDE may conduct site visits. If selected as part of a site visit, applicants must agree to site visits by state or federal program representatives. Site visits are intended to validate information provided in fiscal and program reports, and to gather more detailed information on implementation efforts and challenges.

The CDE may require additional information from the sub-grant recipients, verify information with the authorizing agency, or require the submission of additional documentation including, but not limited to invoices, receipts, personnel time, and efforts reports. Prior to a site visit, the sub-grantee may be required to submit additional relevant information that will allow the CDE to conduct a useful, efficient, and effective visit. The CDE may require electronic submission of documents instead of a paper copy submission.

CDE staff will verify the contents of documentation submitted. Sub-grant recipients may be asked to revise reports when: non-allowable expenses are found; reports are confusing or difficult to understand; or there are unexplained discrepancies between the proposed use of sub-grant funds, as provided in the annual budget, and actual expenditures found in the submitted documentation.

F. Program Evaluation

Sub-grant Recipient Project Monitoring and Evaluation

Sub-grant recipients are required to conduct ongoing monitoring and evaluation to ensure project goals are achieved. While hiring an external monitoring and evaluation contractor is not required, it is also not prohibited. Progress toward meeting project goals is to be reported through the APR process.
A final project evaluation report is to be completed before the end of the sub-grant period. The final evaluation report must address project success toward each goal stated in the application. If a sub-grantee fails to conduct the final project evaluation report before the end of the sub-grant period, or if any of the performance requirements in Section C are not completed, the CDE may invoice the sub-grantee for a base amount of 10 percent of the total sub-grant award, up to the total amount of the year 2 funds.

CDE External Review

The CDE is required to contract for an external evaluation of the PCSGP. The ED or its representatives conduct CSP evaluations as well. Dissemination sub-grant recipients are required to comply with any requests by the ED or its sub-contractor, or the CDE and its evaluation sub-contractor, including, but not limited to, requests for information, site visits, interviews, completing surveys, or participating in data collections.

G. Webinars and Conference Calls

Dissemination sub-grantees are required to participate in any Webinars and conference calls that the CDE may conduct related to completing and filing reports or other requirements of the dissemination sub-grant.
Fiscal Operations

Sub-grantees may only use sub-grant funds for allowable sub-grant expenditures during the sub-grant period. Any unspent funds remaining at the end of the sub-grant period must be returned to the CDE.

A. Allowable Costs

According to the federal Department of Education non-regulatory guidance posted at [http://www2.ed.gov/programs/charter/nonregulatory-guidance.doc](http://www2.ed.gov/programs/charter/nonregulatory-guidance.doc), CSP dissemination grants and sub-grants must be used in accordance with statutory and regulatory requirements. A charter school may not use dissemination sub-grant funds, either directly or through a contractor, for marketing or recruitment activities designed to promote itself or its programs to parents or the community. Sub-grant funds may be used to develop materials documenting successful practices of the charter school for the educational purpose of assisting other public schools in adapting the charter school's program or improving student academic achievement. Any charter school receiving a dissemination sub-grant should provide thorough and high-quality information that meets the needs of other schools trying to learn from the charter school’s experience. Absent a waiver, a charter school may receive only one dissemination grant. ([20 U.S.C. 7221c[f][6][B] and 7221a[d][2]](https://www.law.cornell.edu/uscode/text/20/7221c))

Supplement, Not Supplant

Dissemination sub-grant funds must supplement, not supplant, existing services and may not be used to supplant federal, state, local, or nonfederal funds. Programs may not use sub-grant funds to pay for existing levels of service funded from any other source. Dissemination sub-grant funds may not be used for new construction, most transportation, class size reduction, or purchases that do not directly support the approved work plan.

Federal Guidance


Dissemination sub-grant is federally funded and applicants must adhere to all applicable federal laws and regulations. General guidance regarding allowable expenses for federal grant funds may be found in Office of Management and Budget (OMB) Circulars:

- A-87: Principles for determining costs of grants with state and local governments. This document may be accessed through the following link: [http://www.whitehouse.gov/omb/circulars_a087_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/).
• A-122: Principles for determining costs of grants with non-profit organizations. This document may be accessed through the following link: http://www.whitehouse.gov/omb/circulars_a122_2004/.

It is prohibited to use federal grant funds for fundraising, civil defense, legal claims against the state or federal government, and contingencies.


B. Payments to Sub-grantees

The CDE will issue payments in five increments as follows:

• The first payment: 22.5 percent of the annual sub-grant allocation, plus all expenses already incurred, after the CDE receives the signed Grant Award Notification (GAN) letter (AO-400).

• Subsequent payments will be made quarterly in amounts that equal 22.5 percent of the annual allocation, plus expenses already incurred to date, upon verification that quarterly reports have been submitted to the CDE by the sub-grantee.

• No payments will be made in excess of the sub-grant award. Ten percent will be withheld until approval of the final project evaluation report and all performance requirements are completed.

Termination of Funding

Funding may be terminated if there is evidence of fraud or fiscal irregularity in the use of funds for their intended purpose. Funding may also be terminated if sub-grantees fail to complete the quarterly or annual progress reports on schedule, as required.
Application Requirements

Applicants responding to this RFA must submit a complete application packet, including a complete response to all narrative elements described in this RFA, required forms, and all original signatures required as noted on each application form. The application must be in Microsoft Word 2003 or later, single spaced, and 12-point Arial font using one-inch margins.

The application is broken down into four major parts listed below.

I. Narrative Response Requirements Part 1
   A. Compliance with the Individuals with Disabilities Education Act (IDEA)
   B. Eligibility Criteria

II. Narrative Response Requirements Part 2

Section 1 – Priority Point Elements
   A. Collaboration with Non-charter Public School Priority Points
   B. Use of Brokers of Expertise Priority Points

Section 2 – Narrative Response Required Elements
   1. Objective Summary Statement
   2. Program Rationale
   3. Beneficiary Schools
   4. Program Activities
   5. Parent Involvement
   6. Sustainability Plan
   7. Program Evaluation

III. Proposed Budget Summary and Narrative
   A. Budget Summary
   B. Budget Narrative

IV. Charter School Work Plan/Activities
   A. Activities
I. Narrative Response Requirements–Part 1 (Form 2–Required)
(4 Page Limit Total)

The applicant must respond to the following two narrative responses, if applicable, using PCSGP Form 2. These two responses will not be scored or included in the peer review process.

A. Compliance with Individuals with Disabilities Education Act (IDEA)
(If applicable)

If the charter school is considered a local educational agency (refer to California Education Code (EC) sections 47640-47647), the applicant must describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.

B. Eligibility Criteria (Required)

The applicant must describe how the charter school meets the eligibility criteria listed in ESEA Title V, Part B, Section 5204(6)(A).

In general, a charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation (e.g., planning and implementation sub-grant), to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

(i) substantial progress in improving student academic achievement;
(ii) high levels of parent satisfaction; and
(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

In addition, the charter school:

A. Absent a waiver, has not previously been awarded a Charter School Program dissemination sub-grant (20 U.S.C. 7221c[f][6][B] and 7221a[d][2]); or

B. Operates according to the federal definition of a charter school (ESEA, Section 5210[1]);

For more information about these criteria, see the eligibility section at the beginning of the RFA.
In addition, any partner (mentor) schools must meet one of two criteria. Applicants must demonstrate how all partner schools either:

1. Meet the definition of an eligible applicant; or

2. If the desired project partner is not an eligible applicant per ESEA Title V, Part B, Section 5204(6)(A), eligible applicant charter school(s) can enter into a contract for services (34 CFR 75.708[b]). In doing so, the charter school must follow applicable procurement procedures and pay reasonable fees for the goods and/or services. Examples of partners that may not meet the eligibility requirements include, but are not limited to, charter school associations, charter management organizations, or LEAs.

II. Narrative Response Requirements—Part 2 (Form 3–Required)
(15 Page Limit Total)

Applicants applying for the 2012–13 dissemination sub-grant funds must complete the Narrative Response Part 2 (Form 3). When responding to the narrative elements, applicants should provide a thorough response that addresses all requirements of each element, if applicable. The CDE has provided a rubric that describes expectations for applicant responses to each narrative element and other requirements of the application. This rubric is included as Appendix A of this RFA. Applicants are advised to use the rubric as a guide in preparing their applications. The rubric will also be used as a guide for reviewers during the application review and peer review and scoring process. The three optional priority point elements and seven required narrative elements are described below.

Section 1—Priority Point Elements (Optional Section)

A. Collaboration with Non-Charter Public Schools Priority Points (Optional Element)

Applicants responding to the collaboration with non-charter public school priority are required to explain the nature of project collaboration. Specifically:

- The name(s) of the non-charter school(s) involved in the collaboration project;
- A summary of the nature of the collaboration activities;
- A summary of which major project parts each collaborative partner will address;
- A statement that demonstrates local educational agency agreement about dissemination sub-grant project collaboration; and
- The names of local officials approving the collaboration project.
B. Use of Brokers of Expertise Priority Points (Optional Element)

Applicants responding to the use of the Brokers of Expertise collaboration Web resource must describe how the project activities will be conducted using this online resource. At a minimum, the narrative must specifically describe:

- Which project activities will be conducted using the Brokers of Expertise site;
- Which Brokers of Expertise collaboration tools/resources will be used; and
- Which project staff will use the collaboration tools/resources;

Note: while all dissemination sub-grantees are required to post project materials online and link them through the Brokers of Expertise Web site, priority points in this area are specifically awarded for using the collaboration tools and resources in the execution of project activities.

Section 2–Narrative Response Required Elements (Required Section)

1. Objective Summary Statement (Required Element)

The applicant must describe at a summary level, a statement of the proposed project. Specifically, the summary statement must include:

- A high-level statement about the project goals, objectives, and performance measures;
- How the project will assist students to meet challenging state student academic achievement standards;
- Any curriculum or instructional practices or materials to be developed; and
- Strategies to assess and evaluate impact on student achievement, and manage continuous instructional improvement.

2. Program Rationale (Required Element)

The applicant must describe the rationale for the project, including a description of:

- The specific targeted student population to be served (e.g., school-wide, 5th grade Hispanic students; 7th and 8th grade math students, etc…);
- How the targeted student population is currently not achieving academic standards;
• Why the project was selected to correct the academic achievement deficiencies;

• The research or experience demonstrating the effectiveness of the program to correct the academic achievement deficiencies; and

• The expected outcome of the project to improve academic achievement in the targeted student population.

3. Beneficiary Schools (Required Element)

The applicant must describe any specific beneficiary schools, and student populations that will benefit from the dissemination project (beneficiary schools). The applicant must describe how any listed beneficiary schools or student populations will be improved as a result of the project. Specifically, the applicant must describe:

• The names and cities of the identified beneficiary schools, or where the student populations attend school;

• The demographic summary of the identified beneficiary schools (e.g., number of students, student demographics, grade levels, academic achievement; percentage of free and reduced price meal eligible students or school-wide, etc…), or the statewide student populations; and

• The demographics of participating beneficiary school administrators, teachers, and support staff.

If the proposed project does not involve collaboration with specific schools, and is designed to generally make program or other materials widely available statewide to all California public schools, or to specific student or teacher populations statewide (e.g., statewide California English language learners, statewide special education students, statewide dropouts, etc…), the applicant must describe in detail how these statewide student or teacher populations statewide will benefit from the proposed project.

4. Program Activities (Required Element)

The applicant must describe the program and activities that will be implemented during the project. This description must address the following activity information with a description of:

• the project scope, schedule, and goals;

• all planned activities;

• the performance measures that indicate progress toward meeting project goals;
• the people involved, including partner schools and beneficiary schools; and

• the resources used in the project (e.g., Webinars, meetings, training sessions, etc…).

5. Parent Involvement (Required Element)

The applicant is required to explain how parents at both the partner school (mentor), and at any beneficiary schools (if applicable), will be informed of the project and activities, as well as any opportunities for potential parental involvement. Specifically, how parents will be informed of:

• The project scope, schedule, and participating school staff;

• Project goals, objectives, and performance measures;

• The rationale for the project;

• The support networks to be put into place to maintain the program;

• The expected benefit, including changes to student academic achievement;

• Any opportunities for parental involvement; and

• The planned methods for communicating program goals and progress with parents and the community as a whole.

6. Sustainability Plan (Required Element)

The applicant must describe how the changes to the beneficiary schools will be sustained over time. Specifically, how the beneficiary schools will maintain:

• The program and any resources over time;

• As applicable, the support networks between schools to continue ongoing collaboration and the exchange of best practice information; and

• The method of continued collaboration, including tools, venues, training, mentoring, etc…
7. **Program Evaluation (Required Element)**

The applicant must describe how the project will be monitored and evaluated for effectiveness. This description must address the following:

- The program elements to be monitored;
- The scope of data and information to be collected for monitoring, including census dates;
- The school staff or contractors involved in the data collection, reporting, and evaluation efforts;
- The method for evaluation;
- The method of reporting evaluation findings, including reporting dates; and
- The audience of the evaluation reports, including the CDE, parents and school staff, teachers, administrators, and board members.
III. Proposed Budget Summary and Narrative (Forms 5 and 6–Required)

The applicant must include the following for all years of the sub-grant:

A. Proposed Budget Summary (Form 5); and
B. Budget Narrative (Form 6)

All dissemination sub-grant funds requested must be budgeted in the budget summary and narrative.

Budget Criteria:

- The applicant's projected budget summary is complete, expenditures are accurately classified by object code, the full term of the sub-grant is covered, and totals by year are provided.

- The applicant's projected budget narrative includes detailed information to describe activities and costs associated with each object code. Budget items accurately reflect the actual cost of implementing the objective.

- The budget summary and narrative are clearly aligned and, taken together, fully describe appropriate expenditures of funds in all categories that are clearly sufficient to support the design and implementation of proposed activities.

Important:

- The budget summary and narrative forms must address all years of the sub-grant.

- The budget summary and narrative forms may not be modified and broken down further than the object codes provided (e.g., 1000, 2000, 3000, etc.).

- The budget summary and narrative forms must include totals by object code series, year, and entire term of the sub-grant.
IV. Charter School Work Plan/Activities (Form 7—Required)
(15 Page Limit Total)

A. Activities

All applicants applying for the 2012–13 PCSGP funds must complete a Charter School Work Plan/Activities form (Form 7). The applicant must include actions/activities that align to and support the implementation of each of the four narrative elements (#4 through #7) of the sub-grant application as described on the Narrative Response form (Form 2). Each activity must include a timeline with specific start and end dates, the individual position or person, if known, who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify implementation. Dissemination sub-grants may not exceed twenty-four (24) months. The activities identified in the Work Plan will be used in the monitoring of the charter school’s progress in planning and implementation of the charter school using dissemination sub-grant funding. The Work Plan includes only the following elements:

4. Program Activities
5. Parent Involvement
6. Sustainability Plan
7. Program Evaluation

Note: there are no work plan activities for narrative response elements 1–3.

There is a 15 Page Limit Total for this section.
Application Review and Scoring Process

A. Application Eligibility Screening Criteria and Process

After the application has been submitted, CDE staff will screen the application to verify that the application is complete and meets all eligibility criteria in the narrative response (part 1–form 2). Any application that does not meet all of the eligibility criteria will not be forwarded on to the review process.

Applications meeting the eligibility criteria will be forwarded to the scoring phase of the competition. Applicants that do not pass the eligibility-screening phase will be notified by CDE staff.

B. Peer Review

Federal law (ESEA, Section 5204[C]) requires a peer review of all Charter School Program state sub-grant applications. California recruits national and state charter school developers, governing board members, operators, and authorizers to participate in this process. Reviewers are required to recuse themselves from the evaluation of any application for which they have a perceived or real conflict of interest. Each application will be independently reviewed and scored by two peer reviewers.

C. Scoring Criteria

Peer reviewers will score applications based on the responses to the prompts on Form 3 (Narrative Response–Part 2). Application scoring consists of two parts: a priority points section and a narrative response section. The priority points section is optional. The narrative response section is mandatory.

Priority Points

There are up to two (2) optional priority points available in the competition for applications that respond to the following sections:

- Collaboration with non-charter public schools; or
- Use of Brokers of Expertise for program activities.

Each element of the priority points section will be scored using a 2-point rubric:

- Adequate (1 point); or
- Inadequate (0 points).

Applications that demonstrate responses to prompts meeting the criteria in the rubric will be awarded priority points.
**Narrative Response**

There are up to twenty-one (21) points available in the competition for responses to the following seven narrative response sections:

1. Objective Summary Statement;
2. Program Rationale;
3. Beneficiary Schools;
4. Program Activities;
5. Parent Involvement;
6. Sustainability Plan; and

Each element of the narrative response section will be scored using a 3-point rubric:

- Meets the standard (3 points);
- Approaches the standard (2 points); or
- Does not meet the standard (1 point).

The narrative response elements 4-7 must be aligned with, and support the full implementation of, all activities stated in the charter school work plan (Form 7). The workplan actions/activities identified must be specific and include specific timelines with start and end dates, a designated position or person responsible, and a description of the type of evidence that will be submitted to the CDE, upon request, to verify implementation.

**D. Approval Process**

Scores for the narrative response will be provided by peer reviewers. When recommending sub-grant applications for funding, the CDE will recommend funding those applications that fully comply with all requirements described in this RFA. The CDE will only consider awarding funds to those applicants that develop and submit a comprehensive and viable application.

Applicants are advised to refer to the dissemination sub-grant rubric for further guidance on developing an appropriate response.

Once the review and scoring process is complete, CDE staff will notify the applicant of approval or denial, and will provide additional instructions. The sub-grant effective date is listed in the timeline.
E. Sub-grant Award Notification (GAN)

The GAN is a legally binding document between the CDE and the sub-grantee. Upon notice of award, sub-grantees must return the GAN with the original signature of the designated primary applicant—the president of the board of directors of the nonprofit entity or an executive officer. No sub-grant funding will be authorized until a signed GAN is received by the CDE.

F. Appeal Process

If an application is not approved, applicants may request to appeal within 30 calendar days following receipt of the letter of denial. The request for appeal must clearly identify a violation that the application review process failed to follow a state or federal statute or regulation in not approving the sub-grant application or that the funds awarded were not in accordance with the requirements of statutes and regulations, or to comply with California’s approved 2010–2015 CSP application. A request to appeal the denial of a sub-grant award should be addressed to:

Public Charter Schools Grant Program
Attention: Dissemination Sub-grant Appeal
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814-5901
Submission of Applications

Applicants responding to this RFA must submit a complete application packet and provide all original signatures required, as noted on each application form. Applications must be submitted with all forms compiled in the order listed on the Application Checklist provided on page 34 of this RFA.

Applicants must submit an original, three hard copies, and one electronic (e-mail a copy, or submit on a compact disc [CD], or a flash drive) Microsoft Word 2003 or later copy (all single spaced in 12 point Arial font using one inch margins) of each application and ensure that the original and copies are received by the Charter Schools Division on or before (not postmarked by) 4:30 p.m., March 29, 2013.

Mailed documents must arrive on or before March 29, 2013, and should be sent to the following address:

Public Charter Schools Grant Program
Dissemination Sub-grant
California Department of Education
Charter Schools Division
1430 N Street, Suite 5401
Sacramento, CA 95814-5901

Applicants may personally deliver the sub-grant application package to the Charter Schools Division on or before (not postmarked by) 4:30 p.m., March 29, 2013, at the following location:

Public Charter Schools Grant Program
Dissemination Sub-grant
California Department of Education
Charter Schools Division
1430 N Street, Suite 5401
Sacramento, CA 95814-5901

To comply with Federal Americans with Disability Act (ADA) Regulations, please adhere to the following guidelines:

- Submit text based documents only (no scanned images);
- If images are included, also include alternative text for that image;
- Do not use color to convey information; and
- Do not include images of handwritten signatures for privacy reasons.
Waivers

If an applicant believes that a waiver is necessary for the successful operation of the charter school, the applicant must have an approved waiver for any state or local laws, regulations, or policies that are generally applicable to charter schools prior to submitting a dissemination sub-grant application.
Forms

The following forms are examples to be used in completing the PCSGP Dissemination sub-grant application. Actual downloadable program forms are available on the CDE Web site at http://www.cde.ca.gov/fg/fo/r1/pcsgpdg12rfa.asp.

- PCSGP Dissemination Sub-grant Application Checklist
- Form 1—Application for Funding (Required)
- Form 2—Narrative Response Part 1 (Required)
- Form 3—Narrative Response Part 2 (Required)
- Form 4—Budget Instructions (Not Required)
- Form 5—Proposed Budget Summary (Required)
- Form 6—Proposed Budget Narrative (Required)
- Form 7—Charter School Work Plan/Activities (Required)
- Form 8—Object of Expenditure Codes (Not Required)
- Form 9—General Assurances and Certifications (Required)
- Form 10—Sub-grant Conditions and Assurances (Required)
PCSGP Dissemination Sub-grant Application Checklist (Required)

The following forms must be included as part of the PCSGP Dissemination sub-grant application. Please type initials by each form after completion and compile the application packet in the order provided below. These forms can be downloaded from the CDE PCSGP Request for Application Web page at http://www.cde.ca.gov/fg/fo/r1/pcsgpdg12rfa.asp.

<table>
<thead>
<tr>
<th>Initial</th>
<th>Form</th>
<th>Page Limit</th>
<th>Required?</th>
<th>CDE Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Form 0 Application Checklist</td>
<td>1</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 1 Application for Funding (The Primary Applicant must sign in blue ink)</td>
<td>N/A</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 2 Narrative Response–Part 1</td>
<td>4</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 3 Narrative Response–Part 2</td>
<td>15</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 4 Budget Instructions</td>
<td>N/A</td>
<td>No–retain locally</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 5 Proposed Budget Summary</td>
<td>N/A</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 6 Proposed Budget Narrative</td>
<td>N/A</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 7 Charter School Work Plan/Activities</td>
<td>15</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 8 Object of Expenditure Codes</td>
<td>N/A</td>
<td>No–retain locally</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 9 General Assurances and Certifications</td>
<td>N/A</td>
<td>No–retain locally</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form 10 Sub-grant Conditions and Assurances</td>
<td>N/A</td>
<td>No–retain locally</td>
<td></td>
</tr>
</tbody>
</table>
Form 1–Application for Funding (Required)

APPLICATION RECEIPT DEADLINE
Applications must be delivered to the Charter Schools Division (not postmarked) by March 29, 2013, 4:30 P.M.

| CDE Use Only |
| DRFA | Status | Date |

Submit to:
Charter Schools Division
Attn: Dissemination Sub-Grant
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814-5901

NOTE: Please type all information.

<table>
<thead>
<tr>
<th>Charter School Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charter School Name</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>County</td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
<tr>
<td>Charter Authorizing Agency Name</td>
</tr>
<tr>
<td>SBE Charter School Number</td>
</tr>
<tr>
<td>Charter School Approval Date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Award Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicate the sub-grant amount requested in the space below</td>
</tr>
<tr>
<td>Award Amount</td>
</tr>
<tr>
<td>CDE Use Only</td>
</tr>
</tbody>
</table>

Form 1–Application for Funding

<table>
<thead>
<tr>
<th>Primary Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
</tbody>
</table>

Certification, Assurance and Signature Section

CERTIFICATION/ASSURANCE: As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal PCSGP Dissemination Sub-grant program, and I agree to comply with all requirements as a condition of funding.

In accordance with the definitions in the Request for Application document, I certify all of the following statements are true at the time of the application:

Absent a waiver, the school has not previously been awarded a Charter School Program dissemination sub-grant;
The school operates according to the federal definition of a charter school (ESEA, Section 5210[1]);

1. The school has been in operation for 3 or more consecutive years;
2. The applicant school has met school and student-group API Growth targets for 2 of the last 3 years, or if an ASAM school, has met the eligibility criteria;
3. The school has high levels of parent satisfaction; and
4. The school has the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.

<table>
<thead>
<tr>
<th>Printed Name of Administrator or Designee</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrator or Designee Signature (Blue Ink)</td>
<td>Date</td>
</tr>
</tbody>
</table>
Form 2–Narrative Response Part 1 (Required) – 4 page limit

CDE Use Only

<table>
<thead>
<tr>
<th></th>
<th>DRFA</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 1: Compliance with IDEA (this section is only required if applicable) (not scored or included in the peer review process)

A. Compliance with Individuals with Disabilities Education Act (IDEA)
   Response:

Section 2: Eligibility Criteria (this section is required of all applicants) (not scored–used for eligibility criteria screening–pass/fail)

A. Previous Charter School Program Dissemination Sub-grant Awards
   Response:

B. Federal Definition of a Charter School (ESEA, Section 5210[1])
   Response:

C. School In Operation for Three (3) or More Consecutive Years
   Response:

D. Academic Success
   Response:

E. High Levels of Parent Satisfaction.
   Response:

F. Management and Leadership Capacity
   Response:
Section 1: Priority Points (this section is optional)

A. Collaboration With Non-charter Public Schools
Response:

B. Use Brokers of Expertise to Collaborate and Disseminate
Response:

Section 2: Narrative Response (this section is required)

Objective Summary Statement (OSS):
Response:

Program Rationale (PR):
Response:

Beneficiary Schools (BS):
Response:

Program Activities (PA):
Response:

Parent Involvement (PI):
Response:

Sustainability Plan (SP):
Response:

Program Evaluation (PE):
Response:
Form 4–Budget Instructions (Not Required)

Instructions for Completing the Proposed Budget Summary
(Dissemination Sub-grant Form 5)

The applicant must include the Proposed Budget Summary (Dissemination Sub-grant Form 5) and a Budget Narrative (Dissemination Sub-grant Form 6). Sub-grant funds are to be used in dissemination activities only.

Important:

- The budget must address the full term of the sub-grant (two years)
- The budget must be of sufficient size and scope to implement the objectives and activities
- The budget Summary may not be modified and broken down further than the object codes provided (e.g., 1000, 2000, 3000, etc.)

Instructions for Completing the Budget Narrative
(Dissemination Sub-grant Form 6)

The Budget Narrative must provide more detail regarding the information provided in the Proposed Budget Summary and support actions and activities identified in the narrative response and the Charter School Work Plan/Activities.

Use the Budget Narrative form to describe the costs associated with each activity reflected in the budget. The Budget Narrative must clearly identify those activities that are related to costs included in the columns on the Proposed Budget Summary (Dissemination Sub-grant Form 5).

- The Budget Narrative must be grouped by object code series (e.g., 1000, 2000, 3000, etc.).
- The Budget Narrative must include totals by object code series, year, and include totals by object code series, year, and term of sub-grant.

See the complete list of California Account Codes in Form 8.
Form 5—Proposed Budget Summary (Required)

| Charter School Name: |
| County District School Code: | Charter Number: |
| County: |
| Contact: | Telephone Number: |
| E-Mail: | Fax Number: |
| PCA: SACS Resource: 4610 Revenue Object: 8290 |

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Description of Line Item</th>
<th>PCSGP Funds Budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revolving Fund Series (Implementation Year 1 only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1000–1999</td>
<td>Certificated Personnel Salaries</td>
<td></td>
</tr>
<tr>
<td>2000–2999</td>
<td>Classified Personnel Salaries</td>
<td></td>
</tr>
<tr>
<td>3000–3999</td>
<td>Employee Benefits</td>
<td></td>
</tr>
<tr>
<td>4000–4999</td>
<td>Books and Supplies</td>
<td></td>
</tr>
<tr>
<td>5000–5999</td>
<td>Services and Other Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>6000–6999</td>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>7310 &amp; 7350</td>
<td>Indirect Costs</td>
<td></td>
</tr>
</tbody>
</table>

| Total Amount Budgeted |
Form 6–Proposed Budget Narrative (Required)

<table>
<thead>
<tr>
<th>Budget Expenditure Detail (See instructions)</th>
<th>Required Element Code</th>
<th>Funds Budgeted (Identified per year)</th>
<th>Object Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total By Object Code
Form 7–Charter School Work Plan/Activities (Required)

<table>
<thead>
<tr>
<th>Element</th>
<th>Timeline</th>
<th>Position/Person Responsible</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4. Program Activities (PA)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions/Activities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5. Parent Involvement (PI)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions/Activities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6. Sustainability Plan (SP)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions/Activities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>7. Program Evaluation (PE):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions/Activities:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Elements 1–3 have no associated work plan activities.
Form 8–Object of Expenditure Codes (Not Required)
(Page 1 of 3)

This list of expenditure codes is provided for reference to complete the Proposed Budget Summary form (Dissemination Sub-grant Form 5) and the Budget Narrative form (Dissemination Sub-grant Form 6). The applicant is encouraged to retain a copy of these specific assurances at the charter school site. School districts and county superintendents of schools are required to report expenditures in accordance with the object classification plan in the California School Accounting Manual. The use of these object codes will facilitate the preparation of budgets and the various financial reports requested by federal, state, county, and local agencies. The California School Accounting Manual is available from the CDE Publication Sales (call 1-800-995-4099), or online at [http://www.cde.ca.gov/fg/ac/sa/](http://www.cde.ca.gov/fg/ac/sa/).

### 1000–1999 Certificated Personnel Salaries
- 1100 Certificated Teachers' Salaries
- 1200 Certificated Pupil Support Salaries
- 1300 Certificated Supervisors' and Administrators' Salaries
- 1900 Other Certificated Salaries

### 2000–2999 Classified Personnel Salaries
- 2100 Classified Instructional Salaries
- 2200 Classified Support Salaries
- 2300 Classified Supervisors' and Administrators' Salaries
- 2400 Clerical, Technical, and Office Staff Salaries
- 2900 Other Classified Salaries

### 3000–3999 Employee Benefits
- 3101 State Teachers' Retirement System, certificated positions
- 3102 State Teachers' Retirement System, classified positions
- 3201 Public Employees' Retirement System, certificated positions
- 3202 Public Employees' Retirement System, classified positions
- 3301 OASDI/Medicare/Alternative, certificated positions
- 3302 OASDI/Medicare/Alternative, classified positions
- 3401 Health and Welfare Benefits, certificated positions
- 3402 Health and Welfare Benefits, classified positions
- 3501 State Unemployment Insurance, certificated positions
- 3502 State Unemployment Insurance, classified positions
- 3601 Workers' Compensation Insurance, certificated positions
- 3602 Workers' Compensation Insurance, classified positions
- 3701 OPEB, Allocated, certificated positions
- 3702 OPEB, Allocated, classified positions
- 3751 OPEB, Active Employees, certificated positions
- 3752 OPEB, Active Employees, classified positions
- 3801 PERS Reduction, certificated positions
Form 8—Object of Expenditure Codes (Not Required)
(Page 2 of 3)

3000–3999 Employee Benefits
3802 PERS Reduction, classified positions
3901 Other Benefits, certificated positions
3902 Other Benefits, classified positions

4000–4999 Books and Supplies
4100 Approved Textbooks and Core Curricula Materials
4200 Books and Other Reference Materials
4300 Materials and Supplies
4400 Noncapitalized Equipment
4700 Food

5000–5999 Services and Other Operating Expenditures
5100 Sub agreements for Services
5200 Travel and Conferences
5300 Dues and Memberships
5400 Insurance

5000–5999 Services and Other
5500 Operations and Housekeeping Services
5600 Rentals, Leases, Repairs, and Noncapitalized Improvements

5700–5799 Transfers of Direct Costs
5710 Transfers of Direct Costs
5750 Transfers of Direct Costs—Interfund
5800 Professional/Consulting Services and Operating Expenditures
5900 Communications

6000–6999 Capital Outlay
6100 Land
6170 Land Improvements
6200 Buildings and Improvements of Buildings
6300 Books and Media for New School Libraries or Major Expansion of School Libraries
6400 Equipment
6500 Equipment Replacement
6900 Depreciation Expense (for proprietary and fiduciary funds only)

7000–7499 Other Outgo
Form 8–Object of Expenditure Codes (Not Required)
(Page 3 of 3)

**7100–7199 Tuition**
- 7110 Tuition for Instruction Under Interdistrict Attendance Agreements
- 7130 State Special Schools
- 7141 Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Schools
- 7142 Other Tuition, Excess Costs, and/or Deficit Payments to County Offices
- 7143 Other Tuition, Excess Costs, and/or Deficit Payments to JPAs

**7200–7299 Interagency Transfers Out**
- 7211 Transfers of Pass-Through Revenues to Districts or Charter Schools
- 7212 Transfers of Pass-Through Revenues to County Offices
- 7213 Transfers of Pass-Through Revenues to JPAs
- 7221 Transfers of Apportionments to Districts or Charter Schools
- 7222 Transfers of Apportionments to County Offices
- 7223 Transfers of Apportionments to JPAs
- 7281 All Other Transfers to Districts or Charter Schools
- 7282 All Other Transfers to County Offices
- 7283 All Other Transfers to JPAs
- 7299 All Other Transfers Out to All Others

**7300–7399 Transfers of Indirect Costs (Effective 2008–09)**
- 7310 Transfers of Indirect Costs
- 7370 Transfers of Direct Support Costs (Valid through 2007–08)
- 7380 Transfers of Direct Support Costs–Interfund (Valid through 2007–08)

**7430–7439 Debt Service**
- 7432 State School Building Repayments
- 7433 Bond Redemptions
- 7434 Bond Interest and Other Service Charges
- 7435 Repayment of State School Building Fund Aid–Proceeds from Bonds
- 7436 Payments to Original District for Acquisition of Property
- 7438 Debt Service–Interest
- 7439 Other Debt Service–Principal
Form 9–General Assurances and Certifications (Required)

Public Charter School Grant Program
Dissemination Sub-grant
General Assurances
(Required for all Applicants)

2012–13 General Assurances and Certifications
(Do not submit as part of the application.)

All sub-grantees are required to retain on file a copy of these general assurances for the charter school records and for audit purposes. Please download the 2012–13 General Assurances and Certifications located on the CDE Funding Forms Web page at http://www.cde.ca.gov/fg/fo/fm/ff.asp. Do not submit this form (Dissemination Sub-grant Form 9), or the General Assurances and Certifications printout, to the CDE. The applicant is required to print and retain a copy of these specific assurances at the charter school site. The signature on the front of the application indicates acknowledgement and agreement to all assurances.

Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension (Do not submit as part of the application.)

Download the following three forms from the certifications section on the CDE Funding Forms Web page at http://www.cde.ca.gov/fg/fo/fm/ff.asp.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

Print, sign, and retain at the charter school site. The signature on the front of the application indicates acknowledgement and agreement to all assurances and certifications.
Form 10–Sub-grant Conditions and Assurances (Required)  
(Page 1 of 3)

Public Charter School Grant Program  
Dissemination Sub-grant  
Specific Assurances

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following sub-grant Conditions and Assurances. The signatures of the authorized agents on the front of the application indicates acknowledgement and agreement to all assurances. The applicant is required to print and retain a copy of these specific assurances at the charter school site.

1. This sub-grant shall be administered in accordance with the provisions of California law regarding charter schools; Title X, Part C of the Improving America’s Schools Act of 1994; and the Code of Federal Regulations (CFR) parts 75, 76.785 through 76.799, 77, 81, 86, and 99. Expenditures shall comply with all applicable provisions of federal and state regulations and policies relating to the administration, use and accounting for public school funds. Any interpretations of law, regulations, and procedures shall be the sole responsibility of the CDE.

2. The CDE reserves the authority to require the repayment of received funds, the return of all unused funds, and/or the termination of the sub-grant if the sub-grant recipient fails to meet the terms of this agreement, fails to meet established deadlines, or fails to act in good faith to carry out the activities described in the sub-grant proposal.

3. The sub-grant recipient agrees to use the funding in a manner consistent with their applications as submitted, or as revised and approved by the CDE.

4. The sub-grant recipient agrees to fulfill the performance measures specific to its sub-grant and submit timely financial reports, status reports, and all other required reports. Failure to do so may result in the forfeiture of the sub-grant and repayment of funds.

5. The sub-grant recipient agrees to cooperate with the ED, the CDE, the SBE, and their independent contractors, if any, in the administration of this sub-grant, and to conduct any external evaluation of the effectiveness of the sub-grant process.

6. Auditable records will be maintained on file by the sub-grant recipient for five years following the sub-grant closing date.

7. The sub-grant recipient’s name will be used in all communications.
8. The sub-grant recipient agrees to report to the CDE the school-level data as described in this Request for Applications (RFA).

9. The sub-grant recipient agrees to respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

10. The applicant shall include in the application all required forms signed by the primary applicant or designee.

11. All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and OMB Circular A-133.

12. The applicant has provided timely notice of its intent to apply for PCSGP dissemination sub-grant and a copy of the sub-grant application to the authorizer.

13. The sub-grant recipient shall maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.

14. Federal regulations require sub-grant recipients to establish written standards pursuant to employee conflicts of interest in awarding contracts, and written standards for resolution of any protests or disputes that arise from procurements. Regulations also provide numerous requirements in the procurement process, specifically designed to ensure proper use of public funds in an open and freely competitive environment. Information on these regulations can be found in Appendix D. Procurements that are not negotiated in accordance with federal regulations will be disallowed.

15. For all sub-grant recipients, the following documents must be on file at their business offices:

   • Organizational charts, signed articles of incorporation, and any other organizational and governance documents of the agency.

   • A copy of this RFA and the general assurances and certifications, as well as other relevant materials that are referred to but not included within the RFA.

This information is subject to review and verification by CDE staff.
Form 10–Sub-grant Conditions and Assurances (Required)
(Page 3 of 3)

16. Teachers hired by sub-grant recipients must adhere to ESEA “highly-qualified teacher” standards for core academics. More information about these standards may be found on the CDE Improving Teacher and Principal Quality Web page at http://www.cde.ca.gov/ESEA/sr/tq/. In addition, all staff must have cleared health (e.g., tuberculosis) and criminal background (e.g., fingerprinting) checks. This information is subject to review and verification by CDE staff.

17. Sub-grant recipients must participate annually in all testing programs required by state law.

18. All non-federal entities expending $500,000 or more in combined federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act [ARRA] funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse. Further information may be found in OMB Circular A-133, which may be accessed at the following link: http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf.

Sub-grant recipients will access the Federal Audit Clearinghouse Web page to submit their Single Audit at http://harvester.census.gov/sac/.
Appendices

Appendix A: Dissemination Sub-grant Rubric

Form 2–Narrative Response–Part 1

Section 1: Compliance with Individuals with Disabilities Education Act (IDEA)
If Applicable–not scored in the peer review process
To be used if the charter school is considered a local educational agency pursuant to EC sections 47640-47647. This section will not be scored as part of the peer review process. This information will be used by CDE staff when determining the final approval of the sub-grant award. If applicable, applicants must be scored “Adequate” in this section in order to move forward in the competition to the scoring phase.

<table>
<thead>
<tr>
<th>Narrative Area</th>
<th>Adequate – Pass</th>
<th>Inadequate – Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant must describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.</td>
<td>The applicant provides clear description of how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.</td>
<td>The applicant does not adequately describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.</td>
</tr>
</tbody>
</table>
Appendix A: Dissemination Sub-grant Rubric

Form 2–Narrative Response–Part 2

Section 2: Eligibility Criteria
Required–Not scored in the peer review process – This section is pass/fail for Sub-grant eligibility.
To be used to determine if the charter school meets the minimum eligibility criteria. This section is screened as a pass/fail. Applicants must meet all eligibility criteria and be scored “Adequate” in all elements in order to move forward in the competition to the scoring phase. Eligibility criteria are listed in ESEA, Title V, Part B, Section 5204(6)(A).

<table>
<thead>
<tr>
<th>Narrative Area</th>
<th>Adequate – Pass</th>
<th>Inadequate – Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant either has not previously been awarded a federal Charter School Program Dissemination grant or sub-grant, or has a federal waiver allowing subsequent Dissemination grants or sub-grants to be awarded.</td>
<td>The applicant clearly states they have not previously received a Charter School Program Dissemination grant or sub-grant, or provides evidence of a federal waiver making the applicant eligible for this competition.</td>
<td>The applicant does not state they have not previously received a Charter School Program Dissemination grant or sub-grant, or provides evidence of a federal waiver making the applicant eligible for this competition.</td>
</tr>
<tr>
<td>The applicant meets the federal definition of a charter school (ESEA, Title V, Part B, Section 5210[1]).</td>
<td>The applicant provides clear information indicating how they meet the federal ESEA definition of a charter school.</td>
<td>The applicant provides little or no information indicating how they meet the federal ESEA definition of a charter school.</td>
</tr>
<tr>
<td>The applicant charter school has been in continuous operation for three (3) or more years as a charter school.</td>
<td>The applicant provides clear information demonstrating the school has been in continuous operation as a charter school for three (3) or more years.</td>
<td>The applicant provides insufficient or no information demonstrating the school has been in continuous operation as a charter school for three (3) or more years.</td>
</tr>
<tr>
<td>The applicant demonstrates substantial progress in improving academic achievement.</td>
<td>The applicant provides evidence indicating how the charter school has met both school-level and all student-group level API Growth targets for two (2) of the past three (3) years.</td>
<td>The applicant provides insufficient evidence indicating how the charter school has met both school-level and all student-group level API Growth targets for two (2) of the past three (3) years.</td>
</tr>
<tr>
<td>The applicant demonstrates high levels of parent satisfaction with the charter school.</td>
<td>The applicant provides examples of their method(s) to collect parent satisfaction. The applicant provides examples of how parental information is used in improving the charter school. Results indicate high levels of parental satisfaction.</td>
<td>The applicant provides little to no evidence about how the charter school collects parent satisfaction information, or provides little to no evidence indicating parental satisfaction is high. The applicant does not provide examples of how parental information is used in improving the charter school.</td>
</tr>
<tr>
<td>Narrative Area</td>
<td>Adequate – Pass</td>
<td>Inadequate – Fail</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The applicant has demonstrated the management and</td>
<td>The applicant provides examples of the management and leadership necessary to</td>
<td>The applicant provides little or no examples of management and leadership necessary</td>
</tr>
<tr>
<td>leadership necessary to establish a thriving,</td>
<td>establish a thriving, financially viable charter school. The applicant provides</td>
<td>to establish a thriving, financially viable charter school. The applicant fails</td>
</tr>
<tr>
<td>financially viable charter school.</td>
<td>examples of the initial management and financial start-up challenges the school</td>
<td>to provide examples of the initial management and financial start-up challenges</td>
</tr>
<tr>
<td></td>
<td>faced, how they overcame them, and processes, programs, or systems in place to</td>
<td>the school faced, how they overcame them, and processes, programs, or systems in</td>
</tr>
<tr>
<td></td>
<td>remain viable.</td>
<td>place to remain viable.</td>
</tr>
</tbody>
</table>

Appendix A: Dissemination Sub-grant Rubric

Form 3–Narrative Response–Part 2

Section 1: Priority Points
Optional–scored in each priority area section as adequate (1 point) or inadequate (0 points) – A total of two (2) priority points are possible.
The nature of the dissemination project (collaboration with non-charter public schools, and the use of the Brokers of Expertise Web site collaboration tools).

<table>
<thead>
<tr>
<th>Narrative Area</th>
<th>Adequate – 1</th>
<th>Inadequate – 0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-charter Public School Collaboration</td>
<td>Non-charter Public School Collaboration</td>
<td>Non-charter Public School Collaboration</td>
</tr>
<tr>
<td>The applicant provides one or more non-charter</td>
<td>The applicant identifies one or more non-charter public schools to</td>
<td>The applicant does not identify one or more non-charter public schools to</td>
</tr>
<tr>
<td>public schools to collaborate with on the proposed</td>
<td>collaborate with on the proposed project. Collaboration information</td>
<td>collaborate with on the proposed project, or collaboration information is</td>
</tr>
<tr>
<td>project.</td>
<td>is sufficient to understand the impact to non-charter public schools.</td>
<td>insufficient to understand the impact to non-charter public schools.</td>
</tr>
<tr>
<td>Use of Brokers of Expertise</td>
<td>Use of Brokers of Expertise</td>
<td>Use of Brokers of Expertise</td>
</tr>
<tr>
<td>The applicant describes how the proposed project</td>
<td>The applicant provides clear information on how the proposed project will use</td>
<td>The applicant provides insufficient or ambiguous information on how the</td>
</tr>
<tr>
<td>will use the Brokers of Expertise Web site in</td>
<td>the Brokers of Expertise Web site in conducting meetings or training</td>
<td>proposed project will use the Brokers of Expertise Web site in conducting</td>
</tr>
<tr>
<td>conducting meetings or training sessions,</td>
<td>sessions, facilitating discussions, or leading teams of people to complete</td>
<td>meetings or training sessions, facilitating discussions, or leading teams of</td>
</tr>
<tr>
<td>facilitating discussions, or leading teams of people</td>
<td>project activities.</td>
<td>people to complete project activities. The narrative does not make it clear</td>
</tr>
<tr>
<td>to complete project activities.</td>
<td></td>
<td>how the Brokers of Expertise Web site will be used to conduct project activities.</td>
</tr>
</tbody>
</table>
Appendix A: Dissemination Sub-grant Rubric

Form 3–Narrative Response–Part 2

Section 2: Narrative Response

Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)

1. Objective Summary Statement (Required) - The objective summary statement of the dissemination project.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant provides a summary of the overall purpose of the project, goals, objectives, and performance measures.</td>
<td>The applicant provides a high-level summary of the project clearly describing goals, objectives, and performance measures.</td>
<td>The applicant provides some goals, objectives, and performance measures, but does not tie them together into a high-level summary.</td>
<td>The applicant does not provide a summary of the project or is missing key elements summarizing the goals, objectives, and/or performance measures.</td>
</tr>
<tr>
<td>The applicant explains how the project will assist students to meet challenging state academic achievement standards.</td>
<td>The applicant clearly describes how the project will assist students to meet challenging state academic achievement standards.</td>
<td>The applicant provides a limited description of how the project will assist students to meet challenging state academic achievement standards.</td>
<td>The applicant does not describe how the project will assist students to meet challenging state academic achievement standards.</td>
</tr>
<tr>
<td>The applicant summarizes appropriate forms of materials and/or instructional practices to be developed for the successful completion of the project.</td>
<td>The applicant clearly describes the appropriate forms of materials and/or instructional practices to be developed for the successful completion of the project.</td>
<td>The applicant provides a limited description of materials and/or instructional practices to be developed for the successful completion of the project.</td>
<td>The applicant does not describe materials and/or instructional practices to be developed for the successful completion of the project.</td>
</tr>
<tr>
<td>The applicant identifies strategies to assess and evaluate the impact on student achievement as a result of this project.</td>
<td>The applicant clearly describes strategies to assess and evaluate the impact on student achievement as a result of this project and includes strategies for continuous instructional improvement.</td>
<td>The applicant provides a limited description of strategies to assess and evaluate the impact on student achievement as a result of this project.</td>
<td>The applicant does not describe strategies to assess and evaluate the impact on student achievement as a result of this project.</td>
</tr>
</tbody>
</table>
Appendix A: Dissemination Sub-grant Rubric

Form 3–Narrative Response–Part 2

Section 2: Narrative Response
Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)

2. Program Rationale (Required) - The applicant school’s rationale for the dissemination project.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant explains how the project will impact the improvement of student academic achievement.</td>
<td>The applicant provides evidence of how the proposed program will benefit schools similar to the applicant’s school.</td>
<td>The applicant provides limited evidence of how the proposed program will benefit schools similar to the applicant’s school.</td>
<td>The applicant provides poor evidence of how the proposed program will benefit schools similar to the applicant’s school.</td>
</tr>
<tr>
<td>The applicant describes their school’s student demographic population.</td>
<td>The applicant clearly describes their school’s student demographic population, including all student groups.</td>
<td>The applicant provides a limited description of their school’s student demographic population.</td>
<td>The applicant does not describe their school’s student demographic population.</td>
</tr>
<tr>
<td>The applicant identifies a targeted student population in the applicant’s school that will demonstrate academic achievement as a result of the proposed project.</td>
<td>The applicant clearly describes the student population that will demonstrate academic achievement as a result of the proposed project.</td>
<td>The applicant identifies a targeted student population that will demonstrate academic achievement as a result of the proposed project.</td>
<td>The applicant does not identify specific targeted student population that will demonstrate academic achievement as a result of the proposed project.</td>
</tr>
<tr>
<td>The applicant provides rationale for targeted student population(s) that will be impacted by the proposed project.</td>
<td>The applicant provides clear evidence of effectiveness in regard to the specific program proposed for targeted student population(s) that will be impacted by the proposed project.</td>
<td>The applicant provides limited evidence of effectiveness in regard to the specific program proposed for the targeted student population(s) that will be impacted by the proposed project.</td>
<td>The applicant provides little to no rationale for targeted student population(s) that will be impacted by the proposed project.</td>
</tr>
<tr>
<td>The applicant explains the expected outcome of how the proposed project will have a positive impact on student academic achievement.</td>
<td>The applicant clearly provides evidence how the proposed project will have a positive impact on academic achievement.</td>
<td>The applicant demonstrates limited evidence how the proposed project will have a positive impact on academic achievement.</td>
<td>The applicant demonstrates little to no evidence about how the proposed project will have a positive impact on academic achievement.</td>
</tr>
</tbody>
</table>
Appendix A: Dissemination Sub-grant Rubric

Form 3–Narrative Response–Part 2

Section 2: Narrative Response

Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)

3. Beneficiary Schools (Required) - The beneficiary schools that will benefit from the dissemination project.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant explains the beneficiary school target population (either all students, or select student-groups) identified for the dissemination activities. If no specific beneficiary schools are proposed on the project, the applicant explains the demographic and academic performance summary data for the statewide student-groups that will benefit from the project.</td>
<td>The applicant provides clear information on the target population of beneficiary schools that will benefit from the proposed project.</td>
<td>The applicant provides limited information on the target population of the beneficiary schools that will benefit from the proposed project.</td>
<td>The applicant provides incomplete or no information on the target population of the beneficiary schools that will benefit from the proposed project.</td>
</tr>
<tr>
<td>The applicant explains how the partner school’s, and benefit school’s (if applicable), administrative leadership, teachers, and classified staff will be involved in the project.</td>
<td>The applicant provides clear information on how the beneficiary school’s administrative leadership, teachers, and classified staff will be involved in the project.</td>
<td>The applicant provides limited information on how the beneficiary school’s administrative leadership, teachers, and classified staff will be involved in the project.</td>
<td>The applicant provides incomplete or no information on how the beneficiary school’s administrative leadership, teachers, and classified staff will be involved in the project.</td>
</tr>
</tbody>
</table>
### Appendix A: Dissemination Sub-grant Rubric

**Form 3–Narrative Response–Part 2**

**Section 2: Narrative Response**

*Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)*

4. Program Activities (Required) - The dissemination project program activities.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant explains the activities to be conducted including the scope of work, how it will be scheduled, and overall goals of the project.</td>
<td>The applicant clearly explains the activities to be conducted and includes the scope of work, how it will be scheduled and the overall goals of the project.</td>
<td>The applicant provides a limited description of the activities to be conducted, but did not provide a clear scope of work, how it will be scheduled, and/or the overall project goals.</td>
<td>The applicant does not adequately explain the activities to be conducted, providing few or no details on the scope of work, how it will be scheduled or the overall goals of the project.</td>
</tr>
<tr>
<td>The applicant explains the performance measures that indicate progress toward meeting project goals.</td>
<td>The applicant provides clear performance measures that indicate progress toward meeting project goals with periodic benchmarks. There are strong linkages between performance measures and goals.</td>
<td>The applicant provides limited performance measure information about how progress toward meeting project goals will be achieved. There is some evidence of linkages between performance measures and goals.</td>
<td>The applicant does not provide either performance measures that indicate progress toward meeting project goals, or does not identify any benchmarks. There are weak or no linkages between performance measures and goals.</td>
</tr>
<tr>
<td>The applicant identifies the people involved by name and/or titles, and who are involved in measuring the progress of project goals.</td>
<td>The applicant clearly identifies the people, by their titles, who are involved in measuring the progress of key project goals.</td>
<td>The applicant identifies the people, by their titles, who are involved in measuring the progress of some project goals.</td>
<td>The applicant does not identify the people or titles, who are involved in measuring the progress of key project goals.</td>
</tr>
<tr>
<td>The applicant explains materials that will be developed and disseminated during the project through activities, such as Webinars and training sessions.</td>
<td>The applicant clearly describes or identifies the materials that will be developed and disseminated during the project through activities such as Webinars and training sessions.</td>
<td>The applicant provides limited information on the materials that will be developed and disseminated during the project through activities such as Webinars and training sessions, but does not appear very inclusive for tasks identified.</td>
<td>The applicant does not adequately describe the materials, or does not mention the materials, that will be developed and disseminated during the project through activities such as Webinars and training sessions.</td>
</tr>
<tr>
<td>Work plan activities.</td>
<td>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</td>
<td>Activities identified in the work plan do not align or do not support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, but do not identify who is responsible and/or what evidence will be provided.</td>
<td>Work plan activities do not align to support or the full implementation of the plan in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</td>
</tr>
</tbody>
</table>
Appendix A: Dissemination Sub-grant Rubric

Form 3–Narrative Response–Part 2

Section 2: Narrative Response
Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)

5. Parent Involvement (Required) - The level of parent involvement in the dissemination project.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant must describe how parents and other members of the community will be informed of the project, rationale, and activities.</td>
<td>The narrative includes a clear description of how parents and the community will be informed of the project, rationale, and activities.</td>
<td>The narrative includes a limited description of how parents and the community will be informed of the project, rationale, and/or activities.</td>
<td>The narrative does not include information on how parents or the community will be informed of the project, rationale, and activities.</td>
</tr>
<tr>
<td>The applicant must describe how parents and the community will be informed of opportunities for potential parent involvement.</td>
<td>The applicant clearly describes a plan for informing parents and community members of opportunities for parental involvement.</td>
<td>The applicant provides limited information of general distribution practices of informing parents and community members of opportunities for parental involvement.</td>
<td>The applicant does not provide a good description of how parents and community members will be informed of opportunities for parent involvement.</td>
</tr>
<tr>
<td>The applicant must describe how parents and community members will be informed of the project's progress.</td>
<td>The applicant clearly describes a plan for periodically informing parents and the community of project progress.</td>
<td>The applicant provides limited information of general distribution practices for informing parents and community members of the project's progress.</td>
<td>The applicant provides little or no description of how it will inform parents and community members of the project's progress.</td>
</tr>
<tr>
<td>Work plan activities</td>
<td>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</td>
<td>Work plan activities do not clearly align or support the implementation of the plan identified in the narrative. Activities identified include a range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</td>
<td>Work plan activities do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</td>
</tr>
</tbody>
</table>
## Appendix A: Dissemination Sub-grant Rubric

### Form 3–Narrative Response–Part 2

### Section 2: Narrative Response

#### Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)

6. Sustainability Plan (Required) - The dissemination project sustainability plan.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant describes how the proposed project ongoing activities will be sustained over time.</td>
<td>The applicant clearly describes how the proposed project ongoing activities will be maintained and sustained over time.</td>
<td>The applicant provides a limited description as to how the project ongoing activities will be sustained over time.</td>
<td>The applicant does not describe how the proposed project ongoing activities will be sustained over time.</td>
</tr>
<tr>
<td>The applicant identifies necessary materials, training, or mentoring goals that need to be maintained beyond the terms of the funded grant.</td>
<td>The applicant provides comprehensive information about project elements that will be maintained beyond the terms of the funded grant.</td>
<td>The applicant provides limited information about project elements that will need to be maintained beyond the terms of the funded grant.</td>
<td>The applicant does not provide information about project elements that will need to be maintained beyond the terms of the funded grant.</td>
</tr>
<tr>
<td>The applicant identifies support networks to be established that will ensure collaboration, training and/or sustainability of materials to remain current and relevant is continued beyond the terms of the funded grant.</td>
<td>The applicant clearly identifies activities and infrastructure development to maintain long-lasting professional relationships or support networks that continue beyond the terms of the funded grant. The applicant provides clear details about how the materials and program will be maintained after the end of the sub-grant period.</td>
<td>The applicant identifies some activities or infrastructure development to maintain long-lasting professional relationships or support networks that continue beyond the terms of the funded grant. However, it is unclear if the measures taken will be sufficient to maintain long-lasting relationships and support networks. The applicant provides limited details about how the materials and program will be maintained after the end of the sub-grant period.</td>
<td>The applicant identifies few or no activities and infrastructure development to maintain long-lasting professional relationships and support networks that continue beyond the terms of the funded grant. The applicant provides no details about how the materials and program will be maintained after the end of the sub-grant period.</td>
</tr>
<tr>
<td>Work plan activities.</td>
<td>Work plan activities align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</td>
<td>Work plan activities do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</td>
<td>Work plan activities do not align to support or full implementation of the plan in the narrative, or there are no work plan activities identified for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</td>
</tr>
</tbody>
</table>
### Appendix A: Dissemination Sub-grant Rubric

#### Form 3–Narrative Response–Part 2

**Section 2: Narrative Response**

**Required–scored meets the standard (3 points), approaches the standard (2 points), or does not meet the standard (1 point)**

7. Program Evaluation (Required) - The dissemination project program evaluation.

<table>
<thead>
<tr>
<th>Narrative Element</th>
<th>Meets the Standard – 3</th>
<th>Approaches the Standard – 2</th>
<th>Does Not Meet the Standard – 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant explains how the project will be monitored and evaluated by the project team to ensure desired project outcomes are met.</td>
<td>The applicant clearly describes how the project will be monitored and evaluated by the project team to ensure desired project outcomes are met.</td>
<td>The applicant provides limited information about how the project will be monitored and evaluated by the project team to ensure desired project outcomes are met.</td>
<td>The applicant provides little to no information about how the project will be monitored and evaluated by the project team to ensure desired project outcomes are met.</td>
</tr>
<tr>
<td>The applicant identifies the program elements to be monitored, and the scope of data and information to be collected for each element.</td>
<td>The applicant clearly identifies the program elements that will be monitored, and proposes a comprehensive method for collecting the appropriate data and information as applicable.</td>
<td>The applicant identifies a few program elements that will be monitored, and identifies a method for collecting data and information as applicable.</td>
<td>The applicant does not identify the program elements that will be monitored, and does not identify a method for collecting data and information as applicable.</td>
</tr>
<tr>
<td>The applicant identifies persons responsible for project evaluation, the frequency and method to be used in reporting evaluation findings.</td>
<td>The applicant identifies persons involved in project evaluation, and clearly defines the frequency and method to be used in reporting evaluation findings</td>
<td>The applicant identifies persons involved in project evaluation, and a general method to be used in reporting evaluation findings.</td>
<td>The applicant does not identify persons responsible for project evaluation, and does not provide a method to be used in reporting evaluation findings.</td>
</tr>
<tr>
<td>The applicant identifies the audience of the evaluation reports.</td>
<td>The applicant identifies the audience, and identifies the frequency for each audience to receive evaluation reports.</td>
<td>The applicant identifies the audience for evaluation reports.</td>
<td>The applicant does not identify an audience or report frequency for evaluation reports.</td>
</tr>
<tr>
<td>Work plan activities</td>
<td>Work plan activities clearly align to support the implementation of the plan identified in the narrative. Activities identified include details on implementation dates, identify who is responsible for activities, and details of the evidence to be provided.</td>
<td>Work plan activities do not fully align or support the implementation of the plan identified in the narrative. Activities identified include limited details of implementation dates. The applicant did not clearly identify who is responsible for activities, and/or the evidence to be provided.</td>
<td>Work plan activities do not align or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, do not identify who is responsible for activities, or do not list the evidence to be provided.</td>
</tr>
</tbody>
</table>
Appendix A: Dissemination Sub-grant Rubric

Form 7–Work Plan/Activities

Required–Not scored in the peer review process

Work Plan/Activity Chart (Required)–Not Scored by Peer Review

The work plan/activity chart will not be scored as a separate component in the peer review process. Work plan activities, and how those activities align and support the narrative proposed plan for each element, will be considered by the peer reviewers when scoring each section.

<table>
<thead>
<tr>
<th>Narrative Area</th>
<th>Adequate</th>
<th>Inadequate</th>
</tr>
</thead>
<tbody>
<tr>
<td>The work plan must address each of the required narrative elements and identified activities should align and support the proposed plan.</td>
<td>At least one action or activity is identified for each required element section, each objective identified in the narrative, and on the work plan. The work plan includes actions and activities required to implement each objective. The work plan identifies timeline with specific start and end dates. The work plan identifies the individual position and/or person responsible for activity completion, and the person responsible for oversight and monitoring. The work plan identifies the evidence that will be submitted to CDE to verify progress on the implementation/completion of each specific activity.</td>
<td>Not all required elements of the narrative and work plan have an action or activity identified. The work plan does not include specific actions and activities required to implement each objective. The work plan does not include a specific timeline with specific start and end dates. The work plan does not include a position or individual who is responsible for activity completion or oversight and monitoring. The work plan does not include the evidence that will be submitted to CDE to verify the progress on the specific activities.</td>
</tr>
<tr>
<td>The work plan must include actions and activities required to implement each objective, a timeline with specific start and end dates, the individual position and person who will be responsible for each activity, the person responsible for oversight and monitoring of each activity, and the type of evidence that will be submitted to the CDE, upon request, to verify planning and implementation.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix B: Definitions of Dissemination Sub-grant Terms
(Page 1 of 2)

Authorizing Agency: A California school district, county office of education, or the SBE that has approved a charter petition, directly or on appeal.

Beneficiary School: a charter or non-charter public school that has committed to completing all activities listed in the approved sub-grant recipient project, and receives the benefit of the proposed sub-grant project.

Charter Management Organization: Nonprofit entities that directly manage public charter schools.

Charter School: A public school that provides instruction in any grades kindergarten through 12 and is approved by an authorized public chartering agency as a charter school under the provisions of EC Section 47600 et. seq. (Please see Appendix H for further clarification).

Charter School Program (CSP): A ED administered discretionary sub-grant program. Awarded states distribute sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools.

County District School (CDS) Code: The CDS (County-District-School) code system is an administrative convenience designed to provide the CDE, the Department of Finance, and postsecondary institutions with a basis for tracking schools. This 14-digit code is the official, unique identification of a school within California. The first two digits identify the county, the next five digits identify the school district, and the last seven digits identify the school.

The Federal Department of Education (ED): The Federal Department of Education.

Education Management Organization (EMO): Education management organizations (EMOs) are largely for-profit firms that may provide “whole-school operation” services to public school agencies.

Elementary and Secondary Education Act (ESEA): The Elementary and Secondary Education Act of 1965. ESEA is the primary federal legislation for primary (elementary) and secondary education in the United States.

Grant Award Notification (GAN): a legally binding document between the CDE and the sub-grantee. An official document signed by an authorized official stating the amount, terms, and conditions of the sub-grant award.
Appendix B: Definitions of Dissemination Sub-grant Terms
(Page 2 of 2)

**Grantee:** For the purposes of this RFA and the PCSGP, the CDE is the “grantee”.

**Partner:** An eligible applicant or contractor that works in partnership with the primary charter school applicant. Contractor partners may be non-charter public schools, school districts, county offices of education, charter management organizations, or charter school associations. See the eligibility section for more information.

**Primary Applicant:** (Formerly: Authorized Agent). School board president or lead applicant. The primary applicant must verify and sign all official documents related to the sub-grant award.

**Procurement:** Any formal requisition process used to acquire goods and services that may involve the use of purchase orders, invoices, contracts, and approvals by any level of hierarchy at the sub-grantee’s agency. Numerous requirements apply to procurements funded by PCSGP funds; please see Appendix C: Procurements for additional information.

**Public Charter School Grant Program (PCSGP):** A federal discretionary grant program administered by the CDE.

**Single Audit:** All non-federal entities expending $500,000 or more in combined federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act (ARRA) funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse. PCSGP recipients required to file federal Single Audits must submit a copy of the reporting package to the CDE Charter Schools Division as a PCSGP performance benchmark. Further information may be found in OMB Circular A-133, which may be accessed at the following link:


**State Education Agency (SEA):** For the purposes of this RFA, the SEA is the SBE.

**Sub-Grantee:** For the purposes of this RFA, sub-grantee recipients are charter schools awarded a dissemination sub-grant.
Appendix C: Procurement

All sub-grantees are required to develop and maintain a system for the administration of the procurement of goods and services acquired with federal funds. This requirement is provided for in the following passage from the Education Department General Administration Regulations (EDGAR), Part 80—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Sub-part C (Post Award Requirements), Section 80.36 (Procurement) located at http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html.

Please note that PCSGP recipients are referred to as “sub-grantees” in the passage below:

§ 80.36 Procurement.

(b) **Procurement standards.** (1) Grantees and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in this section.

(2) Grantees and sub-grantees will maintain a contract administration system, which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and sub-grantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts.

**Purpose**

The purpose of procurement regulations is to encourage best practices in the use of federal funds to acquire products and services, while maintaining the public’s trust. Best practices fulfill policy objectives while promoting transparency, accountability, effective management, and competition.

**Definition**

Procurement refers to the practice of requisition, or the formal demand for goods and services. This includes but is not limited to the use of purchase orders, invoices, and the preparation of contracts, each of which is reviewed for approval at various levels of hierarchy within an agency.

Procurement does not include small purchases that typically would not be reviewed by any system of hierarchy for approval. However, the lack of an organized procurement system does not exempt your organization from requirements tied to purchases that would otherwise be considered procurement.
Appendix C: Procurement (Page 2 of 9)

The following is an example of procurement: a school purchases a large quantity of textbooks through the submission of a purchase order and subsequent receipt of an invoice, both of which are reviewed and approved by the school’s Contracting Officer.

The following is not an example of procurement: an administrator uses a petty cash fund to purchase lunch for a group of teachers at a professional development seminar.

Requirements

In order to comply with regulations, grantees must:

- Develop and maintain on-file, written standards for employee performance
- Develop and maintain on-file, procedures for protest and dispute resolution
- Understand and follow the Methods of Procurement, defined by EDGAR
- Understand and comply with Standard Procurement Procedures

If a grantee fails to comply with these requirements in procuring a good or service, the expense may be prohibited and the CDE may invoice the grantee for any funds allocated to the expense.

Each of these requirements will be described in detail, below.

Written Code of Standards for Employee Performance

Written standards for employee performance should, at a minimum, address the criteria below (verification that a grantee has established these standards may be requested at any time by CDE staff):

No employee, officer, or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- The employee, officer or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization, which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

The grantee’s officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements. Grantees may set minimum rules where the financial interest is not
Appendix C: Procurement (Page 3 of 9)

substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee’s officers, employees, or agents, or by contractors or their agents.

Procedures for Protests and Disputes

Grantees must generate procedures to handle and resolve any disputes or protests related to procurements. These procedures do not relieve the grantee of any contractual responsibilities under the grantee’s contracts.

The grantee shall disclose information regarding any protest that arises to the CDE. A protestor must exhaust all administrative remedies with the grantee and the CDE before pursuing a protest with the federal agency.

A federal agency will only review protests related to: violations of federal law (violations of the law will be referred to the local, state, or federal authority having proper jurisdiction), and violations of the grantee’s protest procedures.

Methods of Procurement

Every action of procurement must fall within one of four defined methods of procurement. The methods are:

- Small purchases
- Sealed bids
- Competitive proposals
- Noncompetitive proposals

Each will be described in greater detail, below.

For any method of procurement, time, and material type, contracts are only permissible after determination and documentation that no other contract is suitable, and the contract must include a ceiling price that the contractor exceeds at its own risk.

Small Purchases

Small purchases include any procurement that does not cost more than $100,000. For all small purchases, the grantee is required to document price or rate quotations from an adequate number (the CDE recommends three) of qualified sources.
Appendix C: Procurement (Page 4 of 9)

Sealed Bids

An invitation for bids is prepared and is used to publicly solicit two or more known vendors or contractors. The invitation for bids must include a comprehensive description for the goods or services desired, and stipulate a time and place when all bids will be publicly opened. Potential bidders must be given sufficient time to prepare a response prior to the opening of bids.

A fixed-price written contract is awarded to the bidder whose bid is the lowest in price and meets all conditions of the invitation for bids. Any or all bids may be rejected if there is a sound, documented reason.

Competitive Proposals

For any goods or services desired, a Request for Proposals (RFP) is drafted and publicized. The RFP must provide a comprehensive description of the goods or services desired, and must identify factors that will be used to evaluate any proposals that are received.

A standard method for evaluating proposals must be established and documented. An adequate number of proposals must be received and reviewed, and awards are made to the proposal that is most advantageous to the grantee, with price and other factors considered.

Noncompetitive Proposals

A noncompetitive proposal is the solicitation of a proposal from only one source. Noncompetitive proposals may only be used after a grantee has solicited proposals from multiple sources, and has determined and documented that competition was inadequate. If a good or service is available only from a single source, this may also be documented to justify a noncompetitive proposal.

Grantees who are interested in using noncompetitive proposals may also submit a request through e-mail for CDE staff to review and authorize the proposal.

Standard Procurement Procedures

For any procurement method used above, grantees should establish and adhere to a standard set of procedures for processing procurements. Any procedures established by the grantee must incorporate key items from federal regulations, which are summarized in the sections below. The sections include:

- Maintain Records
- Define the Goods and Services
Appendix C: Procurement (Page 5 of 9)

- Pre-Bid/Proposal Review and Analysis
- Establish Criteria for Vendors/Contractors
  - Suspended and Debarred Parties
- Cost/Price Analysis during Bidding and Proposals
- Required Contract Provisions
  - Bonding Requirements for Construction of Facility Improvement

Maintain Records

In addition to standards and policies, grantees are required to document specific actions for any procurement. These specific actions include, but may not be limited to:

- Rationale for the method of procurement
- Selection of contract type
- Selection or rejection of a contractor/vendor, and supporting rationale
- Basis for a contract price

To ensure compliance with regulations, it is best to document each of these actions as they occur within any given instance of procurement.

Define the Goods or Services

When the need for a product or service is identified, the grantee will generate a clear and precise description of the good or service needed. The following conditions apply:

- The grantee must define minimum, essential characteristics of the goods or services required for those goods or services to satisfy their intended use.
- The grantee is not permitted to describe features that would unduly restrict competition.
- The grantee should avoid detailed product specifications whenever possible.
- If it is not feasible to make a clear description of the technical requirements, a “brand name or equal” description may be used as a means to define the function required by the good or service. Any specific features that must be met by the contractor/vendor will be clearly stated.
- The grantee will identify any other requirements, which the contractor/vendor must fulfill.
Appendix C: Procurement (Page 6 of 9)

This description must be included in any request for proposals or bids, and should be documented for all procurements.

Pre-Bid/Proposal Review and Analysis

Before a grantee may solicit bids or proposals, or make small purchases, the grantee must perform the following analysis for all procurements:

- Review proposed procurements to avoid unnecessary or duplicative items
- Provide consideration for consolidating or breaking out procurements to obtain a more economical purchase, except where breaking out procurements would bypass the small purchase threshold of $100,000
- Analyze options for lease versus purchase where appropriate
- Conduct any other appropriate analysis to determine the most economical approach
- Generate and document independent estimates for the price of proposed procurements

Establish Criteria for Vendors/Contractors

Before moving forward with small purchases, proposals, or bids, the grantee should establish criteria for potential contractors and vendors. This may include drafting a list of potential bidders in preparation of an invitation for bids. Contractors/Vendors should possess the ability to perform successfully under the terms and conditions of a proposed procurement. In drafting criteria, the grantee must consider the contractor/vendor’s:

- Integrity
- Compliance with public policy
- Record of past performance
- Financial and technical capacity

Any list of potential contractors/vendors that is generated must be current, and include enough qualified sources to ensure maximum open and free competition. Grantees are prohibited from placing unreasonable requirements on potential contractors/vendors that would restrict full and open competition.

Qualified sources should also include small, minority, or women’s business enterprises, or labor surplus area firms whenever possible. For more information on obligations regarding contracts with small, minority, women’s business enterprises, or labor surplus area firms, please see the relevant section below.
Appendix C: Procurement (Page 7 of 9)

Qualified sources may include faith-based organizations. For more information on obligations regarding contracts with faith-based organization, please see the relevant section below.

Suspended and Debarred Parties

Grantees may not solicit goods or services from any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, “Debarment and Suspension”.

Grantees are required to vet any potential contractor or vendor for suspension or debarment before a contract is awarded or goods and services are exchanged. A list of suspended and debarred parties may be accessed through the Federal Excluded Parties List System Web site at https://www.epls.gov/.

Cost/Price Analysis during Bidding and Proposals

Grantees are required to conduct cost or price analysis for every procurement action. The type and degree of analysis will vary depending on the situation; at a minimum, the following analyses are required:

- Grantees must make independent estimates before receiving bids or proposals for all types of procurement.
- A cost analysis must be performed when the potential contractor/vendor is required to submit the elements of his or her estimated cost, such as under an architectural engineering services contract.
- A cost analysis must be performed when adequate price competition is lacking, and for sole-source procurements (including noncompetitive proposals).
- A cost analysis must be performed for contract modifications or change orders, unless price reasonableness can be established on the basis of catalog or market price of a product sold in substantial quantities to the general public, or based on prices set by law or regulation.
- A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

Required Contract Provisions

All contracts funded by the grant must include the provisions listed below, if the indicated condition is applicable. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and
Appendix C: Procurement (Page 8 of 9)

other clauses approved by the Office of Federal Procurement Policy.

- For time and material type contracts—A ceiling price that the contractor exceeds at its own risk.
- For all contracts—Notice of CDE requirements pertaining to reporting.
- For all contracts—Retention of all required records for three years after grantees make final payments and all other pending matters are closed.
- For all contracts—Access by the grantee, the CDE, the Federal Department of Education, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- For all contracts—Mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).
- For contracts that exceed the simplified acquisition threshold of $100,000—Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- For all contracts in excess of $100,000—Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clear Air Act (42 U.S.C. 1857[h]), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- For contracts in excess of $10,000—Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for settlement.

Contracting with Small and Minority Firms, Women’s Business Enterprises, and Labor Surplus Area Firms

Whenever possible, grantees will solicit goods and services from small, minority, or women’s business enterprises, or labor surplus area firms. This may be accomplished by placing qualified small, minority, and women’s business enterprises on solicitation lists, and soliciting those businesses whenever they are potential sources. The following conditions apply:
Appendix C: Procurement (Page 9 of 9)

- Grantees must still comply with procurement procedures, including the use of appropriate bidding and selection processes and providing for ample competition as required by law.

- Although grantees should still give consideration to a vendor’s technical and financial capacity, grantees should also divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority and women’s business enterprises. The grantee may not use this to bypass the small purchase threshold.

- It is permissible to document preference for small, minority, or women’s business enterprises as justification for selecting a vendor or contractor that does not provide the lowest-cost goods or services.

- If subcontracts are to be let, grantees must require the prime contractor to take the affirmative steps listed above.

Grantees are encouraged to use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce for assistance in seeking out small and minority businesses.

Contracting with Faith-Based Organizations

Grantees are permitted to contract with faith-based organizations as they would with any other private organization. All appropriate procurement procedures must be followed. The following conditions apply:

- A faith-based organization that contracts with a grantee may retain its independence, autonomy, right of expression, religious character, and authority over its governance.

- In providing goods or services related to a PCSGP-funded contract, faith-based organizations may not discriminate against beneficiaries of those goods or services on the basis of religion or religious belief.

- Any inherently religious activities provided by the faith-based organization must be offered at a different time and location of any PCSGP-contracted goods or services. Beneficiaries of contracted goods or services may not be required to participate in any such inherently religious activities.
Appendix D: Equipment and Supplies Standards

PCSGP recipients must follow federal regulations when purchasing, using, and disposing of grant project equipment and supplies.

- “Equipment” is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

- “Supplies” are defined as all tangible personal property other than equipment. (34 Code of Federal Regulations 80.3)

A requirement of the CDE’s PCSGP grant-monitoring program is to verify that the equipment, supplies, and related records of grant recipients are in compliance with federal regulations.

PCSGP recipients are “sub-grantees” for the purposes of these regulations.

34 Code of Federal Regulations 80.32

a. Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or sub-grant will vest upon acquisition in the grantee or sub-grantee respectively.

b. States. A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and sub-grantees will follow paragraphs (c) through (e) of this section.

c. Use.

1. Equipment shall be used by the grantee or sub-grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a federal agency.

2. The grantee or sub-grantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.
Appendix D: Equipment and Supplies Standards (Page 2 of 4)

3. Notwithstanding the encouragement in §80.25(a) to earn program income, the grantee or sub-grantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by federal statute.

4. When acquiring replacement equipment, the grantee or sub-grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

d. Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, cost of the property, percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

4. Adequate maintenance procedures must be developed to keep the property in good condition.

5. If the grantee or sub-grantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

e. Disposition. When original or replacement equipment acquired under a grant or sub-grant is no longer needed for the original project or program or for other activities currently or previously supported by a federal agency, disposition of the equipment will be made as follows:
Appendix D: Equipment and Supplies Standards (Page 3 of 4)

1. Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

2. Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

3. In cases where a grantee or sub-grantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or sub-grantee to take excess and disposition actions.

f. Federal equipment. In the event a grantee or sub-grantee is provided federally-owned equipment:

1. Title will remain vested in the Federal Government.

2. Grantees or sub-grantees will manage the equipment in accordance with federal agency rules and procedures, and submit an annual inventory listing.

3. When the equipment is no longer needed, the grantee or sub-grantee will request disposition instructions from the federal agency.

g. Right to transfer title. The federal awarding agency may reserve the right to transfer title to the Federal Government or a third party named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

1. The property shall be identified in the grant or otherwise made known to the grantee in writing.

2. The federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the federal support of the project for which it was acquired. If the federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow §80.32(e).

3. When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.
Appendix D: Equipment and Supplies Standards (Page 4 of 4)

h. The provisions of paragraphs (c), (d), (e), and (g) of this section do not apply to disaster assistance under 20 U.S.C. 241-1(b)-(c) and the construction provisions of the Impact Aid Program, 20 U.S.C. 631-647.

34 Code of Federal Regulations 80.33

a. Title. Title to supplies acquired under a grant or sub-grant will vest, upon acquisition, in the grantee or sub-grantee respectively.

b. Disposition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or sub-grantee shall compensate the awarding agency for its share.
Appendix E: Financial Management Standards

PCSGP recipients are required to adhere to federal regulations when developing and using a financial management system to administer federal PCSGP funds. A requirement of the CDE’s grant-monitoring program is to verify that the financial management systems of grant recipients are in compliance with federal regulations.

PCSGP recipients are “sub-grantees” for purposes of these regulations.

34 Code of Federal Regulations 80.20

a. A State must expend and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its sub-grantees and cost-type contractors, must be sufficient to:

1. Permit preparation of reports required by this part and the statutes authorizing the grant, and

2. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

b. The financial management systems of other grantees and sub-grantees must meet the following standards:

1. Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or sub-grant.

2. Accounting records. Grantees and sub-grantees must maintain records, which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to grant or sub-grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

3. Internal control. Effective control and accountability must be maintained for all grant and sub-grant cash, real and personal property, and other assets. Grantees and sub-grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
Appendix E: Financial Management Standards (Page 2 of 2)

4. Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or sub-grant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or sub-grant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

5. Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and sub-grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

6. Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.

7. Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and sub-grantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on sub-grantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their sub-grantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a pre-award review or at any time subsequent to award.
Appendix F: Dissemination Sub-grant Resources

General PCSGP Dissemination Sub-grant Program Information

General Program Information
http://www.cde.ca.gov/sp/cs/re/pcsgp.asp

PCSGP Dissemination Sub-grant Funding Profile
http://www.cde.ca.gov/fg/fo/profile.asp?id=2354

Request For Application (RFA) Information

PCSGP Dissemination Sub-grant Request for Applications
http://www.cde.ca.gov/fg/fo/r1/pcsgpdg12rfa.asp

Required General Assurances
http://www.cde.ca.gov/fg/fo/fm/ff.asp

Required Certifications
http://www.cde.ca.gov/fg/fo/fm/ff.asp

Application Guidance
http://www.cde.ca.gov/fg/fo/r1/pcsgp12rfa.asp

Finance and Accounting

Indirect Cost Rates
http://www.cde.ca.gov/fg/ac/ic/

California School Accounting Manual (CSAM)
http://www.cde.ca.gov/fg/ac/sa/
Appendix F: Dissemination Sub-grant Resources
(Page 2 of 2)

U.S. Department of Education (ED)

Charter Schools Program State Educational Agency (SEA) Grant
http://www2.ed.gov/programs/charter/index.html

Elementary & Secondary Education Act, part B–Public Charter Schools
http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html

Education Department General Administrative Regulations (EDGAR)

Federal Grant Regulations

Non-Regulatory Guidance Handbook
http://www2.ed.gov/programs/charter/nonregulatory-guidance.doc

OMB Circular A-87 Cost Principles for State, Local, and Indian Tribal Government
http://www.whitehouse.gov/omb/circulars_a087_2004/

OMB Circular A-122 Cost Principles for Non-Profit Organizations
http://www.whitehouse.gov/omb/circulars_a122_2004/

Other

Report: Assessment of Charter Schools Program Dissemination Funding
http://www.wested.org/online_pubs/cs-dis-funding.pdf