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.
Bylaws
For the California State Board of Education, Amended January 16, 2013.

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.

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. 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. 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. 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. 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.
g. 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 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;
- 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;
- 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;
- 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.

**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 OF 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
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: January, March, 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

SPECIAL MEETINGS

Section 2.
Special meetings may be called to consider those purposes specified in law if compliance with the 10-day notice would impose a substantial hardship on the board or if immediate action is required to protect the public interest.

OPEN MEETINGS

Section 3.

a. All meetings of the Board, except the closed sessions permitted by law, and all meetings of Board committees, to the extent required by law, shall be open and public.
b. All meetings shall conform to the Bagley-Keene Open Meeting Act, including requirements for notices of meetings, preparation and distribution of agendas and written materials, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of the Board are hereby incorporated by reference into these Bylaws.
c. Unless otherwise provided by law, meetings of any advisory body, committee or subcommittee thereof, created by statute or by formal action of the Board, which is required to advise or report or recommend to the Board, shall be open to the public.

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

a. Notice of each regular meeting shall be posted at least 10 days prior to the time of the meeting and shall include the time, date, and place of the meeting and a copy of the meeting agenda.
b. Notice of any meeting of the Board shall be given to any person so requesting. Upon written request, individuals and organizations wishing to receive notice of meetings of the Board will be included on the mailing list for notice of regular meetings.

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.
a. Special meetings may be called by the president or by the secretary upon the request of any four members of the board for the purposes specified in law if compliance with the 10-day notice requirements would impose a substantial hardship on the board or if immediate action is required to protect the public interest.

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

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

EMERGENCY MEETINGS

Section 5.

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

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

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

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

QUORUM

Section 7.

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

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

ORDER OF BUSINESS

Section 8.

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

- Call to Order
- Salute to the Flag
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
- Agenda Items
- Adjournment
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 COMMITTEE

Section 1.

a. The president shall appoint a Screening Committee composed of at least three Board members 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.

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 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 a recording of the public hearing and a staff-
prepared summary of comments received at the public hearing shall be made available in advance of the meeting at which action on the pending matter is scheduled in accordance with law.

5 CCR 18460  
EC 33031  
GC 11125

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 2.
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 3.
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 PRESENTED AT THE PUBLIC HEARING: 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 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

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. 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)  
State Board of Education Policy 01-04

OTHER APPOINTMENTS

Section 2.

On the Board’s behalf, the president shall make all other appointments that are required of the Board or require Board representation, including, but not limited to: WestEd (Far West Laboratory for Educational Research and Development), Trustees of the California State Summer School for the Arts and the California Subject Matter Projects.

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 Instructional Quality Commission.
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.

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 to the Board and members of the public with the meeting notice.
Abbreviations

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

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

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<td>January 16, 2013</td>
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SBE Agenda for March 2013

Agenda for the California State Board of Education (SBE) meeting on March 13-14, 2013.

State Board Members

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

Secretary & Executive Officer

Hon. Tom Torlakson

Executive Director

Karen Stapf Walters

<table>
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<th>Location</th>
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| **Wednesday, March 13, 2013**
8:30 a.m. Pacific Time ±

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.)

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

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

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<th>Location</th>
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| **Thursday, March 14, 2013**
8:30 a.m. Pacific Time ±

STATE BOARD OF EDUCATION
Public Session, adjourn to Closed Session - IF NECESSARY - will take place at approximately 8:30 a.m. (The public may not attend.)

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

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.

CLOSED SESSION AGENDA
Conference with Legal Counsel – Anticipated 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 follows will be considered and acted upon in closed session:

- Alejo, et al. v. Jack O’Connell, State Board of Education, et al., San Francisco County Superior Court, Case No. CPF-09-509568, CA Ct. of Appeal, 1st Dist., Case No. A130721
- California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc., Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- 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, 2nd Dist., Case No. B245288
- 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 and B214470
- 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 – 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 follows will be considered and acted upon in closed session:

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.
Thursday, March 14, 2013
8:30 a.m. Pacific Time ±
(Upon Adjournment of Closed Session, if held.)

STATE BOARD OF EDUCATION
Public Session

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

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

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

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

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Time is set aside for individuals desiring to speak on any topic not otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session
March 13, 2013

Wednesday, March 13, 2013 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

Call to Order
Salute to the Flag
Closed Session
Communications
Announcements
Report of the State Superintendent of Public Instruction
Special Presentations
Public notice is hereby given that special presentations for informational purposes may take place during this session.
Agenda Items
Adjournment

AGENDA ITEMS
Item 1 (DOC)

Type of Action: Action, Information

Item 2 (DOC)

Subject: Adoption of the College and Career Readiness Anchor Standards to the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects with California Additions.
Type of Action: Action, Information

Item 3 (DOC; 2MB; Updated 04-Mar-2013)

Subject: Pupil Fees and Discrimination Complaints - Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, sections 4600-4650.
Type of Action: Action, Information
- Item 3 Attachment 4 (PDF)
- Accessible Alternative Version (AAV) of Item 3 Attachment 4

Item 4 (DOC; Updated 04-Mar-2013)

Subject: Update on the public process to revise the Science Content Standards for California Public Schools, Kindergarten through Grade Twelve based upon the nationally developed Next Generation Science Standards as required by Education Code 60605.85.
Type of Action: Action, Information

Item 5 (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 6 (DOC)

Subject: Academic Performance Index: Approve Changes to the Calculation of the 2012 Base Academic Performance Index.
Type of Action: Action, Information

Item 7 (DOC; 1MB)

Subject: General Educational Development Test: Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, sections 11530–11532.
Type of Action: Action, Information
- Item 7 Attachment 4 (PDF)
- Accessible Alternative Version (AAV) of Item 7 Attachment 4

Item 8 (DOC)

Type of Action: Action, Information
Item 9 (DOC)

Subject: Update on Statewide Assessment Transition and Smarter Balanced Assessment Development Activities Including, but not Limited to, Recommended Suspension of Certain Standardized Testing and Reporting Assessments, Initial Achievement Level Descriptors, and Spring 2013 Pilot Test.

Type of Action: Information

Item 10 (DOC)

Subject: Update on the California Department of Education’s Implementation Timeline and Process Consistent with Education Code Sections 52052 through 52052.9 to Revise the Academic Performance Index.

Type of Action: Information

ADJOURNMENT OF DAY’S SESSION

AGENDA ITEMS

Item 11 (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

PUBLIC HEARING
A Public Hearing on the following agenda item will commence no earlier than 9:00a.m. on Thursday, March 14, 2012. The Public Hearing will be held as close to 9:00a.m. as the business of the State Board permits.

Item 12 (DOC)

Subject: The School of Arts and Enterprise: Consider a Material Revision of the Charter to Expand From Grades Nine Through Twelve to Grades Six Through Twelve.

Type of Action: Action, Information, Hearing

Item 13 (DOC)

Subject: Recommendations Regarding Revocation of Charter Schools Identified Pursuant to California Code of Regulations, Title 5, Section 11968.5.

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARING

Item 14 (DOC)

Subject: Consideration of “Reasonable Basis”/Mitigating Circumstances Requests for Determination of Funding as required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and associated California Code of Regulations, Title 5.

Type of Action: Action, Information

Item 15 (DOC)


Type of Action: Action, Information

- Item 15 Attachment 1 (DOC)
- Item 15 Attachment 2 (DOC)

Item 16 (DOC)

Subject: Elementary and Secondary Education Act: Discussion and Comment Regarding Local Educational Agency Requests to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.

Type of Action: Action, Information

Item 17 (DOC; 2MB)

Subject: School Improvement Grant: Approval of California’s State Educational Agency “Continuation Awards Only Application for the Fiscal Year 2012 School Improvement Grant Program”; Approval of California’s Request to Carryover Fiscal Year 2009 School Improvement Grant Funds Until September 30, 2014.

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

Waiver Numbers:
- Pioneer Union Elementary School District 4-11-2012
- San Luis Obispo County Office of Education 10-11-2012
- Shasta County Office of Education 1-1-2013
- Solano County Office of Education 5-1-2013

[The preceding waiver was withdrawn by the Solano County Office of Education]

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Resource Teacher Caseload)

Item W-02 (DOC)

Subject: Request by two local educational agencies, under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c). Approval of these waivers will allow the resource specialists at the Cabrillo School and Kingsburg High School to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Numbers:
- Pacifica School District 73-10-2012
- Kingsburg Joint Union High School District 76-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

STATE TESTING APPORTIONMENT REPORT (CELDT)

Item W-03 (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:
- San Francisco County Office of Education 10-12-2012
- San Francisco Unified School District 07-12-2012

(Recommended for APPROVAL)

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

Item W-04 (DOC)

Subject: Request by two school districts 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 2013–14 school year.

Waiver Numbers:
- Evergreen Elementary School District 105-12-2012
SCHOOLSITE COUNCIL STATUTE (Shared, Number and Composition and Shared with Reduced Number and Composition)

Item W-05 (DOC)

Subject: Request by fifteen 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:
- Carpinteria Unified 39-12-2012
- Carpinteria Unified 41-12-2012
- Carpinteria Unified 43-12-2012
- Hanford Elementary 8-12-2012
- Hanford Joint Union High 74-10-2012
- Jamestown Elementary 81-10-2012
- Junction Elementary 80-10-2012
- Mendota Unified 75-10-2012
- Nevada County Office of Education 18-11-2012
- Newark Unified 1-11-2012
- Norwalk-La Mirada Unified 14-12-2012
- Peninsula Union 24-11-2012
- River Delta Joint Unified 83-10-2012
- Silver Valley Unified 15-11-2012
- Siskiyou County Office of Education 5-12-2012
- Tulelake Basin Joint Unified 3-11-2012
- Wilsona Elementary 8-11-2012

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

Item W-06 (DOC; Updated 04-Mar-2013)

Subject: Request by El Segundo Unified School District to waive portions of California Education Code sections 17466, 17472, and 17475, all of 17473 and 17474, specific statutory provision for the lease of surplus property. Approval of the waiver would allow the district to lease a piece of property using a "request for proposal" process, thereby maximizing the proceeds from the lease of the district's Imperial Elementary School property.

Waiver Number: 2-12-2012

SCHOOL CONSTRUCTION BONDS (Bond Indebtedness Limit - Non-Unified after 2000)

Item W-07 (DOC)

Subject: Request by Alum Rock Union Elementary School District to waive California Education Code sections 15102 and portions of 15268 related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts, may also apply.

Waiver Number: 63-10-2012
Item W-08 (DOC)

Subject: Request by Jefferson Elementary School District to waive California Education Code sections 15102 and portions of 15268 related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts, may also apply.

Waiver Number: 56-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL DISTRICT REORGANIZATION (60-day Requirement to Fill Board Vacancy)

Item W-09 (DOC)

Subject: Request by Manchester Union Elementary School District to waive portions of California Education Code Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 25-11-2012

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-10 (DOC)

Subject: Request by Downey 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: 106-12-2012

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-11 (DOC)

Subject: Request by Romoland Elementary 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: 58-1-2013

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Lapsation of a Small District)

Item W-12 (DOC)

Subject: Request by three Tehama County school districts to waive portions of California Education Code sections 35534, 35780, and 35782, and all of Section 35786 regarding district lapsation and date of effectiveness of lapsation.

Waiver Numbers:
  - Plum Valley Elementary 110-12-2012
  - Manton Joint Union Elementary 111-12-2012
  - Mineral Elementary 112-12-2012

(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL DISTRICT REORGANIZATION (Speed Transfer Process)

Item W-13 (DOC)
Subject: Request by Antelope Elementary School District to waive portions of California Education Code Section 35543, regarding reorganization of separated territory.

Waiver Number: 115-12-2012

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Extended School Year (Summer School))

Item W-14 (DOC)

Subject: Request by Butte County Office of Education to waive California Code of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students.

Waiver Number: 27-11-2012

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-15 (DOC; Updated 04-Mar-2013)

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:
- Guerneville Elementary School District 2-11-2012
- Lakeside Union Elementary School District 11-11-2012
- Lakeside Union Elementary School District 12-11-2012
- San Jose Unified School District 104-12-2012
- Saugus Union School District 6-11-2012
- Saugus Union School District 7-11-2012
- Westside Union Elementary School District 21-11-2012
- Westside Union Elementary School District 22-11-2012

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-16 (DOC)

Subject: Request by three 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:
- Robla Elementary School District 28-11-2012
- Saugus Union School District 17-11-2012
- Westside Union Elementary School District 23-11-2012

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-17 (DOC)

Subject: Request by two districts, under the authority of California Education Code Section 41382, to waive portions of Education
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:

- Adelanto Elementary School District 107-12-2012
- Center Joint Unified School District 6-12-2012
- Center Joint Unified School District 9-12-2012

(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-18 (DOC)

Subject: Request by Los Angeles Unified School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:

- Los Angeles Unified 11-12-2012
- Los Angeles Unified 15-12-2012
- Los Angeles Unified 16-12-2012
- Los Angeles Unified 17-12-2012
- Los Angeles Unified 18-12-2012
- Los Angeles Unified 19-12-2012
- Los Angeles Unified 20-12-2012
- Los Angeles Unified 21-12-2012
- Los Angeles Unified 22-12-2012
- Los Angeles Unified 24-12-2012
- Los Angeles Unified 26-12-2012
- Los Angeles Unified 27-12-2012
- Los Angeles Unified 28-12-2012
- Los Angeles Unified 29-12-2012
- Los Angeles Unified 30-12-2012
- Los Angeles Unified 31-12-2012
- Los Angeles Unified 32-12-2012
- Los Angeles Unified 33-12-2012
- Los Angeles Unified 34-12-2012
- Los Angeles Unified 36-12-2012
- Los Angeles Unified 37-12-2012
- Los Angeles Unified 38-12-2012
- Los Angeles Unified 40-12-2012
- Los Angeles Unified 42-12-2012
- Los Angeles Unified 44-12-2012
- Los Angeles Unified 45-12-2012
- Los Angeles Unified 46-12-2012
- Los Angeles Unified 47-12-2012
- Los Angeles Unified 48-12-2012
- Los Angeles Unified 49-12-2012
- Los Angeles Unified 50-12-2012
- Los Angeles Unified 51-12-2012
- Los Angeles Unified 52-12-2012
- Los Angeles Unified 53-12-2012
- Los Angeles Unified 54-12-2012
- Los Angeles Unified 55-12-2012
- Los Angeles Unified 56-12-2012
- Los Angeles Unified 57-12-2012
- Los Angeles Unified 58-12-2012
- Los Angeles Unified 59-12-2012
- Los Angeles Unified 60-12-2012
QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-19 (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:
- Jurupa Unified 100-12-2012
- Jurupa Unified 101-12-2012
- Mountain Empire Unified 26-11-2012

(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-20 (DOC)

Subject: Request by Azusa Unified School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:
- Azusa Unified 1-12-2012
- Azusa Unified 23-12-2012
- Azusa Unified 25-12-2012

(Recommended for APPROVAL WITH CONDITIONS)
QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

**Item W-21** (DOC; Updated 04-Mar-2013)

**Subject:** Request by River Delta Joint Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

**Waiver Number:** 20-11-2012

(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

**Item W-22** (DOC)

**Subject:** Request by three 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:**
- Chula Vista Elementary 102-12-2012
- Oakland Unified 42-1-2013
- Oakland Unified 47-1-2013
- Oakland Unified 48-1-2013
- Oakland Unified 49-1-2013
- Oakland Unified 50-1-2013
- Oakland Unified 59-1-2013
- Oakland Unified 60-1-2013
- Oakland Unified 61-1-2013
- Oakland Unified 62-1-2013
- San Jose Unified 35-12-2012

(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Highly Qualified Teachers)

**Item W-23** (DOC)

**Subject:** Request by Oakland Unified School District 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 Number:** Oakland Unified 38-1-2013

(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Academic Performance Index Growth Target)

**Item W-24** (DOC)

**Subject:** Request by Rialto Unified School District to waive portions of California *Education Code* Section 52055.760(c)(3), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act.

**Waiver Number:** 19-11-2012

(Recommended for DENIAL)

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

**Item W-25** (DOC)

**Subject:** Request by Red Bluff Union Elementary School District to waive California *Education Code* Section 48352(a) and *California Code of Regulations*, Title 5, Section 4701 to remove William M. Metteer Elementary School from the Open Enrollment
List of "low achieving schools" for the 2013–14 school year.

**Waiver Number:** 88-12-2012

(Recommended for DENIAL)

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

**Item W-26 (DOC)**

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

**Waiver Number:** 13-11-2012

(Recommended for DENIAL)

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

**Item W-27 (DOC)**

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

**Waiver Number:** 14-11-2012

(Recommended for DENIAL)

INDEPENDENT STUDY PROGRAM (Pupil Teacher Ratio)

**Item W-28 (DOC)**

**Subject:** Request by the Alpaugh 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 ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at the Central California Connections Academy Charter School.

**Waiver Number:** 5-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

INDEPENDENT STUDY PROGRAM (Pupil Teacher Ratio)

**Item W-29 (DOC)**

**Subject:** Request by two districts 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.

**Waiver Numbers:**
- Kern County Office of Education 21-10-2012
- Hart-Ransom Union Elementary School District 67-10-2012

(Recommended for APPROVAL WITH CONDITIONS)

INDEPENDENT STUDY PROGRAM (Pupil Teacher Ratio)

**Item W-30 (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)

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**QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)**

**Item W-31 (DOC)**

**Subject:** Request by Los Angeles Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

**Waiver Numbers:**

- Los Angeles Unified 71-12-2012
- Los Angeles Unified 74-12-2012
- Los Angeles Unified 77-12-2012
- Los Angeles Unified 81-12-2012
- Los Angeles Unified 82-12-2012
- Los Angeles Unified 85-12-2012
- Los Angeles Unified 91-12-2012
- Los Angeles Unified 93-12-2012
- Los Angeles Unified 95-12-2012

(Recommended for DENIAL)

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**END OF WAIVERS**

**Item 18 (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

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**Item 19 (DOC)**

**Subject:** 2014 Mathematics Primary Adoption of Instructional Materials: Requests for Reduction of the Publisher Fee for Participation in the Adoption Process and Approval of the Notice of Intent to Hold the Adoption.

**Type of Action:** Action, Information

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**Item 20 (DOC)**

**Subject:** Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* sections 47612.5 and 47634.2, and Associated *California Code of Regulations*, Title 5.

**Type of Action:** Action, Information

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**Revised Item 21 (DOC; Posted 04-Mar-2013)**

**Item 21 (DOC)**

**Subject:** Assignment of Numbers for Charter School Petitions.

**Type of Action:** Action, Information
Item 22 (DOC)

Subject: Approval of 2012–13 Consolidated Applications.

Type of Action: Action, Information

Item 23 (DOC)

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

Type of Action: Action, Information

Item 24 (DOC)


Type of Action: Action, Information

Item 25 (DOC; 2MB)

Subject: Elementary and Secondary Education Act: School Improvement Grant: Renewal of Sub-grants Under Section 1003(g) for Year 2 of Cohort 2 Local Educational Agencies and Schools.

Type of Action: Action, Information

Item 26 (DOC; Updated 04-Mar-2013)

Subject: California State Plan 1999–2013 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Updates.

Type of Action: Action, Information

- Item 26 Attachment 2 (PDF)
- Accessible Alternative Version (AAV) of Item 26 Attachment 2

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.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

ITEM 1
## SUBJECT


| ☑ Action |
| ☐ Information |
| ☐ Public Hearing |

## SUMMARY OF THE ISSUE(S)

_**Education Code (EC)**_ Section 60605.87, created by Assembly 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, an English Language Development Supplemental Instructional Materials Review (ELD SIMR) evaluation criteria that is based upon the evaluation criteria for the English language arts supplemental instructional materials (SIMR) approved by the SBE pursuant to _EC_ Section 60605.86 (a). The ELD SIMR evaluation criteria will be used by the review panel members to develop a list of supplemental instructional materials for Kindergarten and Grades one through eight that provide a bridge between the current English language development standards and the revised English language development standards pursuant to _EC_ Section 60811.3. The ELD SIMR evaluation criteria will ensure the supplemental materials address the unique features of the revised English language development standards and remain consistent with the relevant elements of the SIMR evaluation criteria. The Schedule of Significant Events for this project is located on the CDE’s ELD SIMR Web page at [http://www.cde.ca.gov/ci/cr/cf/pub011513att2.asp](http://www.cde.ca.gov/ci/cr/cf/pub011513att2.asp).

## RECOMMENDATION

The CDE recommends that the SBE approve the ELD SIMR evaluation criteria contained in Attachment 1.

## BRIEF HISTORY OF KEY ISSUES

In 2010, the Council of Chief State School Officers and the National Governors Association Center for Best Practices released Common Core State Standards (CCSS) in mathematics and English language arts. The SBE adopted the CCSS with California additions on August 2, 2010. California has committed to implementing the CCSS and is currently part of a multistate assessment consortium that plans on having CCSS-based assessments in place by the 2014–15 school year.
In 2011, the State Superintendent of Public Instruction (SSPI) initiated a process for the review of supplemental materials aligned to the CCSS. SB 140, signed by the Governor on October 8, 2011, called for the expansion of that process. Pursuant to that legislation, the SSPI invited publishers of instructional materials in mathematics and language arts to submit supplemental instructional materials that bridge the gap between programs currently being used by local educational agencies (LEAs) and the CCSS. AB 124, also signed by the Governor on October 8, 2011, called for English language development standards that are updated, revised, and aligned to the CCSS.

In 2012, AB 1719, signed by the Governor on September 27, 2012, called for English language development supplemental instructional materials that are aligned with the current English language development standards, provide a bridge to, and address the unique features of, the revised English language development standards, and remain consistent with the relevant elements of the evaluation criteria used for the English language arts supplemental instructional materials review (SIMR). The legislation also called for ELD SIMR evaluation criteria that are based upon the evaluation criteria approved by the SBE pursuant to EC Section 60605.86 (a).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

November 2012: The SBE approved the revised English language development standards that are aligned to the CCSS.

January 2012: The CDE presented to the SBE the fourth in a series of updates on the implementation of the CCSS. The SBE approved the evaluation criteria for the supplemental instructional materials review.

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

September 2011: The CDE presented to the SBE the second in a series of updates on the implementation of the CCSS.

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

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

November 2010: The CDE presented to the SBE an update on the implementation of the CCSS. This update was provided at the joint meeting between the SBE and the Commission on Teacher Credentialing (See agenda at http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp).
August 2010: Pursuant to SB X5 1, the SBE adopted the academic content standards in English language arts and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

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

FISCAL ANALYSIS (AS APPROPRIATE)

AB 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 English language development supplemental instructional materials review. The CDE has budgeted $500,000 from those funds to complete the project.

ATTACHMENT(S)

Attachment 1: Criteria for the Evaluation of English Language Development Supplemental Instructional Materials (3 pages)
Criteria for the Evaluation of English Language Development
Supplemental Instructional Materials

Assembly Bill 124 (Fuentes, Chapter 605, Statutes of 2011), signed into law on October 8, 2011, required the State Superintendent of Public Instruction (SSPI), in consultation with the State Board of Education (SBE), to update, revise, and align the state’s 1999 English Language Development (ELD) standards, by grade level, to the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (CCSS for ELA/Literacy) by November 2012. That work was completed and the SBE adopted the new ELD Standards on November 7, 2012.

AB 1719 (Fuentes), signed into law on September 27, 2012, requires the California Department of Education (CDE) to develop a list of supplemental instructional materials for kindergarten through grade eight (K–8) that provide a bridge to the new ELD standards for the SBE to approve by June 30, 2014. The ELD Supplemental Instructional Materials Review (ELD SIMR) shall be based upon the evaluation criteria approved by the state board pursuant to Education Code Section 60605.86(a).

It will take a number of years to develop new curriculum frameworks and instructional materials that are fully aligned to both the new ELD standards and the CCSS for ELA/Literacy. In the interim, the SSPI has invited publishers and producers of ELD materials to submit supplemental instructional materials that will bridge specific gaps between the content of existing ELD programs currently used in California’s schools and the increased rigor of four key shifts found in the new ELD standards. The evaluation criteria outline the requirements for such materials. Supplemental materials will be reviewed according to the criteria by teachers and content experts recruited by the SSPI and SBE. The results of the review will be listed on the CDE Web site to help districts in their transition to the new ELD standards. The SSPI recommendation as approved by the SBE will be advisory only. The review is in no way mandatory for publishers and school districts will not be required to purchase these materials.

The intent of this process is to identify supplemental materials that include the minimum amount of content needed to fully address all of the subset of standards identified in the ELD SIMR standards maps and that are priced so the cost to districts is kept low. Publishers are encouraged to submit their instructional materials in digital format.

The ELD SIMR is open to all publishers and producers of supplemental instructional materials who wish to participate. To be eligible for recommendation by the SSPI for approval by the SBE, submitted materials must meet all of the criteria outlined below.

Evaluation Criteria for All Supplemental Program Materials
ELD supplemental materials may be submitted to address the language arts programs for K–8 that were adopted by the SBE in 2002 and 2008 and specifically to address four
of the key shifts identified in the *California English Language Development Standards* that were adopted by the SBE in 2012. The ELD SIMR submissions, in conjunction with the adopted program they are designed to supplement, will be evaluated according to whether they address all of the subset of standards associated with each of the four key shifts outlined in the English Language Development Standards Maps for Supplemental Instructional Materials (ELD Standards Maps) for each grade level. The standards maps for this review are located on the CDE’s ELD SIMR Web page at [http://www.cde.ca.gov/ci/cr/cf/eldsimr.asp](http://www.cde.ca.gov/ci/cr/cf/eldsimr.asp).

1. The materials submitted for the ELD SIMR must align to the 2012 ELD standards, as adopted by the SBE on November 7, 2012. The new ELD standards are available on the CDE ELD Standards Web page at [http://www.cde.ca.gov/sp/el/er/eldstandards.asp](http://www.cde.ca.gov/sp/el/er/eldstandards.asp). Submitted supplemental materials, in conjunction with the existing adopted grade-level materials, must address all of the subset of standards associated with each of the four key shifts outlined in the standards maps.

Publishers must only cite content from the same grade level as evidence that a certain grade-level ELD 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 ELD standard is 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 ELD standards. However, the publisher could include that grade six content in their grade five supplement.

2. The materials must conform to the *Standards for Evaluating Instructional Materials for Social Content, 2000 Edition*, as adopted by the SBE.

3. The materials must be accurate, use proper grammar and spelling, and be free of all errors before they are sold to school districts.

4. Assessments must provide sufficient evidence and guidance for teachers to use in evaluating student progress toward proficiency in the content outlined in the ELD standards.

5. The supplemental instructional materials must present comprehensive guidance for teachers in providing effective, efficient instruction for all students. Instructional materials should provide access to the standards-based curriculum for all students, including English-learners, advanced-learners, students below grade level in reading and writing skills, and students with disabilities.
6. Clear instructions must be provided for teachers on how to use and integrate the supplemental instructional materials with their existing adopted grade level materials. The supplemental instructional materials must present guidance on how to strategically implement all of the elements asked for in each standard under the key shift areas as outlined on the ELD SIMR standards maps.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

ITEM 2
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 the College and Career Readiness (CCR) Anchor Standards and resolve any technical issues to the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects with California Additions (CCSS for ELA/Literacy) that were adopted by the SBE on August 2, 2010. A summary of the resolution of technical issues are presented in the Proposed Addition of the CCR Anchor Standards and Resolution of Technical Issues (Attachment 1).

RECOMMENDATION

The SSPI recommends that the SBE adopt the CCR Anchor Standards to the CCSS for ELA/Literacy, approve the resolution of technical issues as presented in the Proposed Addition of the CCR Anchor Standards and Resolution of Technical Issues (Attachment 1), and empower the SBE and CDE staff to make any current and future edits conforming to the official version of the standards at http://www.corestandards.org/.

BRIEF HISTORY OF KEY ISSUES

The SBE adopted the CCSS for ELA/Literacy developed by the Common Core State Standards Initiative (CCSSI) as published in June 2010 with some California additions. These California additions included adding words and phrases to the CCSSI standards. However, some of the California additions create confusion when referencing standard numbering and lettering. In addition, at the time of the SBE adoption in August 2010, the inclusion of the CCR Anchor Standards and other supporting information was not recommended. SB 1200 provides a remedy to add the CCR Anchor Standards and resolve technical issues in the CCSS for ELA/Literacy. The chart on Attachment 1 highlights the resolution of technical issues and the inclusion of the anchor standards.
These changes and additions are reflected in the updated version of the CCSS for ELA/Literacy available on the CDE Curriculum Framework Web page at http://www.cde.ca.gov/ci/rl/cf/documents/ccsselapendingapproval.doc.

The SSPI recommendations are in accordance with SB 1200. (See below for relevant section.) The recommended additions and resolutions maintain the rigor of the CCSS for ELA/Literacy; prepare students for college, career, and citizenship; and provide clarity to the field on the implementation of the CCSS for ELA/Literacy.

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

60605.10. The Superintendent may recommend and the state board may adopt the college and career readiness anchor standards developed by the Common Core State Standards Initiative consortium. The state board may also take action to resolve any technical issues in the English language arts standards adopted pursuant to Section 60605.8.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

August 2, 2010: Pursuant to SB X5 1 (Education Code 60605.8), the SBE adopted the academic content standards in English language arts as proposed by the Academic Content Standards Commission (ACSC). The standards include the CCSS for ELA/Literacy developed by the CCSSI and published in June 2010, and specific additions to the standards recommended by the ACSC.

FISCAL ANALYSIS (AS APPROPRIATE)

Once the modifications to the CCSS for ELA/Literacy have been adopted, the California Department of Education (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: Proposed Addition of the College and Career Readiness Anchor Standards and Resolution of Technical Issues. (2 pages)
**Proposed Addition of the College and Career Readiness Anchor Standards and Resolution of Technical Issues**

**Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects**

Senate Bill 1200 (Hancock) was approved by the Governor on September 17, 2012. As a result, the following section was added to the *Education Code*:

> 60605.10: The Superintendent may recommend and the state board may adopt the college and career readiness anchor standards developed by the Common Core State Standards Initiative consortium. The state board may also take action to resolve any technical issues in the English language arts standards adopted pursuant to Section 60605.8.

<table>
<thead>
<tr>
<th>Grade Level or Span/Strand</th>
<th>Proposed Addition/Resolution of Technical Issue</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>K–5 ELA/Literacy; 6–12 ELA; and 6–12 Literacy All Four Strands</td>
<td>Add the College and Career Readiness (CCR) Anchor Standards before each strand (Reading, Writing, Speaking and Listening, and Language) at each grade span using the CCR Anchor Standards pages from the Common Core State Standards Initiative (CCSSI) consortium document.</td>
<td>The CCR Anchor Standards' pages from the CCSSI document include the anchor standards as well as grade-specific &quot;side notes.&quot;</td>
</tr>
<tr>
<td>K–5 ELA/Literacy; 6–12 ELA; and 6–12 Literacy/ All Four Strands</td>
<td>Add acronyms for each of the strands consistent with the CCSSI document: RL for reading standards for literature; RI for reading standards for informational text; RF for reading standards-foundational skills; W for writing standards; SL for speaking and listening standards; L for language standards; RH for reading standards for literacy in history/social studies; RS for reading standards for literacy in science and technical subjects; and WHST for writing standards for literacy in history/social studies, science, and technical subjects</td>
<td>Standardize acronyms so they are consistent with CCSSI document.</td>
</tr>
<tr>
<td>Various grade levels</td>
<td>Remove notations for references to specific page numbers in standards and introduction paragraph to language strand (e.g., K.RL.4. “See grade K Language standards 4-6 on page 13 for additional expectations.”).</td>
<td>Eliminate need for editing page number when standards are presented in different formats or documents.</td>
</tr>
<tr>
<td>California Additions Relocated</td>
<td>Re-order and re-letter any California additions included in the middle of a standard’s lettered content and place at the end. Examples:</td>
<td>Provide consistency so that the lettered details of standards match the</td>
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<tr>
<td>2.</td>
<td>2.L.1.a. Create readable documents with legible print. Move to: 2.L.1.g.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>3.L.1.a. Write legibly in cursive or joined italics, allowing margins and correct spacing between letters in a word and words in a sentence. Move to: 3.L.1.j.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>3.L.1.c. Use reciprocal pronouns correctly. Move to: 3.L.1.k.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>11–12.W.1.c. Use specific rhetorical devices to support assertions (e.g., appeal to logic through reasoning; appeal to emotion or ethical belief; relate a personal anecdote, case study, or analogy.) Move to: 11–12.W.1.f.</td>
<td></td>
</tr>
</tbody>
</table>

Move California addition currently noted as an asterisk (*) at bottom of page and place after standard within brackets. Standard K.RF.3.b. will read: “Associate the long and short sounds with common spellings (graphemes) for the five major vowels. [Identify which letters represent the five major vowels (Aa, Ee, Ii, Oo, and Uu) and know the long and short vowel. More complex long vowel graphemes and spellings are targeted in the grade 1 phonics standards.]”

Changes to CCSS Initiative Standards

|   | Content in the CCSSI document has changed, i.e., in Standard 1.L.6., the listed example now reads “because.” |

CCSSI document, other states, stakeholders, and CCSSI materials, lessons, and resources.

Make this California addition consistent with other California additions that were added directly to the individual standard and allow for easier reference when used in lesson, units, and instructional materials.

Provide consistency with CCSSI standards if they are modified.
ITEM 3
Pupil Fees and Discrimination Complaints - Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, sections 4600-4650.

<table>
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<tr>
<th>Subject</th>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
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**SUMMARY OF THE ISSUE(S)**

Assembly Bill 1575 (Chapter 776, Statutes of 2012) was signed by the Governor on September 29, 2012 and became effective on January 1, 2013. Existing constitutional law requires the Legislature to provide for a system of common schools by which a free school is required to be maintained and supported in each district. California *Education Code* (EC), sections 49010-49013 (AB 1575), reinforce existing law which prohibits all public schools, including but not limited to a charter school or alternative school, from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity and sets forth the responsibilities of the local educational agencies (LEAs) and the California Department of Education (CDE) in resolving complaints of noncompliance utilizing the Uniform Complaints Procedures (UCP) process.

The EC, as amended by AB 1575, provides that a complaint of noncompliance regarding pupil fees may be filed with the principal of a school pursuant to the LEA’s UCP and a complainant not satisfied with the LEA’s decision may appeal to the CDE. In addition, AB 1575 requires that the State Board of Education (SBE) adopt regulations to establish procedures relating to reimbursement remedies for meritorious complaints.

Assembly Bill 9 (Chapter 723, Statutes of 2011) became effective on July 1, 2012. It amended the existing Safe Place to Learn Act, Education Code sections 234 et seq., to add anti-intimidation and anti-bullying provisions.

These regulations are necessary in order to conform existing UCP regulations, *California Code of Regulations*, Title 5 (5 CCR), Section 4600 et seq., to the new EC provisions by incorporating appropriate references to pupil fee complaints and complaints of discrimination, harassment, intimidation and bullying.
RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking;
- Approve the Initial Statement of Reasons;
- Approve the proposed regulations; and
- Direct the CDE to commence the rulemaking process.

BRIEF HISTORY OF KEY ISSUES

Article IX, Section 5 of the California Constitution requires the Legislature to provide for a system of common schools by which a free school is required to be kept up and supported in each district. In Hartzell v. Connell (1984) 35 Cal. 3d 899, it was reaffirmed that educational activities must be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers. Schools may, however, charge fees specifically authorized by law.

Prior to the passage of AB 1575, disputes regarding the imposition of fees and whether they were impermissible fees were resolved at the LEA level and not through the UCP process. If complainants were dissatisfied with the results of the LEA decisions, they were within their rights to pursue civil law remedies. AB 1575 adds Article 5.5 (commencing with Section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, and amends Section 905 of the Government Code, relating to pupil fees and the utilization of the UCP.

The UCP process, 5 CCR 4610(c), currently includes provisions relating to complaints alleging unlawful discrimination against certain protected groups. In 2012, Education Code (EC) Section 234.1 was amended to add anti-intimidation and anti-bullying provisions.

The proposed regulations are necessary to incorporate, clarify, and make specific the provisions of EC sections 49010-49013 regarding the criteria, process, and timelines for resolving pupil fees complaints and appeals utilizing the UCP, including reimbursement procedures and the requirements imposed upon LEAs and the CDE.

The proposed regulations are necessary to incorporate, clarify, and make specific the provisions of EC Section 234.1 regarding complaints of discrimination, harassment, intimidation and bullying against certain protected groups.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2004, the SBE released for public comment, revised regulations for the uniform complaint procedures. The revision updated the regulations to be consistent with federal code of regulations adopted after the enactment of the uniform complaint
procedures in 1991, to update terminology, and the specific groups that receive civil rights protections in discrimination complaints according to federal and state law; and to more accurately reflect the complaint process at the local level and the appeal process at the state level. Additionally, the settlement in the Williams Case (September 2004) resulted in new *Education Code* sections that necessitated revisions to the UCP regulations. These regulations became effective in December 29, 2005.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The Economic and Fiscal Impact Statement will be provided as an Addendum.

**ATTACHMENT(S)**

Attachment 1: Notice of Proposed Rulemaking (6 pages)

Attachment 2: Text of Proposed Regulations (12 Pages)

Attachment 3: Initial Statement of Reasons (4 Pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (4 pages). The Economic and Fiscal Impact Statement will be provided as an Addendum.
NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING PUPIL FEES AND DISCRIMINATION COMPLAINTS

[Notice published March 29, 2013]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on May 14, 2013, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, California  95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 14, 2013. All written comments received by CDE
staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

**AUTHORITY AND REFERENCE**

Authority: Sections 221.1, 8261, 33031, 49531, 49551, 51426, 54445, 52355, 52451, and 56100, Education Code; Section 11138, Government Code.

Reference: Sections 200, 201, 210.1, 220, 234.1, 17002, 17592.72, 33126, 49010, 49013, 49556, 51420, 51421, 51422, 51423, 51425, and 60010, Education Code; Sections 11135, 11136 and 11138, Government Code; and 34 C.F.R. Sections 106.1–106.8 and 299.10–299.11.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing constitutional law requires the Legislature to provide for a system of common schools by which a free school is required to be maintained and supported in each district. California Education Code sections 49010-49013 (AB 1575), reinforce existing law prohibiting all public schools, including but not limited to a charter school or alternative school, from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity and sets forth the responsibilities of the LEAs and the CDE in resolving complaints of noncompliance utilizing the Uniform Complaints Procedures (UCP) process.

Through this rulemaking process, the SBE proposes to amend the California Code of Regulations, title 5, by amending sections 4600(j), 4600(t), 4600(u), 4610 (d), 4630(a), 4650(a)(3) and by adding sections 4630(c), 4631(e)(5)(A), 4633(i)(3)(A), and 4633(j). The proposed regulations clarify and make specific the provisions of Education Code sections 49010-49013 regarding the criteria, process, and timelines for resolving pupil fees complaints and appeals utilizing the UCP and the requirements imposed upon LEAs and the CDE.
Through this rulemaking process, the SBE proposes to amend California Code of Regulations, title 5, by amending section 4610(c). The proposed regulations clarify and make specific the provisions of Education Code section 234.1 regarding complaints of discrimination, harassment, intimidation and bullying.

Proposed amendments and additions to section 4600 include three provisions that are intended to define:

- "Educational activity;"
- "Pupil fee;" and
- "Reasonable efforts" in relation to the reimbursement remedy for meritorious pupil fee complaints and appeals.

Proposed amendments to section 4610 are intended to:

- Clarify that the scope of the UCP now includes pupil fee complaints.

Proposed amendments and additions to section 4630, contains two provisions which are intended to clarify procedures specific to pupil fees complaints, including:

- Complaints regarding pupil fees are filed with the Principal and may be filed anonymously;
- Complaints regarding pupil fees must be filed within one year of the alleged violation.

Proposed additions to sections 4631 and 4633 contain three provisions that are intended to clarify that:

- If the LEA or the CDE finds merit on a pupil fees complaint, the LEA must provide a remedy that, where applicable, includes reimbursement to all affected pupils; and
- The CDE must issue a decision with 60 days of receiving the appeal.

Proposed amendments to section 4650 are intended to:

- Clarify that the CDE shall not directly intervene without waiting for an LEA investigation of a pupil fee complaint on the grounds that the complainant has requested anonymity, because a pupil fee can be filed anonymously.
The benefits of the proposed regulatory action include providing a mechanism for the State to ensure that all students enrolled in a public school, including but not limited to a charter school or alternative school, receive a free education and have access to the UCP, which includes state oversight in resolving pupil fees complaints.

The CDE reviewed all state regulations relating to the uniform complaint procedures and pupil fees and found that none exist that are inconsistent or incompatible with these regulations regarding the same subject matter.

**DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT**

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

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

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

Costs or savings in federal funding to the state: TBD

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

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

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have an effect on any small business because…TBD
RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

The benefits of the regulation include ensuring a free public education for all California public school students; and the inclusion of pupil fees complaints in a transparent resolution process, the UCP.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

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

Celina Arias-Romero, Education Administrator
Categorical Programs and Complaints Management
California Department of Education
1430 N Street, Suite 6408
Sacramento, CA 95814
Telephone: 916-319-0929
E-mail: CAriasRomero@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.
TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Celina Arias-Romero, Education Administrator, Categorical Programs and Complaints Management, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0929. It is recommended that assistance be requested at least two weeks prior to the hearing.
• 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 strikethrough.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 5.1. Uniform Complaint Procedures
Subchapter 1. Complaint Procedures
Article 1. Definitions

§ 4600. General Definitions.

As used in this chapter, the term:

(a) “Appeal” means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body’s decision.

(b) “Beginning of the year or semester” means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

(c) “CDE Department” means the California Department of Education.

(d) “Complainant” means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

(e) “Complaint” means a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.

(f) “Complaint investigation” means an administrative process used by the California Department of Education (CDE) or local educational agency (LEA) for the
(g)(f) “Complaint procedure” means an internal process used by the CDE Department or LEA local educational agency to process and resolve complaints.

(h)(e) “Days” means calendar days unless designated otherwise.

(i) “Direct state intervention” means the steps taken by the CDE Department to initially investigate complaints or effect compliance.

(j) “Educational activity” shall have the same definition as found in Education Code section 49010(a).

(k)(j) “Educational institution” means a public or private preschool, elementary, or secondary school or institution, the governing board of a school district, or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(l)(k) “Facilities that pose an emergency or urgent threat to the health or safety of pupils or staff” means a condition as defined in Education Code section 17592.72(c)(1) paragraph (1) of subdivision (c) of section 17592.72 and any other emergency conditions the school district determines appropriate.

(m)(l) “Good repair” shall have the same definition as that found in Education Code section 17002(d).

(n)(m) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(o)(n) “Local agency” means a school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.

(p)(o) “Local educational agency” (LEA) includes any public school district and county office of education or direct-funded charter school.

(q)(p) “Mediation” means a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.
“Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

“Public agency” means any local agency or state agency.

“Pupil fee” shall have the same definition as found in Education Code section 49010(b).

“Reasonable efforts” means a public school’s good faith attempts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee.

1. Reasonable efforts to identify pupils who paid a pupil fee include but are not limited to researching existing school records, contacting pupils who were enrolled in or participating in the educational activity during the time the pupil fee was charged, and considering submissions of proof of payment of the pupil fee.

2. Reasonable efforts to fully reimburse all pupils, parents and guardians who paid a pupil fee include but are not limited to crediting the pupil’s school financial account and sending reimbursement by first class mail to the pupil’s last known primary address as contained in school or local educational agency records. If the school has knowledge that a pupil’s last known address as contained in school or local educational agency records is no longer valid, the school may attempt to obtain a more recent address from any notices returned to the school or local educational agency by the United States Postal Service.

“SSPI Superintendent” means the State Superintendent of Public Instruction or his or her designee.

“State agency” means the State Departments of Mental Health, Hospitals or Health Services or any other state administrative unit that is or may be required to provide special education or related services to children with disabilities pursuant to Government Code section 7570 et seq.

“State mediation agreement” means a written, voluntary agreement approved by the CDE Department, which is developed by the parties to the dispute, which resolves the allegations of the complaint.
Subject matter competency” means the teacher meets the applicable requirements of Chapter 6, article 1, subchapter 7 of these regulations, commencing with section 6100, for the course being taught.

“Sufficient textbooks or instructional materials” means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

“Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, 201, 210.1, 220, 17002(d), 17592.72, 33126(b)(5)(A) and (B), 49010, 49013, and 60010, Education Code; and Sections 11135 and 11138, Government Code.

Article 2. Purpose and Scope

§ 4610. Purpose and Scope.
(a) This Chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation or bullying. The purpose of this chapter is to establish a uniform system of complaint processing for specified programs or activities that receive state or federal funding.
(b) This chapter applies to the following programs administered by the CDE Department:
(1) Adult Education programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.4;
(2) Consolidated Categorical Aid Programs as listed in Education Code section 64000(a);

(3) Migrant Education established pursuant to Education Code sections 54440 through 54445;

(4) Career Technical and Technical Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480;

(5) Child Care and Development Programs established pursuant to Education Code sections 8200 through 8493;

(6) Child Nutrition Programs established pursuant to Education Code sections 49490 through 49570; and

(7) Special Education Programs established pursuant to Education Code sections 56000 through 59300.

(c) This chapter also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation or bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristic as set forth in Penal Code section 422.55, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

(d) This chapter also applies to the filing of complaints which allege noncompliance with the provisions of Education Code sections 49010 and 49011 regarding pupil fees.

(e) Nothing in these regulations shall prevent an LEA local educational agency from using its local uniform complaint procedure to address complaints not listed in this section.

(f) The CDE Department will develop a pamphlet for parents that will explain the Uniform Complaint Procedures in a user friendly manner and post this pamphlet on the CDE's Department's Web site.
NOTE: Authority cited: Sections 221.1, 8261, 33031, 49531, 49551, 54445, 52355, 52451, and 56100(a) and (j), Education Code; and Section 11138, Government Code. Reference: Sections 200, 220, 260, 234.1, 49013, and 49556, Education Code; Sections 11135 and 11138, Government Code; and 34 C.F.R. Sections 106.1-106.8 and 299.10-299.11.

Article 4. Local Complaint Procedures

§ 4630. Filing a Local Complaint; Procedures, Time Lines.

(a) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation or bullying and complaints regarding pupil fees, any individual, public agency or organization may file a written complaint with the district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by that LEA local educational agency of federal or state law or regulation governing a program listed in section 4610(b) of this chapter.

(b) An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon a receipt of a request for extension.

(1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part.
(2) The complaint shall be filed with the LEA local educational agency in accordance with the complaint procedures of the LEA local educational agency.

(3) An investigation of a discrimination, harassment, intimidation or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

(c)(1) Pupil fee complaints may be filed with the principal of the school.

(2) Pupil fee complaints shall be filed not later than one year from the date the alleged violation occurred.

(3) Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 49010 and 49011 regarding pupil fees.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, and 220, and 49013, Education Code; Sections 911.2, 11135, 11136, and 11138, Government Code; and 34 C.F.R. Section 106.8.

§ 4631. Responsibilities of the LEA Local Educational Agency.

(a) Except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, which must be processed in accordance with sections 4680-4687, within 60 days from the date of the receipt of the complaint, the LEA local educational agency person responsible for the investigation of the complaints or his or her designee shall conduct and complete an investigation of the complaint in accordance with the local procedures adopted pursuant to section 4621 and prepare a written LEA Local Educational Agency Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.
(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the LEA local agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e) The LEA local educational agency should issue a Decision (the Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the LEA local educational agency. The Decision should contain:

1. the findings of fact based on the evidence gathered,
2. conclusion of law,
3. disposition of the complaint,
4. the rationale for such disposition,
5. corrective actions, if any they are warranted, including, with respect to a pupil fees complaint, a remedy that comports with Education Code section 49013(d).
6. notice of the complainant's right to appeal the LEA local educational agency Decision to the CDE Department, and
7. procedures to be followed for initiating an appeal to the CDE Department.

(f) Nothing in this chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation.

(g) Nothing in this chapter shall prohibit an LEA local educational agency from resolving complaints prior to the formal filing of a written complaint.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, and 220, and 49013, Education Code; Sections 11135, 11136, and 11138, Government Code; and 34 C.F.R. Section 106.8.
Article 4.5. Appeal of LEA Local Educational Agency Decision

§ 4633. Appeal of LEA Local Educational Agency Decision.

(a) If the Decision is appealed, the CDE Department shall notify the LEA local educational agency of the appeal. Upon notification by the CDE Department that the Decision has been appealed, the LEA local educational agency shall forward the following to the CDE Department:

1. A copy of the original complaint;
2. A copy of the Decision;
3. A summary of the nature and extent of the investigation conducted by the LEA local educational agency, if not covered in the Decision;
4. A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of the LEA local educational agency complaint procedures; and
7. Such other relevant information as the CDE Department may request.

(b) The CDE Department shall not receive evidence from the parties that could have been presented to the LEA local educational agency investigator during the investigation, unless requested by the CDE Department. Any confidential information or pupil information in the investigative file shall remain confidential and shall not be disclosed by the CDE Department.

(c) The CDE Department may contact the parties for further information, if necessary.

(d) The CDE Department shall review the investigation file, the summary of the nature and extent of the investigation conducted by the LEA local educational agency, the complaint procedures, documents and any other evidence received from the LEA local educational agency and determine whether substantial evidence exists:

1. That the LEA local educational agency followed its complaint procedures; and
2. That the relevant findings of fact in the Decision which are the subject of the appeal are supported by the evidence.

(e) The CDE Department shall review the conclusions of law which are the subject of the appeal and determine whether they are correct.
(f) If the CDE Department determines that the Decision is deficient because it lacks findings of fact and conclusions of law regarding the subject of the appeal, the CDE Department may return the Decision to the LEA local educational agency in order to correct the deficiencies within 20 days of the return.

(g) If the CDE Department finds that the Decision is supported by substantial evidence, and that the legal conclusions are not contrary to law, the appeal shall be denied.

(h) If the CDE Department finds the grounds for the appeal have merit:

(1) The CDE Department may, if there is a lack of substantial evidence or a procedural defect in the investigation, remand the investigation to the LEA local educational agency for further investigation of the allegations which are the subject of the appeal; or

(2) The CDE Department may issue a decision based on the evidence in the investigation file received from the LEA local educational agency; or

(3) If the CDE Department determines that it is in the best interest of the parties, conduct a further investigation of the allegations which are the basis for the appeal and issue a decision following further investigation.

(i) If the CDE Department finds merit in the appeal, the CDE’s Department’s decision on appeal shall contain the following:

(1) A finding that the LEA local educational agency complied or did not comply with its complaint procedures;

(2) The CDE’s Department’s findings of fact and conclusions of law regarding the issue on appeal; and

(3) Where a determination is made that the LEA local educational agency failed to comply with the applicable state or federal law or regulation, remedial orders and/or required actions to address the violation(s), including, with respect to a pupil fees complaint, a remedy that specifies the LEA’s obligation to comply with Education Code section 49013(d).

(j) The CDE must issue a decision regarding an appeal of a pupil fees complaint within 60 days of the CDE’s receipt of the appeal.
NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, and 220, and 49013, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 C.F.R. Sections 106.8; and 34 C.F.R. 299.10(a)(2).

Article 6. Direct State Intervention

§ 4650. Basis of Direct State Intervention.

(a) Except for complaints under sections 4680, 4681, 4682 and 4683 regarding instructional materials, teacher vacancies or misassignments, and condition of a facility, the CDE Department shall directly intervene without waiting for LEA local educational agency investigation if one or more of the following situations exist:

(1) The complaint includes an allegation, and the CDE Department verifies, that an LEA local educational agency failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the LEA local educational agency to cooperate with the investigation;

(2) The complaint relates to an agency that is not an LEA local educational agency funded through the Child Development or Child Nutrition Programs;

(3) The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the LEA local educational agency (except for complaints regarding pupil fees, which may be filed anonymously with the principal of a public school);

(4) The complainant alleges that the LEA local educational agency failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;

(5) The complainant alleges and the CDE Department verifies that through no fault of the complainant, no action has been taken by the LEA local educational agency within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the CDE Department shall attempt to work with the LEA local educational agency to allow it to complete the investigation and issue a Decision.
(6) The complainant alleges and the CDE Department verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the LEA local educational agency would be futile.

(7) For complaints relating to special education, any one of the following shall be a condition for direct state intervention:

(A) The complainant alleges that a public agency, other than an LEA local educational agency, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;

(B) The complainant alleges that the LEA local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.

(D) The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the basis, as described in subdivision (a) above, for filing the complaint directly to the CDE Department. The complainant must present the CDE Department with clear and verifiable evidence that supports the basis for the direct filing, except as in subdivision (a)(7).

NOTE: Authority cited: Section 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, and 220, and 49013, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 C.F.R. Sections 106.8; and 34 C.F.R 299.10(a)(2).

2-15-13 [California Department of Education]
INITIAL STATEMENT OF REASONS
Pupil Fees and Discrimination Complaints

INTRODUCTION

Assembly Bill 1575 (Chapter 776, Statutes of 2012) was signed by the Governor on September 29, 2012 and became effective on January 1, 2013. Existing constitutional law requires the Legislature to provide for a system of common schools by which a free school is required to be maintained and supported in each district. California Education Code, sections 49010-49013 (AB 1575), reinforce existing law prohibiting all public schools, including but not limited to a charter school or alternative school, from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity and sets forth the responsibilities of the local educational agencies (LEAs) and the California Department of Education (CDE) in resolving complaints of noncompliance utilizing the Uniform Complaints Procedures (UCP) process.

The Education Code, as amended by AB 1575, provides that a complaint of noncompliance regarding pupil fees may be filed with the principal of a school pursuant to the LEA's UCP and a complainant not satisfied with the LEA's decision may appeal to the CDE. In addition, AB 1575 requires that the State Board of Education (SBE) adopt regulations to establish procedures relating to reimbursement remedies for meritorious complaints.

Through this rulemaking process, the SBE proposes to amend California Code of Regulations, title 5, by amending section 4610(c). The proposed regulations clarify and make specific the provisions of Education Code section 234.1 regarding complaints of discrimination, harassment, intimidation and bullying.

These regulations (1) conform existing UCP regulations, California Code of Regulations, title 5 section 4650 et seq., to the new Education Code provisions by incorporating appropriate references to pupil fee complaints and (2) establish procedures relating to reimbursement remedies for meritorious complaints.

PROBLEM AGENCY INTENDS TO ADDRESS

Through this rulemaking process, the SBE proposes to amend the California Code of Regulations, title 5, by amending sections 4600(j), 4600(t), 4600(u), 4610 (d), 4630(a), 4650(a)(3) and by adding sections 4630(c), 4631(e)(5)(A), 4633(i)(3)(A), and 4633(j) to ensure consistency and clarity in relation to Education Code, sections 49010-49013, and to fully incorporate the provisions of those laws into the uniform complaint procedures.
BENEFITS ANTICIPATED FROM REGULATORY ACTION

The proposed regulations clarify and make specific the provisions of Education Code, sections 49010-49013, regarding the criteria, process, and timelines for resolving pupil fees complaints and appeals utilizing the Uniform Complaint Procedures, including reimbursement procedures, and the requirements imposed upon LEAs and the CDE.

SPECIFIC PURPOSE OF EACH SECTION – GOVERNMENT CODE SECTION 11346.2(b)(1)

The specific purpose of each amendment and addition, and the rationale for the determination that each amendment and addition is reasonably necessary to carry out the purpose of which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each amendment and addition is intended to address, is as follows:

General changes were made to the regulations to include re-lettering to reflect deletions or additions, to replace “local educational agency” with “LEA,” and “California Department of Education” with “CDE” for consistency throughout Title 5.

Proposed section 4600(j) is added to provide the definition of “educational activity,” which is now referenced in new Section 4600(u) and is defined in new Education Code section 49010(a).

Proposed section 4600(t) is added to provide the definition of “pupil fees,” which is now referenced in new sections 4600(u), 4610(d), 4630(a), 4630(c), 4631(e)(5)(A), 4633(i)(3)(A), 4633(j), and 4650(a)(3) and is defined in new Education Code section 49010(b).

Proposed section 4600(u) - defining “reasonable efforts” to provide reimbursement, is added to fulfill the requirement in new Education Code section 49013(d) that the SBE adopt regulations that establish procedures relating to the reimbursement remedy for meritorious pupil fee complaints and appeals.

Section 4610(c) is amended to provide the most current bases of protection for filing complaints of unlawful discrimination consistent with the recently amended Education Code section 234 (effective July 1, 2012), the Safe Place to Learn Act, pursuant to Assembly Bill No. 9.

Proposed section 4610(d) is added to clarify, pursuant to new Education Code section 49013(a), that the scope of the Uniform Complaint Procedure (UCP) now includes pupil fee complaints.
**Section 4630(a)** is amended to clarify, as explained in new section 4630(c) below, that there are some procedures that are unique to pupil fee complaints as opposed to other types of UCP complaints.

**Proposed section 4630(c)** is added to maintain consistency with section 4630(a), as amended. Section 4630(c)(1) is added to clarify that, unlike other types of UCP complaints, pupil fee complaints shall be filed with the principal of the school, as stated in new Education Code section 49013(a). Section 4630(a)(2), which establishes a one-year statute of limitations for pupil fee complaints, is added to complement the procedures for the pupil fee reimbursement remedy as defined in new section 4600(u). The effect of this section is that “reasonable efforts” to provide a pupil fee reimbursement remedy, as defined in section 4600(u), shall not include a requirement to redress any alleged pupil fee violation that is more than one year old at the time a complaint is filed. Section 4630(c)(3) is added to clarify that, unlike other types of UCP complaints, pupil fee complaints may be filed anonymously with the school principal under certain circumstances, as stated in new Education Code section 49013(b).

**Section 4631(e)(5)** is amended to clarify that, in the case of meritorious pupil fee complaints, as opposed to other types of UCP complaints, the local educational agency’s (LEA’s) corrective action, where applicable, must include reimbursement, as stated in new Education Code section 49013(d).

**Section 4633(i)(3)** is amended to maintain consistency with amended section 4631(e)(5), and to clarify that, in the case of meritorious pupil fee appeals, the CDE’s remedial order will specify the LEA’s obligation to comply with new Education Code section 49013(d).

**Proposed section 4633(j)** is added to clarify that, with respect to pupil fee appeals, as opposed to other types of the UCP appeals, the CDE must issue a decision with 60 days of receiving the appeal, as stated in new Education Code section 49013(c).

**Section 4650(a)(3)** is amended to maintain consistency with new section 4630(c)(3), which states that, unlike other types of UCP complaints, pupil fee complaints may be filed anonymously with the school principal under certain circumstances, as stated in new Education Code section 49013(b). This section governing direct state intervention is amended to clarify that, unlike other types of UCP complaints, the CDE shall not directly intervene without waiting for a LEA investigation of a pupil fee complaint on the grounds that the complainant has requested anonymity. Because a pupil fee complaint can be filed anonymously with the school principal, the complainant’s desire for anonymity is not grounds for direct state intervention in a pupil fee complaint.

**ECONOMIC IMPACT ANALYSIS PER GOVERNMENT CODE SECTION 11346.3(b)**

The proposed regulatory action provides a mechanism for the State to ensure that all students enrolled in a public school, including but not limited to a charter school or
alternative school, receive a free education. The CDE does not have any information that indicating that the proposed amendments to title 5 regarding pupil fees will have any effect on businesses in California. The amendments only affect LEAs and pupil schools. Beginning January 1, 2013, Districts are required to process complaints alleging improper pupil fees through their Uniform Complaints Process. On or before March 1, 2013, public schools shall establish local policies and procedures to implement the provisions of AB 1575. Districts will be monitored for these requirements through Federal Program Monitoring.

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

The benefits of the proposed regulatory action includes providing a mechanism for the State to ensure that all students enrolled in a public school, including but not limited to a charter school or alternative school, receive a free education and have access to the UCP, which includes State oversight in resolving pupil fees complaints.

OTHER REQUIRED SHOWINGS

Studies, Reports or Documents Relied Upon – Gov. Code. Section 11346.2(b)(3):

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

Reasonable Alternatives Considered Or Agency’s Reasons For Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(5)(A):

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

Reasonable Alternatives That Would Lessen The Impact On Small Businesses – Gov. Code Section 11346.2(b)(5)(B):

The SBE has not identified any alternatives that would lessen any adverse impact on small business.

Evidence Relied Upon To Support the Initial Determination That the Regulations Will Not Have A Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(6):

The proposed regulations would not have a significant adverse economic impact on any business.
Analysis Of Whether The Regulations Are An Efficient And Effective Means Of Implementing The Law In The Least Burdensome Manner – Gov. Code Section 11346.3(e)

The regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

2-15-13 [California Department of Education]
ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

☐ a. Impacts businesses and/or employees
☐ b. Impacts small businesses
☐ c. Impacts jobs or occupations
☐ d. Impacts California competitiveness
☐ e. Imposes reporting requirements
☐ f. Imposes prescriptive instead of performance
☐ g. Impacts individuals
☐ h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) The regulations would not impose any additional costs to the private sector.

(If any box in Items 1 through h is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: ________________ Describe the types of businesses (Include nonprofits): ________________

Enter the number or percentage of total businesses impacted that are small businesses: ________________

3. Enter the number of businesses that will be created: ________________ eliminated: ________________

Explain: ________________

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (List areas): ________________

5. Enter the number of jobs created: ________________ or eliminated: ________________ Describe the types of jobs or occupations impacted: ________________

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly: ________________

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ ________________

☐ a. Initial costs for a small business: $ ________________ Annual ongoing costs: $ ________________ Years: ________________

☐ b. Initial costs for a typical business: $ ________________ Annual ongoing costs: $ ________________ Years: ________________

☐ c. Initial costs for an individual: $ ________________ Annual ongoing costs: $ ________________ Years: ________________

☐ d. Describe other economic costs that may occur: ________________
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: ____________________________________________________________

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted): $ __________________

4. Will this regulation directly impact housing costs? □ Yes □ No If yes, enter the annual dollar cost per housing unit: ________ and the number of units: ________

5. Are there comparable Federal regulations? □ Yes □ No Explain the need for State regulation given the existence or absence of Federal regulations:

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ __________________

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: ____________________________________________________________

2. Are the benefits the result of: □ specific statutory requirements, or □ goals developed by the agency based on broad statutory authority? Explain:

3. What are the total statewide benefits from this regulation over its lifetime? $ __________________

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not:

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

<table>
<thead>
<tr>
<th>Regulation:</th>
<th>Benefit: $</th>
<th>Cost: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1:</td>
<td>Benefit: $</td>
<td>Cost: $</td>
</tr>
<tr>
<td>Alternative 2:</td>
<td>Benefit: $</td>
<td>Cost: $</td>
</tr>
</tbody>
</table>

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? □ Yes □ No Explain:

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million? □ Yes □ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
   Alternative 1: ___________________________________________________________
   Alternative 2: __________________________________________________________

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:
   Regulation: $ ____________________ Cost-effectiveness ratio: $ ____________________
   Alternative 1: $ ____________________ Cost-effectiveness ratio: $ ____________________
   Alternative 2: $ ____________________ Cost-effectiveness ratio: $ ____________________

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

□ 1. Additional expenditures of approximately $ ____________________ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

   a. is provided in ____________________ , Budget Act of ____________________ or Chapter _______________ , Statutes of ____________

   b. will be requested in the ____________________ Governor’s Budget for appropriation in Budget Act of ____________________ (FISCAL YEAR)

□ 2. Additional expenditures of approximately $ ____________________ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

   a. implements the Federal mandate contained in ____________________

   b. implements the court mandate set forth by the ____________________ court in the case of ____________________ vs. ____________________

   c. implements a mandate of the people of this State expressed in their approval of Proposition No. ____________________ at the ____________________ election; (DATE)

   d. is issued only in response to a specific request from the ____________________ which is/are the only local entity(s) affected;

   e. will be fully financed from the ____________________ authorized by Section ____________________ of the ____________________ Code;

   f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

   g. creates, eliminates, or changes the penalty for a new crime or infraction contained in ____________________

□ 3. Savings of approximately $ ____________________ annually.

□ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.
5. No fiscal impact exists because this regulation does not affect any local entity or program.

6. Other.

8. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

1. Additional expenditures of approximately $_________ in the current State Fiscal Year. It is anticipated that State agencies will:
   a. be able to absorb these additional costs within their existing budgets and resources.
   b. request an increase in the currently authorized budget level for the _______ fiscal year.

2. Savings of approximately $_________ in the current State Fiscal Year.

3. No fiscal impact exists because this regulation does not affect any State agency or program.

4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

1. Additional expenditures of approximately $_________ in the current State Fiscal Year.

2. Savings of approximately $_________ in the current State Fiscal Year.

3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

4. Other.

FISCAL OFFICER SIGNATURE

[Signature]

DATE 2/13/13

AGENCY SECRETARY APPROVAL/CONCURRENCE

[Signature]

DATE 2/23/13

DEPARTMENT OF FINANCE APPROVAL/CONCURRENCE

[Signature]

DATE

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

2. Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.
Economic and Fiscal Impact Statement


Department Name: Education

Contact Person: Carolyn Nealon

Telephone Number: 916-319-0295

Descriptive Title From Notice Register Or From 400: Pupil Fees: Uniform Complaint Procedure Provisions (Version dated 1/29/13)

Notice File Number: Z

Economic Impact Statement

Section A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

Section A.1. Check the appropriate box(es) below to indicate whether this regulation:

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)
- Option H explanation: The regulations would not impose any additional costs to the private sector.

Fiscal Impact Statement

Section A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 5: No fiscal impact exists because this regulation does not affect any local entity or program.

Section B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any State agency or program.

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature by Carolyn Nealon dated February 13, 2013

Agency Secretary Approval / Concurrence Signature by Jeannie Oropeza dated February 23, 2013

Department of Finance Approval / Concurrence Signature: No signature.
ITEM 4
CALIFORNIA STATE BOARD OF EDUCATION

March 2013 AGENDA

SUBJECT

Update on the public process to revise the Science Content Standards for California Public Schools, Kindergarten through Grade Twelve based upon the nationally developed Next Generation Science Standards as required by Education Code 60605.85.

SUMMARY OF THE ISSUE(S)

This agenda item provides the State Board of Education (SBE) and the public information on the public process that the California Department of Education (CDE), in collaboration with the California Comprehensive Center (CA CC) at WestEd, intends to utilize to revise the Science Content Standards for California Public Schools, Kindergarten through Grade Twelve based upon the nationally developed Next Generation Science Standards as required by Education Code (EC) Section 60605.85.

RECOMMENDATION

The 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

EC Section 60605.85 required the State Superintendent of Public Instruction (SSPI) to submit a set of revised Science Content Standards for California Public Schools, Kindergarten through Grade Twelve to the SBE in March 2013. Due to the number of responses received during the first public release, Achieve, Inc. announced a delay in the release of the final draft of the NGSS in order to adequately address the public feedback. Due to this delay, the State Superintendent of Public Instruction (SSPI) sponsored Senate Bill (SB) 1200 to extend the time to present new California Science Standards to the SBE. On September 27, 2012, SB 1200 was signed into law. This bill extended the time for new science standards to be presented to the SBE from March 30, 2013, to July 31, 2013, and the adoption, rejection, or modification of those standards by the SBE from July 30, 2013, to November 30, 2013. The revised science standards for California must be based upon the nationally developed Next Generation Science Standards (NGSS).

The development of the NGSS is based on a national framework commissioned by the National Research Council (NRC). The national framework was developed by an 18
member nationally recognized science committee. The NRC framework committee was chaired by Dr. Helen Quinn, a professor of Physics at Stanford University. The complete framework is available on the National Academies Web site at http://www.nap.edu/.

Twenty-six Lead State Partners are guiding the standards writing process, providing feedback from state-level committees, and coming together to address common issues and challenges. On September 20, 2011, Achieve, Inc. officially announced that California is one of the Lead State Partners who are participating in the development of the NGSS. The state’s efforts in this endeavor are lead by Phil Lafontaine, Director of the Professional Learning Support Division and his staff. As a Lead State Partner, California also agreed to commit staff time to the initiative and, upon completion, give serious consideration to adopting the NGSS.

To provide input from California, the SSPI commissioned the State Review Team (SRT), consisting of 80 science experts representing kindergarten through grade twelve (K–12) science teachers, administrators, county science consultants, college and university professors, and business and industry. Facilitated by the CDE, the first meeting of the SRT was held on November 30, 2011, where members reviewed a sampling of draft science standards. The team was also given the opportunity to review the complete set of standards in February 2012, May 2012, October 2012, and January 2013. While the review process is confidential and the standards are still under review, the SRT generally agrees with the direction of the standards and that these standards will improve science education for our students.

Public drafts of the proposed NGSS were made available to the public for input twice during the development process. The first public draft was available for review and feedback for three weeks in May 2012, and the second public draft was available for three weeks in January 2013. During each public release, Achieve, Inc., released several supporting documents to provide additional information as to the background and organization of the standards. During these public releases, numerous members of the SRT, including classroom science teachers and county science consultants, facilitated group review sessions and submitted group feedback to Achieve, Inc.

The NGSS is scheduled to be completed in March 2013. Should the NGSS not be released in time, the proposed timeline will need to be revised. Additional information is available on the NGSS Web site at http://www.nextgenscience.org/.

A few editorials and reports have been generated based on the second draft of the NGSS. The CDE, SBE, and SBE liaisons have been in communication with Achieve to address these issues.

Once the final draft of the NGSS is released, the CDE, with support of the CA CC of WestEd, will embark on a process to recommend the Science Content Standards for California Public Schools, Kindergarten through Grade Twelve to the SBE (see attachment three for proposed timeline). The process will encompass several steps involving the SRT and a panel of science experts who are representative of the SRT, referred to as the Science Expert Panel (SEP). Additionally, the process will allow for public comment at three Regional Public Forums.
As a first step, in January 2013, the CDE, in collaboration with science specialists from the SRT and the CA CC, conducted a preliminary analysis of the alignment of California’s existing science standards with the NGSS. The second public draft of the NGSS was utilized for the analysis. A final analysis will be conducted once the final draft of the NGSS is released.

Once the final draft is released, the CDE, with support from the CA CC, will conduct a survey of SRT members to seek input regarding the final draft of the NGSS and the working group analysis.

In March 2013, the SEP will convene to review: (a) the final draft of the NGSS; (b) the analysis of California standards to NGSS; and (c) survey input from members of the full SRT. By the end of March 2013, the SEP will produce a first draft *Science Content Standards for California Public Schools, Kindergarten through Grade Twelve* for public review.

Regional Public Forums will be conducted in Northern, Southern, and Central California in late March and April 2013. Exact locations and dates of the events are currently being scheduled. The public will be noticed once all logistics are confirmed. At these meetings, public stakeholders will receive background on the NGSS and the proposed California Science Standards. They will have an opportunity to provide input for consideration by the SEP. The CDE and CA CC staff will document public input and share it with the SEP.

As a final step, the SEP will reconvene to make any revisions based on public input and share a new draft of the California Science Standards with the SRT by early May 2013. Once this group has conducted its final review, the SEP will incorporate revisions and submit this version to the SSPI, the CDE, and the SBE for consideration in July 2013.

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

**November 2012:** The CDE updated the SBE through an Information Memorandum on the development of NGSS.

**May 2012:** At its May 2012 meeting, The CDE staff presented on the progress and timeline of the development of the NGSS along with Dr. Stephen L Pruitt, Vice President for Content, Research, and Development at Achieve, Inc.

**November 2011:** The CDE’s presentation also provided information on the requirements of Senate Bill 300. Specifically, the SSPI was required to recommend science content standards—utilizing the NGSS as their basis—to the SBE by March 30, 2013. The SBE was required to adopt, reject, or modify those standards by July 30, 2013. Information regarding the state’s involvement in the national process for the development of the NGSS was discussed.
FISCAL ANALYSIS (AS APPROPRIATE)

Projected estimated costs for participating in the development of the NGSS are approximately $186,000. CDE is seeking foundation funding to cover the costs of required trips to Washington, convening the California teams, and for staff to coordinate the logistics associated with the development of the standards.

ATTACHMENT(S)

Attachment 1: Timeline for the Development of the Next Generation of Science Standards (1 Page).


Attachment 3: California Science Standards Review and Adoption Process (2 Pages).
Timeline for the Development of the Next Generation Science Standards

The information provided below outlines the general development process and timeline and it is replicated from the Next Generation Science Standards (NGSS) Development Process Web page at http://www.nextgenscience.org/development-process.

The NGSS has been through several rounds of review with multiple stakeholder groups. Each group received draft standards at least twice throughout the development process.
Next Generation Science Standards Development Process

July 2011: Framework for K-12 Science Education Released by National Research Council

2011: Promotion of the NGSS and Conceptual Framework at Conferences and Workshops

February 2012: Second Meeting of SRT

October 2012: Third Meeting of SRT

March 2013: Final Draft of NGSS Released

July 31, 2013: SSPI Presents to California SBE Recommended Science Standards Based on the NGSS

2011

September 2011: California Selected as Lead State in the Development of NGSS, Based on Framework

November 2011: First Meeting of SRT comprised of Science Experts

May 2012: First Public Draft of NGSS Released

January 2013: Second Public Draft of NGSS Released

Spring 2013: Three Regional Public Forums

2012

2013

2014*

2014*: Implementation of New Science Standards

* Pending SBE’s action in November 2013
California Science Standards Review and Adoption Process

Context

The Next Generation Science Standards (NGSS) are designed to serve as high quality college and career-ready K-12 standards ready for state adoption. Twenty-six states, including California, have participated in the national development process facilitated by Achieve, Inc. The NGSS are based on the July 2011 National Research Council’s *A Framework for K-12 Science Education: Practices, Crosscutting Concepts, and Core Ideas.* The development process has engaged numerous stakeholders, including nationally-recognized leaders in science, science education, higher education, and industry. The NGSS have undergone multiple reviews, including two public drafts. As required by this national process, California selected a group of 80 science experts, known as the State Review Team (SRT) to conduct confidential reviews of the various drafts of the NGSS. The final version of the NGSS will be available in March 2013.

Purpose

For the NGSS to be used by California, they must be reviewed and adopted by the State Board of Education (SBE). Senate Bills 300 and 1200 require that by July 2013, the Superintendent of Public (SSPI) Instruction submit new science standards to the SBE for review and consideration. Given that the NGSS are not scheduled to be released in their final format until March 2013, this means that California must initiate a fast-paced process to engage key stakeholders in reviewing the NGSS and recommend set of standards for consideration and adoption in July 2013. Given the compressed timeline, the CDE will enlist the help of select members of the SRT, referred to as SEP, to review and analyze the NGSS, and develop a first draft for public review and comment. Below is the proposed process and timeline for engaging subject-matter experts and other science, education, business, and community stakeholders in this review.

Proposed Review Timeline:

Late January 2013

- Subject-area analysis groups analyze NGSS and current CA standards

By Late February 2013

- Survey of SRT members regarding NGSS and workgroup analysis

March 2013

- SEP reviews the NGSS work group analysis and survey input
- SEP develops first draft of the CA Science Standards

Early April 2013
• Regional public stakeholder forums and compilation of public input
  By Early May 2013
    • SEP reviews public input from stakeholder forums
    • SEP develops second draft of CA Science Standards

Mid-May 2013
  • SRT reviews the latest draft of the CA Science Standards and submits comments to the SEP

By late May 2013
  • SEP reviews SRT comments and prepares final proposed CA Science Standards

June 2013
  • Proposed CA Science Standards prepared for submission to the SBE

July 2013
  • SBE review of proposed CA Science Standards for consideration of adoption
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

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).

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 to the ACSE for discussion and public comment in May, September, and October 2012. 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 a state-wide 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 pre-referral, early prevention intervention strategies and practices. 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 6
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

SUBJECT
Academic Performance Index: Approve Changes to the Calculation of the 2012 Base Academic Performance Index.

SUMMARY OF THE ISSUE(S)

The Academic Performance Index (API) reporting cycle begins with the Base API followed by the Growth API. All changes, including changes to test weights or to the calculation methodology, are incorporated first into the Base API with the same calculation method applied to the Growth API. This is done so that improvement can be consistently measured within each reporting cycle.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the following change to the calculation of the 2012 Base API:

- Eliminate the requirement that the performance levels of students in grades eight and nine taking the General Mathematics California Standards Test (CST) be lowered by one or two performance levels, respectively, for inclusion into the API.

At the February 12, 2013 PSAA Advisory Committee meeting, the members unanimously supported this recommendation.

BRIEF HISTORY OF KEY ISSUES

The CST in General Mathematics is based on grades six and seven state content standards. In 2002–03, the SBE required that the API credit for grade eight and nine students taking the General Mathematics CST be reduced when it was put into the API. This requirement puts a “ceiling” on the API proficiency level for grade eight and nine students who take the General Mathematics CST. As a result, the highest API proficiency level available for a grade nine student taking the General Mathematics CST is Proficient (i.e., a grade nine student scoring advanced would have the score lowered by two proficiency levels for API purposes and be counted as “Basic”).
In January 2013, the SBE rescinded action made previously in 2010, which adopted two set of standards for grade eight mathematics: (1) Common Core State Standards for Mathematics (CCSSM) with California Additions, and (2) standards for Algebra I in grade eight. New state legislation (Senate Bill 1200), as well as federal law, requires that there be only one set of standards for each grade level in grades one through eight. The SBE replaced the prior two sets of standards with a single set of grade eight CCSSM. Success in Algebra I is crucial to students’ overall academic success and their continued interest and engagement in mathematics. The new CCSSM represent a progression of skills and knowledge that is inherently rigorous and designed to provide a strong foundation for success in Algebra I. The grade eight standards address the foundations of Algebra and include domains such as Expressions and Equations, Functions, Geometry, and Probability and Statistics. This change clarifies the mathematics standards for middle grades and provides the foundation for middle school courses, including Algebra and higher mathematics courses. This action was also made to support schools as they transition to the Common Core and rightfully leaves the decision about placement of students at the local level to ensure the unique needs of students are met. There should also be a variety of ways and opportunities for students to advance in mathematics courses. Districts are encouraged to work with their mathematics leadership, teachers, and curriculum coordinators to design pathways that best meet the needs of their students. This action does not change the requirement that students must pass Algebra I in order to graduate high school.

Eliminating the lowering of API performance levels of students in grades eight and nine taking the General Mathematics CST would be another step in supporting schools as they transition to the Common Core. It would also encourage schools to concentrate on mathematics instruction that deepens students’ understanding of mathematical concepts and placing students in math courses according to their ability and readiness to succeed. The CDE will review course enrollment and assessment results data to monitor the implementation of this recommendation.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for determining the indicators and methodology for each year’s API reporting cycle, which begins with the Base API. The 2012 Base API is scheduled for release in May 2013.

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.

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal impact will be minimal. All costs associated with modifying the API are included in the Analysis, Measurement, and Accountability Reporting Division’s budget.
ATTACHMENT(S)

None.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

ITEM 7
SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of a general educational development test, which is governed by California Education Code (EC) sections 51420 through 51427. In part, these statutes require the State Superintendent of Public Instruction (SSPI) to issue a California high school equivalency certificate to a person who meets specified requirements and has received a passing score on a general educational development test approved by the State Board of Education (SBE) and administered by a testing center approved by the CDE.

Existing regulations require the CDE to use the GED Test owned by the American Council on Education (ACE). This arrangement prevents the CDE from using any other test for the purposes of issuing a California high school equivalency certificate.

The CDE proposes amendments to the California Code of Regulations, (CCR) Title 5 that will remove the requirement that the CDE use the ACE GED Test, a trademarked brand name, to issue a California high school equivalency certificate and delete all references to ACE, the GED Test, and related terms from the existing regulations.

Currently, the GED Test is the only way adult learners and certain minors who are unable to obtain a high school diploma may earn a California high school equivalency certificate. EC Section 51425 deems the California high school equivalency certificate to be a high school diploma for the purposes of meeting the requirements of employment by all state and local public agencies in California. A student earning a GED California high school equivalency certificate is not counted as a high school graduate for accountability measures and is not guaranteed eligibility for military entrance requirements.

The “California high school equivalency certificate” awarded as a result of passing the GED is not the same as the “certificate of proficiency” awarded to students who pass a different exam, the California High School Proficiency Exam (CHSPE). EC Section 51425 deems the GED “California high school equivalency certificate” equivalent to a high school diploma for the purposes of meeting the requirements of employment. EC
Section 48412 deems the CHSPE “certificate of proficiency” equivalent to a California high school diploma.

The CHSPE targets students who are in school, while the GED Test targets individuals 18 years of age and some minors who meet certain criteria who are out of school. The CHSPE is usually taken by advanced students who wish to leave high school to attend a four-year college or university, or to pursue a professional career in performing arts. Overall, the individuals that qualify and wish to take the CHSPE are not the same group of individuals that qualify and wish to take the GED Test.

The administration and content of the GED Test is changing in January 2014. The GED Test will only be offered in the computer-based format and administration of the paper-based format will be limited to testing accommodations. The new GED test will be more rigorous, aligned to Common Core State Standards (CCSS) and college and career readiness (CCR). Beginning in January 2014, testing centers will have to meet specific requirements to offer the GED test in the computer-based format.

While California is in the process of implementing the CCSS using 21st Century technology, the CDE believes that this new approach by ACE does not support the needs of adult test takers in California. Test takers will be affected by the changes to the GED test. For example, access to take the GED test will be limited, particularly at testing centers that are located in communities with limited funding and resources for test takers. In addition, the cost of the test may increase for some test takers. The CDE has oversight for 190 testing centers located at adult schools, community college, county offices of education, and other facilities of local education agencies. More than 55,000 test takers will be affected by the changes starting in January 2014.

The CDE will be exploring options that meet statutory requirements for the purposes of recommending a new assessment that will meet our adult test takers’ needs. The CDE anticipates that over time, the cost to take the GED Test will increase, since the GED Test is the only test that test takers can take to earn a California high school equivalency certificate. There may be other assessments that are more cost effective for test takers. The CDE would like to have the ability to offer more options to students in need of taking a general educational development exam leading to a California high school equivalency certificate. For example, an exam that provides both paper-based and computer-based formats would afford these options.

The proposed amendments will permit the CDE to recommend to the SBE for approval a new or different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

**RECOMMENDATION**

The CDE recommends that the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking;
- Approve the Initial Statement of Reasons;
- Approve the proposed regulations; and
• Direct the CDE to commence the rulemaking process.

BRIEF HISTORY OF KEY ISSUES

The existing regulations, adopted in 1974, designate the GED Test owned by ACE, as the general educational development test used to obtain a California high school equivalency certificate. Specifically, 5 CCR Section 11530(b) defines the “general educational development test” required by EC Section 51420 as follows:


In February 2013, the SBE received an Information Memorandum (available on the CDE Web site at: http://www.cde.ca.gov/be/pn/im/) that provided a summary of changes related to the GED Test, the impact of those changes on test takers and testing centers, and the CDE’s interest in exploring other options for the purposes of recommending a new assessment.

In March 2011, ACE delegated all of its GED Test leasing and administration functions to a separate entity: a private for-profit company known as GEDTS, LLC (GEDTS). ACE created GEDTS in collaboration with a multi-national, for-profit corporation known as Pearson VUE (Pearson).

ACE and GEDTS plan significant changes to the GED Test and test administration system to be implemented beginning January 1, 2014. These changes require that testing centers meet Pearson’s specific testing equipment and facilities requirements in order to administer the test in 2014 and thereafter.

The CDE has administrative oversight for approximately 190 testing centers and 300 addendum sites testing approximately 50,000 test takers annually. Many of these testing centers indicate that they will not be able to meet the requirements to offer CBT. As a result, they may close and test takers in those areas would have to look elsewhere to take the GED Test.

The proposed amendments to regulations are necessary to eliminate the requirement that California use only the GED Test and they will permit the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A
FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)
Attachment 2: Initial Statement of Reasons (6 pages)
Attachment 3: California Code of Regulations, Title 5, sections 11530–11532 (3 pages)
NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING THE GENERAL EDUCATIONAL DEVELOPMENT TEST

Notice published March 29, 2013

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

PUBLIC HEARING

California Department of Education staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. on May 14, 2013, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 14, 2013. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.
AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Sections 51426, Education Code.

Reference: Sections 51420, 51421, 51422, 51423 and 51425, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The general educational development test is governed by Education Code sections 51420 through 51427, which require the SSPI to issue a California high school equivalency certificate to a person who meets certain requirements and who receives a passing score on “a general educational development test” approved by the SBE and administered at a testing center approved by the CDE. The governing statutes also require the SBE to determine a score on that test which it deems “equal to the standard of performance expected from high school graduates,” i.e., a passing score.

Existing regulations designate the General Educational Development Test (GED Test) owned by the American Council on Education (ACE) as the test identified in Education Code 51420. ACE is a private entity. “GEDTS” is an office within ACE, not a separate legal entity. Specifically, California Code of Regulations, title 5 (5 CCR) section 11530(b) defines the “general educational development test” required by Education Code section 51420 as follows:


The regulations are being amended to permit the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

The proposed amendments to regulations will omit all references to ACE, ACE products, including the GED Test, and other terms specific to ACE. They also delete passing score definitions that are tailored to ACE’s GED Test and remove the provision related to testing centers approved by CDE being recognized as an official testing facility by the ACE and GEDTS, which is inconsistent with the provisions of Education
Code section 51420 and 5 CCR section 11531. This also relieves testing centers from having to fulfill GEDTS requirements and restores such authority to the CDE consistent with the requirements of Education Code section 51420.

The proposed amendments to regulations substitute generic terms for the GED Test and the source of the test, which will allow the CDE to obtain a new assessment through more efficient means that leads to a California high school equivalency certificate.

The CDE reviewed all state regulations relating to the general educational development test and found that none exist that are inconsistent or incompatible with the proposed regulations.

**DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT**

_The SBE has made the following initial determinations:_

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

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

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

Costs or savings in federal funding to the state: TBD

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

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

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have an effect on any small business they relate only to schools and not to small business practices.
RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

The benefits of the proposed amendments to regulations are that they eliminate the requirement for the approval and use of the GED Test, and will permit the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate. This will promote competition and test availability.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

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

Denise Moore, Education Programs Consultant
High School and Physical Fitness Assessment Office
California Department of Education
1430 N Street
Sacramento, CA 95814
Telephone: 916-319-0500
E-mail: Dmoore@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.
TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Denise Moore, Education Programs Consultant, High School and Physical Fitness Assessment Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0500. It is recommended that assistance be requested at least two weeks prior to the hearing.
INITIAL STATEMENT OF REASONS
General Educational Development Test: a new assessment

INTRODUCTION

The proposed amendments to the California Code of Regulations, Title 5 will remove the requirement that the California Department of Education (CDE) use the American Council on Education’s (ACE’s) “General Educational Development Test” (the GED Test) to issue a California high school equivalency certificate and delete all references to ACE, the GED Test and related terms from the existing regulations. This step will permit the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

California Education Code section 51420 authorizes the SBE to approve a general educational development test with a score determined by the state board to be equal to the standard of performance expected from high school graduates. The statute also requires the SSPI to issue a California high school equivalency certificate to a person who meets certain requirements and who has received a passing score on “a general educational development test” approved by the SBE that was administered by a testing center approved by the CDE.

Existing regulations require the SBE to approve, and the CDE to use, the GED Test owned by ACE, which is a private entity. Specifically, California Code of Regulations, title 5, section 11530(b) defines the “general educational development test” required by Education Code section 51420 as follows:


The proposed amendments to regulations:

- Omit all references in sections 11530 through 11532 to ACE and its affiliates, ACE products, including the GED Test name, and other terms specific to ACE and/or the GED Test.

- Substitute generic terms for the new assessment and the source of the test, which will allow the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

- Delete information related to testing centers approved by the CDE being recognized as official testing facilities of the ACE and GEDTS.

- Ensure that testing centers approved by the SSPI will not be required to fulfill the requirements of GEDTS.
PROBLEM AGENCY INTENDS TO ADDRESS

The existing regulations require the CDE to use the GED Test owned by ACE as the assessment that must be taken in order to obtain a California high school equivalency certificate. This prevents the CDE from using any other tests or administration services, even if there are other tests of better quality, are more cost effective, and are more suited to the needs of California’s test takers.

ACE recently delegated all of its GED Test leasing and administration functions to a separate entity: a private, for-profit company known as GEDTS, LLC (GEDTS). ACE created GEDTS-LLC in collaboration with a multi-national, for-profit corporation known as Pearson VUE, which is part of Pearson.

In order for California’s testing centers to offer the GEDTS’s computer-based test (CBT), they must convert to Pearson VUE Testing Centers (PVTC) and meet specific testing equipment and facility requirements and specifications. The GEDTS will not allow paper-based testing, and all testing centers must convert to PVTC before implementing the new CBT beginning in January 2014. These new requirements may cause hardships for testing centers, most or all of which are local public entities that provide instruction and testing for adult learners in their region; many of which are also experiencing decreases in funding and support. In turn, if some testing centers close due to the new requirements as anticipated, harm or hardship may be placed on those adult learners who might rely on that testing center to provide support and opportunities to take the GED Test.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefits of the proposed amendments to regulations, deleting all references in the California Code of Regulations, title 5 sections 11530 through 11532 to the GED Test owned by ACE and ACE products and other terms specific to ACE, ensures that the CDE may recommend for approval by exploring other options, and through the Department’s contracting process, and the SBE may approve, an assessment that will lead to a California high school equivalency certificate.

SPECIFIC PURPOSE OF EACH SECTION – GOVERNMENT CODE SECTION 11346.2(b) (1)

The specific purpose of each adoption, amendment, or repeal –and the rationale for the determination that each adoption, amendment, or repeal – is reasonably necessary to carry out, and, purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption, amendment, or repeal is intended to address.

General changes were made to the regulations to include grammatical edits, and renumbering and/or relettering to reflect deletions or additions.
Proposed section Title 5 Article 2 is amended to delete the term “G.E.D.” This is necessary to be consistent with the proposed regulations, which eliminate the use of the GED Test by ACE to issue a California high school certificate.

Proposed section 11530(b) is deleted to remove the existing definition of a “general educational development test” that identifies the GED Test by ACE, and all related references. This is necessary to allow the SBE to consider and approve an assessment that leads to a California high school equivalency certificate.

Proposed section 11530(b) (formally subdivision (e)) is amended to remove the reference to the General Educational Development Test. This is necessary to clarify that the one-time fee will be charged for a general educational development test. Amendment of section 11530(e) is necessary to ensure consistency with the requirements of Education Code 51421(a).

Proposed section 11530(c) is deleted to remove the definition therein of a passing score on the GED Test by ACE. The existing section 11530(c) is obsolete in light of the proposed regulations. This is necessary in order to adopt an assessment for purposes of issuing a California high school equivalency certificate. The score equal to the standard performance expected will be determined when the new assessment is adopted.

Proposed section 11530(d) is deleted to eliminate testing centers approved by the CDE being recognized as official testing facilities of the ACE, GEDTS, and it’s Overseas Branch. This is necessary to ensure that the regulation is consistent with requirements in Education Code section 51420(b), which states that the CDE approves testing centers. Deletion of section 11530(d) is also necessary to permit the SBE to approve a new assessment where appropriate that leads to a California high school equivalency certificate.

Proposed section 11531(a) is amended to eliminate the term “General Educational Development.” This is necessary to clarify that testing centers approved by the CDE will not be referred to as GED testing centers. Also, the change is consistent with the proposed regulations, which eliminate the requirement, that testing centers comply with ACE.

Proposed section 11531(a)(1) is deleted to eliminate testing centers approved by the CDE from complying with the requirements of GEDTS. This is necessary to ensure that testing centers approved by the CDE comply with the requirements of any assessment approved by the SBE.

Proposed section 11531(a)(5) is amended to remove testing centers agreeing to inspection by other agencies outside of California. This is necessary to ensure that only the CDE inspects testing centers. Deletion of this section is also necessary to ensure consistency with the requirements in Education Code section 51420(b), which states that the CDE approves testing centers.
Proposed sections 11532(c), (c)(2), and (c)(4) are amended to delete the word “GED.” This is necessary to clarify that the term GED refers to the current GED Test adopted by ACE. Any newly developed assessment that leads to a California high school equivalency certificate will be referred to as “an assessment” approved by the SBE for the purposes of issuing a California high school equivalency certificate.

Proposed sections 11532(c)(2) and (c)(4) are amended to delete the words “GED” and “battery.” This is necessary to clarify that the term GED refers to the current GED Test adopted by ACE. This is also necessary to clarify that a new assessment approved by the SBE will not be described as a test battery.

ECONOMIC IMPACT ANALYSIS PER GOVERNMENT CODE SECTION 11346.3(b)

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: There will be no impact on business because the regulations relate only to testing centers. The proposed regulations eliminate the requirement for CDE to use the GED Test owned by ACE.

The CDE may recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

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

Adoption of these regulations may: (1) create, but not eliminate jobs within California; (2) create new businesses, but not eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business with California by increasing the number of approved testing centers that will offer a new test that leads to a California high school equivalency certificate. Currently, the GED Test is the only way to obtain a California high school equivalency certificate; however, the amended regulations will permit the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate. Testing centers will be able to offer test takers other options to obtain a California high school equivalency certificate.

The benefits of the regulations include promoting social equity by exploring options to develop a new assessment, preventing future increased test taker fees instituted with the CBT delivery system, and ensuring the broad availability of the new assessment in California. Some testing centers may close due to the new requirements as anticipated, harm or hardship may be placed on those adult learners who might rely on that testing center to provide support and opportunities to take the GED Test. The CDE believes that this new approach does not support testing centers, particularly the needs of test takers, and is willing to recommend for approval a different assessment using the CDE’s competitive bid process that will lead to a California high school equivalency certificate.
Effect on housing costs: There will be no impact to housing costs because the regulations relate only to testing centers.

Effect on small business: The proposed regulations would not have an effect on any small businesses in California because the current test provider is not a California business and may not be a “small” business. Otherwise, the proposed regulations are not likely to affect the testing centers which are local public entities that will continue offering a state approved assessment.

OTHER REQUIRED SHOWINGS

Studies, Reports or Documents Relied Upon – Gov. Code. Section 11346.2(b)(3): The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

Reasonable Alternatives Considered Or Agency’s Reasons For Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(5)(A):

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

The existing regulations must be revised in order for the SBE to consider any other alternatives to the current GED Test.

Reasonable Alternatives That Would Lessen The Impact On Small Businesses – Gov. Code Section 11346.2(b)(5)(B):

The SBE has not identified any alternatives that would lessen any adverse impact on small business.

Evidence Relied Upon To Support the Initial Determination That the Regulations Will Not Have A Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(6):

The proposed regulations will expand or create opportunities in California for other assessments by eliminating the requirement for approval and use of only the GED Test owned by ACE to issue a California high school equivalency certificate. The available information does not indicate that this will harm any existing small businesses, and it may create new business opportunities for small businesses that wish to offer the new assessment.
Analysis of Whether The Regulations Are An Efficient And Effective Means Of Implementing The Law In The Least Burdensome Manner – Gov. Code Section 11346.3(e)

The regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

The proposed regulations are necessary in order for the CDE to explore other assessment options and discover additional pathways that lead to a California high school equivalency certificate.

2-8-13 [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 11. Special Programs

Subchapter 8. High School Proficiency Certificates

Article 2. High School Equivalency Certificate (G.E.D.) – for Persons 18 Years of Age or Older

§ 11530. Definitions.

(a) “Resident of this State” means a person who either presently lives in the State of California, or who has his domicile in California in accordance with the criteria established in Government Code section 244.


(c) “A score equal to the standard of performance expected” means the following:

For examinees that take the GED in the English Language prior to January 1, 2002 and for examinees that take the GED in the Spanish language prior to January 1, 2003, the standard for passage is a standard score of not less than 40 on each of the 5 tests and a total standard score of not less than 225 on the 5 tests of the battery. Beginning January 1, 2002, the standard for passage for the English Language version of the battery is a standard score of not less than 410 on each of the 5 tests and a total average standard score of not less than 450 for the entire battery. Beginning January 1, 2003, the standard for passage for the Spanish language version of the GED is a standard score of not less than 410 on each of the 5 tests and a total average standard score of not less than 450 for the entire battery.

(d) “Testing center approved by the California Department of Education” means a testing center recognized as an official testing facility by the American Council on Education, General Educational Development Testing Service and its Overseas Branch.
(b)(e) The “Fee” referred to in Education Code section 51421(a) shall be $20.00 and shall be submitted by the examinee at the time of initial registration for a general educational development test, to accompany each application for an equivalency certificate shall be $20.00 and shall be nonrefundable irrespective of whether or not a California High School Equivalency Certificate is granted. This fee shall be charged only once for a given series of the General Educational Development Test.

(c)(f) “Certificate” means a document containing the words “California High School Equivalency Certificate.”


§ 11531. Approval of General Educational Development Testing Centers.

(a) A General Educational Development Testing Center may be approved by the State Superintendent of Public Instruction (SSPI) to administer tests for purposes of Education Code section 51420 provided it has complied with all of the following:

(1) Fulfilled the requirements of the General Educational Development Testing Service.

(1)(2) Provided the California Department of Education (CDE) with all required information indicating:

(A) Name of Institutional Chief Administrative Officer and title,

(B) Name of Chief Examiner and Alternate Examiner(s) and their titles,

(C) Name of testing facility,

(D) Contracting agency or school district,

(E) Address of the testing center.

(2)(3) Agreed to comply with all test security requirements provided by the CDE and to maintain all required records regarding tests and testing activities.

(3)(4) Agreed to provide each examinee with his or her test scores.

(4)(5) Agreed to inspection by authorized representatives of the CDE or other agency performing the same function outside of California.
(b) The SSPI may suspend or revoke the approval, or deny renewal of an approval, of any center for failure or refusal to maintain any one or more of the standards described in subdivision (a) of this section.


§ 11532. Eligibility to Take a GED General Educational Development Test.

(a) A person is eligible to take a general educational development test no sooner than 60 days prior to the date he or she is eligible to receive a certificate pursuant to Education Code §section 51420(c).

(b) The 60 day limitation in subdivision (a) does not apply to any person who is 17 years of age or older who has been out of school for at least 60 days and who submits a letter of request for the test from the military, a postsecondary educational institution or a prospective employer.

(c) Any person who is 17 years of age or older who is incarcerated in a California state or county correctional facility and who meets the following criteria is eligible to take the a GED general educational development test:

(1) The person does not have a realistic chance of completing the requirements for a high school diploma.

(2) The person has adequate academic skills to successfully complete the a GED general educational development test battery.

(3) The person understands the options available regarding acquisition of a high school diploma, the high school equivalency certificate or the high school proficiency certificate, and the requirements, expectations, benefits and limitations of each option.

(4) The person has sufficient commitment time left to complete the an entire GED general educational development test battery before release; or if released before completion of the test, may complete testing at an authorized testing center.


2-8-13 [California Department of Education]
ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:
   
   - a. Impacts businesses and/or employees
   - b. Impacts small businesses
   - c. Impacts jobs or occupations
   - d. Impacts California competitiveness
   
   h. (cont.) The regulations would not impose any additional costs to the private sector.

   (If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: _____________  Describe the types of businesses (Include nonprofits):

   Enter the number or percentage of total businesses impacted that are small businesses:

3. Enter the number of businesses that will be created: _____________  eliminated: _____________

   Explain:

4. Indicate the geographic extent of impacts:  
   - Statewide
   - Local or regional (List areas):

5. Enter the number of jobs created: ________  or eliminated: ________  Describe the types of jobs or occupations impacted:

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

   - Yes
   - No

   If yes, explain briefly:

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ _____________

   a. Initial costs for a small business: $ _____________  Annual ongoing costs: $ _____________  Years: _____________

   b. Initial costs for a typical business: $ _____________  Annual ongoing costs: $ _____________  Years: _____________

   c. Initial costs for an individual: $ _____________  Annual ongoing costs: $ _____________  Years: _____________

   d. Describe other economic costs that may occur:
2. If multiple industries are impacted, enter the share of total costs for each industry: ____________________________

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted): $ __________________________

4. Will this regulation directly impact housing costs? □ Yes □ No If yes, enter the annual dollar cost per housing unit: ___________ and the number of units: __________________________

5. Are there comparable Federal regulations? □ Yes □ No Explain the need for State regulation given the existence or absence of Federal regulations: __________________________

   Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ __________________________

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: __________________________

2. Are the benefits the result of: □ specific statutory requirements, or □ goals developed by the agency based on broad statutory authority? Explain: __________________________

3. What are the total statewide benefits from this regulation over its lifetime? $ __________________________

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: __________________________

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Benefit: $</th>
<th>Cost: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1</td>
<td>Benefit: $</td>
<td>Cost: $</td>
</tr>
<tr>
<td>Alternative 2</td>
<td>Benefit: $</td>
<td>Cost: $</td>
</tr>
</tbody>
</table>

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: __________________________

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? □ Yes □ No

   Explain: __________________________

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EP A boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million? □ Yes □ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
   Alternative 1:
   Alternative 2:

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:
   Regulation: $ __________________ Cost-effectiveness ratio: $ __________________
   Alternative 1: $ __________________ Cost-effectiveness ratio: $ __________________
   Alternative 2: $ __________________ Cost-effectiveness ratio: $ __________________

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 5 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

   □ 1. Additional expenditures of approximately $ _____________ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

      □ a. is provided in ________, Budget Act of ________ or Chapter ________, Statutes of ________

      □ b. will be requested in the (FISCAL YEAR) Governor’s Budget for appropriation in Budget Act of ________

   □ 2. Additional expenditures of approximately $ _____________ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

      □ a. implements the Federal mandate contained in

      □ b. implements the court mandate set forth by the ____________ court in the case of ____________ vs. ____________

      □ c. implements a mandate of the people of this State expressed in their approval of Proposition No. ____________ at the ________ election;

      □ d. is issued only in response to a specific request from the ____________, which is/are the only local entity(s) affected;

      □ e. will be fully financed from the ____________ (FEES, REVENUE, ETC.) authorized by Section ________, ________, ________, ________, ________ Code;

      □ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

      □ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in

   □ 3. Savings of approximately $ _____________ annually.

   □ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.
ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $________________________ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.
☐ b. request an increase in the currently authorized budget level for the ______________ fiscal year.

☐ 2. Savings of approximately $________________________ in the current State Fiscal Year.

☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other. The proposed amendments do not create any state mandated cost. However, the regulations impose cost pressure to the state to explore and recommend other alternative assessments that can be used toward obtaining a California high school equivalency.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $________________________ in the current State Fiscal Year.

☐ 2. Savings of approximately $________________________ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

FISCAL OFFICER SIGNATURE

AGENCY SECRETARY

APPROVAL/CONCURRENCE

PROGRAM BUDGET MANAGER

DEPARTMENT OF FINANCE

APPROVAL/CONCURRENCE

DATE 2/20/13

DATE 2/27/13

---

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6615, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

2. Finance approval and signature is required when SAM sections 6601-6615 require completion of Fiscal Impact Statement in the STD.399.
Economic and Fiscal Impact Statement


**Department Name:** Education

**Contact Person:** Amy Tang-Paterno

**Telephone Number:** 916-322-6630

**Descriptive Title From Notice Register Or From 400:** High School Equivalency Certificate (Updated 2/18/12=3)

**Notice File Number:** Z

**Economic Impact Statement**

**Section A.** ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

**Section A.1.** Check the appropriate box(es) below to indicate whether this regulation:

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)
- Option H explanation: The regulations would not impose any additional costs to the private sector.

**Fiscal Impact Statement**

**Section A.** FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 5: No fiscal impact exists because this regulation does not affect any local entity or program.

**Section B.** FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 4: Other. The proposed amendments do not create any state mandated cost. However, the regulations impose cost pressure to the state to explore and recommend other alternative assessments that can be used toward obtaining a California high school equivalency.

**Section C.** FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature by Amy Tang-Paterno dated February 20, 2013

Agency Secretary Approval / Concurrence Signature by Jeannie Oropeza dated February 27, 2013

Department of Finance Approval / Concurrence Signature: No signature.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

ITEM 8
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
This agenda item is the eleventh 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-January 2013: The CDE presented to the SBE a series of regular updates on the implementation of the CCSS.

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

Section 60605.8 (h).

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

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

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Common Core State Standards Systems Implementation Plan Highlights: January–February 2013 (3 pages)

Attachment 2: CCSS Implementation Outreach: State Board and Department of Education Activities (7 pages)
Attachment 3: Superintendent’s Common Core State Standards Implementation Survey Summary (14 pages)
Common Core State Standards Systems Implementation Plan Highlights: January–February 2013

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.

- California Department of Education (CDE) staff, in close collaboration with the California County Superintendents Educational Services Association (CCSESA), traveled across the state in January and February to share information and participate in discussions with teachers and leaders about how the visual and performing arts instruction can support and enhance the transition to the Common Core State Standards (CCSS). During the course of seven meetings, hundreds of teachers representing each of the eleven CCSESA regions had the opportunity to share their implementation experiences with their colleagues and deepen their understanding of the CCSS. More information regarding these professional learning opportunities is provided in Attachment 2.

2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

- Committed to providing leadership, assistance, and resources so that every student has access to an education that meets world-class standards, the San Diego County Office of Education, the CDE, and the Council of Chief State School Officers (CCSSO) have worked collaboratively to develop a linguistically augmented Spanish version of the CCSS for English Language Arts and Literacy in History, Social Studies, Science, and Technical Subjects. A link to the electronic version of the document is available on the CDE CCSS Web page at http://www.cde.ca.gov/re/cc/. The Spanish version of the CCSS for Mathematics is currently in development.

- Information regarding the adoption of the College and Career Readiness Anchor Standards and Resolution of Technical Issues to the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects with California Additions is provided in Item 2.

- Information regarding requests for reduction of the publisher fee for participation in the adoption process as related to the 2014 mathematics primary adoption of instructional materials is provided in Item 19.
Information regarding the evaluation criteria for English Language Development supplemental instructional materials review is provided in Item 1.

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

Information regarding the activities supporting 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.

During the last six months, CDE After School Division Director Michael Funk has traveled to 8 of the 11 CCSESA regions to attend gatherings of state-funded expanded learning programs (after school and summer programs). In each region, Director Funk delivered a keynote address to an audience of 300–700 followed by a “Town Hall” meeting that included county office of education staff; superintendents, school administrators, and teachers from local school districts; and leaders from community partners that operate expanded learning programs. A key focus of the CDE’s message is the importance of expanded learning programs in supporting student attainment of the CCSS.

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

On February 22, 2013, the CDE, in collaboration with the WestEd Comprehensive Center, convened the Intersegmental Smarter Balanced Assessment Collaborative in Sacramento. This meeting was the first in a series designed to engage faculty leadership of the California Community Colleges, California State University, and University of California in discussions and planning regarding state implementation of the Smarter Balanced Assessment Consortium assessment system. Meeting goals included increasing awareness and understanding of the developing assessment system and providing a forum for in-depth discussions and explorations of how faculty and other postsecondary stakeholders can be involved in these important educational changes.
7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

- California’s Common Core Convening will be held in Sacramento on March 8, 2013. Approximately 150 representatives from local educational agencies, professional associations, and stakeholder organizations will participate in a full day of presentations and workshops designed to share the most current information on statewide implementation of the CCSS system. Topics will include the new CCSS-aligned English Language Development and Career Technical Education Model Curriculum standards, the CCSS professional learning modules for educators, transitioning to a new assessment system, effective communications, instructional materials, technology readiness, and SBAC sample items and performance tasks. In addition, the meeting will include multiple opportunities for participants to engage in facilitated discussions to share information regarding their local implementation efforts.

- In November 2012, 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. 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 has collated survey responses and used aggregate data to develop a brief summary of the status of implementation among respondents. This summary is provided in Attachment 3.

- The CDE has developed a new Web page to provide CCSS information and resources related to the Special Education Community. The Special Education and CCSS CDE Web page, available at [http://www.cde.ca.gov/sp/se/cc/](http://www.cde.ca.gov/sp/se/cc/), includes information about California’s involvement with the National Center State Collaborative as well as links to helpful Web sites.

- The CDE promotes new CCSS-related resources via the CDE CCSS Web page and listserv. Summary of Web-based Outreach Data:

<table>
<thead>
<tr>
<th></th>
<th>December</th>
<th>January</th>
<th>February</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listserv Subscribers</td>
<td>5,885</td>
<td>6,202</td>
<td>Available March 1</td>
</tr>
<tr>
<td>Total Web Page Hits</td>
<td>187,765</td>
<td>293,447</td>
<td>Available March 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>
</table>
| January 15, 2013               | 10 teacher preparation candidates  
Present to Biola University Students | Presentation on the Common Core Standards (CCSS), Sample Smarter Balanced Assessment Consortium (SBAC) items, and discussion about the implications for programs. |
|                               | California Department of Education (CDE)/State Board of Education (SBE) Team: |                                                                                                                                                    |
|                               | Barbara Murchison                                                           |                                                                                                                                                    |
| January 15, 2013               | 100 arts leads, teachers and administrators  
Present at Arts Conference in San Bernardino and San Diego counties | Presentation on the Common Core Standards and their application and connection with the Visual and Performing Arts standards and classroom activities. |
<p>|                               | CDE/SBE Team: Carrie Roberts, Mary Rice                                     |                                                                                                                                                    |</p>
<table>
<thead>
<tr>
<th>Dates/Events</th>
<th>Participants</th>
<th>Reflections and Insights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January 17, 2013</strong></td>
<td><strong>Executive Director and Assessment Specialist</strong></td>
<td><strong>Presentation on the Common Core Standards, Sample Smarter Balanced Assessment Consortium (SBAC) items, and implementation timelines.</strong></td>
</tr>
<tr>
<td>Present to Delta Elementary Charter School</td>
<td><strong>CDE/SBE Team:</strong> Joy Kessel</td>
<td></td>
</tr>
<tr>
<td><strong>January 18, 2013</strong></td>
<td><strong>100 arts leads, teachers and administrators</strong></td>
<td><strong>Presentation on the Common Core Standards and their application and connection with the Visual and Performing Arts standards and classroom activities.</strong></td>
</tr>
<tr>
<td>Present at Arts Conference in Los Angeles County</td>
<td><strong>CDE/SBE Team:</strong> Carrie Roberts, Mary Rice</td>
<td></td>
</tr>
<tr>
<td><strong>January 18, 2013</strong></td>
<td><strong>24 Statewide Directors</strong></td>
<td><strong>Presentation on the Common Core Standards, Sample Smarter Balanced Assessment Consortium (SBAC) items, and implementation timelines.</strong></td>
</tr>
<tr>
<td>Present to Migrant Education Directors</td>
<td><strong>CDE/SBE Team:</strong> Barbara Murchison</td>
<td><strong>Key Learning:</strong> Implementation questions related to strategies for incorporating English Language Development (ELD) Standards and Common Core instructional shifts continue to be a high priority for professional development options.</td>
</tr>
<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
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<tr>
<td>------------------------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td><strong>January 22, 2013</strong></td>
<td><strong>Conference call with SBAC higher education leadership team</strong></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></td>
<td>4 members of higher education leadership from the three segments, and WestEd partners</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></td>
<td><strong>CDE/SBE Team:</strong> Deb Sigman, Barbara Murchison, Nancy Brownell</td>
<td></td>
</tr>
<tr>
<td><strong>January 22, 2013</strong></td>
<td><strong>Present to PTA Leadership from Orange County</strong></td>
<td>Provide update on CCSS and SBAC implementation timelines and communication strategies.</td>
</tr>
<tr>
<td></td>
<td>4 PTA Leaders from 4th district</td>
<td><strong>Key Learning:</strong> Parents are anxious and interested to learn about what the CCSS implementation goals are and what impact they will have on their children’s education.</td>
</tr>
<tr>
<td></td>
<td><strong>CDE/SBE Team:</strong> Deb Sigman, Barbara Murchison, Nancy Brownell</td>
<td></td>
</tr>
<tr>
<td><strong>January 23, 2013</strong></td>
<td><strong>Present to Marin County Superintendents and Board members</strong></td>
<td>Provide update on CCSS and SBAC implementation timelines, instructional materials resources, communication strategies, and proposed Local Control Funding Formula (LCFF).</td>
</tr>
<tr>
<td></td>
<td>14 governance team members and county Superintendent from Marin</td>
<td><strong>Key Learning:</strong> School Boards and Governance Teams have many policy decisions in play and would benefit from developing multi-year implementation plans and resource allocations for the next few years. Planning and resource allocation decisions need to be considered in timely and transparent ways within each local community.</td>
</tr>
<tr>
<td></td>
<td><strong>CDE/SBE Team:</strong> Nancy Brownell, Judy Cias</td>
<td></td>
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<tr>
<td>Dates/Events</td>
<td>Participants</td>
<td>Reflections and Insights</td>
</tr>
<tr>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>January 25, 2013</td>
<td>20 Education Deans from private institutions</td>
<td>Updates and conversations related to recent State Board of Education (SBE) actions and decisions, Common Core State Standards (CCSS) implementation priorities, and State Superintendent of Public Instruction (SSPI) Recommendations for Transitioning California to a Future Assessment System</td>
</tr>
<tr>
<td></td>
<td>CDE/SBE Team: Nancy Brownell</td>
<td><strong>Key Learning:</strong> Ongoing opportunities and priorities to collaborate with higher education leadership and faculty within teacher preparation programs, both private and public, will increase CCSS implementation success.</td>
</tr>
<tr>
<td>January 25, 2013</td>
<td>60 county office administrators and Assistant Superintendents</td>
<td>Updates and conversations related to recent State Board of Education (SBE) actions and decisions, Common Core State Standards (CCSS) implementation priorities, and State Superintendent of Public Instruction (SSPI) Recommendations for Transitioning California to a Future Assessment System</td>
</tr>
<tr>
<td></td>
<td>CDE/SBE Team: Deb Sigman, Nancy Brownell, Barbara Murchison</td>
<td><strong>Key Learning:</strong> Ongoing opportunities and priorities to collaborate with CISC increase capacity of CDE staff and SBE to guide the ongoing work of implementation.</td>
</tr>
<tr>
<td>January 30, 2013</td>
<td>75 teachers and administrators</td>
<td>Provide updates on literacy instructional strategies to implement CCSS.</td>
</tr>
<tr>
<td></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>
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<td>-------------------------</td>
</tr>
</tbody>
</table>
| **February 9, 2013**  
Present to CA Subject Matter Project (CSMP) Leadership | **20 CSMP Leaders from across the state**  
CDE/SBE Team: Carrie Roberts | Conversations related to increasing teacher leadership in the CCSS implementation through participation in CSMP events and activities. |
| **February 9, 2013**  
Present to online participants of Secondary Literacy CCSS Series | **200 secondary teachers**  
CDE/SBE Team: Carrie Roberts | Presentation on supporting student success in demonstrating the speaking and listening standards through collaborative conversations and focused instruction. |
| **February 14-15, 2013**  
Present at annual CA Bilingual Educators (CABE) Conference | **300 educators**  
CDE/SBE Team: Karen Cadiero-Kaplan, Nancy Brownell | Presentation on the instructional shifts outlined in the CCSS and English Language Development (ELD) standards and implications for meeting students’ needs for success.  
**Key Learning:** There is increasing interest and high expectations for the development of the ELA/ELD Framework and the guidance it will provide for strengthening reading/language arts instruction and sequential building of language structures and vocabulary. |
<table>
<thead>
<tr>
<th>Dates/Events</th>
<th>Participants</th>
<th>Reflections and Insights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>February 20-22, 2013</strong>&lt;br&gt;Present at annual CISC Conference</td>
<td>800 educators  &lt;br&gt;CDE/SBE Team: Deb Sigman, Lupita Cortez Alcalá, Tom Adams, Fred Balcom, Karen Cadiero-Kaplan, Phil Lafontaine, Chris Swenson, Carrie Roberts, Russ Weikle</td>
<td>Presentation on a range of topics related to CCSS implementation including assessment system recommendations, ELD Standards, professional learning modules, and framework development progress and timelines.&lt;br&gt;&lt;br&gt;<strong>Key Learning:</strong> Ongoing opportunities to collaborate with educational partners build internal and external leadership capacity to implement CCSS.</td>
</tr>
<tr>
<td><strong>February 22, 2013</strong>&lt;br&gt;Convene higher education faculty to discuss development of SBAC system</td>
<td>35 higher education faculty and leadership from 3 segments and WestEd partners  &lt;br&gt;CDE/SBE Team: Deb Sigman, Nancy Brownell, Barbara Murchison</td>
<td>Convene higher education faculty to increase awareness and understanding of the CCSS and SBAC item development and implications for defining college and career readiness and California’s role in this developmental work.</td>
</tr>
<tr>
<td><strong>February 25, 2013</strong>&lt;br&gt;Present to Lake County district superintendents</td>
<td>20 Superintendents and other district and county representatives  &lt;br&gt;CDE/SBE Team: Nancy Brownell</td>
<td>Presentation on selected topics related to CCSS implementation, including significant milestones, Professional Learning Modules, updates to the CDE Website and resources, and SMARTER Balanced Assessment development.</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>March 8, 2013</td>
<td>120 participants from district teams across the state</td>
<td>Annual convening of stakeholders for progress updates on CCSS implementation, SBAC timelines and developmental work, SSPI Assessment Recommendations, Mathematics and English language Arts/English Language Development Frameworks, and status of instructional materials criteria for publishers.</td>
</tr>
<tr>
<td>Annual Stakeholders</td>
<td>CDE/SBE Team: Deb Sigman, Barbara Murchison, Nancy Brownell, Lupita Cortez Alcalá, Phil Lafontaine, Tom Adams</td>
<td></td>
</tr>
</tbody>
</table>
SUPERINTENDENT’S COMMON CORE STATE STANDARDS SYSTEMS
IMPLEMENTATION SURVEY
Summary Report for Fall 2012 Administration

In November 2012, State Superintendent of Public Instruction (SSPI) Tom Torlakson invited each of California’s local educational agencies (LEAs) to participate in a survey designed to gather information regarding the progress of Common Core State Standards (CCSS) systems implementation across the state.

It is important to bear in mind that this is not a scientific survey. Although every LEA in California was invited to participate, respondents self-selected and therefore do not necessarily represent the demographics of the state. Further, much of the information provided by respondents is subjective. As such, the survey results do not provide us with definitive information. However, they do give us some information about how the LEAs that chose to respond are progressing with CCSS implementation.

The survey window opened November 1, 2012, with an e-mail message from the SSPI to 1,824 district superintendents and independent charter school administrators. The survey closed November 16, 2012, with a total of 317 responses. This reflects a response rate of approximately 17 percent. Survey questions were aligned to these seven strategies outlined in the Common Core State Standards Systems Implementation Plan for California:

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.

2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

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

4. Collaborate with parents, guardians, and the early childhood and expanded learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting.

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

6. Seek, create, and disseminate resources to support stakeholders as CCSS systems implementation moves forward.
7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

Results were disaggregated by the following LEA characteristics:

- District type: elementary, high, unified
- Size: small (<1,001), medium (1,001–10,000), large (>10,000)
- District vs. Charter
- Title I funded: yes, no
- Significant (25 percent or more) English learner population: yes, no

In general, responses were relatively consistent across these disaggregated groups, with most differences noted among districts of different sizes.

The California Department of Education (CDE) intends to invite LEAs to participate in this survey twice each year to track statewide CCSS systems implementation progress and guide the implementation efforts of the CDE. This summary report will serve as a baseline for future analyses.
General Implementation Questions

Full implementation of CCSS systems will occur over several years and in the context of a continuous learning process.

- **The Awareness Phase** represents an introduction to the CCSS, the initial planning of systems implementation, and establishment of collaborations.

- **The Transition Phase** is the concentration on building foundational resources, implementing needs assessments, establishing new professional learning opportunities, and expanding collaborations between all stakeholders.

- **The Implementation Phase** expands the new professional learning support, fully aligns curriculum, instruction, and assessments, and effectively integrates these elements across the field.

G-1 Based on these descriptions, which phase best describes your district’s current level of CCSS implementation?

<table>
<thead>
<tr>
<th>Distinct Size</th>
<th>Total (317)</th>
<th>Small (&lt;1,001)</th>
<th>Medium (1,001–10,000)</th>
<th>Large (&gt;10,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>Awareness</td>
<td>156</td>
<td>49%</td>
<td>81</td>
<td>56%</td>
</tr>
<tr>
<td>Transition</td>
<td>146</td>
<td>46%</td>
<td>54</td>
<td>38%</td>
</tr>
<tr>
<td>Implementation</td>
<td>12</td>
<td>4%</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>1%</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
<td>144</td>
<td>100%</td>
</tr>
</tbody>
</table>

(# = Number of Respondents, % = Percent of Total Respondents)

Overall, most respondents report that they are in the awareness phase of implementation. However, 70 percent of large LEAs report having moved beyond awareness compared to 43 percent of small LEAs and 49 percent of medium LEAs.

G-2 Overall, how knowledgeable are teachers in your district regarding the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slightly</td>
<td>107</td>
<td>34%</td>
</tr>
<tr>
<td>Somewhat</td>
<td>182</td>
<td>57%</td>
</tr>
<tr>
<td>Very</td>
<td>28</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>
Respondents report that most teachers are somewhat knowledgeable regarding the CCSS.

**G-3 Overall, how knowledgeable are site administrators in your district regarding the CCSS?**

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slightly</td>
<td>39</td>
<td>12%</td>
</tr>
<tr>
<td>Somewhat</td>
<td>192</td>
<td>61%</td>
</tr>
<tr>
<td>Very</td>
<td>86</td>
<td>27%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Similarly, most site administrators are somewhat knowledgeable regarding the CCSS.

In general, LEAs report that site administrators have more knowledge about the CCSS than teachers reporting that 66 percent of teachers are somewhat or very knowledgeable while 88 percent of administrators are somewhat or very knowledgeable.
Questions Related to the CCSS Systems Implementation Plan Strategies

Strategy 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.

1-1 To what extent has your district provided professional learning opportunities for teachers related to the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Yet Offered</td>
<td>21</td>
<td>7%</td>
</tr>
<tr>
<td>Offered Limited</td>
<td>98</td>
<td>31%</td>
</tr>
<tr>
<td>Offered Some</td>
<td>162</td>
<td>51%</td>
</tr>
<tr>
<td>Offered Extensive</td>
<td>36</td>
<td>11%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Most LEAs have offered some type of professional learning for teachers related to the CCSS, with 62 percent reporting that they have offered some or extensive opportunities. Seventy-three percent of large LEAs report that they have offered some or extensive professional learning opportunities (PLOs) for teachers. Forty-eight percent of charter schools report having offered some or extensive opportunities.

1-2 What types of professional learning opportunities are being provided to teachers in your district? Check all that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Total</th>
<th>District Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Small (&lt;1,001)</td>
</tr>
<tr>
<td></td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>CDE Professional Learning Modules</td>
<td>40</td>
<td>13%</td>
</tr>
<tr>
<td>County Office Developed Toolkits</td>
<td>196</td>
<td>62%</td>
</tr>
<tr>
<td>District-Developed Materials</td>
<td>131</td>
<td>41%</td>
</tr>
<tr>
<td>School Site-Developed Materials</td>
<td>93</td>
<td>29%</td>
</tr>
<tr>
<td>District-Wide Trainings</td>
<td>154</td>
<td>49%</td>
</tr>
<tr>
<td>Site-Level Trainings</td>
<td>148</td>
<td>47%</td>
</tr>
<tr>
<td>CCSS Integrated Into Existing Professional Learning Communities</td>
<td>140</td>
<td>44%</td>
</tr>
<tr>
<td>Online Trainings</td>
<td>39</td>
<td>12%</td>
</tr>
<tr>
<td>Other</td>
<td>35</td>
<td>11%</td>
</tr>
</tbody>
</table>

(# = Number of Respondents, % = Percent of Total Respondents)

Overall, nearly half of respondents indicate that they are utilizing district-wide PLOs for teachers. However, large LEAs are well above this average, with 87 percent reporting...
the use of district-wide trainings. Twenty-four percent of small LEAs are utilizing district-wide trainings. Similarly, 78 percent of large LEAs report using district-developed materials, while 21 percent of small LEAs report the same. Sixty-two percent of respondents report that they are using the toolkits developed by California’s county offices of education to support the professional learning of teachers.

1-3 To what extent has your district provided professional learning opportunities for site administrators related to the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not yet offered</td>
<td>19</td>
<td>6%</td>
</tr>
<tr>
<td>Offered Limited</td>
<td>77</td>
<td>24%</td>
</tr>
<tr>
<td>Offered Some</td>
<td>178</td>
<td>56%</td>
</tr>
<tr>
<td>Offered Extensive</td>
<td>43</td>
<td>14%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Most districts have offered some CCSS PLOs for site administrators. As with teachers, large LEAs report providing more PLOs for administrators than small LEAs.

1-4 What types of professional learning opportunities are being offered to site administrators in your district? Check all that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Total</th>
<th>Small (&lt;1,001)</th>
<th>Medium (1,001–10,000)</th>
<th>Large (&gt;10,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>#</td>
</tr>
<tr>
<td>CDE Professional Learning Modules</td>
<td>58</td>
<td>18%</td>
<td>28</td>
<td>18</td>
</tr>
<tr>
<td>County Office Developed Toolkits</td>
<td>220</td>
<td>69%</td>
<td>96</td>
<td>67%</td>
</tr>
<tr>
<td>District-Developed Materials</td>
<td>122</td>
<td>38%</td>
<td>24</td>
<td>17%</td>
</tr>
<tr>
<td>School Site-Developed Materials</td>
<td>65</td>
<td>21%</td>
<td>31</td>
<td>22%</td>
</tr>
<tr>
<td>District-Wide Trainings</td>
<td>145</td>
<td>46%</td>
<td>28</td>
<td>19%</td>
</tr>
<tr>
<td>Site-Level Trainings</td>
<td>79</td>
<td>25%</td>
<td>33</td>
<td>23%</td>
</tr>
<tr>
<td>CCSS Integrated Into Existing Professional Learning Communities</td>
<td>126</td>
<td>40%</td>
<td>36</td>
<td>25%</td>
</tr>
<tr>
<td>Online Trainings</td>
<td>63</td>
<td>20%</td>
<td>34</td>
<td>24%</td>
</tr>
<tr>
<td>Other</td>
<td>42</td>
<td>13%</td>
<td>14</td>
<td>10%</td>
</tr>
</tbody>
</table>

(# = Number of Respondents, % = Percent of Total Respondents)

Most districts report using the county office of education-developed toolkits for CCSS professional learning for administrators. As with teachers, more large LEAs report using district-developed materials (76 percent) and district-wide trainings (84 percent) than do small LEAs (17 percent and 19 percent, respectively).
Strategy 2: Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

2-1  To what extent are CCSS-aligned materials being used in classroom instruction?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Yet Used</td>
<td>112</td>
<td>35%</td>
</tr>
<tr>
<td>Few Classrooms</td>
<td>139</td>
<td>44%</td>
</tr>
<tr>
<td>Most Classrooms</td>
<td>39</td>
<td>12%</td>
</tr>
<tr>
<td>Every Classroom</td>
<td>27</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Most respondents (79 percent) report that CCSS-aligned materials are not yet being used, or are being used in a few classrooms.

2-2  What types of CCSS-aligned materials are you using? Check all that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher Developed</td>
<td>144</td>
<td>45%</td>
</tr>
<tr>
<td>Open Educational</td>
<td>94</td>
<td>30%</td>
</tr>
<tr>
<td>Free Supplemental Materials Provided by the Publishers of Current Programs</td>
<td>78</td>
<td>25%</td>
</tr>
<tr>
<td>Purchased Supplemental Materials Provided by Publishers of Current Program</td>
<td>59</td>
<td>19%</td>
</tr>
<tr>
<td>Free Supplemental Materials Provided by a Publisher Not Directly Affiliated With Current Program</td>
<td>35</td>
<td>11%</td>
</tr>
<tr>
<td>Purchased Supplemental Materials Provided by a Publisher Not Directly Affiliated With Current Program</td>
<td>33</td>
<td>10%</td>
</tr>
<tr>
<td>Other</td>
<td>18</td>
<td>6%</td>
</tr>
</tbody>
</table>

Those LEAs that report using CCSS-aligned materials are using mostly teacher developed materials, open educational resources, or free supplemental materials.
Strategy 3: Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

3-1 Based on the questions you receive from the public and district personnel, how would you describe the local level of interest in the new CCSS-aligned assessments?

<table>
<thead>
<tr>
<th>Response</th>
<th>Total</th>
<th>District Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>Slightly Interested</td>
<td>61</td>
<td>19%</td>
</tr>
<tr>
<td>Somewhat Interested</td>
<td>130</td>
<td>41%</td>
</tr>
<tr>
<td>Very Interested</td>
<td>126</td>
<td>40%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

(# = Number of Respondents, % = Percent of Total Respondents)

Overall, 81 percent of respondents report that the local stakeholders are somewhat (41 percent) or very (40 percent) interested in the CCSS-aligned assessments. The reported level of interest is higher for the large LEAs, 75 percent of which report that local stakeholders are very interested.

3-2 Overall, how knowledgeable are your district’s site administrators regarding California’s participation in the Smarter Balanced Assessment Consortium?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slightly</td>
<td>62</td>
<td>20%</td>
</tr>
<tr>
<td>Somewhat</td>
<td>178</td>
<td>56%</td>
</tr>
<tr>
<td>Very</td>
<td>77</td>
<td>24%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Fifty-six percent of respondents report that site administrators are somewhat knowledgeable about California’s participation in the Smarter Balanced Assessment Consortium (SBAC), with another 24 percent of respondents describing their administrators as being very knowledgeable.
3-3 Overall, how knowledgeable are your district’s teachers regarding California’s participation in the Smarter Balanced Assessment Consortium?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slightly</td>
<td>119</td>
<td>38%</td>
</tr>
<tr>
<td>Somewhat</td>
<td>183</td>
<td>58%</td>
</tr>
<tr>
<td>Very</td>
<td>15</td>
<td>5%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Fifty-eight percent of respondents report that teachers are somewhat knowledgeable about California’s participation in the SBAC, with another five percent of respondents describing their teachers as being very knowledgeable.

Overall, administrators are more knowledgeable regarding California’s participation in the SBAC than teachers. Eighty percent report that their administrators are somewhat or very knowledgeable. Sixty-two percent report that their teachers are somewhat or very knowledgeable.
Strategy 4: Collaborate with parents, guardians and the early childhood and expanded learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting.

4-1 Have teachers and/or staff providing pre-kindergarten or transitional kindergarten programs been engaged in professional learning opportunities designed to support student attainment of the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>51</td>
<td>16%</td>
</tr>
<tr>
<td>Yes</td>
<td>179</td>
<td>56%</td>
</tr>
<tr>
<td>N/A</td>
<td>66</td>
<td>21%</td>
</tr>
<tr>
<td>No response</td>
<td>21</td>
<td>7%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Fifty-six percent of respondents report that most teachers and/or staff in pre-kindergarten and transitional kindergarten programs have been involved in CCSS-related professional learning opportunities.

4-2 Have teachers and/or staff providing expanded learning/after school programs been engaged in professional learning opportunities designed to support student attainment of the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>122</td>
<td>38%</td>
</tr>
<tr>
<td>Yes</td>
<td>109</td>
<td>34%</td>
</tr>
<tr>
<td>N/A</td>
<td>65</td>
<td>21%</td>
</tr>
<tr>
<td>No response</td>
<td>21</td>
<td>7%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Thirty-four percent of respondents report that most teachers and/or staff in expanded learning/after school programs have been involved in CCSS-related professional learning opportunities.
4-3  To what extent have you provided information about the CCSS to parents?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not yet shared</td>
<td>85</td>
<td>27%</td>
</tr>
<tr>
<td>Shared Limited</td>
<td>157</td>
<td>50%</td>
</tr>
<tr>
<td>Shared Some</td>
<td>72</td>
<td>23%</td>
</tr>
<tr>
<td>Shared Extensive</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Fifty percent of respondents report that they have shared limited CCSS-related information and an additional 27 percent report that they have not yet shared any information with parents.

4-4  How are you communicating with parents about the CCSS? Check all that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Back-to School</td>
<td>124</td>
<td>39%</td>
</tr>
<tr>
<td>School Events</td>
<td>109</td>
<td>34%</td>
</tr>
<tr>
<td>PTA/PTSO Meetings</td>
<td>101</td>
<td>32%</td>
</tr>
<tr>
<td>Newsletters</td>
<td>155</td>
<td>49%</td>
</tr>
<tr>
<td>Letters to the editor</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>News Releases</td>
<td>17</td>
<td>5%</td>
</tr>
<tr>
<td>Other</td>
<td>80</td>
<td>25%</td>
</tr>
</tbody>
</table>

Respondents who have shared information with parents report using newsletters and school events (e.g., back-to-school, Parent Teacher Association/Parent Teacher Student Organization [PTA/PTSO] meetings) to communicate about the CCSS.
Strategy 5: Collaborate with the postsecondary and business communities to ensure that all students are prepared for success in career and college.

5-1 How often do district personnel engage local institutions of higher education in discussions regarding career and college readiness as related to the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Yet Engaged</td>
<td>179</td>
<td>56%</td>
</tr>
<tr>
<td>Occasionally</td>
<td>94</td>
<td>30%</td>
</tr>
<tr>
<td>Frequently</td>
<td>25</td>
<td>8%</td>
</tr>
<tr>
<td>N/A</td>
<td>19</td>
<td>6%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Fifty-six percent of LEAs report that they have not yet engaged with local institutions of higher education.

5-2 To what extent have district personnel engaged local businesses/business organizations in discussions regarding career readiness as related to the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not yet engaged</td>
<td>245</td>
<td>77%</td>
</tr>
<tr>
<td>Occasionally</td>
<td>67</td>
<td>21%</td>
</tr>
<tr>
<td>Frequently</td>
<td>5</td>
<td>2%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Seventy-seven percent of LEAs report that they have not yet engaged with businesses.

5-3 Based on your discussions, how supportive of CCSS implementation are local businesses and business organizations?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slightly</td>
<td>14</td>
<td>4%</td>
</tr>
<tr>
<td>Somewhat</td>
<td>34</td>
<td>11%</td>
</tr>
<tr>
<td>Very</td>
<td>25</td>
<td>8%</td>
</tr>
<tr>
<td>No response</td>
<td>244</td>
<td>77%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Most respondents did not answer this question.
Strategy 6: Seek, create, and disseminate resources to support stakeholders as CCSS systems implementation moves forward.

6.1 What resources are you using to support the transition to the CCSS? Check all that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title I</td>
<td>175</td>
<td>55%</td>
</tr>
<tr>
<td>Title II</td>
<td>145</td>
<td>46%</td>
</tr>
<tr>
<td>Title III</td>
<td>67</td>
<td>21%</td>
</tr>
<tr>
<td>General funds</td>
<td>239</td>
<td>75%</td>
</tr>
<tr>
<td>Flexed funds</td>
<td>74</td>
<td>23%</td>
</tr>
<tr>
<td>Local revenue</td>
<td>36</td>
<td>11%</td>
</tr>
<tr>
<td>Donations from philanthropic organizations</td>
<td>33</td>
<td>10%</td>
</tr>
<tr>
<td>Other</td>
<td>27</td>
<td>9%</td>
</tr>
</tbody>
</table>

Seventy-five percent of respondents report using general funds to support the transition to the CCSS. Fifty-five percent of respondents report using Title I funds and 46 percent report using Title II funds.

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

7-1 How familiar are you with the CCSS Systems Implementation Plan for California?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Familiar</td>
<td>76</td>
<td>24%</td>
</tr>
<tr>
<td>Somewhat</td>
<td>180</td>
<td>57%</td>
</tr>
<tr>
<td>Very Familiar</td>
<td>61</td>
<td>19%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
</tr>
</tbody>
</table>

Most respondents are somewhat familiar with the CCSS Systems Implementation Plan for California. Forty-seven percent of large districts reported being very familiar with the plan, while only ten percent of small districts reported being very familiar with the plan.
Has your district developed a plan for implementing the CCSS?

<table>
<thead>
<tr>
<th>Response</th>
<th>Total</th>
<th>Small (&lt;1,001)</th>
<th>Medium (1,001–10,000)</th>
<th>Large (&gt;10,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>Not Yet Started</td>
<td>41</td>
<td>13%</td>
<td>33</td>
<td>23%</td>
</tr>
<tr>
<td>In Process</td>
<td>226</td>
<td>71%</td>
<td>99</td>
<td>69%</td>
</tr>
<tr>
<td>Fully Developed</td>
<td>50</td>
<td>16%</td>
<td>12</td>
<td>8%</td>
</tr>
<tr>
<td>Total</td>
<td>317</td>
<td>100%</td>
<td>144</td>
<td>100%</td>
</tr>
</tbody>
</table>

(# = Number of Respondents, % = Percent of Total Respondents)

Overall, 71 percent of respondents report that they are in the process of developing an implementation plan, and 16 percent of LEAs report that they have a fully developed plan. Thirteen percent of LEAs have not yet started to develop a plan. Sixty-two percent of respondents from large LEAs report that they are in the process of developing a plan, and 38 percent of large LEAs report that they have fully developed plans.

What strategies are you using to communicate with your district stakeholders about your CCSS implementation plan? Check all that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Respondents</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Meetings</td>
<td>51</td>
<td>16%</td>
</tr>
<tr>
<td>School Site Council Meetings</td>
<td>35</td>
<td>11%</td>
</tr>
<tr>
<td>PTA/PTSO Meetings</td>
<td>25</td>
<td>8%</td>
</tr>
<tr>
<td>Newsletters</td>
<td>37</td>
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</tr>
<tr>
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<td>14%</td>
</tr>
<tr>
<td>Letters to the Editor</td>
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</tr>
<tr>
<td>New Releases</td>
<td>5</td>
<td>2%</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>3%</td>
</tr>
</tbody>
</table>

LEAs that responded to this question report utilizing a number of different strategies to communicate with local stakeholders regarding their implementation plans.
ITEM 9
On January 8, 2013, the State Superintendent of Public Instruction (SSPI) submitted a formal report to the Legislature with recommendations for the reauthorization of the statewide student assessment system. The report, which was legislatively mandated, serves as a starting point for discussions between the California Department of Education (CDE), the State Board of Education (SBE), and legislative staff regarding the development of legislation to implement California’s future statewide student assessment system. To facilitate these discussions, this item provides an update on Smarter Balanced Assessment Consortium (SBAC) assessment development activities (see Attachment 1), an update on the possible suspension of certain assessments (see Attachment 2) and an estimated cost savings due to the possible suspension (see Attachment 3).

RECOMMENDATION

This is the first update to the SBE since the release of the SSPI’s report to the legislature, Recommendations for Transitioning California to a Future Assessment System. At this time, no specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

Authorization for the Standardized Testing and Reporting (STAR) Program ends July 1, 2014. In response to California Education Code (EC) Section 60604.5, the SSPI began consulting with stakeholders in early 2012. Over the course of 2012, the CDE, the State Board of Education (SBE), educational stakeholders, technical experts, and members of the public 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 for stakeholders to provide feedback and suggestions. Outreach efforts included the convening of the Statewide Assessment Reauthorization Work Group, regional public meetings, and focus groups, as well as an online survey and a special e-mail account for receiving comments on reauthorization from the public. Approximately
2,000 stakeholders provided input through one of these opportunities. The information gathered from stakeholders helped form the recommendations set forth by the SSPI, and the SSPI’s report, *Recommendations for Transitioning California to a Future Assessment System*, was delivered to the Legislature on January 8, 2013. The CDE presented the SSPI’s recommendations to the SBE at the January 16, 2013 meeting.

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

In January 2013, the CDE presented to the SBE the SSPI’s recommendations for the future statewide assessment system and engaged in discussion with the SBE regarding the recommendations.

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 presented with the requirements of California EC Section 60604.5 and proposed activities and outreach efforts to develop the SSPI’s recommendations.

**FISCAL ANALYSIS (AS APPROPRIATE)**

None at this time.

**ATTACHMENT(S)**

Attachment 1: Update on Smarter Balanced Assessment Development Activities (5 Pages)

Attachment 2: Update on Suspension of Certain Standardized Testing and Reporting Assessments (1 Page)

Attachment 3: Suspension of Certain Standardized Testing and Reporting Assessments: Cost Savings Estimate will be provided as an Item Addendum
Update on Smarter Balanced Assessment Development Activities

Initial Achievement Level Descriptors and College-Content Readiness Policy
Smarter Balanced has developed an interconnected system of initial achievement level descriptors (ALDs) for English-language arts (ELA) and mathematics that are aligned with the CCSS and the Smarter Balanced assessment claims. These initial ALDs articulate the knowledge, skills, and processes expected of students at different levels of performance on the Smarter Balanced assessments and are available for review on the Smarter Balanced Web site at http://www.smarterbalanced.org/achievement-level-descriptors-and-college-readiness/.

Four types of initial ALDs have been developed, and are presented below:

1. Policy ALDs: used to guide test development and conceptualization
2. Range ALDs: item writing guidance
3. Threshold ALDs: cut score recommendation and standard setting guidance
4. Reporting ALDs: test score interpretation

These ALDs are unique in that, with the exception of the reporting ALDs that will be developed through the standard-setting process, they are being developed along with the test development cycle so that expectations of student performance may guide the way tests are conceived and produced. Furthermore, because the CCSS are grounded in expectations for college and career readiness, the Smarter Balanced assessments are being deliberately designed to measure each student’s progress toward meeting those expectations; that is why these initial ALDs include a college-content readiness and policy framework to help guide score interpretation for high schools and colleges. Smarter Balanced is developing a system of ALDs that serve different purposes for item writing, standard-setting, and reporting results. Governing States are expected to vote on the initial ALDs in March 2013 (which do not include the reporting ALDs). ALDs will be revised as needed on the basis of the results of the Field Test of the assessment system in early 2014.

Development Process
The first draft initial ALDs were developed in October 2012 by a panel of 30 K-12 teachers and administrators and 21 higher education faculty from two- and four-year colleges and universities representing Smarter Balanced Governing States. The following educators represented California as workshop panelists:

- Lori Adams (elementary/secondary mathematics), Burbank Unified School District
- Robert Ellis (elementary/secondary English-language arts), West Contra Costa Unified School District
- Ken Mendoza (higher education literature and writing studies), California State University, San Marcos
- Elizabeth Smith (higher education mathematics), Grossmont College

To create the ALDs, the workshop panelists examined both the Smarter Balanced Content Specifications (www.smarterbalanced.org/smarter-balanced-assessments/) and...
the CCSS (www.corestandards.org). For the Policy ALDs, the panelists delineated the Smarter Balanced overall claims and content claims described in the Content Specifications into achievement levels. The Range and Threshold ALDs drew upon the assessment targets in the Smarter Balanced Content Specifications, as well as the specific content standards in the CCSS that underlie the assessment targets. The resulting initial ALDs are linked to an operational definition of college-content readiness, as well as a policy framework to guide score interpretation for high schools and colleges.

Following their initial development, both the ALDs and the definition of college-content readiness were revised on the basis of a series of reviews from member states, partners, and individual stakeholders. CDE and SBE staff reviewed the ALD documents and provided a combined set of feedback to the consortium. The CDE and SBE staff reviewers represented expertise in ELA and mathematics at all grade levels, including college, and expertise with special populations. This public review closed January 15, 2013. The revised documents were released on February 4, 2013 for the second public review that extended through February 20, 2013. The second review received feedback primarily focused on the college-content readiness piece.

*College-Content Readiness Policy*

Representatives of higher education have been working closely with kindergarten through grade twelve (K−12) educators on the development of the Smarter Balanced assessments. This partnership is important because a primary goal of Smarter Balanced is that colleges and universities use student performance on the grade eleven summative assessments in ELA and mathematics as evidence of readiness for entry-level, credit-bearing college courses in much the same way as the EAP (Early Assessment Program) tests administered through the California Standardized Testing and Reporting (STAR) Program. Connecting student performance to a tangible postsecondary outcome will send a signal to students, parents and guardians, and schools that the knowledge and skills delineated in the CCSS matter, providing individual students with a powerful incentive to do their best work on the assessments and demonstrating the clear link between students' K−12 experience and the demands of higher education.

The college-content readiness policy was developed with the recognition of five important factors:

1. **Content readiness focus.** College readiness encompasses a wide array of knowledge, skills, and dispositions, not all of which will be measured by the Smarter Balanced assessments. As a result, Smarter Balanced narrowed the focus of its college readiness definition to “content readiness” in ELA and math.

2. **The importance of using multiple measures.** Smarter Balanced fully supports the use of multiple measures to determine student course placement.

3. **Support for emerging approaches to developmental education.** To clearly communicate high expectations and create an incentive for schools, teachers, and students, the college-content readiness policy asks colleges to guarantee
students with strong performance exemption from remedial or developmental course. It does not, however, preclude colleges from ultimately placing students who perform below the content-readiness standard into credit-bearing courses; this decision is left to the discretion of individual colleges and universities or college and university systems.

4. **Mathematics requirements for Science, Technology, Engineering, and Mathematics (STEM) majors.** The CCSS in mathematics were designed to prepare students for the most typical entry-level college mathematics and statistics courses. Because the Smarter Balanced assessment system concludes at grade eleven, it does not include items and tasks aligned to these STEM-related standards. The college-content readiness policy assumes that colleges will need to assess additional evidence (grades, placement, or admission test scores, etc.) for students seeking to enter advanced mathematics courses.

5. **College admission policies.** The content-readiness policy operates within the context of existing institutional admission policies; open admission institutions will serve many students who do not meet the college-content readiness performance benchmark and highly selective institutions may not even admit students who score at level three or four on the assessment. Use of the Smarter Balanced assessment in college or university admission decisions is a matter of institutional discretion; however, the assessment was not designed for this purpose.

*Next Steps.* The Initial Achievement Level Descriptors and College-Content Readiness Policy that results from the Smarter Balanced review process will be voted on by governing state leads in March. The descriptors and policy will be considered “initial” until the following processes are concluded: standard-setting (which will include the development of reporting ALDs in the summer of 2014), validation of chosen cut scores through an array of Smarter Balanced research studies, and development of career readiness specifications. Smarter Balanced is working with experts in career readiness to determine how the assessment can best advise students on their readiness for postsecondary career pursuits.

**Preliminary Test Blueprints**
In November 2012, Smarter Balanced governing states approved the preliminary test blueprints describing the content of English–language arts/literacy and mathematics summative assessments for grades three through eight and high school. The preliminary test blueprints reflect the depth and breadth of the performance expectations of the Common Core State Standards and how that content will be assessed. They specify the number of items, score points, and depth of knowledge for items associated with each assessment target and guide the development of items and performance tasks, the pilot and field tests, score reporting, and standard setting. The blueprints will be considered preliminary until after review of the data gathered from the pilot and field tests. The preliminary blueprints are available on the Smarter Balanced Web site at [http://www.smarterbalanced.org/smarter-balanced-assessments/](http://www.smarterbalanced.org/smarter-balanced-assessments/).
Spring 2013 Pilot Test
The Smarter Balanced Assessment Consortium pilot test, opened on February 20 and will continue through May 24, 2013, assesses students in grades three through eleven in English-language arts and mathematics. This is the consortium’s first opportunity to evaluate how newly developed test items are functioning. It is critical that items are free of bias, assess growth across grades as intended, and are stable measures of achievement in the assessed subjects. To conduct this important evaluation of test items, Smarter Balanced must have data from a sufficient number of students who reflect the characteristics of students from across the entire consortium.

More than 1,200 California schools are participating in the Smarter Balanced scientific pilot test, and more than 1,700 schools have registered to participate in the volunteer sample.

Schools in the scientific sample were selected on the basis of a predetermined set of characteristics (e.g., percent free/reduced-price lunch, percent white/non-white students) designed to match the demographics of each member state in the consortium. It is the data from schools in the scientific sample that will be used to inform item development. Each selected school was selected for one or two subjects in one or two grades. Schools have been assigned a two-week window to test.

A list of schools selected for the scientific sample, including participation status, can be found on the CDE Smarter Balanced Web page at http://www3.cde.ca.gov/sbacpilots/selectedschools.aspx.

The assessment for the volunteer sample, which is open to all schools in member states, will be based on sample test questions. The window for the volunteer pilot is April 9 through May 10. No data will be collected from schools in the volunteer sample, but the assessment will provide schools with the opportunity to experience the basic functionality of the test administration system.

To assist local educational agencies in the pilot effort, the CDE is providing the required student registration data to Smarter Balanced on behalf of schools participating in the scientific pilot test.

California Common Core Convening March 8, 2013
On March 8, 2013, the CDE and State Board of Education (SBE) hosted the second California Common Core Convening to provide ongoing support and encourage additional work in local educational agency planning and development, and to gather information to assist the CDE, SBE, and stakeholders in prioritizing implementation activities. The purpose of this meeting, which was held in Sacramento, was to bring stakeholders from across the state together to share new information as well as challenges concerning ongoing Common Core State Standards (CCSS) implementation work and transitioning to a new statewide assessment system. The meeting included a morning session with an update from the CDE and State Superintendent of Public Instruction (SSPI) Tom Torlakson, followed by an afternoon of informational break-out sessions and focus groups for attendees to share their experiences and learn about
implementation goals and the transition to the CCSS and the Smarter Balanced system of assessments.

**Smarter Balanced Executive Committee**

Deb Sigman, Deputy Superintendent of Public Instruction for the California Department of Education (CDE), was elected to be the new Smarter Balanced Executive Committee Co-Chair. More information about the Smarter Balanced Executive Committee can be found at: [http://www.smarterbalanced.org/about/executive-committee](http://www.smarterbalanced.org/about/executive-committee).
Update on Suspension of Certain Standardized Testing and Reporting Assessments

As part of the Recommendations for Transitioning California to a Future Assessment System, the State Superintendent of Public Instruction (SSPI) recommends, beginning in the 2013–14 school year, the suspension of all Standardized Testing and Reporting (STAR) Program assessments that are not required to meet Elementary and Secondary Education Act (ESEA) requirements or used in the Early Assessment Program (EAP). The following STAR assessments required for ESEA would continue to be administered until the new Smarter Balanced Assessment Consortium (SBAC), alternate, and science assessments are fully developed and implemented:

- California Standards Tests (CST)/California Modified Assessment (CMA)/California Alternate Performance Assessment (CAPA) in English language arts (ELA) in grades three through eight
- CST/CMA/CAPA in mathematics in grades three through seven
- End of Course (EOC) mathematics assessments in grade seven: CST/CMA Algebra I
- CST/CMA/CAPA in science in grades five, eight, and ten
- CAPA in ELA and mathematics in grade ten

The SSPI also recommends, for the purpose of continuing the highly successful EAP, to allow schools to offer the following STAR Program assessments to meet the EAP requirements. These would include the following assessments for students in grade eleven only:

- Grade 11 CST in ELA
- CST Algebra II
- CST High School Summative Math

Because the EAP does not use all CST items on the above assessments as part of the scoring of EAP results, it is anticipated that the above tests will utilize a single answer document and test booklet that will include only those CST items used in EAP scoring along with the additional EAP questions, thus, reducing testing time for the EAP. The cost savings derived from the EAP utilizing the STAR management system for ordering, delivery, return of materials, reporting of scores, etc. will continue.

The SSPI recommends adjusting Academic Performance Index (API) calculations and reporting to accommodate suspension of any assessments. Suspending assessments and adjusting API reporting in this way will allow staff and stakeholders to focus attention, efforts, and resources on building a new assessment and accountability system.
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

SUBJECT

Update on the California Department of Education’s Implementation Timeline and Process Consistent with Education Code Sections 52052 through 52052.9 to Revise the Academic Performance Index.

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) will present an update on the progress made toward implementing the main components of Education Code (EC) sections 52052 through 52052.9 as amended by Senate Bill (SB) 1458 (Steinberg), which requires significant changes to how the Academic Performance Index (API) is calculated for secondary schools.

RECOMMENDATION

This is the second in a series of updates to the State Board of Education (SBE) regarding the API activities related to the implementation of EC sections 52052 through 52052.9. At this time, no specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

Currently, the API is based on the assessment results of the Standardized Testing and Reporting (STAR) Program and/or the California High School Exit Examination (CAHSEE). In September 2012, the Governor signed legislation which significantly changes the composition of the API for high schools. Beginning with the 2015–16 API reporting cycle (i.e., the 2015 Base API and the 2016 Growth API), the STAR and CAHSEE results may only constitute 60 percent of a high school’s API with the remaining 40 percent from indicators other than state assessments, such as graduation rate and college and career.

In January 2013, the State Superintendent of Public Instruction submitted 12 recommendations to the Governor and Legislature on how to transition to the new Smarter Balanced Assessment Consortium (SBAC) assessment system scheduled for implementation in 2014–15. The first recommendation was to suspend all STAR assessments not mandated by the Elementary and Secondary Education Act (ESEA) or
used as part of the Early Assessment Program (EAP) beginning in the 2013–14 school year.

If these recommendations are approved by the Governor and the Legislature, the 2014 Growth API for high schools will no longer contain results from end-of-course English-language arts (ELA), mathematics, science, and history social science California Standards Test (CST) assessments. As a result, only three assessments in grade ten will constitute a high school’s API: (1) CAHSEE, (2) California Alternate Performance Assessment, and (3) CST life science. Therefore, the CDE is proposing to incorporate graduation data as a new indicator beginning with the 2013–14 API Growth cycle (i.e., the 2013 Base API and the 2014 Growth API). Incorporating a college/career indicator into the API will require broad input by multiple stakeholder groups and a recommendation to the SBE is not anticipated until the 2014 Base API and the 2015 Growth API. Incorporating graduation data into the API has been discussed by the TDG and the PSAA Advisory Committee since 2008.

On February 12, 2013, the Public Schools Accountability Act (PSAA) Advisory Committee met to discuss how to incorporate the graduation data and a college and career readiness indicator into the high school API. The meeting was broadcasted live and several educational organizations attended and provided public comment. An archive of the February 2013 meeting is available on the CDE PSAA Web page at http://www.cde.ca.gov/ta/ac/pa/psaawebcastarchive.asp.

The CDE and the Technical Design Group (TDG) presented the PSSA Advisory Committee a paper that described four options for including the graduation data into the API. All four options incorporate the graduation data using student-level data. Each non-graduate and each student who graduates with a diploma, passes the General Educational Development (GED) test, or earns a Special Education certificate of completion contributes a point value to the API. The paper, 2013 Base Academic Performance Index: Integrating the Graduation Rate, is available on the CDE PSAA Web page at http://www.cde.ca.gov/ta/ac/pa/.

The CDE and the TDG also presented the PSAA Advisory Committee with an option for incorporating a college and career indicator into the API. This option also uses data at the student level. Although the PSAA approved a methodology for using multiple measures to incorporate a single college and career indicator at the February PSAA Advisory Committee meeting, it will take longer to develop a final recommendation. It is anticipated that this recommendation will be presented to the SBE in 2014.

Aside from the public PSAA Advisory Committee meetings, the CDE is also conducting activities in order to gather broad stakeholder input:

- Spring 2013, a survey will be posted on the CDE Web site to collect feedback on the college and career indicator to be used to develop the 2014 recommendation.
- Spring 2013, the CDE will conduct six regional meetings to obtain feedback on college and career measures. Initial feedback from the meetings will be presented at the May Board.
• Spring 2013, the PSAA Advisory Committee will meet to finalize their recommendations to the SBE on the inclusion of graduation data into the API.

• Meetings with the TDG will be scheduled as needed.

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 proposed State Budget provides the CDE with 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)

None.
SUBJECT
STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the January 16, 2013 meeting

2. SBE Screening Committee Recommendations for appointing a member to the Advisory Commission on Special Education and correcting the term for member appointed at the January 2013 SBE meeting

3. Board member liaison reports

RECOMMENDATION(S)

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the January 16, 2013 meeting. (Attachment 1)

2. Approve the SBE Screening Committee’s recommendations for appointing a member to the Advisory Commission on Special Education and correcting the term for member appointed at the January 2013 SBE meeting, as specified in Attachment 2.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the January 16, 2013 meeting (18 Pages) may be viewed at the following link: Preliminary Report of Actions for January 16, 2013.

Attachment 2: SBE Screening Committee Recommendations for appointment to the Advisory Commission on Special Education and correction of term for member appointed at the January 2013 SBE meeting. (The recommendation will be provided in an Item Addendum.)
ITEM 12
The School of Arts and Enterprise: Consider a Material Revision of the Charter to Expand From Grades Nine Through Twelve to Grades Six Through Twelve.

SUMMARY OF THE ISSUE

The School of Arts and Enterprise (SAE), (County-District-School Code 19 75697 1996693), a State Board of Education (SBE) authorized charter school, has requested a material revision of its charter to extend the grade levels served by the school, as provided in Attachment 3. The current charter authorizes SAE to serve 430 students in grades nine through twelve; the proposed program expansion to serve an additional 350 students in grades six to eight is consistent with the school’s plan, as stated in their 2011 renewal petition, to expand to a K-12 program within ten years. SAE would need to acquire additional facilities to accommodate the proposed program expansion.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve, with technical amendments as specified in Attachment 1 of Agenda Item 3 on the Advisory Commission on Charter Schools (ACCS) February 6, 2013, Meeting Notice, the request to revise SAE’s charter petition to add grades six through eight to the existing high school program, increase the school’s enrollment cap to 780 students, and allow the school to secure additional facilities effective July 1, 2013. Attachment 1 of Agenda Item 3 on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page is located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item03.doc.
The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date for any new facility. Written authorization from the CDE would be required prior to the operation of any additional facility.

If the SBE approves SAE’s Material Revision, the CDE recommends that the SBE incorporate the SBE’s Conditions on Opening and Operation as set forth in Attachment 6 of Agenda Item 3 on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item03.doc.

Advisory Commission on Charter Schools Recommendation

The ACCS met on February 6, 2013, and voted to recommend approval of the material revision request with technical amendments. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

On March 10, 2011, the SBE approved SAE’s charter renewal petition for five years with a projected enrollment of approximately 430 students in grades nine through twelve. SAE currently serves 414 students. The renewal petition specified that SAE intended to provide a seamless K-12 instructional program by launching an elementary and a middle school to serve Pomona students within a ten year time frame. Consistent with this goal, SAE submitted a material revision to the SBE on October 16, 2012, that proposes to add grades six through eight to the existing high school program. If granted, the proposed material revision would establish the first phase of the expansion outlined in the charter renewal petition through enrollment of approximately 350 students in grades six through eight.

In considering SAE’s material revision, the CDE staff reviewed the following:

- SAE current (2011) charter petition
- The proposed material revision, Attachment 3 of Agenda Item 3 on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item03a3.pdf.
- The March 2011 provisions for renewal, the 2011–12 Annual Update, and the Student Achievement Plan (SAP) for the 2012–13 school year

The material revision petition describes a middle school program that dovetails with the instructional focus at the existing high school program. The proposed program would
provide middle school students with an English-language arts and humanities curriculum, a Common Core State Standards aligned math program, Science Technology Engineering and Math (STEM) projects tied to grade level mathematics and science standards, and an Advisory course. The program would also provide exposure to arts fundamentals across the disciplines of performing, visual, and digital media arts. The program would mirror the project based approach of SAE’s high school program. A full analysis of the material revision petition is provided in Attachment 1 of Agenda Item 3 on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item03.doc.

SAE reports that they have instituted a number of measures to support academic achievement of all students, since their March 2011 renewal. In the Annual Update submitted to the CDE in November 2012, SAE reports implementing data driven refinements that have bolstered academic success. Specifically, the school states that it has hired a data and instructional coach, implemented new benchmark assessments administered frequently enough to meaningfully modify and adapt instruction, and adopted standards-based Mastery Learning methodology and associated standards-based grading. The key aspects of Mastery Learning include transparent learning objectives for all assignments, opportunities for students to track and reflect upon progress, and multiple summative assessments as the primary factor for assigning academic grades. SAE has made personnel changes and provided professional development and coaching for selected staff members as a result of self-examination of their program effectiveness. SAE’s focus on changing and improving instructional practices for English learners (EL) has resulted in the addition of a new support class, staff training, improved evaluation of student data, and a refined EL redesignation process. SAE indicates they continue to forge academic partnerships with area colleges, business entrepreneurs, community leaders, and artists.

SAE was one of six schools that received a letter of concern from the CDE on November 1, 2012, related to academic performance. SAE did not meet their Academic Performance Index (API) growth targets; did not meet Adequate Yearly Progress (AYP); and had a 2012 Growth API score below the statewide performance goal of 800. SAE submitted a reasonably comprehensive SAP that outlines the corrective actions the school will employ to support academic achievement. The SAP details how the school will continue to utilize achievement data, provide staff development and mentoring support, expand academic intervention opportunities, and enable Mastery Learning. SAE has shown academic improvement as evidenced by the last three years of API growth data which show the school has made growth with all numerically significant subgroups. During this period of time, SAE’s schoolwide growth grew by an average of 25 points a year. Hispanic/Latino growth grew by an average of 27.7 points a year and English Learner (EL) growth grew by an average of 10 points a year. Data for 2010 and 2011 for Socioeconomically Disadvantaged Students shows average growth of 43 points a year. SAE moved from a 2010 Statewide Rank of two to a 2011 Statewide Rank of three; and when compared with 100 schools with similar challenges and opportunities, SAE has a Similar Schools rank of nine. SAE exceeded all 2012 AYP Graduation Rate Targets. SAE did experience API growth in 2011–12, however they did
not meet the school’s growth target of five points. The data table included as Attachment 2 includes the public middle and high schools within PUSD.

SAE’s Annual Update states that they met their internal California High School Exit Examination (CAHSEE) English passage rate goal and increased math passage rates, which are now within five percentage points of the school’s proposed goal. One hundred percent of SAE’s graduating students were accepted at a two or four year college in the Spring of 2012. SAE provided data which indicates they are meeting or exceeding four of the seven educational goals and student outcomes in the charter petition and are making steady progress on the other three goals.

The CDE finds SAE has presented a reasonably comprehensive description of a middle school program that will enable progress toward the educational goals and student outcomes identified in the charter petition. The requested material revision seeks in part to strengthen academic achievement of all students through earlier intervention. SAE’s goal is to create a bridge for students entering the existing high school program so that they are prepared for a rigorous college preparatory curriculum that is delivered through real-world, inquiry-based projects. The CDE finds it reasonable that providing students with earlier access to the instructional model detailed in the material revision will promote a smooth transition into SAE’s high school program and strengthen the school’s ability to produce accomplished life-long learners through a project-based program with emphasis in arts and business. In turn, students should be better prepared for success in high school, college, and the workplace. SAE’s Course Catalog and Curriculum Guide 2012–13 is provided in Attachment 4 of Agenda Item 3 on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item03a4.pdf.

SAE’s projections for revenues, expenditures, and fund balances appear sufficient. The CDE concluded that SAE’s multiyear budget which provides for the addition of grades six through eight appears to be fiscally viable. SAE’s five year budget is provided in Attachment 5 of Agenda Item 3 on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item03a5.xls.

The CDE finds that SAE’s material revision meets the standards and criteria in Education Code (EC) Section 47605 and the 16 charter elements. The CDE recommends approval of the proposed middle school program.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the State Board of Education approved SAE to operate under the oversight of the SBE for a three-year charter term, which began in fall 2003. SAE’s charter petition was renewed by the SBE in 2006 and 2011 pursuant to EC Section 47605(k)(3). The school’s current charter term extends from July 1, 2011, through June 30, 2016.
FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the CDE would continue to receive approximately 1 percent of SAE’s general purpose apportionment for CDE’s oversight activities.

ATTACHMENT(S)

None
ITEM 13
SUMMARY OF THE ISSUE

*California Code of Regulations*, Title 5 (5 CCR), section 11968.5, enacted in 2011, requires the California Department of Education (CDE) to review charter schools that are identified pursuant to the criteria specified in the regulations. These regulations also require the State Superintendent of Public Instruction (SSPI) to make a recommendation to the State Board of Education (SBE) regarding possible revocation of these schools. The regulations require the SBE to hold a public hearing and consider the SSPI’s recommendation no later than March 31, 2013.

RECOMMENDATION

California Department of Education Recommendation

The CDE recommends that the SBE approve the recommended actions as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on February 6, 2013, and voted to recommend approval of the SSPI’s recommendation identified in Attachment 1 of Agenda Item 7 on the ACCS Meeting Notice. The ACCS Web page is located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item07a1.doc](http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item07a1.doc). The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES
California Education Code (EC) Section 47604.5 authorizes the SBE, whether or not it is the authorizer, upon recommendation of the SSPI, to take appropriate action if it makes specific findings, including the revocation of a charter school. Section 11968.5 of the 5 CCR requires the CDE to identify charter schools that have a substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the school’s pupils and to make a recommendation about appropriate action, consistent with EC Section 47604.5(c). Relevant laws and regulations are provided in Attachment 5 of Agenda Item 7 on the ACCS February 6, 2013, Meeting Notice located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item07a5.doc.

Pursuant to these regulations, 18 charter schools were identified based on academic data from the 2011–12 school year. School Summary Information is provided in Attachment 2 of Agenda Item 7 on the ACCS February 6, 2013, Meeting Notice. The Academic Performance Index (API) and Percent At or Above Proficiency in English Language Arts and Mathematics data for each of these 18 schools is provided in Attachment 3 of Agenda Item 7 on the ACCS February 6, 2013, Meeting Notice. The Web pages for these attachments are located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item07a2.doc and http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item07a3.doc. Additionally, links to the 2011–12 School Quality Snapshot Websites are provided in Attachment 4 of Agenda Item 7 on the ACCS February 6, 2013, Meeting Notice at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb13item07a4.doc.

On November 1, 2012, the CDE notified the Executive Director of the SBE, each of the schools, and their authorizers in writing that they had been identified pursuant to 5 CCR Section 11968.5, and request that the schools provide information to the CDE for why the school should not be revoked, including but not limited to information regarding a Student Improvement Plan, and corrective action plans.

Pursuant to the regulations, the SSPI delivered a recommendation regarding the schools identified to the Acting Executive Director of the SBE on January 15, 2013. Also, pursuant to the regulations, the SBE must hold a public hearing to consider the recommendations no later than March 31, 2013. Attachment 1, State Superintendent of Public Instruction Recommendations Pursuant to California Code of Regulations, Title 5, Section 11968.5, Table 1 includes recommendations for the 14 charter schools that met the regulatory criteria for the first time this year and Table 2 includes recommendations for the four charter schools that met the regulatory criteria for a second consecutive year. Since the February 6, 2013, ACCS meeting, CDE staff received additional information from Lou Dantzler Preparatory Charter High (LDPCH) and Eel River Charter School. A summary of submitted information is provided below as an update, with the recommendations as follows:

1. Updated information was received by Inner City Education Foundation (ICEF), the charter management organization for LDPCH, on February 12, 2013, and support of plan was confirmed by LAUSD via email on February 20, 2013. ICEF has provided an email that outlines an action plan for the reorganization of LDPCH that includes:
• A change in location that will place the high school within 1.5 miles of the feeder Lou Danztler Middle and Elementary Schools. This is evidenced by the Proposition 39 process that will be final on May 1.

• A new administrative team will be hired.

• All staff will reapply for positions with an application process that will ensure highly qualified teachers hold the proper content area authorizations and knowledge.

• Additional professional development for all staff will take place to prepare teachers and administrators in rebuilding a school culture and closing the achievement gap through interventions and organizational expectations for all ICEF high schools.

• A change in student composition that benefits current students and maximizes resetting of school culture in a turn-around situation. Next year, LDPCH will only serve 9th and 10th grade students and will regrow through 12th grade with each new year.

Therefore, the updated recommendation is for CDE to continue to work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.

2. The CDE recommends the SBE monitor the authorizer’s intent to revoke Learning for Life Charter. If the authorizer acts to revoke or take other corrective action prior to April 15, 2013, then CDE recommends that the SBE not take any further action. However, if no further action is taken by the local authorizer before April 15, 2013, the CDE recommends that Learning for Life Charter and Monterey Peninsula Unified School District appear at the May 2013, SBE Meeting to discuss what corrective actions it has or will undertake consistent with 5 CCR Section 11968.5(g).

3. Round Valley Unified School District, authorizer of Eel River Charter School, currently has an academic trustee appointed by the SBE. The CDE recommends the SBE consider what steps are appropriate for Eel River Charter School based on the SBE’s communications with its trustee.

Updated information received on February 20, 2013, from the SBE appointed academic trustee for Round Valley Unified School District indicates collaborative efforts to ensure student improvement between the authorizer’s Board of Directors and Eel River’s Board of Directors. Eel River has been placed on notice that the charter will not be renewed in 2013–14 if student achievement does not increase. The academic trustee will meet monthly with Eel River’s director and provide assistance and share best practices as well as continue to include Eel River teachers in Round Valley sponsored professional development opportunities.

4. The CDE will follow up, as needed, with the remaining 15 authorizers. If further
action is deemed necessary, the CDE will recommend, at a future meeting of the SBE, that the SBE consider taking additional action including, but not limited to, revocation of a charter school pursuant to California Education Code (EC) Section 47604.5.

The schools identified by the current regulations are locally authorized charter schools. Therefore, the local educational agencies that authorized these charter schools are in the best position to evaluate the academic progress made by each school and should be provided the opportunity to recommend appropriate courses of action.

The CDE recognizes that each of these schools proposes to meet a need in its community and that many of these schools serve pupil populations at risk of not graduating from high school. To evaluate the extent to which each of these schools meets the needs of its intended population, the CDE will continue to work with the authorizer of each school identified so that additional information, as needed, is collected regarding reported action plans and progress made in achieving the goals identified in such plans. In addition, when Accountability Progress Reporting (APR) data is released for 2012–13, the CDE will compare each school’s results with the 2011–12 data to determine if further recommendation or action may be necessary.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The 2011–12 school year was the first year 5 CCR Section 11968.5 was implemented. In the fall 2011, 16 charter schools were identified based on academic data from the 2010–11 school year. The recommendations from the SSPI are summarized below.

The authorizers for Stanford New School and Oakland Aviation High had reported to the CDE that the charter school had either closed or would be closed by the end of the 2011–12 school year. Therefore, the CDE recommended that no action be taken regarding these schools.

Los Angeles Academy of Arts and Enterprise had been issued a Notice of Violation by its authorizer, Los Angeles Unified School District (LAUSD). On January 4, 2012, LAUSD reported that it was in the process of evaluating the school’s response to the Notice, which cited alleged violations regarding teacher credentialing. The CDE recommended that the CDE monitor the status of the local revocation process and if LAUSD did not revoke the school, the CDE further recommended that LAUSD forward to CDE information regarding any corrective actions that the school and/or the district had implemented to address pupil academic achievement.

For the remaining 13 charter schools and/or their authorizers, the CDE continued to work with authorizers to monitor the review of each school’s progress.

Attachment 2 provides an update to the progress made by the schools that were identified as meeting the regulatory criteria in the previous year, 2011–12. Of the 16
schools, three have closed, four have not made enough progress and continue to meet regulatory criteria, and nine demonstrated enough improvement and no longer meet the regulatory criteria.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement provided to the SBE when these regulations were developed states that the proposed amendments to the regulations in proposed Section 11968.5 would add additional costs upon the state, as the activities identified are new to the CDE. The additional workload would be based upon the number of schools identified pursuant to the regulations. It is estimated that it would cost one to two full-time consultants, or approximately $150,000 to $300,000, for every five schools identified.

If the SBE directs the CDE to conduct further analysis with the schools identified, or if the SBE directs the CDE to initiate revocation proceedings against any of the schools, it is unclear how that work would be completed, given that positions have not been funded.

ATTACHMENT(S)

Attachment 1: State Superintendent of Public Instruction Recommendations- Revised 2/25/13, Pursuant to California Code of Regulations, Title 5, Section 11968.5. Current Year 2012–13 (3 pages)

Attachment 2: Table A. State Superintendent of Public Instruction Recommendations Pursuant to California Code of Regulations, Title 5, Section 11968.5. Previous Year 2011–12, Updates (2 pages)
<table>
<thead>
<tr>
<th>Charter #</th>
<th>Current Term Ends</th>
<th>Charter School</th>
<th>Authorizer</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0786</td>
<td>6/30/16</td>
<td>Animo Locke Technology High</td>
<td>Los Angeles Unified</td>
<td>The California Department of Education (CDE) will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0677</td>
<td>9/21/14</td>
<td>ASA Charter</td>
<td>San Bernardino City Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
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<tr>
<td>0633</td>
<td>6/30/15</td>
<td>Diamond Mountain Charter High</td>
<td>Lassen Union High</td>
<td>The CDE will work with the authorizer as it continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0811</td>
<td>6/30/15</td>
<td>Envision Academy for Arts and Technology</td>
<td>Alameda County Office of Education</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0502</td>
<td>6/30/17</td>
<td>Esquela Popular Accelerated Family Learning</td>
<td>East Side Union High</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0288</td>
<td>6/30/15</td>
<td>Joe Serna Jr. Charter</td>
<td>Lodi Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0822</td>
<td>6/30/14</td>
<td>La Vida Charter</td>
<td>Willits Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0362</td>
<td>6/30/16</td>
<td>Learning for Life Charter</td>
<td>Monterey Peninsula Unified</td>
<td>The CDE recommends the SBE monitor the authorizer’s intent to revoke Learning for Life Charter. If the authorizer acts to revoke or take other corrective action prior to April 15, 2013, then CDE recommends that the SBE not take any further action. However, if no further action is taken by the local authorizer before April 15, 2013, the CDE recommends that Learning for Life Charter and Monterey Peninsula Unified School District appear at the May 2013, SBE Meeting to discuss what corrective actions it has or will undertake consistent with 5 CCR Section 11968.5(g).</td>
</tr>
<tr>
<td>Charter #</td>
<td>Current Term Ends</td>
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</tr>
<tr>
<td>0832</td>
<td>6/30/16</td>
<td>Lou Dantzler Preparatory Charter High</td>
<td>Los Angeles Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0133</td>
<td>6/30/17</td>
<td>Nubia Leadership Academy</td>
<td>San Diego Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
<tr>
<td>0218</td>
<td>6/30/14</td>
<td>Reems Academy of Technology</td>
<td>Oakland Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
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<tr>
<td>0831</td>
<td>6/30/16</td>
<td>Sequoia Charter</td>
<td>William S. Hart Union</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
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<tr>
<td>0792</td>
<td>6/30/16</td>
<td>Valley Arts and Science Academy</td>
<td>Fresno Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
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<tr>
<td>0907</td>
<td>6/30/17</td>
<td>West Sacramento Early College Prep Charter</td>
<td>Washington Unified</td>
<td>The CDE will work with the authorizer as the authorizer continues to monitor the progress of the school and take appropriate action as deemed necessary.</td>
</tr>
</tbody>
</table>
## State Superintendent of Public Instruction Recommendations
Pursuant to *California Code of Regulations*, Title 5, Section 11968.5. Current Year 2012–13

### Table 2. Second Year of Identification

<table>
<thead>
<tr>
<th>Charter #</th>
<th>Current Term Ends</th>
<th>Charter School</th>
<th>Authorizer</th>
<th>Recommendation</th>
</tr>
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<tbody>
<tr>
<td>0357</td>
<td>12/14/15</td>
<td>Denair Charter Academy</td>
<td>Denair Unified</td>
<td>Since the charter school has made academic improvements in all subgroups, the CDE recommends no action at this time, but will continue to work with the authorizer as the authorizer monitors the progress of the school through established corrective action plans. The authorizer may take further action as deemed necessary.</td>
</tr>
<tr>
<td>0032</td>
<td>6/30/14</td>
<td>Eel River Charter</td>
<td>Round Valley Unified</td>
<td>Round Valley Unified School District, authorizer of Eel River Charter School, currently has an academic trustee appointed by the SBE. The CDE recommends the SBE consider what steps are appropriate for Eel River Charter School based on the SBE’s communications with its trustee.</td>
</tr>
<tr>
<td>0675</td>
<td>6/30/15</td>
<td>Los Angeles Academy of Arts and Enterprise</td>
<td>Los Angeles Unified</td>
<td>Since the charter school has made academic improvements for all subgroups and resolved compliance issues with regard to teacher credentialing, the CDE recommends no action at this time, but will continue to work with the authorizer as the authorizer monitors the progress of the school through established corrective action plans. The authorizer may take further action as deemed necessary.</td>
</tr>
<tr>
<td>0291</td>
<td>6/30/15</td>
<td>New City</td>
<td>Long Beach Unified</td>
<td>Since the charter school has made academic improvements in all subgroups, the CDE recommends no action at this time, but will continue to work with the authorizer as the authorizer monitors the progress of the school through established corrective action plans. The authorizer may take further action as deemed necessary.</td>
</tr>
<tr>
<td>Charter #</td>
<td>Current Term Ends</td>
<td>Charter School</td>
<td>Authorizer</td>
<td>Update</td>
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<tr>
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</tr>
<tr>
<td>0760</td>
<td>1/13/16</td>
<td>Alder Grove Charter</td>
<td>South Bay Union Elementary</td>
<td>Cumulative API growth of 76 points over the last three API cycles.</td>
</tr>
<tr>
<td>0398</td>
<td>6/30/16</td>
<td>Bay Area School of Enterprise</td>
<td>Alameda City Unified</td>
<td>Cumulative API growth of 98 points over the last three API cycles. School experienced a significant demographic change in 2012.</td>
</tr>
<tr>
<td>0809</td>
<td>6/30/16</td>
<td>Century Academy for Excellence</td>
<td>Lennox</td>
<td>Cumulative API growth of 85 points over the last three API cycles.</td>
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<tr>
<td>0061</td>
<td>6/30/13</td>
<td>Choice 2000 On-Line</td>
<td>Perris Union High</td>
<td>Cumulative API growth of 87 points over the last three API cycles.</td>
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<tr>
<td>0357</td>
<td>12/14/15</td>
<td>Denair Charter Academy</td>
<td>Denair Unified</td>
<td>School identified on the 2013 possible revocation list.</td>
</tr>
<tr>
<td>0032</td>
<td>6/30/14</td>
<td>Eel River Charter</td>
<td>Round Valley Unified</td>
<td>School identified on the 2013 possible revocation list.</td>
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<tr>
<td>0071</td>
<td>6/30/15</td>
<td>Kern Workforce 2000 Academy</td>
<td>Kern Union High</td>
<td>Cumulative API growth of 85 points over the last three API cycles.</td>
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<tr>
<td>0656</td>
<td>CLOSED</td>
<td>King City Arts Charter</td>
<td>King City Union</td>
<td>School closed.</td>
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<tr>
<td>0420</td>
<td>6/30/16</td>
<td>King-Chavez Academy of Excellence</td>
<td>San Diego Unified</td>
<td>Cumulative API growth of 82 points over the last three API cycles.</td>
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<tr>
<td>0675</td>
<td>6/30/15</td>
<td>Los Angeles Academy of Arts &amp; Enterprise Charter</td>
<td>Los Angeles Unified</td>
<td>School identified on the 2013 possible revocation list.</td>
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<tr>
<td>0559</td>
<td>6/30/13</td>
<td>LPS College Park</td>
<td>Oakland Unified</td>
<td>Cumulative API growth of 140 points over the last three API cycles.</td>
</tr>
<tr>
<td>0291</td>
<td>6/30/15</td>
<td>New City</td>
<td>Long Beach Unified</td>
<td>School identified on the 2013 possible revocation list.</td>
</tr>
<tr>
<td>0764</td>
<td>CLOSED</td>
<td>Oakland Aviation High</td>
<td>Oakland Unified</td>
<td>School closed.</td>
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<tr>
<td>0709</td>
<td>CLOSED</td>
<td>Stanford New School</td>
<td>Ravenswood City Elementary</td>
<td>School closed.</td>
</tr>
<tr>
<td>0289</td>
<td>6/30/15</td>
<td>Yuba City Charter</td>
<td>Yuba City Unified</td>
<td>Cumulative API growth of 59 points over the last three API cycles. School experienced a significant demographic change in 2011.</td>
</tr>
</tbody>
</table>
Table A. State Superintendent of Public Instruction Recommendations
Pursuant to *California Code of Regulations*, Title 5, Section 11968.5
Previous Year 2011–12, Updates

<table>
<thead>
<tr>
<th>Charter #</th>
<th>Current Term Ends</th>
<th>Charter School</th>
<th>Authorizer</th>
<th>Update</th>
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</thead>
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<tr>
<td>0092</td>
<td>11/12/17</td>
<td>Yuba County Career Preparatory Charter</td>
<td>Yuba County Office of Education</td>
<td>Cumulative API growth of 62 points over the last three API cycles.</td>
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</table>
ITEM 14
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

SUBJECT
Consideration of “Reasonable Basis”/Mitigating Circumstances Requests for Determination of Funding as required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and associated California Code of Regulations, Title 5.

SUMMARY OF THE ISSUE(S)
California Education Code sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The charter schools listed in Attachment 1 are requesting SBE approval of their determination of funding request with the consideration of mitigating circumstances. Approval of these requests will allow the charter schools listed in Attachment 1 to receive apportionment funding.

RECOMMENDATION

California Department of Education Recommendation
The California Department of Education (CDE) recommends that the SBE approve a determination of funding with the consideration of mitigating circumstances, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation
The Advisory Commission on Charter Schools (ACCS) met on February 6, 2013, and voted to move the CDE’s staff recommendation to the SBE for the determination of funding request and mitigating circumstances for the charter schools identified in Attachment 1. The motion passed unanimously except for Opportunities for Learning – Capistrano (#0463). The ACCS voted to move a recommendation to the SBE for a determination of funding for Opportunities for Learning – Capistrano (#0463) by a vote
of six to one. The ACCS recommendation was for a 100 percent five-year determination of funding which differs from the CDE recommendation of 85 percent for five years.

**BRIEF HISTORY OF KEY ISSUES**

Pursuant to the *California Code of Regulations* Title 5 (5 CCR) section 11963.4(a), charter schools requesting a determination of full (100 percent) funding meet the following criteria:

- At least 40 percent of the school’s public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

However, 5 CCR Section 11963.4(e) also states that the ACCS may find a “reasonable basis” (also referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

5 CCR section 11963.6(c) specifies that a determination of funding shall be in increments of a minimum of two years and a maximum of five years in length. 5 CCR Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation. Additionally, EC section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested by the charter school.

5 CCR section 11963.4(e) provides specific examples of the types of mitigating circumstances and for the ACCS to consider documented data regarding individual circumstances, such as “one-time or unique or exceptional circumstances”:

A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that
cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

At the time of submission, the determination of funding requests submitted to the CDE were incomplete or did not provide sufficient information and documented data to support consideration of mitigating circumstances. CDE requested additional documentation, and reviewed considerable information and is able to make a recommendation based on each charter school’s individual mitigating circumstances, and prior funding determination. Based on all of the information provided, and the undue burdens and potential hardships on the charter schools, which are listed in this item, the CDE proposes to recommend approval of the funding determinations set forth in Attachment 1. The funding determination and mitigating circumstances requests are provided in Attachments 2 through 47 of Agenda Item 2 Update on the ACCS February 6, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice020613.asp.

The CDE recommendation for OFL – Capistrano (#0463) was 85 percent for two years. At the February 6, 2013, ACCS meeting the ACCS voted to recommend approval of a 100 percent determination of funding. The ACCS recommendation also increased the term to five years based on the charter school achieving a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.
ATTACHMENTS

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation (6 Pages)
### California Department of Education Proposed Determination of Funding Recommendation Fiscal Year 2012–13 through 2016–17

<table>
<thead>
<tr>
<th>County-District-School Code</th>
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<th>Mitigating Circumstances Provided</th>
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<th>2010-11 Base API</th>
<th>2010-11 API State-wide</th>
<th>2011-12 Base API</th>
<th>2011-12 API State-wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>36-67934-3630761</td>
<td>0074 1995–96</td>
<td>Excelsior Education Center</td>
<td>46.05%</td>
<td>77%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 5 Years</td>
<td>Yes</td>
<td>762 6</td>
<td>759 6</td>
<td>2010-11 Base API</td>
<td>2010-11 API State-wide</td>
<td>2011-12 Base API</td>
<td>2011-12 API State-wide</td>
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</tr>
<tr>
<td>37-68106-0111195</td>
<td>0759 2006–07</td>
<td>Classical Academy High School</td>
<td>48.96%</td>
<td>79.93%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 5 Years</td>
<td>Yes</td>
<td>838 9</td>
<td>853 9</td>
<td>2010-11 Base API</td>
<td>2010-11 API State-wide</td>
<td>2011-12 Base API</td>
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^—Note: Spending percentages correspond to the charter school’s funding determination request as originally submitted to the California Department of Education.

### California Department of Education Proposed Determination of Funding Recommendation Fiscal Year 2012–13 through 2015–16

<p>| County-District-School Code | Charter Number and First Year of Operation | Charter Name                  | Spending on Certificated Staff Compensation^ | Spending on Instructional Costs^ | Funding Determination and Years Requested by Charter School With Mitigating Circumstances | Funding Determination Without Mitigating Circumstances (5 CCR Section 11963.4) | CDE Recommendation Funding Determination and Years | Mitigating Circumstances Provided | Funding Determination and Years Requested by Charter School Without Mitigating Circumstances | CDE Recommendation Funding Determination and Years | Mitigating Circumstances Provided | 2010-11 Base API | 2010-11 API State-wide | 2011-12 Base API | 2011-12 API State-wide |
|-----------------------------|-------------------------------------------|-------------------------------|-----------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------|----------------------|------------------------|------------------------|
| 29-66399-6111371           | 0024 1993–94                              | Vantage Point Charter School | 60.40%                                        | 79.22%                            | 100% 5 Years                                                                            | 85%                                                                              | 100% 4 Years                                                                    | Yes                                                                      | 668 2                                                              | 698 3                                                             | 2010-11 Base API | 2010-11 API State-wide | 2011-12 Base API | 2011-12 API State-wide |
| 04-61531-6112585           | 0067 1994–95                              | Home Tech Charter School     | 53.67%                                        | 64.92%                            | 100% 5 Years                                                                            | 70%                                                                              | 100% 4 Years                                                                    | Yes                                                                      | 671 2                                                              | 648 ASAM                                                           | 2010-11 Base API | 2010-11 API State-wide | 2011-12 Base API | 2011-12 API State-wide |</p>
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<th>Mitigating Circumstances Provided</th>
<th>2010-11 Base API</th>
<th>2010-11 API State-wide</th>
<th>2011-12 Base API</th>
<th>2011-12 API State-wide</th>
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<tbody>
<tr>
<td>50-71134-6113286</td>
<td>0085 1995–96</td>
<td>Keyes to Learning Charter School</td>
<td>65.33%</td>
<td>70.42%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>747</td>
<td>3</td>
<td>793</td>
<td>5</td>
</tr>
<tr>
<td>18-64139-0106385</td>
<td>0633 2004–05</td>
<td>Diamond Mountain Charter High School</td>
<td>72.83%</td>
<td>66.71%</td>
<td>100% 5 Years</td>
<td>70%</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>604</td>
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<td>588</td>
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</tr>
<tr>
<td>49-70797-0107284</td>
<td>0653 2004–05</td>
<td>California Virtual Academy @ Sonoma</td>
<td>40.75%</td>
<td>89.82%</td>
<td>100% 5 Years</td>
<td>100%</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>735</td>
<td>2</td>
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<td>2</td>
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<tr>
<td>20-65243-0118950</td>
<td>1058 2009–10</td>
<td>Sherman Thomas Charter High School</td>
<td>95.59%</td>
<td>60.06%</td>
<td>100% 5 Years</td>
<td>70%</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>748</td>
<td>6</td>
<td>698</td>
<td>3</td>
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<tr>
<td>50-71266-0120063</td>
<td>1098 2009–10</td>
<td>Independence Charter</td>
<td>33.63%</td>
<td>23.72%</td>
<td>100% 5 Years</td>
<td>Denial</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>Not Available</td>
<td>Not Available</td>
<td>Not Available</td>
<td>Not Available</td>
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</tbody>
</table>

^—Note: Spending percentages correspond to the charter school’s funding determination request as originally submitted to the California Department of Education.
## California Department of Education Proposed Determination of Funding Recommendation Fiscal Year 2012–13 through 2014–15

<table>
<thead>
<tr>
<th>County-District-School Code</th>
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<th>2010-11 API State-wide</th>
<th>2011-12 Base API</th>
<th>2011-12 API State-wide</th>
</tr>
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<tbody>
<tr>
<td>56-73940-0121426</td>
<td>1202 2010–11</td>
<td>IvyTech Charter</td>
<td>88.65%</td>
<td>72.78%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 3 Years</td>
<td>Yes</td>
<td>Not Available</td>
<td>Not Available</td>
<td>676</td>
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<tr>
<td>56-10561-0122713</td>
<td>1256 2010–11</td>
<td>River Oaks Academy</td>
<td>46.14%</td>
<td>73.75%</td>
<td>100% 3 Years</td>
<td>85%</td>
<td>100% 3 Years</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
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## California Department of Education Proposed Determination of Funding Recommendation Fiscal Year 2012–13 through 2013–14

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<th>2010-11 API State-wide</th>
<th>2011-12 Base API</th>
<th>2011-12 API State-wide</th>
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<tbody>
<tr>
<td>12-75382-1230135</td>
<td>0159 1998–99</td>
<td>Mattole Valley Charter School</td>
<td>44.91%</td>
<td>74.48%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 2 Years</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>37-68155-6117303</td>
<td>0261 1999–00</td>
<td>Greater San Diego Academy</td>
<td>47.89%</td>
<td>68.46%</td>
<td>100% 5 Years</td>
<td>70%</td>
<td>100% 2 Years</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>County-District-School Code</td>
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</tr>
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</tr>
<tr>
<td>01-10017-0109835</td>
<td>0728 2005–06</td>
<td>FAME Public Charter School</td>
<td>40.36%</td>
<td>54.79%</td>
<td>100%</td>
<td>2 Years</td>
<td>Yes</td>
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<td>Not Applicable</td>
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<tr>
<td>51-71423-0111161</td>
<td>0757 2006–07</td>
<td>California Virtual Academy @ Sutter</td>
<td>35.36%</td>
<td>85.93%</td>
<td>100%</td>
<td>5 Years</td>
<td>70%</td>
<td>Yes</td>
<td>Not Applicable</td>
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<td>Not Applicable</td>
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<tr>
<td>41-68916-0112284</td>
<td>0802 2004–05</td>
<td>California Virtual Academy @ San Mateo</td>
<td>34.16%</td>
<td>84.73%</td>
<td>100%</td>
<td>5 Years</td>
<td>Denial</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>54-71803-0112466</td>
<td>0806 2006–07</td>
<td>Alpaugh Achievement Academy Charter/ National University</td>
<td>0%</td>
<td>133.51%</td>
<td>100%</td>
<td>2 Years</td>
<td>Denial</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
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</tr>
<tr>
<td>16-63875-0112698</td>
<td>0840 2006–07</td>
<td>California Virtual Academy @ Kings</td>
<td>39.48%</td>
<td>87.09%</td>
<td>100%</td>
<td>5 Years</td>
<td>70%</td>
<td>Yes</td>
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<tr>
<td>18-75036-0121657</td>
<td>1185 2010–11</td>
<td>Mt Lassen Charter</td>
<td>54.14%</td>
<td>38.67%</td>
<td>100%</td>
<td>2 Years</td>
<td>Denial</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
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<tr>
<td>39-68585-0122580</td>
<td>1229 2010–11</td>
<td>Rio Valley Charter School</td>
<td>40.50%</td>
<td>63.04%</td>
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<td>70%</td>
<td>Yes</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
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</tr>
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### Advisory Commission on Charter Schools Proposed Determination of Funding Recommendation Fiscal Year 2012–13 through 2016–17

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</tr>
</thead>
<tbody>
<tr>
<td>30-66464-6120356</td>
<td>0463 2002–03</td>
<td>Opportunities for Learning - Capistrano</td>
<td>41.38%</td>
<td>75.88%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>Yes</td>
<td>771 7</td>
<td>779 7</td>
<td>7 7</td>
<td>7 7</td>
<td>7 7</td>
<td>7 7</td>
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<td>0463 2002–03</td>
<td>Opportunities for Learning - Capistrano</td>
<td>41.38%</td>
<td>75.88%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>Yes</td>
<td>771 7</td>
<td>779 7</td>
<td>7 7</td>
<td>7 7</td>
<td>7 7</td>
<td>7 7</td>
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## California Department of Education Proposed Determination of Funding Recommendation Fiscal Years 2011–12 through 2014–15

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<th>2011-12 Base API</th>
<th>2011-12 API State-wide</th>
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<tbody>
<tr>
<td>19-65169-0119016</td>
<td>1060 2009–10</td>
<td>Da Vinci Science Charter School</td>
<td>53.74%</td>
<td>75.57%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>807</td>
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<td>8</td>
<td>Not Available</td>
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<tr>
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<td>1081 2009–10</td>
<td>Da Vinci Design</td>
<td>48.53%</td>
<td>73.22%</td>
<td>100% 5 Years</td>
<td>85%</td>
<td>100% 4 Years</td>
<td>Yes</td>
<td>691</td>
<td>Not Available</td>
<td>3</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

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ITEM 15
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

SUBJECT

Elementary and Secondary Education Act: Recommendation to Approve State Trustee’s Recommendations and Adopt the Transition Plan Update for the Round Valley Unified School District.

SUMMARY OF THE ISSUE(S)

In January 2011, the State Board of Education (SBE) appointed Christine Thomas as an independent, full trustee in the Round Valley Unified School District (RVUSD) and in March 2011 she assumed the position as State Trustee and district superintendent. The Memorandum of Understanding (MOU) between the SBE and Christine Thomas specifies that the Trustee must provide full-time trusteeship services through February 28, 2014. However, the MOU includes a termination clause between the SBE and the State Trustee, which allows for the termination of the MOU without cause by giving sixty days written notice.

Under the Trustee’s leadership, the RVUSD has established processes and procedures in all areas as required by the MOU as well as raised student achievement as demonstrated by the district and elementary school meeting their Adequate Yearly Progress (AYP) targets in 2012. In addition, Trustee Thomas has announced her retirement, effective July 1, 2013, and is working with the local governing board to recruit a superintendent to take leadership of the district on that date. Given the district’s progress, Trustee Thomas recommends that it is in the best interest of the district that governing authority be returned to the local governing board on June 30, 2013. Thomas will continue to serve as Trustee and district superintendent until her retirement and, as has been the case during her tenure, her employment relationship with the district will continue to be governed by the policies of RVUSD.

RECOMMENDATION

SBE staff recommends that the SBE approve the State Trustee’s recommendations, as described in Attachment 1, to: 1) terminate the MOU between the SBE and the Trustee and return full local governing board authority to RVUSD on June 30, 2013, and 2)
authorize the RVUSD’s governing board to finalize its selection process for a new superintendent to begin work on July 1, 2013. To support the Trustee’s recommendations, SBE staff recommends that the SBE delegate authority to SBE liaison and Executive Director to work with SBE staff, California Department of Education staff, and the State Trustee to support activities needed to accomplish the timelines specified in the Transition Plan Update (Attachment 2).

BRIEF HISTORY OF KEY ISSUES

The SBE has taken action since November 2009 under its authority in California Education Code Section 52055.57(c) and Public Law 107-110 of the Elementary and Secondary Education Act of 1965, authorized in January 2002 at Section 1116(c)(10)(C)(v), to appoint a trustee to administer the affairs of the LEA in place of the superintendent and school board.

In January 2011, the SBE appointed Christine Thomas as the independent, full trustee to RVUSD with stay and rescind authority. Since that time, RVUSD has made substantial improvements. Trustee Thomas has submitted all reports required by the MOU to the SBE liaisons and Members, and staff of SBE and CDE that document the district’s progress, including the development and implementation of a communications plan; an initial written assessment of immediate priorities, annual performance objectives, a comprehensive assessment of the District’s problems, and a corrective action plan. The SBE most recently received an update of the Trustee’s progress through an Information Memorandum in the fall of 2012. This update report is located at Attachment to the Round Valley Unified School District Progress Update.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In October 2012, the SBE received a progress update from Trustee Thomas, documenting the annual progress made in addressing the recommended priorities for the district improvement planning as originally stated in the Corrective Action Plan for RVUSD; an update to the LEA Plan Addendum; a 2012-13 Transition Plan and Selection of Superintendent; continuing issues and focus; and 2011-12 student achievement results.

At its January 2011 meeting, the SBE:

- Appointed Christine Thomas as an independent, full trustee in the Round Valley Unified School District (RVUSD) with stay and rescind authority over the governing board and any superintendent, pending satisfactory completion of an accepted MOU; and
• Delegated authority to the SBE President and the SBE liaisons, Jim Aschwanden and James Ramos, to finalize the MOU with the Trustee, including a start date for the trusteeship.

At the December 2010 meeting, the SBE took action directing the SBE President and liaison to work with SBE and CDE staff to:

• Identify any potential candidates to be appointed as an independent state trustee for the RVUSD.

• Assign an independent full trustee in RVUSD with stay and rescind powers over decisions of RVUSD, the local governing board, and any district superintendent for a period of not less than three years with minimally an annual review of progress.

• Adopt a scope of authority and tenure for duration of assignment to govern a RVUSD trusteeship through a MOU.

Following the November SBE 2010 meeting, SBE Member Aschwanden, joined by SBE and CDE staff, met with various district and community groups on November 16-17, 2010, including local trustee members, the Round Valley Tribal Council, teachers, administrators, and held a community meeting on November 16, 2010, where members of the public provided public comments regarding their concerns about impediments for student achievement.

On September 14, 2010, Paul Tichinin, Mendocino County Superintendent of Schools (MCSS) and the state trustee for RVUSD, presented a report of progress to the SBE on activities in RVUSD and made a recommendation to either appoint an independent external trustee with full governance authority or extend full governance authority to MCSS. The SBE also heard statements from RVUSD school board members, district employees, and community members regarding the activities in RVUSD. The SBE took action to instruct CDE and SBE staff to:

• Return to the November SBE meeting with a recommendation for an independent full trustee in RVUSD;

• Work with the community to identify a potential trustee;

• Think through some of the issues about budget, control, and decision-making that are standing in the way of student progress;

• Prepare and present an alternative plan if CDE and SBE staff was not able to recommend a trustee in time for the November SBE meeting; and
• Direct the MCSS to continue to operate as the trustee as previously defined, with no change to the existing "stay and rescind" powers.

On March 11, 2010, the SBE approved the CDE’s recommendation to assign RVUSD Corrective Action 3 and Correction Action 6, as modified by the SBE in January 2010, which stipulated that:

• The MCSS was assigned as the Trustee for RVUSD for a period of not less than three years;

• The Trustee was granted “stay and rescind” powers over the local governing board; and

• The Trustee was charged with identifying and contracting with a District Assistance and Intervention Team (DAIT) to work with RVUSD to implement Corrective Action 6.

In January 2010, the SBE heard evidence from 8 of the 29 Cohort 3 LEAs in Program Improvement (PI) Year 3 regarding local actions being taken to address the reasons each LEA is in PI. The SBE then requested that LEA staff from RVUSD and two other districts return to the March 2010 SBE meeting to discuss the most appropriate action to improve student achievement in schools in their LEAs. In addition, the SBE adopted a revised definition of Corrective Action 6 and assigned it to 26 of the 29 LEAs in PI Year 3. Consistent with California EC Section 52055.57(c), the 26 LEAs were required to revise and submit their LEA Plans to reflect implementation of Corrective Action 6 and any DAIT recommendations.

In November 2009, the SBE adopted objective criteria described in California EC Section 52055.57(d) and, based upon those criteria, individually assigned differentiated technical assistance categories to 26 of 30 LEAs identified in 2009 as in PI Year 3 Corrective Action. The SBE directed the CDE to notify these LEAs of their opportunity to address the SBE at its January 2010 SBE meeting.

At the September 2009 SBE meeting, the CDE notified the SBE that 30 LEAs had advanced to PI Corrective Action based upon the release of the Accountability Progress Report and recommended that the SBE approve a revised definition of Corrective Action 6.

FISCAL ANALYSIS (AS APPROPRIATE)

Costs associated with payment of the Trustee are borne by the LEA.
ATTACHMENT(S)

Attachment 1: Letter to Dr. Michael W. Kirst, President of the State Board of Education from Christine Thomas, State Trustee/Superintendent of Round Valley Unified School District, dated February 25, 2013 (4 Pages)

February 25, 2013

Dr. Michael W. Kirst, President
State Board of Education
1430 N Street, Suite 500
Sacramento, CA 95814

RE: Recommendation for Change of Governance Authority from State Board of Education Appointed State Trustee with Stay and Rescind Authority to Full Local Governing Authority Returned to the Round Valley Unified School District Board of Trustees

Dear Dr. Kirst,

In January 2011, I was appointed as an independent, full trustee with stay and rescind authority for the Round Valley Unified School District by the State Board of Education. I began my work in Round Valley Unified School District in March 2011 and assumed both the positions of State Trustee and District Superintendent. Through the authority of the Education Code Section 52055.57 (c) (3), the State Board of Education appointed me as State Trustee to administer the affairs of the local educational agency in place of the county superintendent of schools and the local governing board and further authorized stay and rescind authority over the District governing board and any superintendent for a period of not less than three years.

The Memorandum of Understanding between the State Board of Education and me as the appointed State Trustee included the following: 1) a communication plan that outlined how communication would take place between stakeholders and how opportunities would be provided for input and shared decision making; 2) an initial written assessment of the district’s most immediate problems; 3) a comprehensive assessment of the District’s problems and issues that have contributed to the pervasive and severe underperformance of students within the district; 4) Performance Objectives for the State Trustee; and 5) a Corrective Action Plan for the District.

Over the past 24 months, I have provided to the State Board of Education liaisons and Board Members ongoing updates on the progress of the District towards meeting the objectives outlined in the Correction Action Plan.
Recommendations:

After 24 months of leadership in Round Valley Unified School District in the dual role of District Superintendent and State Trustee, I would like to make the following recommendations:

1. Return full governing authority to the Board of Trustees of Round Valley Unified School District effective at the end of the 2012-13 school year. The Board of Trustees has made excellent progress towards becoming an effective governing team and is prepared to assume full governing authority.

2. Authorize the Round Valley Unified School District Board of Trustees to finalize their selection process for a new Superintendent to take leadership by July 1, 2013. The District is currently identifying candidates for this position, and will complete interviews by the middle of March 2013, with selection of a Superintendent to take place by the end of March 2013 (please see Transition Update attached).

The Board of Trustees has met the following goals:

- The Board of Trustees has filled all Board of Trustees’ positions and Board members are working collaboratively to set policy that supports student learning. The Board has recently filled an open position created when a former member moved from the valley. The Board appointed Eugene Jamison, a current and active Round Valley Indian Tribes (RVIT) Tribal Council member, who has shown great interest in working with the school district to collaboratively provide programs for our students that will increase student performance. Mr. Jamison has also recently placed on ongoing agenda item on the RVIT Tribal Council agenda that focuses on the work that is happening in the schools.

- The Board of Trustees has reviewed, updated and adopted 100% of board policies and administrative regulations. The Board has put in place a system for ongoing policy review through the use of a Policy Subcommittee that meets monthly with the State Trustee to revise, update, or develop new policies when needed.

- The Board of Trustees has reviewed and rewritten the RVUSD mission, vision and goals through a collaborative process where input was actively solicited from district employees, parents, students, RVIT Tribal Council and community members.

- All required District and School Plans are in place and are being implemented. Some of these plans include: LEA Plan updates, Single Plans for Student Achievement developed with parents and staff at all schools, District and School Safety Plans, Emergency Plans, Parent Participation Plans, Intervention Plans to support increased student achievement, Mentoring plans to support new staff, Student recognition plans, Student Attendance Review Board [SARB] processes, Human Resources protocol (including hiring and retention), development of personnel files, etc.

- Board members have participated in professional development in the areas of governance, board member roles and responsibilities, understanding the board’s role in the development of district direction, and school finances/budget.
• The Board has worked together with the California School Boards Association to develop and implement a Governance Handbook, which includes a unity of purpose, roles, and norms and protocols that enable the governance team to perform its responsibilities in ways that benefit the District's students. The Board has also developed and implemented a Governance Calendar, a timeline tool that is used by the Board and district to focus on the work that the Board has outlined for itself to complete, as well as the work that is required of a school board to complete. The tasks outlined in the Governance Calendar are actions that support the goals set for the district.

• A clear process and procedures for board meetings has been designed wherein the community is encouraged to participate while also maintaining a smooth flow to the board discussion of the agenda items.

• The Board of Trustees has completed a transparent and inclusive process for the development of the district budget and has successfully approved a positive budget in June 2012. This is a true accomplishment because the district has been in a qualified fiscal status for several years, with significant deficit spending occurring. Through its newly developed leadership skills, the Board of Trustees was able to make tough decisions to approve a budget that puts the district in a positive fiscal standing for the 2012-13 school year even in these difficult fiscal times.

• The Board of Trustees has hired a Business Manager for the district as well as the principals for both the elementary and high schools.

• The Board, administration, and unions have developed strong communication and are working as a team to resolve district issues and help the district move forward.

• The State Trustee has not had to exercise stay and rescind authority at any time during the last 24 months.

• The relationship with the RVIT Tribal Council has developed in a positive manner over the past two years. The State Trustee meets bi-monthly with the Council to update on educational issues and activities in the district, to share student performance information, to answer questions and ask for assistance, and to plan together for the benefit of our students. The RVUSD Board and the RVIT Tribal Council agreed last year to meet together to discuss issues and concerns that RVUSD students face, and to plan ways to collaboratively resolve issues. The Board and the Tribal Council have successfully met twice/year for this purpose.

• A strong PL874 Parent and Tribal agency committee has been developed where parents, community representatives, Tribal agency representatives, Tribal Council members, and district staff meet monthly to discuss ways to improve student programs and increase student engagement in the educational process. A second collaborative, composed of members of Tribal Health, Tribal TANF, Housing, Tribal Council, Tribal Police, Mental Health, Family Resource Center, and local partners, meet on a consistent basis.

The Round Valley Unified School District Progress Update provided to the State Board of Education in October 2012 and the Transition Plan Update that is attached clearly indicate the significant progress that has been made in Round Valley Unified School District over the past 24 months.
My plans are to retire on July 1, 2013, at the end of the current school year. It is important that I work closely with the new Superintendent over the next few months to ensure a seamless transition and stable governance of the school district. The District continues to have much work to accomplish and positive student achievement must continue to be the focus of the governing team. It is my belief that the District is now in a position to move forward and govern itself.

I will attend the State Board of Education meeting in March 2013 and will be able to respond to any questions or provide additional information. The Round Valley Unified School District Board President, Peter Bauer, long-term Board Member, Cynthia O’Ferrell, and Round Valley Indian Tribes Tribal Council Vice-Chair, Joseph Dukepoo, will be in attendance to briefly address the State Board of Education.

Sincerely,

Christine Thomas
State Trustee/Superintendent
Round Valley Unified School District

Transition Plan Update: February 2013

Transition Plan:

Transition to District Leadership
The District has experienced frequent turnover in leadership over the last 10 years, with 5 superintendents, 5 elementary principals, and 6 high school principals holding administrative positions during that time frame. The administrative team in the district at this time consists of an elementary principal and a high school principal who are both in their second year of leadership in the District, the Superintendent/State Trustee who has been serving in the District since March 2011, and the Business Manager who was hired in May 2012.

Over the previous 24 months, the District has shown consistent growth in areas outlined in the LEA Plan. These areas of growth were identified in the Update on Recommended Priorities for District Improvement Planning (Section II) and in the Update on LEA Plan Addendum (Section III) of the Round Valley Unified School District Progress Update provided to the State Board of Education in October 2012.

In October 2012, I presented a recommendation to the State Board of Education that Round Valley Unified School District begin the process of moving from leadership provided through State Trustee oversight with stay and rescind authority to full governing authority being returned to the district. In the case of Round Valley Unified School District, this process is more complicated because the current State Trustee has held a dual position as State Trustee/District Superintendent. A move towards self-governance would involve the Board of Trustees selecting a District Superintendent. Due to my retirement projected for July 1, 2013, I have been working closely with the Board of Trustees over the last several months to complete a thorough search process for a new superintendent. For the District to continue to progress, it is critical the district select a superintendent who will commit to Round Valley for a significant time period and become actively engaged in not only the district, but also the community as a whole. I have found that becoming part of the community has been greatly beneficial in building trust, understanding and positive relationships.

A Transition Plan was provided to the State Board of Education for its consideration in October 2012. Below you will find an update on the actions taken to date:

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsible</th>
<th>Timeline</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Identify Superintendent Search Firms and solicit proposals</td>
<td>State Trustee Board Chair</td>
<td>August 2012</td>
<td>Completed 8/2012</td>
</tr>
<tr>
<td>2. Interview potential Search Firms / initial</td>
<td>State Trustee Board Chair</td>
<td>September 2012</td>
<td>Completed 10/2012</td>
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<tr>
<td>4. Selection Process – led by Search Firm</td>
<td>Search Firm, Trustee, Board Chair</td>
<td>November – December 2012</td>
<td>Applications closed on 2/14/2013. Applications have been broadly distributed nationally.</td>
</tr>
<tr>
<td>5. Interviews and Selection</td>
<td>Board of Education, Community, Trustee</td>
<td>January-February 2012</td>
<td>The Board of Trustees will meet with the Search Firm on 2/25/13 to complete final selection of candidates and finalize interview protocol for the March 9, 2013 interviews.</td>
</tr>
<tr>
<td>7. New Superintendent Begins</td>
<td>Superintendent</td>
<td>Anytime between February – June 2013, dependent on a variety of factors</td>
<td>It is anticipated that the new superintendent will be in place by July 1, 2013 at the latest. We are hopeful the new superintendent will be able to begin work prior to the end of the school year at least part time.</td>
</tr>
<tr>
<td>8. Current State Trustee to support new superintendent – up to 40 days (dependent on transition needs). The Trustee will be hired as consultant to district</td>
<td>Between February 2013 – August 2013 / dates to vary dependent on beginning date of new superintendent</td>
<td>The State Trustee will provide support between April – July 2013. The State Trustee will retire in July 2013, so will be unable to provide additional services due to new State Teacher Retirement System rules and limitations.</td>
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<tr>
<td>9. RVUSD moves from State Trustee/SBE oversight to local control</td>
<td>SBE</td>
<td>Date to be determined based on selection of new superintendent</td>
<td>The State Trustee requested in October 2012 and February 2013 that the RVUSD Board of Trustees be given full local governing authority effective 7/1/13.</td>
</tr>
</tbody>
</table>
Continuing Issues and Focus:

Round Valley Unified School District has made positive progress in meeting the varied needs of the district as identified in 2010 through the DAIT process. Some issues that were identified at that time were deep in nature and had been in existence for a significant time period.

Issues that need continual focus include the following:

1. **Low student performance.**
   During the 2012-13 school year, the district has continued to implement instructional materials and reteach/implement explicit direct instruction and engagement strategies. Focus this year has been placed on developing a more comprehensive monitoring and support program to ensure quality implementation. Results from benchmark assessments are available immediately through Data Director and all core teachers are involved in the analysis of data for the purpose of increasing student achievement. Each school reviews on an ongoing basis each student’s benchmark results and identifies students in need of specific interventions. The schools have updated their Single Plan for Student Achievement (SPSA) to include growth targets and action steps to meet targets. The high school schedule includes new intervention courses for students experiencing difficulties in ELA and mathematics.

2. **Inconsistent school attendance.**
   RVUSD’s attendance for 2011-12 was 87%. RVES showed an attendance rate of 89%, while RVHS and Continuation HS showed an attendance rate of 82%. As of P1 (December) of this year, student attendance has shown a slight increase to 90%. The district has worked hard to increase student attendance through a variety of avenues. The importance of attending school every day is a common theme that is discussed at all parent meetings. Information has been placed in monthly newsletters that are mailed to all parents. A School and Attendance Review Board (SARB) process has been initiated in conjunction with two districts located in North Mendocino County. Students are rewarded monthly for positive attendance through a variety of school activities and events and the students and their parents are recognized quarterly at board meetings. Secretaries call daily regarding absences. Our challenge has been the lack of any consequences when parents continue to defy the law. The District Attorney has been unwilling to support consequences. The Trustee has met with the Deputy District Attorney and the Sheriff to clarify the importance of support from these agencies with families whose children are not attending school, and has developed an agreement with the DA’s office to review a limited number of cases this year. The County Superintendent of Schools and the Superintendents from all Mendocino districts are currently working with the Deputy District Attorney to develop a pilot program that will begin support for a countywide SARB process that would include sanctions when needed. Additionally, a north county consortium, in which Round Valley Unified School District is an active participant, will meet with local County Board of Supervisors to build support for a countywide SARB process.
The district is currently working with RVIT Tribal Council to assist with court time to be set aside for SARB in their newly developed court system which RVIT hopes to have in place by June 2013. The district is also working with Tribal TANF to provide incentives to students for positive attendance and monetary consequences for parents when they do not ensure that their children attend school on a consistent basis.

3. Quality of instruction.
We all recognize that the quality of instruction in the classroom is the most important element to be in place if students are to grow academically. The district has many dedicated teachers in RVUSD and we are observing growth in the quality of instruction. Site administrators are currently working with four teachers through the evaluation process and through Improvement Plans to help strengthen instruction. Last Spring the district made the decision to not re-elect four teachers at the high school and hired new staff for the 2012-13 school year. The district continues to have issues with quality and rigor in the classroom and is addressing these issues through a more intensive classroom monitoring system, continued professional development and coaching support.

4. Retention of staff.
Retention of elementary staff has been 90% over the last two years. Retention of high school staff has been approximately 50%. We continue to have extreme difficulties in recruiting new teachers to our district. During the spring and summer, many individuals either refused interviews or backed out at the last minute due to the isolation, economically depressed community, and limited housing in the area.

The district has put in place a mentoring system for new teachers where an experienced teacher sets aside time each week to be of assistance to the new teacher, providing support with both school and community issues. The site administrators and support staff are also providing specific support to new teachers as they become acclimated to the district and community.

5. Community behavior issues and carryover into school.
Violence, bully behavior, anger, and aggression are all key issues in the community as a whole. Students come to school and react in the manner that they have learned in their environment. During planning last year for a Safe and Supportive Schools Grant (S3) at the high school, students stated that key aggression issues occur most often between students whose parents/families are in conflict (between families). The violence on the high school campus has dramatically decreased over the last year. Defiance and refusal to follow directions has also decreased over the past year, but this behavior continues to be an issue with a small group of students. The high school is implementing several programs through the S3 grant this year that they believe will help students learn behaviors that will enable them to be successful in school and in life. The focus of the grant is on increasing student engagement, increasing a feeling of caring and community within the school, and reduction of substance abuse and bully/defiant behavior on the campus. Specific research-based prevention and intervention programs are
being put in place on the campus currently and in the upcoming year. Additionally, the school has taken a significant role in developing evening/weekend activities a minimum of twice/month for students that are substance free, fun events.

The district was extremely fortunate to be one of 60 sites in the nation that received a three year federal Elementary School Counseling Grant this fall. Round Valley Elementary School is in the process of hiring a psychologist and a mental health counselor to provide specific prevention and intervention services, including individual and small group counseling, for children and families on the elementary school campus. Through this grant, the school site will also implement Positive Behavior Intervention Support (PBIS), a research-based positive schoolwide behavior program.

Living in a community where the growth of marijuana and the production/use of methamphetamines are major industries has a substantial effect on our students. The district is working closely with Yuki Trails, the tribal mental health and substance abuse agency, and Tapestry, a local mental health vendor, to provide direct prevention and intervention services to students on campus as they deal with substance abuse and mental health issues themselves and within their families. As we move forward with implementing our Elementary School Counseling Grant, we will focus more of the services we obtain from our current mental health providers towards the specific needs of our high school student population.

6. Development of trust with parents and the community.
A long history of distrust between members of the community and the school exist in Covelo. This distrust is historical in nature, associated with trauma, and remains deeply embedded in the community.

The district has made significant progress in developing a trusting and open relationship with Round Valley Indian Tribes Tribal Council and Tribal agencies. A strong two-way communication system has been developed through regularly scheduled meetings with the Council, with parents, and with agency leaders. The State Trustee meets bi-monthly with Tribal Council and provides information about district and student programs. The RVUSD Board of Trustees and RVIT Tribal Council hold a Special Meeting two times/year with the sole purpose to discuss the needs of the children in the community and determine ways to meet identified needs. The PL874 Impact Aid Parent and Agency committee meets monthly with the State Trustee and site administrators to discuss issues in the schools and to plan for how to improve our schools and engage our children. The district has also improved relationships by consciously bringing into the schools the culture of our students and implementing ideas that our Parent Committee (PL 874) have raised. An example of this includes a new event that was implemented last year when high school students who attended the California American Indian Education Conference returned to campus and requested that we plan a Big Time for students and the community. High school students, administration, Board members, Tribal Council members, and members of the Round Valley Indian Tribes worked diligently to create a hugely successful Big Time event to celebrate the end of the school year. Over fourteen dance groups and drummers, as well as
multiple artisans and food vendors participated in the day-long event that was open to the community. This event brought the community together in such a positive way that under the leadership of our students, the school community and our partners are once again actively planning for an even larger *Big Time* this spring!

It will be critical to continue focus on nurturing these new relationships. Round Valley Indian Tribes Tribal Council and Round Valley Unified School District must work closely together to help overcome the barriers that many of our students face.

The District continues to need to find avenues to increase parent involvement in the schools. Last year, the schools reinitiated School Site Councils that had not been in place for several years and developed a variety of parent nights to encourage parent involvement. The elementary school administrator is currently working with parents to develop a Parent-Teacher Club. The district also provides informational and input sessions on tribal lands and in the community at least twice/year. Increasing parent involvement continues to be a challenge and focus for the future.
Student Achievement Results 2011-12
Round Valley Unified School District

Adequate Yearly Progress (AYP):

Round Valley Unified School District (RVUSD)
- RVUSD is a PI, Year III LEA
- RVUSD has been in PI since 2007-08

| Percent Proficient or Advanced - California Standards Test (CST) |
|------------------------|------------------------|
|                        | ELA                    | Mathematics           |
|                        | 2011       | 2012       | 2011       | 2012       |
| LEA Wide               | 17.0       | 26.8       | 27.3       | 34.8       |
| American Indian        | 19.8       | 26.8       | 26.2       | 35.0       |
| White *                | 11.8       | 42.9       | 35.3       | 57.1       |
| Socioeconomically Disadvantaged | 17.3     | 27.4       | 26.7       | 34.5       |

Only 21 students: not enough students to be considered a significant subgroup *

- In 2010-11, RVUSD met none of the AYP criteria
- In 2011-12, RVUSD met all criteria
- Criteria met through Safe Harbor (SH)
- RVUSD is one year towards being released from PI at the LEA level! The District needs to grow sufficiently during the 2012-13 school year to make SH again. This would result in the District being released from Program Improvement.

Round Valley Elementary School (RVES)
- RVES is a PI, Year 5+ school
- RVES has been in PI since 2000

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<td></td>
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<tr>
<td>School Wide</td>
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<tr>
<td>American Indian</td>
</tr>
<tr>
<td>White *</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
</tr>
</tbody>
</table>

Only 14 students: not enough students to be considered a significant subgroup *

- Between 2003-2011, RVES has not met all AYP criteria in any one year.
- In 2011-12, RVES met 13 of 13 criteria.
• RVES met PI goals for the 2012-13 school year
• Criteria met through Safe Harbor (SH)
• RVES is one year towards being released from PI! RVES needs to continue to grow sufficiently during the 2012-13 school year to make SH again. This would result in RVES being released from Program Improvement.

**Round Valley High School (RVHS)**
• RVHS is a PI, Year 5 school
• RVHS moved from PI, Year IV to PI, Year V this year
• RVHS has been in PI since 2008

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<thead>
<tr>
<th>Percent Proficient or Advanced – CST</th>
<th>ELA</th>
<th>Mathematics</th>
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<tbody>
<tr>
<td>School Wide</td>
<td>16.7</td>
<td>15.0</td>
</tr>
<tr>
<td>American Indian</td>
<td>19.0</td>
<td>9.1</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>16.7</td>
<td>15.8</td>
</tr>
</tbody>
</table>

• In 2011-12, RVHS met 2 of 5 criteria.
• RVHS did not meet PI goals for this year.
• Yolla Bolly Continuation High School must increase student achievement because its results are attributed to the high school.
• RVHS must work closely with the community and students to address the significant number of students whose parents opted out their students from the CSTs. We need to break the barrier of misunderstanding that has occurred over the purpose of these assessments. Last year, we had several parents indicate that they do not believe in the state assessment system and feel that this system negatively affects the image of the American Indian students.
• RVHS must place a schoolwide emphasis on teaching ELA standards in all classrooms.

**Academic Performance Index (API):**

**Round Valley Unified School District**

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<thead>
<tr>
<th>API 2011</th>
<th>API 2012</th>
<th>Difference</th>
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<tbody>
<tr>
<td>559</td>
<td>609</td>
<td>+50 points</td>
</tr>
</tbody>
</table>

• In 2011-12, RVUSD met its growth target
Round Valley Elementary School

<table>
<thead>
<tr>
<th>API 2011</th>
<th>API 2012</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>579</td>
<td>663</td>
<td>+84 points</td>
</tr>
</tbody>
</table>

API Significant Subgroup Performance:
- American Indian - +73
- Socioeconomically Disadvantaged - +83

In 2011-12, RVES met and exceeded its growth target.

Round Valley High School

<table>
<thead>
<tr>
<th>API 2011</th>
<th>API 2012</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>568</td>
<td>539</td>
<td>-29 points</td>
</tr>
</tbody>
</table>

API Subgroup Performance:
- Socioeconomically Disadvantaged - -23

In 2011-12, RVHS did not meet its target API growth last year.

Round Valley High School Graduation Rate

<table>
<thead>
<tr>
<th>Percentage of Students – Graduation</th>
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</thead>
<tbody>
<tr>
<td>Subgroups</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>School Wide</td>
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<tr>
<td>American Indian</td>
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<tr>
<td>White</td>
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<tr>
<td>Socioeconomically</td>
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<tr>
<td>Disadvantaged</td>
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</tbody>
</table>

The RVES made significant progress last year. The staff has reviewed the data and are implementing additional targeted interventions for students that are already in place in the school during school hours and in after school tutoring programs. The goal for RVES this year will be to continue to show strong growth and make AYP through Safe Harbor (SH) again this year.

The RVHS did not make growth last year. We believe a significant issue was the ability of some teachers to effectively provide quality instruction, especially in core curriculum areas. The student population is challenging, and it is difficult to maintain positive learning environments and engaging curricular instruction. However, these abilities are critical for the success of our
students. The District chose to remove three teachers at the high school and one teacher retired (50% of staff). RVHS currently has a new ELA, mathematics, and physical education/health teacher. The school administrator and the District is providing local peer mentoring to the new teachers.

A second challenge at the high school was the number of students whose parents removed their students from taking the CSTs in the spring. Most of the students who did not take the assessments were students who have been performing successfully in school. Parents indicated that they did not believe in the state assessments and felt that the assessment system negatively impacted the image of the American Indian students. We will be working with Round Valley Indian Tribes Tribal Council and our Indian Education Parent Committee to address this issue in the upcoming year and respond to parents’ concerns.

Although student assessment scores have not shown improvement, there are other changes that have occurred over the past two years that are notable:
1. Decrease in acts of violence.
   Between 2010-11 and 2011-12, the school experienced a 57% decrease in reported suspensions for violent acts on the school campus. During 2012-13 (to date), only 12 acts of violence have been documented on the school campus.

2. Increase in student attendance.
   When I began my tenure at RVUSD, I became immediately aware of the significant issue of students frequently cutting classes. This issue has been focused on intensely by the high school staff. Today, the student behavior of cutting classes has been significantly reduced. The district has provided a Student Monitor on campus whose role is to move constantly throughout the campus, walk students to class when necessary, and assist with resolving student issues. Consequences are in place when students do not attend classes, including phone calls home and afterschool detentions. Rewards are also in place for students who have 90% or higher attendance. Students help design the reward activities/events. A tardy policy has also been implemented, with students receiving afterschool detention for three or more tardies. During the first 90 days of school this year, 55 students attended school 90% or more days (50% of student population).

3. Increase in student participation in extracurricular activities.
   Two years ago, extracurricular activities were infrequently provided to the students at the high school and student attendance at evening/weekend activities was poor. It was not unusual to have only 10% of the student population attending an event. This year, the school has worked with the Student Government Class and the S3 Coordinator to design student led, substance free activities on a consistent and frequent basis. Attendance has increased, with up to 40% of students attending the last event (movie night) held at the local library.
4. Expansion in the number and nature of curriculum offered.
Over the past two years, the high school has expanded its curriculum to include the following new courses: additional agriculture classes (CTE); additional music; directed studies (computer based instruction in a variety of subjects); freshman success; student government/leadership; intervention classes (language arts and mathematics); Native American studies; White Bison; and study hall. The high school has also aligned core academic courses with A-G requirements and has completed UC certification on these courses. For students who need credit recovery, the high school currently offers afterschool courses and summer courses.

5. Student classroom performance.
RVHS has put in place activities to recognize student performance. Students work with staff to set expectations for student participation in the planned events. The Board of Trustees also recognizes students each quarter who earn Honor Roll. At the end of second quarter, 29 students (26%) at RVHS received recognition for earning a 3.0 or above GPA and qualified to attend the quarter reward activity (skating). A specific and immediate concern continues to be the number of students who are earning one or more Fs. During the second quarter, approximately 36% of students fell into this category.

6. Closed Campus.
In response to concerns addressed by the high school administration, parents and community members, the Board of Trustees closed the high school campus for lunch for freshmen students in the 2012-13 school year, with the lunchtime closure extending to freshmen and sophomore students in 2013-14. An onsite cafeteria has been developed, and the district currently feeds approximately 50 high school students/day, up from under 10 students last year.

A challenge for student performance at both schools is the ongoing low student attendance. We recognize that students need to attend school in order to learn. RVUSD’s attendance rate in 2011-12 was 87% districtwide, with RVES at 89% and RVHS at 82%. At P1 (December) 2012, the attendance rate had increased slightly to 90%. Please see Section V of this Progress Update for further information regarding student attendance.
ITEM 16
### SUBJECT

Elementary and Secondary Education Act: Discussion and Comment Regarding Local Educational Agency Requests to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.

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

### SUMMARY OF THE ISSUE(S)

This standing item allows the California Department of Education (CDE) to brief the State Board of Education (SBE) on timely topics related to the Elementary and Secondary Education Act (ESEA) and other federal programs.

### RECOMMENDATION

The CDE recommends that the SBE authorize SBE President Michael W. Kirst and State Superintendent of Public Instruction Tom Torlakson to submit comment to the U.S. Department of Education (ED) regarding local educational agency (LEA) requests to waive selected provisions of the ESEA pursuant to ESEA Section 9401.

### BRIEF HISTORY OF KEY ISSUES

None

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

None.

### FISCAL ANALYSIS (AS APPROPRIATE)

Any state or LEA that does not abide by the mandates or provisions of the ESEA is at risk of losing federal funding.

### ATTACHMENT(S)

Attachment 1: Discussion questions regarding LEA requests to waive selected provisions of the ESEA pursuant to ESEA Section 9401 will be provided in an Item Addendum.
ITEM 17
## SUBJECT

| School Improvement Grant: Approval of California’s State Educational Agency “Continuation Awards Only Application for the Fiscal Year 2012 School Improvement Grant Program”; Approval of California’s Request to Carryover Fiscal Year 2009 School Improvement Grant Funds Until September 30, 2014.   | ☑️  Action  
| | ☑️  Information  
| | ☐  Public Hearing |

## SUMMARY OF THE ISSUE(S)

### School Improvement Grant Cohort 2

On December 4, 2012, the U.S. Department of Education (ED) released its fiscal year (FY) 2012 School Improvement Grant (SIG) application for state educational agencies (SEAs). SEAs that will use FY 2012 funds solely for continuation awards are required to submit an application document titled, “Continuation Awards Only Application for FY 2012 SIG Program,” containing assurances that the SEA will follow its approved renewal process, not make new awards, and monitor and evaluate certain actions a local educational agency (LEA) has taken, as outlined in its approved SIG application.

### School Improvement Grant Cohort 1

Based on current ED guidance, all Cohort 1 FY 2009 SIG funds must be obligated by September 30, 2013, and liquidated by December 31, 2013. LEAs may be invoiced for unspent SIG funds at the end of the grant period. California still has a FY 2009 SIG balance of $5,031,051.95 resulting from several SIG Cohort 1 schools no longer participating in the program due to closure or withdrawal from the grant program. Additionally, California’s unspent balance may increase due to unspent funding at the LEA level. Based on conversation with the ED, other states have sent the ED requests to extend FY 2009 SIG funding. This letter is a contingency for the SIG Cohort 1 unspent funding based on ED’s willingness to grant the extension.

## RECOMMENDATION

### School Improvement Grant Cohort 2

The California Department of Education (CDE) recommends that the State Board of Education (SBE) authorize the SBE President or designated liaison, along with the State Superintendent of Public Instruction (SSPI), to submit California’s “Continuation Awards Only Application for the Fiscal Year 2012 School Improvement Grant Program.”
Only Application for FY 2012 SIG Program" to the ED. The SEA application document is provided as Attachment 1.

School Improvement Grant Cohort 1

The CDE recommends that the SBE authorize the SBE President or designated liaison, along with the SSPI, to approve California's request to the ED to extend the availability of California's FY 2009 SIG allocation to September 30, 2014. If granted by the ED, the SIG Cohort 1 funding extension would be applicable to those LEAs that have implemented SIG per federal guidance, as demonstrated by satisfying the following conditions:

- Submission of an approvable implementation plan and budget based on the LEA's needs analysis that demonstrates a viable plan to sustain some of the reforms that were put in place
- Resolution, by September 30, 2013, of any outstanding programmatic and/or fiscal findings that were assessed as a result of the CDE’s monitoring process
- Progress on LEA applicant goals for each funded school based on results from the State's assessment and accountability systems

If approved, the ED may require additional conditions which will become part of the determination to extend the availability of funds. The letter to the ED requesting to carryover FY 2009 SIG funds is included as Attachment 2.

BRIEF HISTORY OF KEY ISSUES

School Improvement Grant Cohort 2

On December 4, 2012, the ED released its FY 2012 SIG application for SEAs. In order to reduce the burden on SEAs that used FY 2010 funds to pay for the first year of three-year SIG awards, the ED is not requiring an SEA that will use FY 2012 funds solely for continuation awards to submit a new SIG application. Such an SEA is only required to submit a document titled, “Continuation Awards Only Application for FY 2012 SIG Program,” containing assurances that the SEA will follow its approved renewal process, not make new awards, and monitor and evaluate LEA actions as outlined in its approved SIG application.

Pursuant to March 2012 SBE action, the CDE applied for and was granted FY 2011 SIG continuation awards by the ED. The FY 2011 SIG allocation will fund the second year of SIG Cohort 2.

On September 20, 2011, the ED approved California’s waiver request to carry over 100 percent of FY 2010 SIG funds of Section 1003(g) of the Elementary and Secondary Education Act (ESEA). At its January 2012 meeting, the SBE approved allocation of funds as sub-grants to qualifying California LEAs and their respective schools for the 2012–13 school year (SY).
School Improvement Grant Cohort 1

On October 13, 2010, the ED approved California’s request for FY 2009 SIG funds. There are currently 41 LEAs implementing Cohort 1 SIG activities for the third and final year of a three-year grant.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

School Improvement Grant Cohort 2

At its March 2012 SBE meeting, the SBE authorized the SBE President or designated liaison, along with the SSPI, to approve California’s FY 2011 Continuation Awards Only SIG application to the ED.

At its January 2012 meeting, the SBE took action to approve funding for the recommended list of 14 LEAs on behalf of 39 schools that applied for FY 2010 SIG sub-grants provided under Section 1003(g) of the ESEA for the 2012–13 SY based upon the LEA submitting an approvable application.

School Improvement Grant Cohort 1

At its July 2012 meeting, the SBE authorized SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve Year 3 sub-grants for FY 2009 Cohort 1 SIG LEAs, with funding contingent on the LEA submitting, within 45 business days of receipt of notification, a complete Renewal Application indicating progress in meeting annual goals established by the LEA for student achievement in reading/language arts and mathematics and/or making progress on the leading indicators described in Section III of the ED SIG Final Requirements.

FISCAL ANALYSIS (AS APPROPRIATE)

School Improvement Grant Cohort 2

The SIG funds provide LEAs with grants ranging from $50,000 to $2 million per SY. Approximately $66 million is available under Section 1003(g) of the ESEA for FY 2010 with an additional amount of approximately $63 million for FY 2011. The CDE anticipates that the FY 2012 federal allocation will be a similar amount.

School Improvement Grant Cohort 1

California’s FY 2009 SIG balance of $5,031,051.95 is a combination of the $4,857,928.46 in American Recovery and Reinvestment Act (ARRA) funds and $173,123.49 in non-ARRA funds. Based on anecdotal conversations with LEAs, the State projects that additional FY 2009 funds beyond the $5,031,051.95 may become available due to SIG Cohort 1 LEAs that do not plan to fully expend their three-year allocation by the September 30, 2013, deadline. A table showing the percentage of funds expended by SIG Cohort 1 LEAs as of February 14, 2013, is included as
Attachment 3. The three remaining expenditure reports for Cohort 1 are due April 30, July 30, and October 30, 2013.

ATTACHMENT(S)

Attachment 1: Continuation Awards Only Application for FY 2012 School Improvement Grant (SIG) Program (4 Pages)

Attachment 2: DRAFT March 13, 2013, joint letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, California State Board of Education, to Deborah Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, requesting to carryover fiscal year 2009 SIG funds until September 30, 2014 (2 Pages)

Attachment 3: Cohort I SIG LEA Reported Expenditures as of February 14, 2013, Grant period July 1, 2010 – September 30, 2013 (1 Page)
Continuation Awards Only Application for FY 2012 School Improvement Grants (SIG) Program

This application is being used for continuation awards in the following schools:

<table>
<thead>
<tr>
<th>LEA Name</th>
<th>School Name</th>
<th>Cohort #</th>
<th>Implementation Progress To Date</th>
<th>Projected Amount of FY 12 Allocation</th>
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In the table below, list any LEAs with one or more schools for which funding under previously awarded SIG grants will not be renewed. For each such school, note the amount of unused remaining funds and explain how the SEA or LEA plans to use those funds as well as noting the explicit reason and process for reallocating those funds (e.g., reallocate to rural schools with SIG grants in cohort 2 who demonstrate a need for technology aimed at increasing student literacy interaction).
LEA NAME | SCHOOL NAME | DESCRIPTION OF HOW REMAINING FUNDS WERE OR WILL BE USED | AMOUNT OF REMAINING FUNDS
--- | --- | --- | ---
Not Applicable

**School Improvement Grants (SIG) Program FY 2012 Assurances**

By submitting this application, the SEA assures that it will do the following (check each box):

- Use FY 2012 SIG funds solely to make continuation awards and will not make any new awards\(^1\) to its LEAs.
- Use the renewal process identified in California’s most recently approved SIG application to determine whether to renew an LEA’s School Improvement Grant.
- Monitor and evaluate the actions an LEA has taken, as outlined in its approved SIG application, to recruit, select and provide oversight to external providers to ensure their quality.
- Monitor and evaluate the actions the LEA has taken, as outlined in its approved SIG application, to sustain the reforms after the funding period ends and that it will provide technical assistance to LEAs on how they can sustain progress in the absence of SIG funding.
- If a Tier I or Tier II school implementing the restart model becomes a charter school LEA, hold the charter school operator or charter management organization accountable, or ensure that the charter school authorizer holds the respective entity accountable, for meeting the final requirements.
- Report the specific school-level data required in section III of the final SIG requirements.

**By submitting the assurances and information above, California agrees to carry out its most recently approved SIG application and does not need to submit a new FY 2012 SIG application.**

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\(^1\) A “new award” is defined as an award of SIG funds to an LEA for a school that the LEA was not previously approved to serve with SIG funds in the school year for which funds are being awarded—in this case, the 2013–2014 school year. New awards may be made with the FY 2012 funds or any remaining SIG funds not already committed to grants made in earlier competitions.
Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education

Michael W. Kirst  
President  
California State Board of Education
Dear Assistant Secretary Delisle:

The State of California hereby submits for your consideration a waiver requesting to extend the availability of California’s fiscal year (FY) 2009 School Improvement Grant (SIG) allocation to September 30, 2014.

The State is requesting this waiver because the State still has a FY 2009 SIG balance of $5,031,051.95 resulting from several SIG Cohort 1 schools no longer participating in the program due to closure or withdrawal from the grant program. This amount is a combination of the $4,857,928.46 in American Recovery and Reinvestment Act (ARRA) funds and $173,123.49 in non-ARRA funds. Based on anecdotal conversations with local educational agencies (LEAs), the State projects that additional FY 2009 funds beyond the $5,031,051.95 may become available due to SIG Cohort 1 LEAs that do not plan to fully expend their three-year allocation by the September 30, 2013, deadline.

The State assures that any remaining available FY 2009 SIG funds will be used to fund a potential fourth year of Cohort 1 SIG Implementation for LEAs that meet specific criteria approved by the California State Board of Education (SBE). Once the criteria are approved by the U.S. Department of Education (ED), the California Department of Education (CDE) will generate a list of eligible LEAs and require those LEAs to apply for continued funding through a formal process approved by the SBE.

The criteria by which SIG Cohort 1 LEAs who apply for continued funding will be evaluated includes, but is not limited to, the following:
• Submission of an approvable implementation plan and budget based on the LEA’s needs analysis that demonstrates a viable plan to sustain some of the reforms that were put in place.

• Resolution, by September 30, 2013, of any outstanding programmatic and/or fiscal findings that were assessed as a result of the CDE’s monitoring process.

• Progress on LEA applicant goals for each funded school based on results from the State’s assessment and accountability systems.

The State also assures that it provided all schools in the State that are eligible to receive a SIG grant, as well as the public, with notice and a reasonable opportunity to comment on this request and has attached a copy of that notice. (See Enclosure.) This notice was made available to the public in the manner in which the State customarily provides such notice and information to the public (e.g., by publishing a notice in the newspaper; by posting information on its Web site) and can be found on the Meeting for March 2013 Web page at http://www.cde.ca.gov/be/ag/ag/. The State received public comments regarding this issue.

If you have any questions regarding this subject, please contact Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0812 or by e-mail at dsigman@cde.ca.gov.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:cp
Enclosure
dsib-iad-mar13item04
Attachment 3
Page 1 of 1

Cohort I SIG LEA Reported Expenditures as of February 14, 2013
Grant period July 1, 2010 – September 30, 2013
LEA Name

Fresno Unified
San Francisco Unified
San Diego Unified
Chualar Union Elementary
Santa Ana Unified
ABC Unified
San Juan Unified
Fontana Unified
Marysville Joint Unified
Alvord Unified
Aromas/San Juan Unified
La Honda-Pescadero Unified
San Bernardino City Unified
Hayward Unified
Soledad Unified
Coachella Valley Unified
Antelope Valley Union High
Pomona Unified
Ravenswood City Elementary
Semitropic Elementary
Mt. Diablo Unified
Moreno Valley Unified
Twin Rivers Unified
Buttonwillow Union Elementary
Los Angeles Unified
Monterey Peninsula Unified
Adelante Charter
San Lorenzo Unified
Lakeside Union Elementary
Wasco Union Elementary
West Contra Costa Unified
Escondido Union Elementary
Palmdale Elementary
Riverside County Office
McFarland Unified
Greenfield Union Elementary
Lindsay Unified
Oakland Unified
King-Chavez Arts Academy
Pajaro Valley Unified
Totals:
Total Percent Expended

Percent of
3-Year
Award
Expended
43.00%
47.95%
48.22%
49.66%
52.58%
53.74%
54.73%
54.77%
57.92%
58.54%
58.58%
59.48%
59.86%
59.99%
60.23%
60.72%
62.81%
64.36%
66.17%
66.45%
67.14%
67.26%
67.86%
68.92%
69.36%
70.64%
71.57%
71.87%
72.49%
72.88%
74.56%
74.57%
75.29%
75.54%
78.09%
78.50%
81.11%
81.25%
81.45%
85.88%

Total 3-Year
Award (LEA +
schools)

Total State
Payment to LEA
to Date

Percent of Paid
Funds
Expended

$14,000,001.00
$44,673,412.24
$3,999,998.00
$916,960.00
$35,000,001.00
$3,728,249.00
$3,633,522.30
$5,795,000.00
$5,000,000.00
$5,617,727.29
$4,888,130.00
$2,318,983.00
$57,631,916.00
$16,132,553.00
$4,825,299.00
$5,000,000.00
$10,425,777.00
$16,000,000.00
$8,999,205.00
$3,999,999.00
$13,485,989.00
$1,523,916.00
$5,584,828.00
$1,391,529.00
$52,000,000.00
$16,000,004.00
$953,204.00
$1,672,240.00
$2,807,583.00
$3,787,134.00
$4,000,002.00
$5,001,999.00
$11,339,793.00
$5,445,458.00
$3,382,356.00
$4,670,913.00
$2,807,304.00
$8,464,859.00
$3,994,976.50
$6,628,387.00

Total Expended
by LEA by
February 14,
2013
$6,020,473.90
$21,419,040.08
$1,928,959.30
$455,318.00
$18,403,839.62
$2,003,577.61
$1,988,620.89
$3,174,139.18
$2,896,189.59
$3,288,893.31
$2,863,329.16
$1,379,333.55
$34,499,556.24
$9,678,083.59
$2,906,514.09
$3,035,958.74
$6,548,041.92
$10,297,574.70
$5,954,367.45
$2,658,138.03
$9,054,793.93
$1,024,979.65
$3,789,832.61
$959,081.32
$36,065,852.02
$11,302,029.54
$682,234.00
$1,201,874.24
$2,035,085.73
$2,760,130.24
$2,982,316.72
$3,730,160.34
$8,537,210.86
$4,113,237.28
$2,641,118.46
$3,666,616.10
$2,276,999.55
$6,877,560.94
$3,254,108.00
$5,692,483.54

$9,451,095.00
$22,689,939.00
$3,091,925.00
$646,931.00
$26,338,741.00
$3,216,108.00
$2,728,904.00
$4,665,175.00
$3,957,282.00
$4,412,191.00
$3,756,003.00
$1,551,376.00
$41,988,317.00
$12,326,554.00
$2,900,099.00
$3,893,552.00
$7,643,778.00
$11,364,135.00
$7,049,377.00
$2,533,334.00
$9,827,725.00
$1,189,524.00
$4,540,706.00
$1,410,673.00
$38,189,884.00
$12,533,335.00
$777,260.38
$1,276,208.00
$2,278,945.00
$3,115,887.00
$3,163,317.00
$3,986,917.00
$8,929,133.00
$4,761,924.00
$2,514,629.00
$3,503,054.00
$2,293,801.01
$6,250,300.00
$3,225,882.85
$5,285,918.00

63.70%
94.40%
62.39%
70.38%
69.87%
62.30%
72.87%
68.04%
73.19%
74.54%
76.23%
88.91%
82.16%
78.51%
100.22%
77.97%
85.66%
90.61%
84.47%
104.93%
92.14%
86.17%
83.46%
67.99%
94.44%
90.18%
87.77%
94.18%
89.30%
88.58%
94.28%
93.56%
95.61%
86.38%
105.03%
104.67%
99.27%
110.04%
100.87%
107.69%

$407,529,207.33

$254,047,654.02

$295,259,839.24

Awarded Funds:

62.34%

Paid Funds:

86.04%
3/4/2013 3:57 PM


California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-01
Request by four local educational agencies to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow four educational interpreters to continue to provide services to students until June 30, 2013, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: Pioneer Union Elementary School District 4-11-2012
San Luis Obispo County Office of Education 10-11-2012
Shasta County Office of Education 1-1-2013
Solano County Office of Education 5-1-2013

The California Department of Education (CDE) recommends approval of the waiver requests for these four interpreters, with the individual conditions noted in the attached spreadsheet.

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 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 (TECU) 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](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](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: Pioneer Union Elementary School District General Waiver Request 4-11-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: San Luis Obispo County Office of Education General Waiver Request 10-11-2012 (3 pages) (Original waiver request is signed and on file in the
Waiver Office.)

Attachment 7: Shasta County Office of Education General Waiver Request
1-1-2013 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Solano County Office of Education General Waiver Request
5-1-2013 (3 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>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Period Recommended:</strong> August 15, 2012, to June 30, 2013 (from CDE)</td>
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<td></td>
<td><strong>Period Recommended:</strong> September 24, 2012, to June 30, 2013 (from CDE)</td>
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<td></td>
<td></td>
<td></td>
<td><strong>Period Recommended:</strong> March 13, 2012, to June 30, 2014 (from CDE)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Period Recommended:</strong> August 16, 2012, to June 30, 2013 (from CDE)</td>
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</tr>
<tr>
<td>Waiver Number</td>
<td>LEA</td>
<td>Date Bargaining Unit Consulted</td>
<td>Name of Bargaining Unit and Representative</td>
<td>Bargaining Unit Position</td>
<td>Public Hearing Requirement</td>
<td>Advisory Committee Consulted</td>
<td>Date Committee Reviewed Request</td>
</tr>
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</tr>
<tr>
<td>4-11-2012</td>
<td>Pioneer Union Elementary School District</td>
<td>September 17, 2012</td>
<td>California School Employees Association</td>
<td>Support</td>
<td>Posting, School Board Meeting Agenda, web site</td>
<td>PUESD Parent Advisory Council</td>
<td>October 16, 2012</td>
</tr>
<tr>
<td>1-1-2013</td>
<td>Shasta County Office of Education</td>
<td>December 4, 2012</td>
<td>California School Employees Association</td>
<td>Support</td>
<td>Notice in the newspaper</td>
<td>Community Advisory Committee</td>
<td>November 13, 2012</td>
</tr>
<tr>
<td>5-1-2013</td>
<td>Solano County Office of Education</td>
<td>October 30, 2012</td>
<td>California School Employees Association</td>
<td>Support</td>
<td>Notice posted at each school</td>
<td>Community Advisory Committee</td>
<td>November 15, 2012</td>
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</table>
### List of Waiver Numbers, Districts, and Information Regarding Each Waiver

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>Name, Date, and Score of Most Recent Evaluation</th>
<th>Name, Dates, and Scores of Previous Evaluations</th>
<th>Date of Hire</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-11-2012</td>
<td>Pioneer Union Elementary School District</td>
<td>Anna C. Moreno</td>
<td>EIPA February 4, 2012 3.8 (76%)</td>
<td>EIPA February 5, 2011 3.9 (78%)</td>
<td>August 15, 2012</td>
</tr>
<tr>
<td>10-11-2012</td>
<td>San Luis Obispo County Office of Education</td>
<td>Michal Stalnaker</td>
<td>EIPA July 12, 2010 3.7 (74%)</td>
<td>N/A</td>
<td>September 24, 2012</td>
</tr>
<tr>
<td>1-1-2013</td>
<td>Shasta County Office of Education</td>
<td>Kristina Weibling</td>
<td>EIPA June 29, 2012 3.2 (64%)</td>
<td>N/A</td>
<td>January 10, 2012 (as instructional assistant)</td>
</tr>
<tr>
<td>5-1-2013</td>
<td>Solano County Office of Education</td>
<td>Kerry Phillips</td>
<td>EIPA December 4, 2010 3.9 (78%)</td>
<td>N/A</td>
<td>August 2012</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>
</table>
| 4-11-2012     | Pioneer Union Elementary School District   | Anna C. Moreno    | 1. The Pioneer Union Elementary School District must provide Ms. Moreno with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.  
2. By June 2013, the Pioneer Union Elementary School District must provide CDE with new assessment scores for Ms. Moreno. |
| 10-11-2012    | San Luis Obispo County Office of Education | Michal Stalnaker  | 1. The San Luis Obispo County Office of Education must provide Ms. Stalnaker with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.  
2. By June 2013, the San Luis Obispo County Office of Education must provide CDE with new assessment scores for Ms. Stalnaker. |
| 1-1-2013      | Shasta County Office of Education           | Kristina Weibling | 1. The Shasta County Office of Education must provide Ms. Weibling with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.  
2. By June 2014, the Shasta County Office of Education must provide CDE with new assessment scores for Ms. Weibling. |
<table>
<thead>
<tr>
<th>5-1-2013</th>
<th>Solano County Office of Education</th>
<th>Kerry Phillips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. The Solano County Office of Education must provide Ms. Phillips with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. By June 2013, the Solano County Office of Education must provide CDE with new assessment scores for Ms. Phillips.</td>
<td></td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663990          Waiver Number: 4-11-2012          Active Year: 2012

Date In: 11/6/2012 10:40:38 AM

Local Education Agency: Pioneer Union Elementary School District
Address: 1888 N Mustang Drive
Hanford, CA 93230

Start: 8/15/2012          End: 6/7/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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. [(3) By July 1, 2009, and thereafter, and 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.]

Outcome Rationale: After an extensive search for an interpreter to meet the needs of a new deaf, hard of hearing student in our district. We were unable to find someone with RID certification of 4.0 or above. We did find an experienced interpreter who we feel is an excellent candidate and meets all other requirements of the position. Her highest EIPA score is 3.9. We have developed a remediation plan for her and will work with her to achieve the 4.0 level.

Student Population: 585

City Type: Rural

Public Hearing Date: 10/10/2012
Public Hearing Advertised: Posting, School Board Meeting Agenda, and website

Local Board Approval Date: 10/10/2012

Community Council Reviewed By: PUESD Parent Advisory 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: Ms. Lisa Horne
Position: Special Education Coordinator
E-mail: hornel@puesd.k12.ca.us
Telephone: 559-584-8831 x1614
Fax: 559-584-7409

Bargaining Unit: Date: 09/17/2012
Name: California School Employees Association
Representative: David Pires
Title: CSEA President
Position: Support
Comments:
October 1, 2012

Waiver Office
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Remediation Plan for Educational Interpreter Anna Moreno

Following an extensive search for a level 4 educational interpreter, Pioneer Union Elementary School District hired the most highly qualified candidate for educational interpreter. Ms. Moreno has achieved a level 3.8-3.9 on her Educational Interpreter Performance Assessments. We are committed to helping our educational interpreter achieve EIPA level 4.0 certification within the next year. We have collaborated with her to arrange training and mentorship by a RID certified interpreter.

The following plan is intended to increase Ms. Moreno’s level of sign language proficiency in order to meet the California State qualifications and waiver requirements for the following interpreter.

Professional Development Plan

Mentorship: Ms. Moreno will be meeting every four weeks with Gail Kemp, NIC EIPA AVLIC. Gail Kemp will mentor Ms. Moreno and help her improve her skills as an educational interpreter. She will provide her with weekly assignments for her to practice. Ms. Moreno will be attending the EIPA workshops that are scheduled for

Individualized Goals

Goal: All content concepts are to be presented accurately with proper semantics.

Objective: Ms. Moreno will analyze the entire message prior to interpreting in order to allow adequate language planning to match student’s level of proficiency and comprehension.

Goal: Use Spatial Referencing
**Objective:** Ms. Moreno will use the appropriate spatial organization building a visual scaffold for interpretation, to include classifiers, when working with students.

**Goal:** Increase the amount of fingerspelling in the interpretation.

**Objective:** Ms. Moreno will analyze the incoming message for opportunities to incorporate fingerspelling as a key element in the development of literacy for the student.

**Sign Language Interpreters’ EIPA Assessment Scores**

Ms. Moreno’s most recent EIPA score, dated 2/4/12 was a 3.8. Ms. Moreno’s previous EIPA scores were 3.9 on 2/5/11 and 3.8 on 9/12/09. Ms. Moreno will schedule to take the EIPA at the next appropriate time related to her last assessment. When the scores are received Ms. Moreno will provide the scores to the district. This will be done prior to August 1, 2013.

Ms. Moreno understands that in order for her to continue in her current position with Pioneer Union Elementary School District as an Interpreter, she must continue to pursue a passing score of 4.0. Ms. Moreno is also aware that this waiver must be approved by the California Department of Education.

Signatures:
Anna Moreno, Interpreter______________________________
David Pires, CSEA President______________________________
Lisa Horne, Coordinator Special Education__________________
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4010405    Waiver Number: 10-11-2012    Active Year: 2012

Date In: 11/9/2012 9:24:45 AM

Local Education Agency: San Luis Obispo County Office of Education
Address: 3350 Education Dr.
San Luis Obispo, CA 93405

Start: 9/24/2012    End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number:    Previous SBE Approval Date:

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:
EC 3051.16. Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national
RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have
achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If
providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or
have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: SLOCOE recruited for this position via www.edjoin.org. All suitable
applicants (4 total) scored below 4.0 on required exam. Michal Stalnaker has a 3.7 and will re-
take the test this year.

Student Population: 132

City Type: Rural

Public Hearing Date: 10/15/2012
Public Hearing Advertised: Tribune newspaper

Local Board Approval Date: 10/15/2012

Community Council Reviewed By: Personnel Commission
Community Council Reviewed Date: 8/10/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Cynthia Mauch  
Position: HR Specialist  
E-mail: cmauch@slocoe.org  
Telephone: 805-782-7221  
Fax:

Bargaining Unit: Date: 09/26/2012  
Name: CSEA  
Representative: Matt Gentile  
Title: CSEA President  
Position: Support  
Comments:
REMEDIATION PLAN FOR MICHAL STALNAKER  
SEPTEMBER 25, 2012

Michal Stalnaker has been hired as an Interpreter for the Deaf at Santa Margarita Elementary, Special Day Class.

Michal Stalnaker took the certified interpreter exam on July 12, 2010 with a score of 3.7. In this assignment, she will have access to Abby Kopp, a Certified Interpreter for the Deaf. Abby will consult with Michal for up to one hour per week to mentor and help her continue to improve her sign language skills. In addition, Michal and Abby will work together as colleagues to support students during student lunchtimes, breaks, and special events, and Abby will provide feedback to Michal about her performance as an interpreter during these times. Michal will re-take the exam this year.

By signing below, Michal understands that if she fails to pass the required interpreter examination or if a waiver is not granted, she may not be able to continue in the position.

Signed,

______________________________________
Chris Ungar (Executive Director, Special Education)

______________________________________
Michal Stalnaker

______________________________________
Gill LaChance (CSEA President)
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4510454                                      Waiver Number: 1-1-2013                                      Active
Year: 2013

Date In: 1/4/2013 2:54:21 PM

Local Education Agency: Shasta County Office of Education
Address: 1644 Magnolia Ave.
Redding, CA 96001

Start: 3/13/2013                                          End: 6/30/2014

Waiver Renewal: N                                         Previous Waiver Number:
Previous SBE Approval Date:

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: Specialized Services for Low-Incidence Disabilities. (?b)
Certification requirements for educational interpreters for deaf and hard of hearing pupils.
[?(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national
RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have
achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If
providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or
have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: Desired Outcome/Rationale for Waiver Request

On behalf of Kristina Weibling, the Shasta County Office of Education is requesting to waive 5
CCR 3051.16 (b)(3) in order to allow her to interpret in a K-12 classroom. This will provide a
very important benefit. It will impact the Shasta County deaf and hard-of-hearing students by
enhancing the interpreting coverage in their mainstream classrooms. Giving our educational
interpreters more opportunities to interpret together in teams will provide them with support and
flexibility and this will improve their performance and, thus, the academic accessibility of the
students.

Student Population: 220

City Type: Rural

Public Hearing Date: 12/12/2012
Public Hearing Advertised: Notice in the newspaper

Local Board Approval Date: 12/12/2012

Committee/Council Reviewed By: Community Advisory Committee
Committee/Council Reviewed Date: 11/13/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Yvette Marley
Position: Lead Educational Interpreter
E-mail: ymarley@shastacoe.org
Telephone: 530-242-2298
Fax: 530-222-8582

Bargaining Unit: Date: 12/04/2012
Name: CA School Employee Association Chapter 642
Representative: Daniel Coyne
Title: Chapter President
Position: Support
Comments:
To: Kristina Weibling, Candidate for SCOE Educational Interpreter Position

From: Allison Rideout

RE: Remediation Plan to Meet Educational Interpreter Regulations
(see CDE website: http://www.cde.ca.gov/sp/se/lr/om061108.asp)

Date: December 3, 2012

The Title 5 EDUCATION regulation 5CCR3051.16 (b) (3) requires all educational interpreters to achieve RID certification, or an equivalent certification, in order to interpret in the K-12 classroom. In lieu of certification or equivalence, a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA) or the Educational Sign Skills Evaluation (ESSE) is also accepted by the California Department of Education (CDE) as the minimum qualification standard. Your EIPA assessment shows a score of 3.2 taken on June 29, 2012. As a result, although you are out of compliance with the state regulations, the Shasta County Office of Education (SCOE) is filing a request that the CDE waive this section of the Education Regulations to allow you to provide interpreting services in the K-12 classroom while you continue to work to meet the CDE's requirements.

In order to help you achieve certification, the SCOE has set up a variety of professional development training opportunities as noted in this remediation plan. These include (but are not limited to) access to a Lead Educational Interpreter (LEI) who is RID-certified with both NIC and ED: K-12 certifications. The LEI provides professional development training in the form of weekly one-on-one mentoring sessions, as well as monthly educational interpreter meetings (conducted in sign language) where resources, training opportunities, and knowledge specific to the SCOE educational interpreting environment are presented. Additionally, an educational interpreter web page housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities has been set up and is accessible to each SCOE educational interpreter.

The Shasta County SELPA working with Shasta College and the Economic Workforce Development office, has provided, and continues to provide, upper division ASL/Interpreting classes. It has also developed, and currently maintains, the SELPA: Interpreter Professional Development Lab in order to provide an extensive ASL/Interpreting library and training center to the SCOE interpreters, as well as the local interpreting students. Offering these professional training opportunities and continued access to a Lead Educational Interpreter is providing you approximately 378 hours of training to assist you in attaining the CDE's certification requirement.

This letter is to inform you that SCOE is in the process of applying for a waiver on your behalf with the CDE. If a waiver is granted by the CDE it will only remain valid for a limited time. Therefore you must participate in these SCOE-offered professional development opportunities and you must demonstrate interpreter skill advancement in your next EIPA assessment. Successfully meeting the conditions in this remediation plan is vital to your first-time waiver request being considered for approval by the CDE and the State Board of Education (SBE). Even if your first-time waiver is approved, please note that failure to meet the CDE's minimum qualification standard of an approved assessment score of 4.0 or higher by the expiration date of your waiver may result in your dismissal from SCOE employment and placement on a thirty-nine month reemployment list. You may be reemployed in a vacant "educational interpreter" position if you later meet, and provide proof of meeting, CDE's Educational Interpreter Regulation's requirements.
<table>
<thead>
<tr>
<th>Daniel P. Coyne</th>
<th>Yvette Marley</th>
<th>Jodie Van Ornum</th>
<th>Kristina Weibling</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSEA Chapter 64 Representative</td>
<td>Yvette Marley</td>
<td>Jodie Van Ornum</td>
<td>Kristina Weibling</td>
</tr>
<tr>
<td>SCOE Lead Ed Interpreter</td>
<td>SCOE</td>
<td>Special Ed Director</td>
<td>Employee &amp; Candidate for Ed Interpreter Posit</td>
</tr>
<tr>
<td>RID Certified</td>
<td></td>
<td>NIC &amp; Ed: K-12</td>
<td></td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4810488  Waiver Number: 5-1-2013  Active
Year: 2013

Date In: 1/8/2013 2:56:53 PM

Local Education Agency: Solano County Office of Education
Address: 5100 Business Center Dr.
Fairfield, CA 94534

Start: 8/16/2012  End: 6/30/2013
Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

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: EC 3051.16. Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: The Solano County D/HH Interview Team was highly impressed with Kerry Phillips' extensive experience, her performance on the SCOE receptive/expressive interpreter skills assessment, and her 3.9 score on the EIPA.
This is a first time waiver request.
Ms. Phillips has demonstrated competencies in every aspect of the SCOE Educational Interpreter job description and has been receiving daily mentoring support.
She retested on EIPA on November 24, 2012 and is awaiting results.

Student Population: 38

City Type: Urban

Public Hearing Date: 11/14/2012
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 11/14/2012

Committee/Council Reviewed By: Community Advisory Committee (CAC)
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: NCommittee/Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lois Keenan
Position: Deaf/Hard of Hearing Program Manager
E-mail: LKeenan@solanocoe.net
Telephone: 707-399-4870
Fax: 707-421-1589

Bargaining Unit: Date: 10/30/2012
Name: California School Employees Association, #608
Representative: Roni Cox
Title: President
Position: Support
Comments:
TO: Kerry Phillips, Solano County D/HH Educational Interpreter  
FROM: Lois V. Keenan, SCOE D/HH Program Manager  
Date: August 27, 2012  
RE: Application for waiver of interpreter certification requirement

Certification requirements (achieving a score of 4.0 or better on ESSE, EIPA, or NIC/RID) for Educational Interpreters became effective July 1, 2009. The following 1) employment history, 2) professional preparation, 3) assessment summary and current status, and 4) remediation plan will be attached to the one (1) year waiver of certification requirements I am applying for on your behalf.

1) Employment History:
Solano County hire date: August 2012  
Position: Education Interpreter for the Solano County Deaf/Hard-of-Hearing Program  
-2011-12: Educational Interpreter: El Cerrito, CA  
-2010-11: Educational Interpreter: Alameda, CA  
-2009-10: Educational Interpreter: San Marcos, TX

2) Professional Preparation:
2007-2009: Completion of Associate of Applied Science Degree in Sign Language Interpreting  

3) Assessment summary results and current status:
EIPA Dates/results: December 21, 2012: Assessment taken, results pending  
December 4, 2010: 3.9

4) Plan for Remediation:
-2012-13: Assignment: 1) Certified team interpreter to provide ongoing feedback/mentoring in high school academic setting  
2) Deaf Mentor on-site to provide ongoing feedback/mentoring

-I agree to Plan for Remediation described above.  
-I understand that my position as D/HH Educational Interpreter requires certification; if I do not meet certification requirements by June 30, 2013, I will no longer qualify for the position of D/HH Educational Interpreter

Unit Member: Kerry Phillips Date: 8/27/12  
Supervisor: Lois Keenan Date: 8/27/12
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-02
Specific Waiver

SUBJECT

Request by two local educational agencies, under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c). Approval of these waivers will allow the resource specialists at the Cabrillo School and Kingsburg High School to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Numbers: Pacifica School District 73-10-2012
               Kingsburg Joint Union High School District 76-10-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: the districts must provide instructional aide time of at least five hours daily whenever the resource specialist's caseload exceeds the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per California Code of Regulations, Title 5 (5 CCR), Section 3100(d)(2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California Education Code (EC) Section 56101 allows the State Board of Education (SBE) to waive any provision of EC or regulation if the waiver is necessary or beneficial when implementing a student individualized education program (IEP). California Code of Regulations, Title 5, specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1) The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.
2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their individualized education programs.

4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs, participated in the waiver's development.

5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

The Pacifica School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting growth targets in the current scoring cycle, both schoolwide and for all subgroups.

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with IEPs that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for each district requesting a caseload waiver is examined. If it appears that a particular local educational agency is requesting large numbers of waivers, or upon complaint from an individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up. Resource teacher Janet Nelles was contacted by Matt Hill, Special Education Consultant, on December 5, 2012, regarding the waiver request from the Pacifica School District. Ms. Nelles reported that her caseload exceeded 28 students during the
2011–12 school year but that her caseload for the 2012–13 school year is currently at 22 students.

However, 15 additional students are currently undergoing assessment and Ms. Nelles expects to increase and exceed caseload for a second year. Therefore, the CDE recommends the waiver be approved for the two year period of August 1, 2011, through June 12, 2013, with the expectation that the district will hire an additional resource teacher to address future needs.

Resource teachers Barbara Patterson and Elizabeth VanderVelde were contacted by Grady Pennington, Special Education Consultant on December 4, 2012, regarding the waiver request from Kingsburg Joint Union High School District. Ms. Patterson and Ms. VanderVelde both agree to an excess caseload, up to a maximum of 32 students, for the 2012–13 school year; they currently have 30 and 29 students, respectively. The district intends to hire an additional resource teacher for the 2013–14 school year.

The Department recommends waiver approval for both local educational agencies. There have been no prior documented complaints registered with the CDE related to either school district exceeding the maximum resource specialist program caseload of 28 students.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver(s) approval.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: Pacifica School District–Cabrillo School; Specific Waiver Request for Resource Specialist Caseload (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Kingsburg Joint Union High School District–Kingsburg High School; Specific Waiver Request for Resource Specialist Caseload (6 Pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School District/ School</th>
<th>Name of teacher(s)/ agrees to excess caseload?</th>
<th>Over statutory caseload for more than two school years?</th>
<th>Current aide time/aide time w/approved waiver?</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit Consulted – Date</th>
<th>Position of Bargaining Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>73-10-2012</td>
<td>Pacifica School District</td>
<td>Janet Nelles/Yes</td>
<td>no</td>
<td>Before: 5 hrs daily</td>
<td>The Pacifica School District has a student population of 3253 and is located in a small city in San Mateo County.</td>
<td>Requested: 09/11/2012 – 06/12/2013</td>
<td>10/03/2012</td>
<td>Laguna Salada Education Association 08/29/2012</td>
<td>neutral</td>
</tr>
<tr>
<td></td>
<td>Cabrillo School</td>
<td></td>
<td></td>
<td>After: 8 hrs daily</td>
<td></td>
<td>Recommended: 08/01/2011 – 06/12/2013</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76-10-2012</td>
<td>Kingsburg Joint Union HS District</td>
<td>Barbara Patterson/ Yes</td>
<td>no</td>
<td>Before: 11 hrs daily</td>
<td>The Kingsburg Joint Union High School District has a student population of 1083 and is located in a rural area of Fresno County.</td>
<td>Requested: 08/20/2012 – 06/06/2013</td>
<td>09/11/2012</td>
<td>Kingsburg Joint Union HS Teacher Association 08/22/2012</td>
<td>support</td>
</tr>
<tr>
<td></td>
<td>Kingsburg High School</td>
<td>Elizabeth Vander Velde/Yes</td>
<td></td>
<td>After: 11 hrs daily</td>
<td></td>
<td>Recommended: 08/20/2012 – 06/06/2013</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4168932  Waiver Number: 73-10-2012  Active Year: 2012

Date In: 10/26/2012 2:12:39 PM

Local Education Agency: Pacifica School District
Address: 375 Reina del Mar Ave.
Pacifica, CA 94044

Start: 9/11/2012  End: 6/12/2013

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: EC 56362 (c): No resource specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: The resource specialist's caseload hit 28 students on 9/11/2012 and projects that the caseload will increase during the school year.

Student Population: 3253

City Type: Small

Local Board Approval Date: 10/3/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ray Avila
Position: Special Education Administrator
E-mail: ravila@pacificasd.org
Telephone: 650-738-6607
Fax: 650-738-3799

Bargaining Unit: Date: 08/29/2012
Name: Laguna Salada Education Association
Representative: Debbie Skiles
Title: General Education Teacher
Position: Neutral
Comments:
**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**

To be completed by the ADMINISTRATOR

<table>
<thead>
<tr>
<th>1. SELPA/District/COE Name:</th>
<th>2. Name of Resource Specialist*:</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Mateo County/Pacifica School District</td>
<td>Janet Nelles</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. School/District Assignment:</th>
<th>4. Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabrillo School/RSP Teacher</td>
<td><em>X</em> permanent ___ probational ___ temporary</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Number of students:</th>
<th>6. Full time Equivalent (FTE%):</th>
</tr>
</thead>
<tbody>
<tr>
<td>(caseload) proposed 32 students</td>
<td>1.0 FTE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. Number of periods or hours taught by Resource Specialist:</th>
<th>8. Average number of students per hour taught:</th>
</tr>
</thead>
<tbody>
<tr>
<td>___ periods 6.5 hours</td>
<td>6-10 per hour</td>
</tr>
</tbody>
</table>

9. Indicate amount of Instructional Aide Time ___ (hours) to be provided to this resource specialist with this waiver.

**Note:** At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 9.

9. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

An additional teacher from a school site within Pacifica School District will provide RSP case management and instructional time for a targeted group of students.

10. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

District wide budget cutbacks.

11. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

Janet Nelles is currently receiving extra support via a 3 hour assistant along with the current 5 hour assistant.

Certification – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Administrator/Designee Name (Type or print):</th>
<th>Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ray Avila, Ed. D.</td>
<td>Special Education Administrator</td>
</tr>
</tbody>
</table>

Authorized/Designee Signature: Date:

<table>
<thead>
<tr>
<th>Telephone number (and extension):</th>
<th>Fax Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>650-738-6607</td>
<td>650-738-3799</td>
</tr>
</tbody>
</table>

*Resource Specialist as defined in EC Section 56362.5
### SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

<table>
<thead>
<tr>
<th>Name: Janet Nelles</th>
<th>Assigned at: Cabrillo School</th>
</tr>
</thead>
</table>

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?  
   
   YES _X_ NO ___  
   If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.  
   
   RSP Teacher from other site  
   Yes, additional 3 hr. assistant along with current 5 hr. assistant

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.  
   
   Yes, 3 hours of additional assistant support

4. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100 Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.  

   Indicate your position regarding this waiver request by a check mark in one box.  
   
   _X_ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.  
   ____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:  

   ____ I did not have a student caseload of more than 28 during the last school year.  

   _X_ I did have a student caseload of more than 28 during the last school year.  
   If yes, please respond below:  
   
   (a) Did you have an approved waiver for this caseload? No  
   
   (b) Specify which months/weeks you were over caseload:  
   8/2011 to 6/2012  
   29 Students 1/9/12-30  
   (c) Other pertinent information?  
   
   ____ I have had a student caseload of more than 28 for MORE than Two consecutive years.  

Instructional Aide time currently receiving  

   _5_ Hours (prior to increased caseload).  

Any additional aide time with this waiver?  

   _3_ Total hours after increase.

Resource Specialist Signature: Date Signed:  

Telephone/extension: 650-738-6660  
Fax Number: 650-738-2870
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1062257 Waiver Number: 76-10-2012 Active Year: 2012

Date In: 10/30/2012 4:04:45 PM

Local Education Agency: Kingsburg Joint Union High School District
Address: 1900 18th Ave.
Kingsburg, CA 93631

Start: 8/20/2012 End: 6/6/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waist: Education Code (EC) Section 56101, and California Code of Regulations (CCR), Title 5, Section 3100, resource specialist caseload waiver: “A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in EC Section 56362(c), only if the waiver is necessary or beneficial to either; (1) to the content and implementation of a pupil’s individualized educational plan (IEP) and does not abrogate any right provided individuals with exceptional needs by specified federal law or; (2) to the agency’s compliance with specified federal law.”

Outcome Rationale: This waiver is necessary due to the financial issues facing the district and an increase in the special education population. Do to the fact that we are a High School District with four feeder schools it is difficult to anticipate accurate program numbers. From the 2011-2012 year to the 2012-2013 our population increased over 25 students, with the incoming freshman class numbering 40 students. This waiver allows for the district to work on hiring an additional resource teacher for the 2013-2014 school year.

Student Population: 1083
City Type: Rural
Local Board Approval Date: 9/11/2012
Audit Penalty YN: N
Categorical Program Monitoring: N
**SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD**  
To be completed by the ADMINISTRATOR

<table>
<thead>
<tr>
<th>3. SELPA/District/COE Name:</th>
<th>Kingsburg Joint Union High School District</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Name of Resource Specialist*:</td>
<td>Barbara Patterson</td>
</tr>
<tr>
<td>5. School/District Assignment:</td>
<td>RSP teacher, Department Chair</td>
</tr>
<tr>
<td>6. Status:</td>
<td><em>X</em> permanent ___ probational ___ temporary</td>
</tr>
<tr>
<td>7. Number of students: (caseload) proposed</td>
<td><em>32</em> students</td>
</tr>
<tr>
<td>6. Full time Equivalent (FTE%):</td>
<td>100%</td>
</tr>
<tr>
<td>8. Average number of students per hour taught:</td>
<td>10</td>
</tr>
<tr>
<td>10. Number of periods or hours taught by Resource Specialist:</td>
<td><em>5</em> periods ___ hours</td>
</tr>
<tr>
<td>11. Indicate amount of Instructional Aide Time <em>11</em>_ (hours) to be provided to this resource specialist with this waiver.</td>
<td></td>
</tr>
<tr>
<td><strong>Note:</strong> At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 12.</td>
<td></td>
</tr>
<tr>
<td>12. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):</td>
<td></td>
</tr>
<tr>
<td>Student IEP’s will be monitored not only by RSP teacher, but also by administration to ensure all timelines will be met. Students have been placed in classes by grade level as much as possible to ensure RSP teacher is able to focus on only certain curriculum. Resource Teachers will be given additional support to complete paperwork by administration covering tutorial classes. Administration members have credentials in special education and are able to continue to provide services while the teachers are out of the classrooms completing paperwork if needed.</td>
<td></td>
</tr>
<tr>
<td>13. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):</td>
<td></td>
</tr>
<tr>
<td>Current state budget combined with increase in special education students.</td>
<td></td>
</tr>
<tr>
<td>14. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):</td>
<td></td>
</tr>
<tr>
<td>Secure funding through staff reductions in other areas if waiver is denied. To resolve long term, hire an additional resource teacher for the 2013-14 school year.</td>
<td></td>
</tr>
<tr>
<td>Certification – I hereby certify that the information provided on this application is correct and complete.</td>
<td></td>
</tr>
</tbody>
</table>

**Administrator/Designee Name (Type or print):** Cindy Schreiner  
**Title:** Assistant Principal

**Authorized/Designee Signature:**  
**Date:**

**Telephone number (and extension):**  
559-897-5156 ex 29  
**Fax Number:**  
559-897-7759

*Resource Specialist as defined in EC Section 56362.5*
# SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD

To be completed by the RESOURCE SPECIALIST (Teacher)

<table>
<thead>
<tr>
<th>Name: Barbara Patterson</th>
<th>Assigned at: Kingsburg High School</th>
</tr>
</thead>
</table>

2. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?  
   YES _X_  NO ___  If not, please state where you believe these facts or numbers differ:

6. Will all students served received all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.

   Yes.

7. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.

   Yes.

8. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100 Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box.
   
   _X_  AGREE – to the increase in my student caseload from 28 students to not more than 32 students.
   
   ____  DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

9. Indicate a check mark in the appropriate box:

   _X_  I did not have a student caseload of more than 28 during the last school year.

   ____ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

   (a) Did you have an approved waiver for this caseload?

   (b) Specify which months/weeks you were over caseload: ___ to ___

   (c) Other pertinent information?

   ____ I have had a student caseload of more than 28 for **MORE** than Two consecutive years.

   Instructional Aide time currently receiving

   _11_ Hours (prior to increased caseload).

   Any additional aide time with this waiver?

   _0_ Total hours after increase.

Resource Specialist Signature:  
Date Signed:  
Telephone/extension: 559-897-5156  
Fax Number: 559-897-7759
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

<table>
<thead>
<tr>
<th>5. SELPA/District/COE Name:</th>
<th>6. Name of Resource Specialist*:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kingsburg Joint Union High School District</td>
<td>Elizabeth VanderVelde</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. School/District Assignment:</th>
<th>8. Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSP teacher, Department Chair</td>
<td><em>X</em>_ permanent ___ probational ___ temporary</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Number of students:</th>
<th>9. Full time Equivalent (FTE%):</th>
</tr>
</thead>
<tbody>
<tr>
<td>(caseload) proposed <em>32</em> students</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Number of periods or hours taught by Resource Specialist:</th>
<th>13. Average number of students per hour taught:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>5</em> periods ___ hours</td>
<td>10</td>
</tr>
</tbody>
</table>

13. Indicate amount of Instructional Aide Time _11_ (hours) to be provided to this resource specialist with this waiver.

**Note:** At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 15.

15. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

Student IEP’s will be monitored not only by RSP teacher, but also by administration to ensure all timelines will be met. Students have been placed in classes by grade level as much as possible to ensure RSP teacher is able to focus on only certain curriculum. Resource Teachers will be given additional support to complete paperwork by administration covering tutorial classes. Administration members have credentials in special education and are able to continue to provide services while the teachers are out of the classrooms completing paperwork if needed.

16. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

Current state budget combined with increase in special education students.

17. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

Secure funding through staff reductions in other areas if waiver is denied. To resolve long term, hire an additional resource teacher for the 2013-14 school year.

**Certification – I hereby certify that the information provided on this application is correct and complete.**

Administrator/Designee Name (Type or print): Cindy Schreiner
Title: Assistant Principal

Authorized/Designee Signature: Date:

Telephone number (and extension): 559-897-5156 ex 29 Fax Number: 559-897-7759

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Elizabeth VanderVelde
Assigned at: Kingsburg High School

3. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   YES _X__    NO ___    If not, please state where you believe these facts or numbers differ:

10. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.
   Yes, on a short term solution for this current school year. Students in my classes are grouped no more than two grade levels per class to reduce material being covered.

11. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.
   Yes, on a short term solution for this current school year. Administration continues to provide necessary support to make this successful.

12. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100 Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.
   Indicate your position regarding this waiver request by a check mark in one box.
   _X__  AGREE – to the increase in my student caseload from 28 students to not more than 32 students.
   ____  DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

13. Indicate a check mark in the appropriate box:
   _X__ I did not have a student caseload of more than 28 during the last school year.
   ____ I did have a student caseload of more than 28 during the last school year.
      If yes, please respond below:
      (a) Did you have an approved waiver for this caseload?
      (b) Specify which months/weeks you were over caseload: ___  to  ____
      (c) Other pertinent information?
      ____ I have had a student caseload of more than 28 for MORE than Two consecutive years.

Instructional Aide time currently receiving
_11__ Hours (prior to increased caseload).
Any additional aide time with this waiver?
_0__ Total hours after increase.

Resource Specialist Signature:  Date Signed:  Telephone/extension: 559-897-5156
Fax Number:  559-897-7759
WAIVER ITEM W-03
## 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: San Francisco County Office of Education 10-12-2012  
San Francisco Unified School District 07-12-2012

### RECOMMENDATION
- **Approval**
- **Denial**
- **Approval with conditions**

### 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](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. CDE 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: July 1, 2011, to December 31, 2011

Local board approval date(s): December 11, 2012

Public hearing held on date(s): December 11, 2012

Bargaining unit(s) consulted on date(s): October 4, 2012

Name of bargaining unit/representative(s) consulted: Dennis Kelley, United Educators of San Francisco

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 — March 2013 (1 Page)

Attachment 2: San Francisco County Office of Education Waiver Request 10-12-2012 (2 Pages) (Original waiver request is signed and on file at the Waiver Office)
Attachment 3: San Francisco Unified School District Waiver Request 7-12-2012
(2 Pages) (Original waiver request is signed and on file at the Waiver Office)
### Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline – March 2013

<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>San Francisco County Office of Education</td>
<td>10-12-2012</td>
<td><strong>Requested</strong> 1-1-2011 to 12-31-2011, <strong>Recommended</strong> 7-1-2011 to 12-31-2011</td>
<td>California English Language Development Test</td>
<td>Yes</td>
<td>2010-11</td>
<td>$340.00</td>
<td>Support</td>
</tr>
<tr>
<td>San Francisco Unified School District</td>
<td>7-12-2012</td>
<td><strong>Requested</strong> 1-1-2011 to 12-31-2011, <strong>Recommended</strong> 7-1-2011 to 12-31-2011</td>
<td>California English Language Development Test</td>
<td>Yes</td>
<td>2010-11</td>
<td>$88,790.00</td>
<td>Support</td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3810389 Waiver Number: 10-12-2012 Active
Year: 2012

Date In: 12/13/2012 1:58:10 PM

Local Education Agency: San Francisco County Office of Education
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 1/1/2011 End: 12/31/2012
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: 5CCR 11517.5(b)(1)(a)

Ed Code or CCR to Waive: (which requires that the California English Language Development Test (CELDT) apportionment request be sent to the California Department of Education postmarked no later than December 31, 2011)

Outcome Rationale: We had the superintending sign-off. We neglected to send the final documentation into the state. We are requesting the funds so that we can continue testing and identifying English Learners in our district in order to provide them with necessary English Language Development classes.

Student Population: 52998
City Type: Urban

Public Hearing Date: 12/11/2012
Public Hearing Advertised: Newspaper, SFUSD website, and KALW radio

Local Board Approval Date: 12/11/2012
Committee/Council Reviewed By: Entire SFUSD Board of Education
Committee/Council Reviewed Date: 12/11/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. John Burke
Position: Supervisor
E-mail: burkej1@sfusd.edu
Telephone: 415-241-6400
Fax: 415-241-6400

Bargaining Unit: Date: 10/04/2012
Name: United Educators of San Francisco
Representative: Dennis Kelly
Title: President, UESF
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478
Waiver Number: 7-12-2012
Year: 2012
Active

Date In: 12/12/2012 3:22:02 PM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 1/1/2011
End: 12/31/2011

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: 5CCR 11517.5(b)(1)(a)

Ed Code or CCR to Waive: (which requires that the California English Language Development Test (CELDT) apportionment request be sent to the California Department of Education postmarked no later than December 31, 2011)

Outcome Rationale: We reviewed all information for correctness. We had the superintending sign-off. We neglected to send the final documentation into the state. We are requesting the funds so that we can continue testing and identifying English Learners in our district in order to provide them with necessary English Language Development classes.

Student Population: 52998

City Type: Urban

Public Hearing Date: 12/11/2012
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Local Board Approval Date: 12/11/2012
Committee/Council Reviewed By: Entire SFUSD Board of Education
Committee/Council Reviewed Date: 12/11/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. John Burke
Position: Supervisor, Assessment Office
E-mail: burkej1@sfsud.edu
Telephone: 415-241-6400
Fax: 415-241-6451

Bargaining Unit: Date: 10/04/2012
Name: United Educators of San Francisco
Representative: Dennis Kelly
Title: President, UESF
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-04
<table>
<thead>
<tr>
<th>General Waiver</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBJECT</strong></td>
</tr>
<tr>
<td>Request by two school districts to waive California <em>Education Code</em> Section 48352(a) and <em>California Code of Regulations</em>, Title 5, Section 4701, to remove their school from the Open Enrollment List of “low-achieving schools” for the 2013–14 school year.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Waiver Numbers:</th>
<th>Evergreen Elementary School District 105-12-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ripon Unified School District 4-12-2012</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>RECOMMENDATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Approval ☑ Approval with conditions ☐ Denial</td>
</tr>
</tbody>
</table>

The California Department of Education (CDE) recommends approval of two waiver requests for two schools on the 2013-14 Open Enrollment list (Attachment 2) that 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](http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc)). These waivers are recommended for approval on the condition that the local educational agencies (LEAs) granted these waivers must honor any transfer requests pursuant to the Open Enrollment Act. Granting these waivers would allow the schools to have their names removed from the 2013–14 Open Enrollment List as requested. These waivers do not affect the standing of any other schools, as these waivers are specific to the individual schools named in the attached waivers.

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

This is the second time the SBE has heard a request from an LEA that meets the SBE streamlined waiver criteria to be removed from the 2013-14 Open Enrollment list. The SBE approved the streamlined waiver request presented at the January 2013 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:** See individual waivers

**Authority for Waiver:** EC Section 33050

**Period of request:** See individual waivers

**Period of recommendation:** July 1, 2013, to June 30, 2014

**Local board approval date(s):** See individual waivers

**Public hearing held on date(s):** See individual waivers

**Bargaining unit(s) consulted on date(s):** See individual waivers

**Public hearing advertised by (choose one or more):** See individual waivers

**Advisory committee(s) consulted:** See individual waivers

**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: Evergreen Elementary School District General Waiver Request 105-12-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 3: Ripon Unified School District General Waiver Request 4-12-2012 (3 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 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>105-12-2012</td>
<td>Santa Clara Evergreen Elementary O. B. Whaley Elementary</td>
<td>891</td>
<td>Schoolwide 809 Asian 893 Hispanic or Latino 770 SED 789 English Learners 812</td>
<td>No Yes No No Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Year 1</td>
<td>Support 11/28/2012</td>
<td>Requested: 06/30/2013 to 06/30/2014</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4-12-2012</td>
<td>San Joaquin Ripon Unified Ripon Elementary</td>
<td>826</td>
<td>Schoolwide 802 Hispanic or Latino 751 White 837 SED 755 English Learners 714</td>
<td>No Yes Yes No Yes</td>
<td>Yes</td>
<td>Year 2</td>
<td>Support 12/03/2012</td>
<td>Requested: 07/01/2013 to 06/30/2014</td>
<td>Yes</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: 12/24/2012 09:24 AM
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369435 Waiver Number: 105-12-2012 Active Year: 2012

Date In: 12/20/2012 8:41:12 AM

Local Education Agency: Evergreen Elementary School District
Address: 3188 Quimby Rd.
San Jose, CA 95148


Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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.

(b) “Parent” means the natural or adoptive parent or guardian of a dependent child.

(c) “School district of enrollment” means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) “School district of residence” means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

[a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and
high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
(2) the list of 1,000 schools shall exclude the following:
(A) schools that are court, community, or community day schools;
(B) schools that are charter schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores;
(3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA’s schools shall be rounded up to the next whole number; and
(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

Outcome Rationale: Evergreen School District, on behalf of O.B. Whaley School, is requesting removal from the Open Enrollment List of “low achieving schools.”

O.B. Whaley Elementary School appears on the SPI’s list of Open Enrollment Schools in 2013-2014. The State of California has set an API goal of 800 for all schools. Because O.B. Whaley Elementary School met this goal, the school should not be considered a California “lowest achieving” school. OB Whaley school has a 4-year API growth of 33 points. O.B. Whaley continues to meet California’s expectation for performing schools with an API over 800, reaching a 2012 API of 809 and meeting the “Schoolwide Growth Target”.

Having O.B. Whaley identified as an Open Enrollment School is detrimental to the students, teachers, parents and overall community and has the potential to undermine the positive momentum that is underway in terms of student achievement expectations and outcomes.

This waiver is necessary to ensure that the positive student achievement that has taken place thus far continues.

Student Population: 13430

City Type: Urban

Public Hearing Date: 12/13/2012
Public Hearing Advertised: Notice posted at each school and 3 public places

Local Board Approval Date: 12/13/2012

Committee/Council Reviewed By: O.B. Whaley Elementary School Site Council
Committee/Council Reviewed Date: 12/4/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Dan Deguara  
Position: Director, Educational Services  
E-mail: ddeguara@eesd.org  
Telephone: 408-270-6700  
Fax: 408-274-3894

Bargaining Unit: Date: 11/28/2012  
Name: California School Employees Association CH. 432  
Representative: Ginny Gomez  
Title: President  
Position: Support  
Comments:

Bargaining Unit: Date: 11/29/2012  
Name: Evergreen Teachers Association  
Representative: Brian Wheatley  
Title: President  
Position: Support  
Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 3968650          Waiver Number: 4-12-2012   Active Year: 2012

Date In: 12/11/2012 11:34:28 AM

Local Education Agency: Ripon Unified School District  
Address: 304 North Acacia Ave.  
Ripon, CA 95366  
Start: 7/1/2013           End: 6/30/2014

Waiver Renewal: N         Previous Waiver Number: Previous SBE Approval Date:

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: EC 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.
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.
a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:
(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools; (2) the list of 1,000 schools shall exclude the following: (A) schools that are court, community, or community day schools; (B) schools that are charter schools; (C)
schools that are closed; and ?(D) schools that have fewer than 100 valid test scores.
3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and (4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

Outcome Rationale: After the release of the new 1,000 lowest performing schools list, our 2010 California Distinguished School, Ripon Elementary, appeared on this list with their current growth API of 802, which surpasses the state goal of 800. The school’s “signature practices,” for which they earned the California Distinguished School Award, are posted on the state website. Throughout the past seven years, Ripon El started in 2006 with a growth API of 769 and reached a peak at 826, in 2009. Even with large growth, there are sometimes dips in scores. In 2007, they earned the Title I Academic Achievement Award. There are students on a waiting list to get into Ripon El at many grade levels. Ripon Elementary has worked hard for many years to create a strong, positive learning environment for their students and they get results through their signature practices such as “Explicit Direct Instruction” and “Love and Logic”. Students, staff and parents are proud of their many accomplishments. Being a 2010 California Distinguished School and one of the 1,000 lowest performing schools certainly sends mixed messages. The mixed messages show that the Open Enrollment Act is clearly inconsistent with the CDE efforts to encourage and reward schools for closing the Achievement Gap. We respectfully request removal from this list.

Student Population: 442
City Type: Small
Public Hearing Date: 12/10/2012
Public Hearing Advertised: Notices posted at each school, District Office and City Hall
Local Board Approval Date: 12/10/2012
Committee/Council Reviewed By: Ripon Elementary School Site Council
Committee/Council Reviewed Date: 12/3/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Ms. Kathy Coleman
Position: Director of Curriculum and Categorical Programs
E-mail: kcoleman@sjcoe.net
Telephone: 209-599-2131
Fax: 209-599-6271
Bargaining Unit: Date: 11/27/2012
Name: California School Employees Association
Representative: Jeff Hardenbrook
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 12/03/2012
Name: Ripon Unified District Teacher's Association
Representative: Rod Wright
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-05
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

Specific Waiver

SUBJECT
Request by fifteen 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: Carpinteria Unified 39-12-2012
Carpinteria Unified 41-12-2012
Carpinteria Unified 43-12-2012
Hanford Elementary 8-12-2012
Hanford Joint Union High 74-10-2012
Jamestown Elementary 81-10-2012
Junction Elementary 80-10-2012
Mendota Unified 75-10-2012
Nevada County Office of Education 18-11-2012
Newark Unified 1-11-2012
Norwalk-La Mirada Unified 14-12-2012
Peninsula Union 24-11-2012
River Delta Joint Unified 83-10-2012
Silver Valley Unified 15-11-2012
Siskiyou County Office of Education 5-12-2012
Tulelake Basin Joint Unified 3-11-2012
Wilsona Elementary 8-11-2012

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

Carpinteria Unified School District is requesting an SSC composition change for Summerland School (3 teachers serving 61 students in kindergarten through grade five). The school consists of three multi-graded classrooms and it is in a rural area.

Carpinteria Unified School District is requesting an SSC composition change for Rincon Continuation High School (3 teachers serving 45 students in grades nine through twelve). Rincon Continuation High serves Carpinteria High School and has only three classrooms. It is located in a rural area.

Carpinteria Unified School District is requesting an SSC composition change for Carpinteria Family School (3 teachers serving 73 students in kindergarten through grade five). The school consists of three multi-graded classrooms and is in a rural area.

Hanford Elementary School District is requesting a shared SSC for two schools: Hanford Elementary Community Day School (2 teachers serving 25 students in grades one through six) and Hamilton Elementary School (26 teachers serving 586 students in kindergarten through grade six). Placement at Hanford Elementary Community Day School is temporary and lasts through the expulsion order. Most of these students only attend for a single trimester. Both Hanford Community Day School and Hamilton Elementary school are located in a small city.

Hanford Joint Union High School District is requesting a shared SSC for two schools: Earl F. Johnson Continuation High School (5 teachers serving 125 students in grades ten through twelve) and Hanford Night Continuation School (7 teachers serving 75 students in grades ten through twelve). Both schools have similar student populations and share the same core curriculum and campus in a rural area.

Jamestown Elementary School District is requesting a shared SSC for two schools: Chinese Camp Elementary (2 teachers serving 31 students in kindergarten through grade six) and Jamestown Elementary (17 teachers serving 336 students in kindergarten through grade eight). The two schools share one principal and common art teachers and are located in a rural area.

Junction Elementary School District is requesting a shared SSC and composition change for two schools: Junction Elementary (9 teachers serving 171 students in kindergarten through grade five) and Junction Middle School (6 teachers serving 102 students in grades six through eight). The two schools share one principal and are located in a rural area.

Mendota Unified School District is requesting a shared SSC for two schools: Mendota Continuation High School (3 teachers serving 22 students in grades nine through twelve) and Mendota Community Day School (share the same 3 teachers with Mendota Continuation High School, serving 6 students in grades seven through twelve). The two schools share one principal and the campus in a rural area.

Nevada County Office of Education is requesting a shared SSC for four small
alternative education schools: Inspire Community Day School (1 teacher serving 3 students in grades seven through twelve), Launch County Community School (1 teacher serving 7 students in grades seven through twelve), Edge Academy County Community School (0.1 teacher serving 4 students in grades seven through twelve) and Sugarloaf Mountain, Juvenile Hall Program (2 teachers serving 14 students in grades six through twelve). The schools share one administrator and the same academic goals. They are located in a rural area.

Newark Unified School District is requesting a shared SSC for two alternative high schools: Bridgepoint Continuation High School (7.4 teachers serving 120 students in grades nine through twelve) and Crossroads Independent Studies School (2 teachers serving 40 students in kindergarten through grade twelve). The two schools share one principal and a campus in a small city environment.

Norwalk-La Mirada Unified School District is requesting a shared SSC for two schools: Performance Learning Center (2 teachers serving 40 students in grades nine through twelve) and El Camino High School (18 teachers serving 389 students in grades nine through twelve). The two schools share a principal and dean of students and are located in a suburban area.

Peninsula Union School District is requesting an SSC composition change for Peninsula Union Elementary (3 teachers serving 33 students in kindergarten through grade eight). Peninsula Union School District is a single-school district, located in a rural area with 23 families.

River Delta Joint Unified School District is requesting a shared SSC for two schools: Clarksburg Middle School (6 teachers serving 235 students in grades seven through nine) and Delta High School (18 teachers serving 205 students in grades ten through twelve). The two schools share a principal, campus, and facilities, and are located in a rural area.

Silver Valley Unified School District is requesting a shared SSC and composition change for three of its four schools that comprise the Alternative Education Center (5 teachers serving 25–60 students in kindergarten through grade twelve). The schools have a highly fluctuating enrollment and share one administrator in a rural area.

Siskiyou County Office of Education is requesting an SSC composition change for J. Everett Bar Court School (2 teachers serving 12 students in kindergarten through grade twelve). Everett Bar Court School is located in a rural area.

Tulelake Basin Joint Unified School District is requesting a shared SSC for two schools: Tulelake Elementary (13 teachers serving 250 students in kindergarten through grade six) and Tulelake High School (18 teachers serving 235 students in grades seven through twelve). Both schools are located in a rural area.

Wilsona Elementary School District is requesting a shared SSC for two schools: Challenger Middle School (22 teachers serving 615 students in grades five through eight) and Wilsona Achievement Academy, an alternative education program (1 teacher serving 16 students in grades five through eight). Wilsona Achievement Academy
receives students who have been expelled from Challenger and attendance is temporary. The two schools share identical curriculum and instructional materials. In addition one principal and an assistant principal cover both schools and they are located in a rural area.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: Local Educational Agencies Requesting a School Site Council Waiver (9 pages)

Attachment 2: Carpinteria Unified School District Specific Waiver Request 39-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Carpinteria Unified School District Specific Waiver Request 41-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Carpinteria Unified School District Specific Waiver Request 43-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Hanford Elementary School District Specific Waiver Request 8-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Hanford Joint Union High School District Specific Waiver Request 74-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Jamestown Elementary School District Specific Waiver Request 81-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Junction Elementary School District Specific Waiver Request 80-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Mendota Unified School District Specific Waiver Request 75-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 10: Nevada County Office of Education Specific Waiver Request 18-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Newark Unified School District Specific Waiver Request 1-11-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Norwalk-La Mirada Unified School District Specific Waiver Request 14-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Peninsula Union School District Specific Waiver Request 24-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 14: River Delta Joint Unified School District Specific Waiver Request 83-10-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Silver Valley Unified School District Specific Waiver Request 15-11-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 16: Siskiyou County Office of Education Specific Waiver Request 5-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Tulelake Basin Joint Unified School District Specific Waiver Request 3-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 18: Wilsona Elementary School District Specific Waiver Request 8-11-2012 (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>
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<th>Collective Bargaining Unit Position/Current Agreement</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
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</thead>
<tbody>
<tr>
<td>39-12-2012</td>
<td>Carpinteria Unified School District for Summerland School (42 69146 6045322)</td>
<td>SSC Composition Change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by peers).</td>
<td>No</td>
<td>None listed</td>
<td>Summerland Site Council September 28, 2012 Approved</td>
<td>December 11, 2012</td>
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<td>41-12-2012</td>
<td>Carpinteria Unified School District for Carpinteria Family School (42 69146 0102129)</td>
<td>SSC Composition Change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by peers).</td>
<td>Yes</td>
<td>CAUSE Jay Hotchner, President October 28, 2012 Opposed</td>
<td>Carpinteria Family School Site Council October 23, 2012 Approved</td>
<td>December 11, 2012</td>
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<td>43-12-2012</td>
<td>Carpinteria Unified School District for Rincon Continuation School (42 69146 4230595)</td>
<td>SSC Composition Change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), two parents/community members (selected by peers), and one student (selected by peers).</td>
<td>Yes</td>
<td><strong>Period of Request:</strong> April 1, 2013 To March 31, 2015 <strong>Period Recommended:</strong> April 1, 2013 To March 31, 2015</td>
<td>CAUSE Jay Hotchner, President October 28, 2012 Opposed</td>
<td>Rincon Continuation High School Site Council Approved</td>
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<td>8-12-2012</td>
<td>Hanford Elementary School District for Hanford Elementary Community Day School (16 63917 6118459) and Hamilton Elementary School (16 63917 0110981)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).</td>
<td>Yes</td>
<td><strong>Period of Request:</strong> July 1, 2011 To June 30, 2013 <strong>Period Recommended:</strong> July 1, 2011 To June 30, 2013</td>
<td>Hanford Elementary Teachers Association April Silva, President December 3, 2012 Support</td>
<td>CDS/Hamilton SSC December 4, 2012 Approved</td>
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<td>74-10-2012</td>
<td>Hanford Joint Union High School District for Earl F. Johnson Continuation High School (16 63925 1634245) and Hanford Night Continuation School (16 63925 1630060)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, four classroom teachers (selected by peers), one other school staff (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).</td>
<td>Yes Period of Request: October 23, 2012 To October 23, 2014</td>
<td>Hanford Secondary Educators Association Kirsten Barnes, President September 27, 2012 Support</td>
<td>Community Council October 11, 2012 Approved</td>
<td>October 23, 2012</td>
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<td>81-10-2012</td>
<td>Jamestown Elementary School District for Chinese Camp Elementary School (55 72363 6054852) and Jamestown Elementary School (55 72363 6054902)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parent/community members (selected by peers).</td>
<td>Yes Period of Request: August 18, 2012 To August 18, 2014</td>
<td>Jamestown Teachers Association Greg Haney, Co-President September 5, 2012 Neutral</td>
<td>Jamestown/Chinese Camp Shared Site Council October 10, 2012 Approved</td>
<td>October 10, 2012</td>
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<td>Waiver Number</td>
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<td>80-10-2012</td>
<td>Junction Elementary School District for Junction Elementary School (45 70045 6050397) and Junction Intermediate School (45 70045 6100416)</td>
<td>Shared SSC and Composition Change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), and three parent/community members (selected by peers).</td>
<td>No</td>
<td>Period of Request: August 20, 2012 To August 20, 2014</td>
<td>Junction Teachers Association Roger McCoy, President October 8, 2012 Support</td>
<td>Junction Elementary School and Junction Intermediate School SSC October 9, 2012 Approved</td>
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<td>75-10-2012</td>
<td>Mendota Unified School District for Mendota Continuation High School (10 75127 1030261) and Mendota Community Day School (10 75127 1030725)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by peers), and one student (selected by peers).</td>
<td>No</td>
<td>Period of Request: October 1, 2012 To October 1, 2014</td>
<td>Mendota Teachers Association Robert Hamasaki, Vice President October 23, 2012 Support</td>
<td>Mendota Continuation High SSC October 23, 2012 Approved</td>
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<td>18-11-2012</td>
<td>Nevada County Office of Education for Inspire (29 10298 0123471), Launch (29 10298 0116681), Edge Academy (29 10298 0123539), Sugarloaf Mountain, Juvenile Hall Program (29 10298 0116913)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), two parents/community members (selected by peers), and two students (selected by peers).</td>
<td>No</td>
<td>None indicated</td>
<td>Advisory Meetings October 22, 2012 Approved</td>
<td>November 14, 2012</td>
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<td>1-11-2012</td>
<td>Newark Unified School District for Bridgepoint Continuation High School (01 61234 0135426) and Crossroads High (Alternative) (01 61234 0130484)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), two parents/community members (selected by peers), and two students (selected by peers).</td>
<td>Yes</td>
<td>CSEA/NTA Mary/Jacob Grundman/ Goldsmith, President June 20, 2012 Support</td>
<td>Bridgepoint School Site Council Advisory May 16, 2012 Approved</td>
<td>July 24, 2012</td>
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<td>14-12-2012</td>
<td>Norwalk-La Mirada Unified School District for Performance Learning Center CDS (19 64840 0124974) and El Camino High School (19 64840 1936475)</td>
<td>Shared SSC</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 three students (selected by peers).</td>
<td>No</td>
<td>Period of Request: November 30, 2012 To December 9, 2013</td>
<td>Teachers' Association of Norwalk-La Mirada (TANLA) Kelly Rush, President November 29, 2012 Support</td>
<td>El Camino High School Site Council November 14, 2012 Approved</td>
</tr>
<tr>
<td>24-11-2012</td>
<td>Peninsula Union School District for Peninsula Elementary School (12 62984 6008106)</td>
<td>SSC Composition Change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by peers).</td>
<td>Yes</td>
<td>Period of Request: January 1, 2013 To January 1, 2015</td>
<td>NHTA Linda Stewart, President October 29, 2012 Support</td>
<td>Peninsula School Site Council November 13, 2012 Approved</td>
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<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No 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>
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<tr>
<td>83-10-2012</td>
<td>River Delta Joint Unified School District for Clarksburg Middle School (34 67413 0112078) and Delta High School (34 67413 5731708)</td>
<td>Shared SSC</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 three students (selected by peers).</td>
<td>Yes Period of Request: October 1, 2012 To September 30, 2013</td>
<td>River Delta United Teachers Association Janet Allen, President August 28, 2012 Support California School Employees Association Mary Weathers August 28, 2012 Support</td>
<td>Clarksburg Middle School and Delta High School Site Council September 10, 2012 Approved</td>
<td>September 11, 2012</td>
</tr>
<tr>
<td>15-11-2012</td>
<td>Silver Valley Unified School District for the Alternative Education Center: Calico Continuation High (36 73890 3630282), Silver Valley Academy (36 73890 3631199), and Silver Valley Community Day (36 73890 0118109)</td>
<td>Shared SSC and Composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by peers).</td>
<td>No Period of Request: July 1, 2012 To June 30, 2014</td>
<td>CSEA Lorenzo Herrera, President September 27, 2012 Support SVEA Deb Farrinton, President September 27, 2012 Support</td>
<td>Alternative Education Center School Site Council September 19, 2012 Support</td>
<td>November 13, 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>
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<tr>
<td>5-12-2012</td>
<td>Siskiyou County Office of Education for J. Everett Barr Court School (47 10470 4730032)</td>
<td>SSC Composition Change</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), two parents/community members (selected by peers), and two students (selected by peers).</td>
<td>No</td>
<td>Period of Request: November 1, 2012 To November 1, 2014</td>
<td>California Teachers Association Michele Hogue, President October 12, 2012 Neutral</td>
<td>School Site Council October 17, 2012 Approved</td>
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<tr>
<td>3-11-2012</td>
<td>Tulelake Basin Joint Unified School District for Tulelake Basin Elementary School (25 73593 6025894) and Tulelake High School (25 73593 4737250)</td>
<td>Shared SSC</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 three students (selected by peers).</td>
<td>No</td>
<td>Period of Request: November 5, 2012 To June 30, 2014</td>
<td>Tulelake Basin Teachers Association Liza Butler, President October 8, 2012 Support</td>
<td>Tulelake Basin Elementary School and Tulelake High SSC October 10, 2012 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>
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<td>8-11-2012</td>
<td>Wilsona Elementary School District for Challenger Middle School (19 65151 6106561) and Wilsona Achievement Academy (19 65151 6120836)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).</td>
<td>No</td>
<td>Period of Request: July 1, 2012 To June 30, 2014</td>
<td>Wilsona Teachers Association Jason Marlett, President May 16, 2012 Support</td>
<td>Challenger Middle School Site Council September 4, 2012 Approved</td>
</tr>
</tbody>
</table>
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 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed) The Carpinteria Unified School District Board of Trustees, on behalf of the Summerland School Site Council, is requesting that a waiver be granted for the reduction of the composition of the School Site Council from ten to six. The reduction in the composition does not change the parity in the council.

Outcome Rationale:
Summerland School is one of two small schools in the Carpinteria Unified School District located in Santa Barbara County. Summerland enrolls 61 students from kindergarten through fifth grade. There are three staff members, an office coordinator, several part-time support staff and a music teacher who is shared with four elementary schools. There are three multi-grade classrooms.

Due to the small size of the staff and parent population, the school wishes to continue the site council composed of the school principal, two teachers, and three parents or community members. Even though the composition of the council is reduced, the council takes an active role in reviewing student data, writing the single plan, and building a budget that is centered on student achievement.

Holly Minear is the principal at Summerland School and Aliso School. Summerland School’s population is 56% White/non Hispanic, 36% Hispanic, and 8% other. As a small school Summerland receives only SIBG and EIA funding. Aliso is 17% White/non Hispanic, 79% Hispanic, and 4% other. Aliso receives Title I, EIA, Title III, ELAP, SIBG, and CBET funding.
The difference in budget and program needs of each school prevent the schools from developing a single site council through the waiver process.

Student Population: 61

City Type: Rural

Local Board Approval Date: 12/11/2012

Council Reviewed By: Summerland Site Council
Council Reviewed Date: 9/28/2012
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sue Harrison
Position: Categorical Programs
E-mail: sharrison@cusd.net
Telephone: 805-684-4511 x236
Fax: 805-684-0218
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4269146  Waiver Number: 41-12-2012  Active Year: 2012

Date In: 12/14/2012 11:27:14 AM

Local Education Agency: Carpinteria Unified School District
Address: 1400 Linden Ave.
Carpinteria, CA 93013
Fax:

Start: 3/1/2013  End: 2/28/2015

Waiver Renewal: Y
Previous Waiver Number: 57-4-2011-W-39  Previous SBE Approval Date: 9/8/2011

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 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

Outcome Rationale: Carpinteria Family School is one of two small elementary schools in the Carpinteria Unified School District located in Santa Barbara County. The Family School enrolls 73 students from throughout the district in grades Kindergarten through 5th. There are 3 staff member, an office coordinator, a part-time principal, and a music teacher that is shared with four elementary schools. Students are taught in three multi-graded classrooms.

Carpinteria Family School offers an educational alternative to students, teachers, and parents in the Carpinteria Unified School District. Parents, district staff, administration, and School Board created Carpinteria Family School with the belief that children come to school already immersed in their learning and have their own strengths and interests. The school seeks to support the individual and provide guidance and stimulation. Carpinteria Family School strives to be a leading educational force in open education.

Due to the small size of the staff and parent population, the school wishes to continue with a site council composition of the school principal, two teachers, and three parents or community members. Even though the composition of the council is reduced, the council takes an active role in reviewing student data, writing the single plan, and building a budget that is centered on student achievement.

Leslie Gravitz is the principal at Carpinteria Family School. The Family School’s population is 66 % Caucasian, 23% Hispanic, and 11% other. As a small school we receive only SIBG, Title III
LEP, and EIA funding. Having different budget and programs needs prevent the schools from developing a single site council with neighboring schools through the waiver process.

Student Population: 73

City Type: Rural

Local Board Approval Date: 12/11/2012

Council Reviewed By: Carpinteria Family School Site Council
Council Reviewed Date: 10/23/2012
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sue Harrison
Position: Categorical Programs
E-mail: sharrison@cusd.net
Telephone: 805-684-4511 x236
Fax:

Bargaining Unit: Date: 10/28/2012
Name: CAUSE
Representative: Jay Hotchner
Title: President
Position: Oppose

Comments: CAUSE did not reply to numerous requests prior to School Board approval.
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4269146    Waiver Number: 43-12-2012    Active Year: 2012

Date In: 12/14/2012 11:38:22 AM

Local Education Agency: Carpinteria Unified School District
Address: 1400 Linden Ave.
Carpinteria, CA 93013
Fax: 805-684-0218

Start: 4/1/2013    End: 3/31/2015

Waiver Renewal: Y
Previous Waiver Number: 56-4-2011-W-33    Previous SBE Approval Date: 9/8/2011

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: Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

Outcome Rationale: Rincon Continuation High School serves Carpinteria High School located in Santa Barbara County. Rincon High School enrolls 45 students from throughout the district in grades 9 through 12. There are 3 staff member, an office coordinator, part-time academic counselor, and a principal. A psychologist and speech and language teachers, and a resource teacher are share with other secondary schools. Students are taught in three subject area classrooms.

We at Rincon Continuation High School believe that all students can learn and succeed when provided with a learning environment that is student centered, offers a variety of methods of appropriate instruction, and provides academic guidance and personal counseling services.

Due to the small size of the staff and parent population, the school wishes to continue with a site council composed of the school principal, two teachers, and two parents, one student or community members. Even though the composition of the council is reduced, the council takes an active role in reviewing student data, writing the single plan, and building a budget that is centered on student achievement.

The Rincon Continuation High School’s population is 56% White/non Hispanic and 36% Hispanic. As a small school we receive only SIBG, Title III LEP, Supplemental Counseling, Pupil Retention Block Grant, and EIA funding. Having different and separate budgets and program
needs prevent the schools from developing a single site council with neighboring schools through the waiver process.

Student Population: 45

City Type: Rural

Local Board Approval Date: 12/11/2012

Council Reviewed By: Rincon continuation High School Site Council
Council Reviewed Date: 9/20/2012
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sue Harrison
Position: Categorical Programs
E-mail: sharrison@cusd.net
Telephone: 805-684-4511 x236
Fax: 805-684-0218

Bargaining Unit: Date: 10/28/2012
Name: CAUSE
Representative: Jay Hotchner
Title: President
Position: Oppose

Comments: CAUSE did not reply to numerous requests prior to School Board approval.
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1663917  Waiver Number: 8-12-2012  Active Year: 2012

Date In: 12/13/2012 7:56:23 AM

Local Education Agency: Hanford Elementary School District
Address: 714 North White St.
Hanford, CA 93230
Fax: 559-585-2381

Start: 7/1/2013  End: 6/30/2015

Waiver Renewal: Y  Previous Waiver Number: 118-2-2011-W-14  Previous SBE Approval Date: 5/12/2011

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: Specific authority to waive SSC composition requirements is provided in EC 52863 for School-Based Coordinated Programs (SBCP). This provision allows the State Board of Education (SBE) to waive requirements of the School-Based Program Coordination Act that would hinder the success of school-based programs. Many waivers of this type have been approved by the SBE for schools serving a common attendance area, are in close proximity, and share a common administration with small numbers of students.

Outcome Rationale: Students who are expelled from school in grades K-6 are referred for enrollment to Hanford Elementary Community Day School (CDS). CDS has two teachers and generally serves approximately 25 students at any given time. A student’s placement at CDS is temporary and generally lasts through their expulsion order. This can be one or more trimesters, but students often attend CDS for a single trimester. Given the transient nature of CDS, along with its small student and teacher population, it is difficult to maintain a stable School Site Council. Combining the SSCs from Hamilton and CDS would provide a consistent, stable School Site Council. The joint SSC would draw proportional school council representation from both schools.

Student Population: 19

City Type: Small

Local Board Approval Date: 12/12/2012

Council Reviewed By: CDS/Hamilton School Site Council
Council Reviewed Date: 12/4/2012
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Doug Carlton
Position: Director, Categorical Programs
E-mail: dcarlton@hesd.k12.ca.us
Telephone: 559-585-3671
Fax: 559-585-2381

Bargaining Unit: Date: 12/03/2012
Name: Hanford Elementary Teachers Association
Representative: April Silva
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1663925    Waiver Number: 74-10-2012    Active Year: 2012

Date In: 10/29/2012 10:28:12 AM

Local Educational Agency Name: Hanford Joint Union High School District
Address: 823 West Lacey Blvd.
Hanford, CA 93230

Start: 10/23/2012    End: 10/23/2014

Waiver Renewal: Y
Previous Waiver Number: 4-11 2010-W-19    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 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.
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: The purpose of this waiver is to allow Earl F. Johnson High School (EFJ) and Hanford Night Continuation (HNC) to complete a joint Single Plan for Student Achievement. These schools share common services, attendance areas, and other characteristics.

EFJ has its own Principal. Approximately 125 students attend EFJ, which is staffed with 5 full time teachers. EFJ Continuation High School offers students in grades 10-12 increased opportunities for academic success in smaller class settings. EFJ students take the same core curriculum as students at the comprehensive high schools and take mastery tests to gauge progress. EFJ Continuation High School moved to its current location in 1994. The original building contains four classrooms, a cafeteria and administrative offices. In 2002, four modular classrooms were added to the site. In addition to buildings, EFJ has outdoor basketball courts and grass-covered grounds for use during physical education classes.

HNC is staffed with one Principal and 7 teachers, who provide instruction to approximately 75 students. The majority of these teachers are employed during the day at one of HJUHSD’s comprehensive high schools. All of the teachers in HNC are paid hourly. HJUHSD’s Night Continuation High School is housed at Earl F. Johnson Continuation High School. HNC students take the same core curriculum as students at the comprehensive high schools and take mastery tests to gauge progress.
Both schools have a similar population that is comprise of student who are typically off track for graduation and have exhibited attendance problems. Students must earn 220 units to get a diploma from HNC or EFJ. Students and teachers of both schools share materials, supplies, and equipment.

Student Population: 200

City Type: Rural

Local Board Approval Date: 10/23/2012

Community Council Reviewed By: Hanford Night Continuation and Earl F. Johnson Continuation High School. 
Community Council Reviewed Date: 10/11/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ward Whaley
Position: Director of Administrative Services
E-mail: wwhaley@hjuhsd.k12.ca.us
Telephone: 559-583-5901 x3126
Fax: 559-583-5933

Bargaining Unit: Date: 09/27/2012
Name: Hanford Secondary Educators Association
Representative: Kirsten Barnes
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5572363   Waiver Number: 81-10-2012   Active Year: 2012

Date In: 10/31/2012 2:46:36 PM

Local Educational Agency Name: Jamestown Elementary School District
Address: 18299 Fifth Ave.
Jamestown, CA 95327

Start: 8/18/2012   End: 8/18/2014

Waiver Renewal: Y
Previous Waiver Number: 22-3-2011-WC-10   Previous SBE Approval Date: 7/14/2011

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 in the schools; other school
personnel selected by other school personnel at the schools; parents of pupils attending the
schools selected by such parents; and, in secondary schools, pupils selected by pupils
attending the school.

Outcome Rationale: Chinese Camp is a rural small necessary school with an enrollment of 31
students. It joined the Jamestown School District through an annexation in July 2010. The
Jamestown Principal also serves as Principal at Chinese Camp School, the After School
Program Director manages both sites, and the schools have common music and art teachers.
The Shared Site Council has a parent representative from each school and staff representatives
elected from the district's certificated and classified staff. This waiver would allow continued
coordination of student services and better efficiency for the district.

Student Population: 367

City Type: Rural

Local Board Approval Date: 10/10/2012

Community Council Reviewed By: Jamestown/Chinese Camp Shared 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
Fax: 209-984-0434

Bargaining Unit: Date: 09/05/2012
Name: Jamestown Teachers Association
Representative: Greg Haney
Title: Co-President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4570045  Waiver Number: 80-10-2012  Active Year: 2012

Date In: 10/31/2012 11:45:22 AM

Local Educational Agency Name: Junction Elementary School District
Address: 9087 Deschutes Rd.
Palo Cedro, CA 96073

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 with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: EC 52852 Requesting shared Schoolsite Council with reduced number and composition. (Statute requires 12 members for a high school council and 10 members for elementary schoolsite council). Also, schoolsite councils for small schools sharing common service or attendance areas, administration and other characteristics.

Outcome Rationale: Junction Elementary School District finds it difficult to meet SSC membership requirements. The minimum number of SSC members required for an elementary school is ten. We have one full-time Principal and one part-time Superintendent. We also only have 13 teachers. We have difficulty finding enough parents to meet the minimum of five parent/community members. This waiver will allow a reduction in the number of teachers and parents that will be required to serve on the School Site Council. The waiver would allow the School Site Council to be composed of 7 members rather than the required ten. Proposed number and composition of the School Site Council: 1 Principal, 2 Teachers, 3 Parent/Community Members, 1 Other Staff.

Student Population: 282

City Type: Rural

Local Board Approval Date: 10/18/2012

Community Council Reviewed By: Junction Elementary School Site 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: Ms. Deidra Hoffman
Position: Superintendent
E-mail: dhoffman@junctionesd.net
Telephone: 530-547-3274 x151
Fax: 530-547-4080

Bargaining Unit: Date: 10/08/2012
Name: Junction Teachers Association
Representative: Roger McCoy
Title: President
Position: Support
Comments:
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.

Outcome Rationale: At the current time, Mendota Continuation High and Mendota Community Day School has three (3) full time teachers and approximately thirty (30) students combined. Both programs have a common principal and location. Due to the small number of students and parents, participation in our site councils is minimal and we are asking that the number of members for the SSC be reduced and comprised of: One (1) principal, one (1) teacher, two (2) parents and one (1) student. In addition, we are requesting to have a shared site council between Mendota Continuation High School and Mendota Community Day School for the reasons stated above.

Student Population: 30

City Type: Rural

Local Board Approval Date: 10/24/2012

Community Council Reviewed By: Mendota Continuation High School Site Council
Community Council Reviewed Date: 10/23/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Rebecca Gamez  
Position: Principal  
E-mail: rgamez@mendotausd.k12.ca.us  
Telephone: 559-655-4471 x5002  
Fax: 559-655-2440

Bargaining Unit: Date: 10/23/2012  
Name: Mendota Teachers' Association  
Representative: Robert Hamasaki  
Title: Vice President  
Position: Support  
Comments:
Outcome Rationale: After receiving a FPM finding for site council composition, we decided that by combining the site councils of four small alternative education schools (Inspire - 3, Launch - 10, Edge - 4, Sugarloaf - 14) we would be able to streamline in our operations for greater efficiency as well as be more likely to meet the parity requirements between staff and non-staff. It is extremely difficult to get involvement from parents of alternative education students. The parents of students at Juvenile Hall are rarely connected to the school for a long enough duration to participate in an ongoing schoolsite council. The parents of our community day school and county community schools are difficult to engage in school governance and planning. By reducing the number of required members we are more likely to be able to convince some parents to participate. There is one administrator and administrative staff person, and the schools have the same academic goals.

Student Population: 31

City Type: Rural

Local Board Approval Date: 11/14/2012

Community Council Reviewed By: Advisory meetings were held for Inspire, Launch, Edge, and Sugarloaf to discuss this change.
Community Council Reviewed Date: 10/22/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Dr. Stanton Miller
Position: Associate Superintendent, Educational Services
E-mail: smiller@nevco.k12.ca.us
Telephone: 530-478-6400 x205
Fax: 530-478-6410
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 0161234  Waiver Number: 1-11-2012  Active Year: 2012

Date In: 11/2/2012 1:15:23 PM

Local Educational Agency Name: Newark Unified School District  
Address: 5715 Musick Ave.  
Newark, CA 94560

Start: 7/1/2012  End: 6/30/2014

Waiver Renewal: Y  
Previous Waiver Number: 3-11-2009-WC-10  Previous SBE Approval Date: 3/16/2009

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: Our two alternative high school programs, Bridgepoint Continuation High School and Crossroads Independent Studies) request two waivers of the California Education Code 52852 which states: 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.

We request that we hold one joint school site council made up of representatives of both schools in lieu of two individual councils. Our joint school site council meetings, if approved, would include representatives from both Bridgepoint High School and Crossroads High School. We make this request for several reasons:

1. Relatively low student and staff populations of each school.
   In 2012-13, we anticipate Bridgepoint High School to be staffed with 7.4 FTE and a student population of approximately 120. At Crossroads High School, we anticipate staffing at 2 FTE that serves up to approximately 40 students.

2. Limited budgetary restraints and increased need:
   It is best practice for the alternative high schools to work in concert to efficiently and effectively utilize our valuable but costly alternative education resources. We are working towards a seamless offering of student services to meet the unique and diverse needs of our at-risk students.
populations. We feel having both alternative education high schools working together has a significant student benefit because joining the councils is the most economical and effective method to maximize services while addressing student need.

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.

We request a reduced composition in members for a small school to the following membership:

Joint Bridgepoint High School (BPHS) and Crossroads High School (CRHS)

Site Council Proposed Makeup
Principal, MacGregor Alternative Learning Center – Includes both BPHS and CRHS
* One California School Employees Association (CSEA) member that works at MacGregor (either BPHS, CRHS or MacGregor Alternative Learning Center)
One BPHS Student
One CRHS Student
One BPHS Parent
One CRHS Parent
* One BPHS Teacher
* One CRHS Teacher
Optional - One BPHS community member
Optional - One CRHS community member
* Indicates minimum staffing.

The request for a reduced composition in members for a small school is made due to several factors.
1. BPHS and CRHS are collocated on the same campus – – the MacGregor Alternative Learning Center under the leadership and supervision of one principal.
2. There has been a dramatic reduction in classified and certificated FTE at both schools. Neither BPHS nor CRHS have the services of a guidance or pupil services counselor or a vice principal any longer. CRHS’s office manager position is a .5 FTE.
3. Bargaining units have approved this site council membership reduction request and understand that this waiver in no way will limit them from increasing their membership to the prescribed levels should they decide at a later date that they desire adding a member to the site council(s).

Student Population: 150

City Type: Small

Local Board Approval Date: 7/24/2012

Community Council Reviewed By: Bridgepoint School Site Council/Advisory
Community Council Reviewed Date: 5/16/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Dr. Soleste Hilberg
Position: Dir. Curriculum, Instruction & Accountability
E-mail: shilberg@nusd.k12.ca.us
Telephone: 510-818-4113
Fax: 510-818-4113

Bargaining Unit: Date: 06/20/2012
Name: CSEA/NTA
Representative: Mary/Jacob Grundman/Goldsmith
Title: President
Position: Support
Comments:
CD Code: 1964840  Waiver Number: 14-12-2012  Active Year: 2012

Date In: 12/13/2012 3:48:27 PM

Local Education Agency: Norwalk-La Mirada Unified School District
Address: 12820 Pioneer Blvd.
Norwalk, CA 90650
Fax: 562-406-1039

Start: 11/30/2012  End: 12/9/2013

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 CCCR to Waive: California Education Code of Regulation to be waived.  EC 52852
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 . . .

Outcome Rationale: It is our hope that the waiver will allow the Performance Learning Center CDS to benefit from school wide services available through El Camino High School, due to the small school status of the Performance Learning Center.  El Camino High School serves approximately 389 students.  School administration is comprised of one Principal and one Dean of Students.  El Camino has 18 teachers and 11 classified support staff.  The Performance Learning Center serves 40 students.  The Principal and Dean of El Camino High School also serve as the administration for the Performance Learning Center.  The Performance Learning Center has two teachers and one classified security assistant.  Both schools serve at-risk students of the Norwalk-La Mirada Unified School District (NLMUSD).  The schools are located approximately four miles from each other.

Student Population: 40

City Type: Suburban

Local Board Approval Date: 12/10/2012

Council Reviewed By: El Camino High School School Site Council
Council Reviewed Date: 11/14/2012
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Rosa Carreon
Position: Director, Federal and State Programs
E-mail: rcarreon@nlmusd.k12.ca.us
Telephone: 562-868-0431 x2059
Fax: 562-406-1039

Bargaining Unit: Date: 11/29/2012
Name: Teacher's Association of Norwalk-La Mirada (TANLA)
Representative: Kelley Rush
Title: President
Position: Support
Comments:
### California Department of Education
**WAIVER SUBMISSION - Specific**

<table>
<thead>
<tr>
<th>CD Code: 1262984</th>
<th>Waiver Number: 24-11-2012</th>
<th>Active Year: 2012</th>
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<tbody>
<tr>
<td>Date In: 11/26/2012 3:26:39 PM</td>
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**Local Education Agency:** Peninsula Union School District  
**Address:** 909 Vance Ave.  
**Samoa, CA 95564**  
**Fax:** 707-443-3685

**Start:** 1/1/2013  **End:** 1/1/2015

**Waiver Renewal:** Y  
**Previous Waiver Number:** 75-12-2011-W-20  
**Previous SBE Approval Date:** 3/8/2012

**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 school site council shall be established at each school which participates in school-based program coordination. Statute required 10 members for an elementary school. 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:** The desired outcome is for the district to be in compliance and have a workable School Site Council. The waiver is necessary due to the small size of our district (under 35 ADA). Currently, our staff size is 3 FTE. It is not possible for all three teachers to serve in this capacity due to their adjunct responsibilities. The council shall be composed of one administrator, one teacher, one classified staff member and three community members. The waiver has approval by both the site council and the board of trustees.  
A waiver was submitted and approved last year but the composition of membership was not clearly stated (a classified member was not listed). The waiver was approved with conditions that added additional members and increased membership from the requested 6 to 8. A council of 8 is not possible in a school with 3 teachers, 33 students and only 23 families.

**Student Population:** 33

**City Type:** Rural

**Local Board Approval Date:** 11/13/2012

**Community Council Reviewed By:** Peninsula School Site Council  
**Community Council Reviewed Date:** 11/13/2012  
**Community Council Objection:** N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kim Blanc
Position: Superintendent
E-mail: kblanc@humboldt.k12.ca.us
Telephone: 707-443-2731
Fax: 707-443-3685

Bargaining Unit: Date: 10/29/2012
Name: NHTA Representative: Linda Stewart
Title: Head of Bargaining Unit
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3467413 Waiver Number: 83-10-2012 Active Year: 2012

Date In: 10/31/2012 4:09:05 PM

Local Educational Agency Name: River Delta Joint Unified School District
Address: 445 Montezuma St.
Rio Vista, CA 94571

Start: 10/1/2012 End: 9/30/2013

Waiver Renewal: Y
Previous Waiver Number: 23-9-2011-W-9 Previous SBE Approval Date: 1/11/2012

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 Schoolsite Councils for small schools sharing common services or attendance areas, administration and other characteristics.

Outcome Rationale: Clarksburg Middle School and Delta High School exist on the same campus in the small rural community of Clarksburg. DHS has 205 students in grades 10-12 and CMS has 235 students in grades 7-9. The schools share facilities and many families have students enrolled at both sites. The schools share a staff of 24 teachers, administration (Principal and VP), Boosters Club, and ELAC. Staff meetings are combined and educational priorities are set together. The schools function under a 7-12 model, and this waiver will allow a joint SSC to address priorities in a coordinated effort.

Student Population: 440

City Type: Rural

Local Board Approval Date: 9/11/2012

Community Council Reviewed By: Clarksburg Middle School and Delta High 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. Laura Uslan
Position: Principal
E-mail: luslan@riverdelta.k12.ca.us
Telephone: 916-744-1714
Fax:

Bargaining Unit: Date: 08/28/2012
Name: River Delta Unified Teachers Association
Representative: Janet Allen
Title: President RDUTA
Position: Support
Comments:

Bargaining Unit: Date: 08/28/2012
Name: California School Employees Association
Representative: Mary Weathers
Title: President RDUTA
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3673890 Waiver Number: 15-11-2012 Active Year: 2012

Date In: 11/14/2012 1:23:53 PM

Local Education Agency: Silver Valley Unified School District
Address: 35320 Daggett Yermo Rd.
Yermo, CA 92398
Fax: 760-254-2091

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: #22-9-2011-W-9 Previous SBE Approval Date: 2/17/2012

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: 1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: 52863

EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) EC 52852

Requesting reduced composition in members for a small school. (Statute requires 12 members for a high school school-site council and 10 members for elementary school-site council).

Outcome Rationale: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at:
Please refer to attachment.
http://www.cde.ca.gov/re/Ir/wr/documents/schoolsitepolicyr.doc

Demographic Information:
(District/school/program) Silver Valley Unified School District — Alternative Education Center includes four schools with nine programs and has a student population of 25-60 and is located in a rural community in San Bernardino County.
Student Population: 60

City Type: Rural

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: Alternative Education Center School Site Council
Community Council Reviewed Date: 9/19/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Marc Jackson
Position: Superintendent
E-mail: mjackson@svusdk12.net
Telephone: 760-254-2916 x1119
Fax: 760-254-2091

Bargaining Unit: Date: 09/27/2012
Name: CSEA
Representative: Lorenzo Herrera
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 09/27/2012
Name: SVEA
Representative: Deb Farrinton
Title: President
Position: Support
Comments:
September 28, 2012

RE: School Site Council Wavier

# 7. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved desired outcome/rationale. State what you hope to accomplish student performance and/or streamline or facilitate local agency operations.

Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's:

The Silver Valley School District covers an area of 3,200 square miles in the high desert of Southern California. The district is comprised of seven school including elementary, middle, high school, and an Alternative Education Center.

This request for wavier is to support the Alternative Education Center which in its self-consists of four schools and nine program. Although it may appear large, the student population fluctuates between 25 to 60 annually and is staffed with one administrator, 5 certified, and 7 classified employees.

With a "swinging door" of students and families, it remains challenging to full-fill the Alternative Education Centers School Site Council membership.

Ideally, an advisory board that may consist of site and district staff through the guidance of the school board will ensure that all students who attend the Alternative Education Center receive the best education possible,
Ed Code or CCR to Waive: 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.

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 represented under category (a).

Background:
Using the above statutory requirements a Secondary Schoolsite Council would have to consist of at least [12 people: 1 principal, 3 teachers and 2 other school employees (6 total) and 3 parents or other community members as well as 3 students (6 total)].

Outcome Rationale: The J.Everett Barr Court School has a total of two teachers. This waiver is requested to allow this school to operate their secondary School Site Council with 8 members instead of 12 members. The SSC composition would consist of 1 administrator, 2 teachers, 1 classified employee, 2 students and 2 parent/guardian or community members. This
composition would allow for a majority of teachers on the staff side and would ensure parity between the staff members and students/parents/community members.

Student Population: 12

City Type: Rural

Public Hearing Date: 11/14/2012
Public Hearing Advertised: Posted at 3 sites and on the district website.

Local Board Approval Date: 11/14/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/17/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Martie Hagarty
Position: Director, Categorical Programs
E-mail: mhagarty@siskiyoucoe.net
Telephone: 530-842-8415
Fax: 530-842-8436

Bargaining Unit: Date: 10/12/2012
Name: California Teachers Association
Representative: Michelle Hogue
Title: President
Position: Neutral
Comments:
Ed Code or CCR to Waive: EC 52852 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.

Outcome Rationale: The Tulelake Basin Joint Unified School District (enrollment 485) is a small rural school district located in Northeastern California. This waiver will permit us to continue with a single school site council for our two schools: Tulelake Elementary (K-6, 1 principal, 13 teachers, enrollment 250) and Tulelake High School (7-12, 1 principal, 18 teachers, enrollment 235).

Our district has operated with the single site council for several years, however, with a change in administration, the deadline to request a renewal waiver was missed. This model has been effective in our district with our limited resources and we are requesting to continue.

Part of the work of our district leadership team is to create district wide goals. The goals become a part of the school site plans and are implemented and monitored at each site. It is our intent, by combining our site councils that the goals of the district can be implemented consistently across all campuses, and student performance will increase. This model becomes increasingly important as we prepare for the implementation of the common core standards and its assessment.

Student Population: 485

City Type: Rural
Local Board Approval Date: 10/25/2012

Community Council Reviewed By: Tulelake Basin Joint Unified 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: Mr. Lane Bates
Position: Superintendent  E-mail: lbates@tulelake.k12.ca.us
Telephone: 530-667-2295
Fax: 530-667-4298

Bargaining Unit:  Date: 10/08/2012
Name: Classified School Employees Association
Representative: Teresa Perry
Title: President
Position: Support
Comments:

Bargaining Unit:  Date: 10/08/2012
Name: Tulelake Basin Teachers Association
Representative: Liza Butler
Title: President
Position: Support
Comments:
Student Population: 631
City Type: Rural

Local Board Approval Date: 9/20/2012

Community Council Reviewed By: Challenger Middle School Site Council
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: Ms. Mary Gerard
Position: Consultant; Administrative Specialist
E-mail: mgerard@wilsona.k12.ca.us
Telephone: 661-264-1111 x210
Fax: 661-261-3259

Bargaining Unit: Date: 05/16/2012
Name: Wilsona Teachers Association (WTA)
Representative: Jason Marlett
Title: Bargaining Unit President; teacher
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-06
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

☐ General Waiver

SUBJECT
Request by El Segundo Unified School District to waive portions of California Education Code sections 17466, 17472, and 17475, all of 17473 and 17474, specific statutory provision for the lease of surplus property. Approval of the waiver would allow the district to lease a piece of property using a “request for proposal” process, thereby maximizing the proceeds from the lease of the district’s Imperial Elementary School property.

Waiver Number: 2-12-2012

RECOMMENDATION
☐ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following condition, that the proposals the governing board determines to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for those determinations shall be discussed in public session and included in the minutes of the meeting. Additionally, the district 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.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The district is requesting to waive the same provisions for the lease of surplus property.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. El Segundo Unified School District has a 2012 API of 888.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the district requests that specific portions of the EC relating to the lease of district property to be waived. The district believes that they will maximize its return on the lease of the property to the
greatest extent possible. The district is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to determine what constitutes the most “desirable” bid and set their own terms and conditions for the lease of the surplus property.

The district is requesting the lease of the former Imperial Elementary School. This property is approximately 5.56 acres of land located at 540 East Imperial Avenue, El Segundo, California. The district states that the school was closed in 1975. In 1979 this property was declared surplus and was leased to Hughes Aircraft Company as an employee training facility until 1997. From 1979 until 2008 the Los Angeles County Office of Education used the property as a special education school. The site has been vacant since 2008 and has once again been declared surplus property.

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 district to maximize revenue. The applicant district will financially benefit from the sale of the property.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: El Segundo Unified School District (2-12-2012) General Waiver Request. (4 Pages) (Original waiver request is signed and on file in the Waiver’s Office.)
<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>
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<td>2-12-2012</td>
<td>El Segundo Unified</td>
<td>Imperial Elementary School</td>
<td><strong>Requested:</strong> 1/10/2013 – 1/10/2014</td>
<td>11/13/2012</td>
<td>11/13/2012</td>
<td>California School Employees Association (CSEA) – 11/05/2012 El Segundo Teachers Association (ESTA) – 10/31/2012</td>
<td>CSEA – Support ESTA – Support</td>
<td>School site councils at Center Street Elementary School and Richmond Street Elementary School – 11/15/2012</td>
<td>Yes</td>
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Ed Code or CCR to Waive: EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it. The district may solicit proposals from potential lessees [and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.]

EC 17472. At the time and place fixed in the resolution for the meeting of the governing body, all [sealed] proposals which have been received shall, in public session, [be opened], examined, and declared by the board. Of the proposals submitted [which conform to all terms and conditions specified in the resolution of intention to sell or to lease and] which are made by responsible bidders, the proposal which the Board determines represents the most desirable lease of the property shall be [is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith,shall be finally] accepted [, unless a higher oral bid is accepted or the board rejects all bids].

EC 17473. [Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]
EC 17474. [In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

EC 17475. The final acceptance by the governing body may be made [either at the same session or] at any [adjourned session of the same] board meeting held within 30 to 60 days [next] following.

Outcome Rationale: Desired Outcome/ Rationale

The El Segundo Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the lease of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential lessees; however, the District’s past experience with offering to public agencies and the Property’s current entitled state indicate that such a process will not allow the District to take advantage of the potential of the Property. Thus, the District would like to lease the Property via an alternative process, including an RFP process followed by negotiation of a suitable ground lease based upon a selected RFP proposal.

The Property

The District owns approximately 5.56 acres of land located at 540 East Imperial Avenue, El Segundo, California 90245 (“Property”). The Property was formerly a school site known as the District’s Imperial Elementary School, which was closed in 1975. The Property was declared surplus in 1979. Starting in 1984 it was used as an employee training facility for the Hughes Aircraft Company. In 1997, it was used by the Los Angeles County Office of Education for special education school. In 2007, the District convened an Advisory Committee to advise on the future disposition of the Property. Based on the Advisory Committee’s recommendation, the District pursued entitlements for the Property, which resulted in a Specific Plan and Development Agreement with the City of El Segundo for the Property to be developed as Senior Housing Community with Multi-Family Residential (R-3) Component. The District’s Board then declared the Property surplus and authorized the lease of the Property in its newly entitled state.

Offers to Public Agencies and Public Benefit Non-Profit Organizations

The District previously adopted and approved a resolution approving the District’s Advisory Committee’s recommendations to lease the Property, declaring the Property surplus, and authorizing the offer of the entire Property for lease pursuant to California law. The District offered the entire Property for lease to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 et seq. and to public benefit non-profit organizations pursuant to Education Code section 17464.

Therefore, despite good faith efforts, the District was not able to lease the Property to any public agencies or public benefit non-profit organizations through the public notices.
Proposed Process for Leasing the Property

The District desires to be able to lease the property through a Request for Proposals. Based on previous experience, consultations with experts, and on its knowledge of the surrounding community, the District has concluded that offering the Property for lease through a Request for Proposals, followed by further negotiations, will allow more flexibility and produce a better outcome.

In the current real estate market climate, a bid auction scenario is not able to attract serious and capable lessees to this Property. The District needs the ability to be flexible and work with potential lessees to create a valuable package, especially given the unique entitlements on this Property. A waiver from the surplus property bid auction requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential lessees interested in the Property.

Conclusion

The lease of the Property will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with legal counsel to ensure that the process by which the Property is leased is fair and open. As indicated above, such a process will produce a better result than a bid auction for both the District and the community.

Student Population: 3400

City Type: Urban

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Notice published in Daily Breeze on 11/01/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School site councils at Center St. ES, Richmond St. ES, El Segundo MS, and El Segundo HS
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lindsay Thorson
Position: District legal counsel
E-mail: lthorson@aalrr.com
Telephone: 562-653-3200
Fax:
Bargaining Unit: Date: 11/05/2012
Name: California School Employees Association
Representative: Tina Vergara
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 10/31/2012
Name: El Segundo Teachers Association
Representative: Daphne Moot
Title: President
Position: Support
Comments:
WAIVER ITEM W-07
General Waiver

SUBJECT
Request by Alum Rock Union Elementary School District to waive California Education Code sections 15102 and portions of 15268 related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts, may also apply.

Waiver Number: 63-10-2012

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the bonded indebtedness limits be waived with the following conditions: 1) the district’s total bonded indebtedness, as a percent of assessed valuation, does not exceed 1.75 percent, 2) the waiver is limited to the sale of bonds approved by the voters in the November 2012 election, 3) the tax rate levied at the time of bond issuance does not exceed the amount authorized by the voters to secure the bonds, 4) the waiver is limited to two years less one day, and 5) Capital Appreciation Bonds (CABs) are not issued subsequent to approval of this waiver if the debt ratio goes above 1.25 percent.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

Note, the SBE has never approved a waiver that would allow the district to exceed the tax rate levy as stated on the bond measure.

SUMMARY OF KEY ISSUES

To raise funds to build or renovate school facilities, with voter authorization, school districts may issue general obligation (G.O.) bonds. Prior to 2001, districts needed a two-thirds approval. In November 2000, districts were given another option for authorizing and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several
administrative requirements, such as establishing a committee to oversee the use of the funds. Once G.O. bonds are authorized, school districts issue the bonds in increments needed to fund their facility projects.

When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, California Education Code (EC) sections 15268 and 15270(a) limit the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary school districts, and $60 per $100,000 for unified school districts. The EC does not provide tax rate levy limits for non-Proposition 39 bonds, however, an estimate of the tax rate levy required to repay the bonds is included in the voter pamphlet.

The EC also provides limits related to a district’s total bonded indebtedness. EC sections 15102 and 15268 limit an elementary or high school district’s total G.O. bond indebtedness to 1.25 percent of the total assessed valuation of the district’s taxable property, whereas EC sections 15106 and 15270(a) limit a unified school districts to 2.5 percent.

The district is requesting a waiver of the EC sections pertaining to the district’s total bonded indebtedness in order to issue bonds that voters have already approved. Because the limits are based on assessed valuation, it can have disparate effects on districts of similar types. For example, a district with high assessed valuation can issue more in G.O. bonds before reaching the limit than a district with a similar number of students and facility needs, but a lower assessed valuation. Similarly, in the current time of declining property values, districts are seeing a decline in their bonding capacity.

Without a waiver, school districts that are close to their bonding capacity must issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other, more expensive, non-bond financing to complete their projects, the costs of which could be paid from district general funds. Therefore, CDE has historically recommended that the SBE approve related waiver requests. However, because it is CDE’s assumption that the average voter is unaware tax rate levy limits could be changed by the SBE through a waiver process, to ensure that a waiver approval does not have an adverse effect on local approval of future bond measures, CDE has always recommended that the waiver be approved on the condition that the statutory or estimated tax rate levies are not exceeded at the time the bonds are issued.

As assessed property values have declined in recent years, some districts that project increased assessed values in the future have issued Capital Appreciation Bonds (CABs). Principal and interest payments on CABs are postponed until a later date. Therefore, they do not require an immediate tax levy, which allows districts to raise needed capital without exceeding the maximum tax rate.

The CDE recognizes that there may be a reasonable justification for issuing CABs. However, due to the recent concerns regarding the issuance of CABs and their sometimes exorbitant costs, the State Superintendent of Public Instruction and the State Treasurer are urging school districts to impose a moratorium on issuing CABs until the Legislature and the Governor decide on reforms for the CABs issuance process. By waiving the limit on total bonded indebtedness, a district could be allowed to issue CABs
that it might not otherwise be allowed to issue. Therefore, at this time, CDE is not recommending approval of waivers that would enable a district to issue CABs. According to the District, it does not plan to issue CABs as a result of the increased cap.

CDE has reviewed the waiver and the district’s schedule of assessed valuation and principal reduction to estimate the period of time that the waiver will be needed. The CDE recommends that the bonded indebtedness limits be waived with the following conditions: 1) the district’s total bonded indebtedness, as a percent of assessed valuation, does not exceed 1.75 percent, 2) the waiver is limited to the sale of bonds approved by the voters in the November 2012 election, 3) the tax rate levied at the time of bond issuance does not exceed the amount authorized by the voters to secure the bonds, 4) the waiver is limited to two years less one day, and 5) CABs are not issued subsequent to approval of this waiver if the debt ratio goes above 1.25 percent.

**Demographic Information:** The Alum Rock Union ESD has a student population of 12,152 and is located in a urban area in Santa Clara County.

**Authority for Waiver:** EC Section 33050


**Local board approval date(s):** October 11, 2012

**Public hearing held on date(s):** October 11, 2012

**Bargaining unit(s) consulted on date(s):** October 4, 2012

**Name of bargaining unit/representative(s) consulted:**
Alum Rock Educators Association: Jocelyn Merz, president
California School Employees Association: Sharon Fontaine, 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):
at San Jose Mercury News

**Advisory committee(s) consulted:** Superintendent’s Parent Advisory Resource Council

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

**Date(s) consulted:** October 23, 2012
FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver would allow the district to accelerate the issuance of voter-approved bonds to avoid serious financial stress to the district’s general fund.

ATTACHMENT(S)

Attachment 1: Alum Rock Union Elementary School District General Waiver Request 63-10-2012 (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369369  Waiver Number: 63-10-2012  Active Year: 2012

Date In: 10/24/2012 10:00:26 AM

Local Education Agency: Alum Rock Union Elementary School District
Address: 2930 Gay Ave.
San Jose, CA 95127
Fax: 408-928-6400

Start: 1/1/2013  End: 6/30/2018

Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: School Construction Bonds
Ed Code Title: Bond Indebtedness Limit - Non-Unified
Ed Code Section: 33050-33053
Ed Code Authority: SBE may waive all or part of any sect. of Ed. Code

Ed Code or CCR to Waive: 15102. The total amount of bonds issued pursuant to this chapter and Chapter 1.5 (commencing with Section 15264) shall not exceed 1.25 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties where the district is located.

15268. The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed 1.25 percent of the taxable property of the district as shown by last equalized assessment of the county or counties where the district is located.

Outcome Rationale: The District requests that its Outstanding Bonded Indebtedness limit be increased to an amount not to exceed 1.95% until June 30, 2018. Due to decreases in assessed valuation of taxable property within the District, the District is currently unable to access most of the $139,999,672 remaining authorization from the $179,000,000 approved by the voters on June 3, 2008 (Measure G). In addition, at the upcoming election on November 6, 2012, District voters are being asked to approve the District’s Measure J, providing for an additional bond authorization of $125,000,000. Both bond measures are “Proposition 39” measures. Approval of this waiver request would allow the District to issue bonds from either or both bond authorizations and take advantage of attractive historically low interest rates as well as attractive construction costs to implement a number of much-needed improvements to its school facilities that will provide a safer and better educational environment for District students. Otherwise, the District will have to wait several years until the bonding capacity of the District falls below the limit set forth in the California Education Code. Approval of this request would allow the District to make progress in its goal of meeting the needs of its students and delivering to District constituents the facility improvements promised by both bond measures. Please find attached a table showing Historical Assessed Values for Fiscal Years 2000-01 through 2012-13, and a Summary of General Obligation Bond Indebtedness versus Projected Debt Limits. On the
basis of current market interest rates, the District anticipates that with approval of this waiver it would be able to issue approximately $35,000,000 of bonds from the proposed new bond authorization within the legal tax rate limit of $30 per year per $100,000 of assessed valuation. Should the bond measure fail, the District anticipates is would issue approximately only $8,000,000 from the existing 2008 bond authorization within the legal tax rate limit of $30 per year per $100,000 of assessed valuation. Accordingly, the analysis presented has been formulated to show the effects on the bonded indebtedness of the higher bond amount. The requested Outstanding Bonded Indebtedness limit of 1.95% is intended to accommodate an issuance amount higher than $35,000,000, in case interest rate movements allow for a higher issuance within the legal tax rate limit of $30 per year per $100,000 of assessed valuation.

Student Population: 12152

City Type: Urban

Public Hearing Date: 10/11/2012
Public Hearing Advertised: Sasn Jose Mercury News

Local Board Approval Date: 10/11/2012

Community Council Reviewed By: Superintendent's Parent Advisory Resource Council
Community Council Reviewed Date: 10/23/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Linda Latasa
Position: Interim Assistant Superintendent, Bus. Services
E-mail: linda.latasa@arusd.org
Telephone: 408-928-6847
Fax: 408-928-6400

Bargaining Unit: Date: 10/04/2012
Name: Alum Rock Educators Association
Representative: Jocelyn Merz
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 10/04/2012
Name: California School Employees Association
Representative: Sharon Fontaine
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-08
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

General Waiver

SUBJECT
Request by Jefferson Elementary School District to waive California Education Code sections 15102 and portions of 15268 related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts, may also apply.

Waiver Number: 56-10-2012

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends that the bonded indebtedness limits be waived with the following conditions: 1) the district’s total bonded indebtedness, as a percent of assessed valuation, does not exceed 1.92 percent, 2) the waiver is limited to the sale of bonds approved by the voters in the November 2010 election, 3) the tax rate levied at the time of bond issuance does not exceed the amount authorized by the voters to secure the bonds, 4) the waiver is limited to two years less one day, and 5) Capital Appreciation Bonds (CABs) are not issued subsequent to approval of this waiver if the debt ratio goes above 1.25 percent.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

Note, the SBE has never approved a waiver that would allow the district to exceed the tax rate levy as stated on the bond measure.

SUMMARY OF KEY ISSUES

To raise funds to build or renovate school facilities, with voter authorization, school districts may issue general obligation (G.O.) bonds. Prior to 2001, districts needed a two-thirds approval. In November 2000, districts were given another option for authorizing and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several
administrative requirements, such as establishing a committee to oversee the use of the funds. Once G.O. bonds are authorized, school districts issue the bonds in increments needed to fund their facility projects.

When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, California Education Code (EC) sections 15268 and 15270(a) limit the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary school districts, and $60 per $100,000 for unified school districts. The EC does not provide tax rate levy limits for non-Proposition 39 bonds, however, an estimate of the tax rate levy required to repay the bonds is included in the voter pamphlet.

The EC also provides limits related to a district’s total bonded indebtedness. EC sections 15102 and 15268 limit an elementary or high school district’s total G.O. bond indebtedness to 1.25 percent of the total assessed valuation of the district’s taxable property, whereas EC sections 15106 and 15270(a) limit a unified school districts to 2.5 percent.

The district is requesting a waiver of the EC sections pertaining to the district’s total bonded indebtedness in order to issue bonds that voters have already approved. Because the limits are based on assessed valuation, it can have disparate effects on districts of similar types. For example, a district with high assessed valuation can issue more in G.O. bonds before reaching the limit than a district with a similar number of students and facility needs, but a lower assessed valuation. Similarly, in the current time of declining property values, districts are seeing a decline in their bonding capacity. Without a waiver, school districts that are close to their bonding capacity must issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other, more expensive, non-bond financing to complete their projects, the costs of which could be paid from district general funds. Therefore, CDE has historically recommended that the SBE approve related waiver requests. However, because it is CDE’s assumption that the average voter is unaware tax rate levy limits could be changed by the SBE through a waiver process, to ensure that a waiver approval does not have an adverse effect on local approval of future bond measures, CDE has always recommended that the waiver be approved on the condition that the statutory or estimated tax rate levies are not exceeded at the time the bonds are issued.

As assessed property values have declined in recent years, some districts that project increased assessed values in the future have issued Capital Appreciation Bonds (CABs). Principal and interest payments on CABs are postponed until a later date. Therefore, they do not require an immediate tax levy, which allows districts to raise needed capital without exceeding the maximum tax rate.

The CDE recognizes that there may be a reasonable justification for issuing CABs. However, due to the recent concerns regarding the issuance of CABs and their sometimes exorbitant costs, the State Superintendent of Public Instruction and the State Treasurer are urging school districts to impose a moratorium on issuing CABs until the Legislature and the Governor decide on reforms for the CABs issuance process. By waiving the limit on total bonded indebtedness, a district could be allowed to issue CABs
that it might not otherwise be allowed to issue. Therefore, at this time, CDE is not recommending approval of waivers that would enable a district to issue CABs.

According to the District, if the waiver is approved, an increased cap on debt to assessed value of up to 1.92 percent would allow the district to issue $23 million in bonds, but to remain within the tax rate levy of $30 per $100,000 of taxable property, the district can only issue $1.8 million in current interest bonds (CIBs). Therefore, the district plans to issue $21.2 million in 40 year nonredeemable CABs at an interest cost of $86 million and the remaining in CIBs.

The CDE has reviewed the waiver and the district’s schedule of assessed valuation and principal reduction to estimate the period of time that the waiver will be needed. The CDE recommends that the bonded indebtedness limits be waived with the following conditions: 1) the district’s total bonded indebtedness as a percent of assessed valuation, does not exceed 1.92 percent, 2) the waiver is limited to the sale of bonds approved by the voters in the November 2010 election, 3) the tax rate levied at the time of bond issuance does not exceed the amount authorized by the voters to secure the bonds, 4) the waiver is limited to two years less one day, and 5) CABs are not issued subsequent to approval of this waiver if the debt ratio goes above 1.25 percent.

Demographic Information: The Jefferson ESD has a student population of 2,516 and is located in a suburban area in San Joaquin County.

Authority for Waiver: EC Section 33050


Local board approval date(s): October 22, 2012

Public hearing held on date(s): October 22, 2012

Bargaining unit(s) consulted on date(s): October 16, 2012

Name of bargaining unit/representative(s) consulted:
California Teachers Association: Jeniene Lang, 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):
Posted on district’s Web site

Advisory committee(s) consulted: Measure J Committee, Board of Education, Traina Parents’ Club; Monticello & Jefferson Parents; Club
Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: November 10, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver would allow the district to accelerate the issuance of voter-approved bonds to avoid serious financial stress to the district’s general fund.

ATTACHMENT(S)

Attachment 1: Jefferson Elementary School District General Waiver Request 10-2012 (4 pages) (The original signed waiver request and any attachments are on file in the SBE Office or the Waiver Office.)
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3968544  Waiver Number: 56-10-2012  Active Year: 2012

Date In: 10/23/2012 8:42:44 AM

Local Education Agency: Jefferson Elementary School District
Address: 1219 Whispering Wind Drive
Tracy, CA 95377
Fax: 209-836-2930

Start: 7/1/2012  End: 6/30/2022

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Other Waivers
Ed Code Title: Other Waivers
Ed Code Section: 15102
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Education Code Section 15102
15102. The total amount of bonds issued pursuant to this chapter and Chapter 1.5
(commencing with Section 15264) [shall not exceed 1.25 percent of the taxable property of the
school district] or community college district, or the school facilities improvement district, if
applicable, as shown by the last equalized assessment of the county or counties in which the
district is located.

Outcome Rationale: The District has impending needs to reconstruct the facilities at Jefferson
School and to construct a gymnasium at Anthony Traina School. Without the approval to exceed
the statutory bonded indebtedness limit, the District would have to put the repair/replacement
projects currently planned for these two (2) schools at risk of long-term delay until its bonded
indebtedness ratio is below the 1.25% statutory limit. The District Board, staff and community
are well informed of the financing plan being proposed general obligation bond issuance in
order to fund these much needed and voter-approved projects. Additionally, moving forward
with the planned facilities projects now will help the District avoid construction cost inflation in
the future. If the waiver is not approved, the construction delay would result in inequity for
students attending District schools and considerable community hardship to the District.

Student Population: 2516

City Type: Suburban

Public Hearing Date: 10/22/2012
Public Hearing Advertised: Notice in a newspaper; notice posted at each school site; notice
published on District's website

Local Board Approval Date: 10/22/2012
Community Council Reviewed By: Measure J Committee; Board of Education; Traina Parents' Club; Monticello & Jefferson Parents' Club
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. Rachel Chang
Position: Financial Advisor
E-mail: rchang@dolinkagroup.com
Telephone: 949-250-8366
Fax: 209-836-2930

Bargaining Unit: Date: 10/16/2012
Name: California Teachers Association
Representative: Jeniene Lang Title: President Position: Support
Comments:
Jefferson School District
Bonded Indebtedness Limit Waiver Request
Supporting Documentation

Background

On November 2, 2010, voters within the Jefferson School District ("District") approved Measure J, authorizing the District to issue up to $35.4 million in general obligation bonds ("GO Bonds") to finance the needed facilities improvements. Under Proposition 39, the affirmative vote requirement to authorize the bonds was 55%. Measure J gathered more than the required bond approval threshold with an affirmative vote from 67.3% of the votes casting ballots.

On May 11, 2011, the District issued its Series A GO Bonds in the amount of $6.4 million, allowing the District to complete and plan various new construction and rehabilitation projects throughout the District. As of today, $29.0 million remains authorized but unissued under Measure J.

Similar to many school districts throughout the State of California ("State"), the District's overall facilities funding program has been severely impacted by declines in local assessed valuations ("AV"), as well as continued State fiscal troubles. The District is, therefore, requesting this bonded indebtedness limit waiver in order to proceed with the issuance of its next series of GO Bonds. For your review, enclosed please find the following supporting documentation concerning the District's waiver request.

1. Assessed Valuation History

Included in Enclosure 1 is a 14-year overall AV history for the District.

2. Outstanding Bonded Indebtedness

To date, the District has issued one (1) series of GO Bonds under Measure J, in the amount of $6.4 million. The District does not have any other outstanding bonded indebtedness. Debt service schedule of the outstanding Series A GO Bonds is included in Enclosure 2. As set forth in Enclosure 3, the District's current debt ratio is 0.41% of its total AV and has approximately $12.9 million in available bonding capacity.

3. Series B GO Bonds

Approval of the waiver request would allow the District to issue not-to-exceed $25.0 million in GO Bonds to reconstruct Jefferson School and to construct a gymnasium at Anthony Traina School. Jefferson School was constructed in the 1920's and has not been significantly modernized since 1966. This facility is not capable of providing all of the elements associated with 21st-Century learning, as well as requiring a significant amount of infrastructure improvements. As for Anthony Traina School, it is the only K-8 school in the District that does not have a gymnasium. These are much needed and voter-approved projects from Measure J that will create equity for all students attending District schools. Please reference Enclosure 4 for the Bond Project List of Measure J approved by the voters.
4. Current and Estimated Annual Tax Rates
The 2010 Authorization was approved by the voters under Proposition 39. Proposition 39 imposes a statutory annual tax rate limit of $30 per $100,000 of taxable AV. The annual tax rate projection will be closely monitored by the District's finance team and will be updated on an annual basis. The approval of this waiver request will not result in the District issuing more than the statutory tax rate and/or the authorization amount noted in the GO Bond measure. Enclosure 5 provides the current and estimated annual tax rates.

5. Bonded Indebtedness Ratio Requested
If the waiver is approved, the District's bonded indebtedness ratio is estimated to exceed the statutory limit of 1.25% for elementary school districts to approximately 2.04% in fiscal year 2012/2013. Enclosure 6 outlines the detailed calculations of the ratio that the District needs above the current available bonding capacity. Based on the current AV, a 5.85% average annual AV growth projected from fiscal year 2012/2013 to fiscal year 2021/2022, and the scheduled principal reduction on the outstanding and proposed GO Bonds, it is anticipated that the District's bonded indebtedness ratio will be below the statutory limit of 1.25% by fiscal year 2021/2022. Therefore, the District hereby requests the bonded indebtedness ratio to be increased to 2.25% from fiscal year 2012/2013 to 2021/2022. Please also reference Enclosure 6 for a detailed projection of the aforementioned.

6. Capital Appreciation Bonds
The use of capital appreciation bonds ("CABs") is inherent in comprehensive school facilities funding programs using GO Bonds passed under Proposition 39. Since 2010, with the passage of Assembly Bill 1388, California school districts could issue debt with a repayment term of 40 years with increased flexibility. Due to heightened attention to the use of long-dated CABs and to promote maximum transparency, the Board of Education of the District ("District Board") met on numerous occasions to discuss the District's bond program. Specifically, the District Board met on June 19, 2012, to receive an update on the Measure J program, on August 1, 2012, to evaluate the funding needs and options, on September 11, 2012, to examine all available financing scenarios, and, most recently on October 9, 2012, to determine the financing plan moving forward. Additionally, public input was sought on Measure J bond program during the same District Board meeting on October 9, 2012, when the public was encouraged to attend and give input to the District Board as it considers what action will best benefit and District and taxpayers. Included in Enclosure 7 are the various presentations discussed at these aforementioned District Board meetings.

Conclusion
The District has impending needs to reconstruct the facilities at Jefferson School and to construct a gymnasium at Anthony Traina School. Without the approval to exceed the statutory bonded indebtedness limit, the District would have to put the repair/replacement projects currently planned for these two (2) schools at risk of long-term delay until its bonded indebtedness ratio is below the 1.25% statutory limit. The District Board, staff and community are well informed of the financing plan being proposed for the Series B GO Bonds in order to fund these much needed and voter-approved projects. Additionally, moving forward with the planned facilities projects now will help the District avoid construction cost inflation in the future. If the waiver is not approved, the construction delay would result in inequity for students attending District schools and considerable community hardship to the District.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-09
General Waiver

Request by Manchester Union Elementary School District to waive portions of California Education Code Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 25-11-2012

RECOMMENDATION

Approval

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has previously approved similar waiver requests related to California Education Code (EC) Section 5091. The most recent approval was at the May 9, 2012, SBE meeting for the Oak Run Elementary School District (ESD) in Shasta County.

SUMMARY OF KEY ISSUES

Education Code Section 5091 provides that a school district governing board must make a provisional appointment or order an election to fill a vacancy on the governing board within 60 days of the occurrence of the vacancy. EC Section 5091 further provides that, if the district governing board fails to take action within 60 days, the county superintendent of schools (county superintendent) must order an election to fill the vacancy. Approval of this waiver request would remove the 60-day limit and the requirement that the Mendocino County Superintendent call an election; thus, giving the Manchester Union ESD governing board additional time to make a provisional appointment.

The vacancy on the five-member Manchester Union ESD governing board occurred on June 8, 2012, when a member of the board submitted a resignation. Another vacancy on the board had occurred earlier on April 13, 2012, when another board member resigned (an election to fill this vacant position occurred on November 6, 2012). Thus, as of the second resignation on June 8, 2012, there were only three members on the Manchester Union ESD governing board.

The Manchester Union ESD actively recruited a potential candidate to fill the vacancy and was scheduled to make a provisional appointment at its July 23, 2012, meeting.
However, at that meeting, one of the three remaining board members determined that she had a conflict of interest with respect to the applicant and had to recuse herself. With only two board members available to take action, the governing board did not have a quorum and had to table the provisional appointment.

Because of its inability to make the provisional appointment at the July 23, 2012, meeting, the governing board was unable to meet the EC Section 5091 60-day requirement for making the appointment. The remaining option in EC Section 5091 is for the Mendocino County Superintendent to call a special election, at an increased cost to the school district, since an election to fill the vacancy could not be scheduled for the November 6, 2012, election because the Elections Code deadline for potential candidates to file for that election had passed.

The April 13 vacancy on the governing board was filled at the November 6, 2012, election—thus, the Manchester Union ESD governing board now has four members and would have a quorum to make the provisional appointment. If the SBE approves this waiver request, the governing board will not be in violation of EC Section 5091 by making this appointment. The appointee will remain on the board through 2013 when the term for the position expires. The position then will be filled through the regular November 2013 governing board election. The Mendocino County Superintendent supports the Manchester Union ESD’s waiver request.

Given the above considerations, and the finding that there is no substantial local opposition, the California Department of Education recommends that the SBE approve the waiver request of the Manchester Union ESD.

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 Manchester Union ESD has a student population of 48 and is located in a rural area in Mendocino County.

Authority for Waiver: EC Section 33050

Period of request: August 8, 2012, to June 1, 2013 (requested and recommended)

Local board approval date(s): November 13, 2012

Public hearing held on date(s): November 13, 2012

Bargaining unit(s) consulted on date(s): November 14, 2012

Name of bargaining unit/representative(s) consulted: Manchester Union Teachers’ Association: Avis Anderson, 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): posted at the fire station and the post office (the only two public places in the district).

Advisory committee(s) consulted: School Site Council

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

Date(s) consulted: November 14, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval (or disapproval). Failure to approve the waiver request will result in local costs of approximately $5,000 to conduct an election.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office).
### California Department of Education

**WAIVER SUBMISSION - General**

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<tr>
<td>Ed Code Section: EC 5091 (a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Authority: EC 33050</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code or CCR to Waive: (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board [shall, within 60 days of the vacancy or the filing of the deferred resignation,] either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome Rationale: The District has an ADA of 48 and a governing board of five members. After a second resignation (unrelated to the first) on June 8, 2012, the board had 3 active members. The board intended to make a provisional appointment, but at a July 23, 2012 meeting to consider the appointment one of the remaining three board members determined that she had a conflict of interest with respect to an applicant for the provisional appointment. This left the board with 2 active members, less than a quorum. The position could not be put on the November 6, 2012 ballot because the 113 day deadline for potential candidates to file under Elections Code Section 10407 had passed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A fourth governing board member was elected on November 6, 2012 and takes office on December 7, 2012 under Education Code Section 5017. The Governing Board will be able to make a provisional appointment after that date.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The next regular election is November, 2013. A waiver of the 60 day time limit would allow the District to make a provisional appointment, as the Governing Board intended, without incurring the cost of a special election which the registrar estimates to be 5,000 dollars.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Population: 48</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
City Type: Rural

Public Hearing Date: 11/13/2012
Public Hearing Advertised: posted at school, post office, and fire station (the only 2 public places in the District)

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 11/14/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cythia Gonzalez
Position: Superintendent
E-mail: mansupt@mcn.org
Telephone: 707-882-2374
Fax: 707-882-3106

Bargaining Unit: Date: 11/14/2012
Name: Manchester Union Teacher's Association (MUTA)
Representative: Avis Anderson
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-10
## California State Board of Education

### March 2013 Agenda

**General Waiver**

**Subject**

Request by **Downey 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: 106-12-2012

**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 during the past four years—the most recent was a waiver request from the Riverside Unified School District (USD) on the November 8, 2012, SBE meeting.

**Summary of Key Issues**

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Downey USD (Los Angeles County). Voters in the district will continue to elect all board members—however, if the waiver is approved, all board members will be elected by trustee areas, beginning with the next board election.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to California Education Code (EC) Section 5020, county committee approval of trustee areas and methods of election constitutes an order of election; thus, voters in the district have final approval.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect itself from potential litigation, the Downey USD is taking action to establish trustee areas and adopt a by-trustee-area method of election for the governing board. In order to establish these trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a district-wide election.
This waiver request has been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waiver was initiated by action of the governing board; and, (2) there was no significant public opposition to the waiver at the public hearing held by the governing board.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in EC Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Downey 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 Downey USD has a student population of 22,600 and is located in a suburban setting in Los Angeles County.

Authority for Waiver: EC Section 33050

Period of request: January 1, 2013, to December 31, 2014 (requested)  
January 1, 2013, to December 30, 2014 (recommended)

Local board approval date(s): November 13, 2012

Public hearing held on date(s): November 13, 2012

Bargaining unit(s) consulted on date(s): California School Employees’ Association (CSEA) Unit I: September 27, 2012; CSEA Unit II: October 3, 2012; Downey Education Association (DEA): : October 9, 2012

Name of bargaining unit/representative(s) consulted: CSEA Unit I: Pam Martinez, President; CSEA Unit II: Ramon Torres, President; DEA: Lorraine Neal, 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: All school site councils and District English Language Advisory Committee (DELAC).

Objections raised (choose one): None  ☑ Objections are as follows: One school site council (Rio San Gabriel Elementary School) felt that an election should be held.

Date(s) consulted: November 8, 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: Downey Unified School District (106-12-2012) General Waiver Request. (6 pages) (Original waiver request is signed and on file in the Waiver Office.)
Ed Code or CCR to Waive: § 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."
(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: The Downey Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the
California Voting Rights Act of 2001 ("CVRA"), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District was sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys’ fees from that District, though the trial court ultimately awarded them less.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plan, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2014 which will reduce the District’s liability under the CVRA going forward.

Student Population: 22600
City Type: Suburban

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Notice in a newspaper

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: All school site councils; DELAC
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: Y
Committee/Council Objection Explanation: School site council at one school (Rio San Gabriel Elem) felt there should be an election.

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mark Bresee
Position: Counsel for District
E-mail: mbresee@aalrr.com
Telephone: 562-653-3437
Fax: 562-469-6519

Bargaining Unit: Date: 09/27/2012
Name: California School Employees Association, Unit I
Representative: Pam Martinez
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 10/03/2012
Name: California School Employees Association, Unit II
Representative: Ramon Torres
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 10/09/2012
Name: Downey Education Association
Representative: Lorraine Neal
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-11
General Waiver

SUBJECT

Request by Romoland Elementary 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: 58-1-2013

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 in the past—the most recent was a waiver request from the Downey Unified School District (USD), Los Angeles County, at the January 16, 2013, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Romoland Elementary School District (ESD) in Riverside County. Voters in the district will continue to elect all board members—however, if the waiver is approved, all board members will be elected by trustee areas, beginning with the next board election.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to California Education Code (EC) Section 5020, county committee approval of trustee areas and methods of election constitutes an order of election; thus, voters in the district have final approval.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect itself from potential litigation, the Romoland ESD is taking action to establish trustee areas and adopt a by-trustee-area method of election for the governing board. In order to establish these trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a district-wide election.
This waiver request has been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waiver was initiated by action of the governing board; and, (2) there was no significant public opposition to the waiver at the public hearing held by the governing board.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in EC Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Romoland ESD 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 Romoland ESD has a student population of 3,232 and is located in a rural area of Riverside County.

Authority for Waiver: EC Section 33050

Period of request: January 1, 2013, to December 31, 2014 (requested)  
January 1, 2013, to December 30, 2014 (recommended)

Local board approval date(s): January 8, 2013

Public hearing held on date(s): January 8, 2013

Bargaining unit(s) consulted on date(s): California School Employees' Association (CSEA) Chapter 499: December 20, 2012; Romoland Teachers' Association (RTA): December 31, 2012.

Name of bargaining unit/representative(s) consulted: CSEA Chapter 499: MariAngel Enriquez, President; RTA: Jay Greenberg, President

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

Comments (if appropriate): CSEA: Support; RTA: Neutral.

Public hearing advertised by (choose one or more):
- posting in a newspaper
- posting at each school
- other (specify): posted at District Office and on school district website.
Advisory committee(s) consulted: All school site councils and District English Language Advisory Committee (DELAC).

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

Date(s) consulted: December 11, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in the additional costs to the district for a district-wide election.

ATTACHMENT(S)

Attachment 1: Romoland Elementary School District (58-1-2013) General Waiver Request. (8 pages) (Original waiver request is signed and on file in the Waiver Office.)
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367231   Waiver Number: 58-1-2013   Active Year: 2013

Date In: 1/11/2013 2:54:35 PM

Local Education Agency: Romoland Elementary School District
Address: 25900 Leon Rd.
Homeland, CA 92548

Start: 1/1/2013   End: 12/31/2014

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: 5019, 5021, 5020, 5030
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: 5019, 5020

Outcome Rationale: Romoland School District currently has an at-large trustee area election for odd numbered election years. The Board of Trustees voted to change the election date from odd numbered years to even numbered years, which moves the election year from November 2013 to November 2014. The Riverside County Board of Supervisors approved the “Rescheduling Election Governing Board Members” on December 4, 2012. The California Voting Rights Act of 2001 (CRVA) prohibits the use of an at-large election method by cities, counties, and school districts, where such a method impairs the ability of a protected class to elect candidates of their choice or its ability to influence the outcome of an election. The Romoland School District’s at-large electoral system is subject to challenge under the CRVA; however “by-trustee area” electoral systems are not vulnerable to the challenge. In order to complete the transition to “by-trustee area” and to eliminate the need to go through the expense and uncertainty of a ballot measure, the Romoland School District is requesting a waiver of electoral requirements so that the Governing Board can petition the Riverside County Committee on School District Reorganization to initiate the “by-trustee area”.

Student Population: 3232

City Type: Rural

Public Hearing Date: 1/8/2013
Public Hearing Advertised: Newspaper, posted at four school sites, District Office, Website

Local Board Approval Date: 1/8/2013

Committee/Council Reviewed By: School Site Councils, DELAC
Committee/Council Reviewed Date: 12/11/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Peggy Wales
Position: Executive Assistant
E-mail: pwales@romoland.k12.ca.us
Telephone: 951-926-9244 x1223
Fax: 951-926-2170

Bargaining Unit: Date: 12/20/2012
Name: CSEA, Chapter #499
Representative: MeriAngel Enriquez
Title: CSEA President
Position: Support
Comments:

Bargaining Unit: Date: 12/31/2012
Name: Romoland Teachers’ Association
Representative: Jay Greenberg
Title: President
Position: Neutral
Comments:
6. Education Code or California Code of Regulations section to be waived

The Romoland School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition
requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.

§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No."

"For increasing the number of members of the governing board of _____ (insert name) School District from five to seven—Yes" and "For increasing the number of members of the governing board of _____ (insert name) School District from five to seven—No."
"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee on school district organization when no election is required, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the
election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 and 5020, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
Attachment B

6. Desired Outcome/ Rationale

The Romoland School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 (“CVRA”), the District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v.City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys fees from that District, though that amount was subsequently reduced by the trial court.
Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election which will reduce the District’s liability under the CVRA going forward.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-12
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

General Waiver

SUBJECT
Request by three Tehama County school districts to waive portions of California Education Code sections 35534, 35780, and 35782, and all of Section 35786 regarding district lapsation and date of effectiveness of lapsation.

Waiver Numbers: Plum Valley Elementary 110-12-2012
Manton Joint Union Elementary 111-12-2012
Mineral Elementary 112-12-2012

RECOMMENDATION

☐ Approval ☑ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve this request to allow the lapsation of the three districts to proceed only if the SBE also approves Waiver Item Number 13 (on the March 2013 SBE agenda) from the Antelope Elementary School District (ESD) to waive California Education Code (EC) Section 35543 (which requires that territory in a reorganized district not be separated by territory of another district). Approval of Waiver Item Number 13 will allow the three districts listed above to lapse into the Antelope ESD despite that fact that none of the three districts is contiguous to the Antelope ESD.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several similar waiver requests over the past few years. The most recent approval was for the Bend ESD in Tehama County at the March 8, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

EC Section 35780 requires each county committee on school district organization (county committee) to “lapse” an elementary school district if that district’s average daily attendance (ADA) falls below six. Lapsation involves the county committee dissolving the district and annexing the territory of the lapsed district to one or more adjacent districts. EC Section 35782 requires the county committee to wait until the close of the school year to initiate the lapsation process, while EC Section 35786 requires the lapsation to be effective on the date that the county committee approves the lapsation.

Approval of the waiver request will allow the Tehama County Committee to lapse the
Plum Valley, Manton Joint Union, and Mineral ESDs (Tehama County districts) even though the ADA in the districts does not meet the conditions for mandatory lapsation as stated in EC Section 35780. Approval also will allow the Tehama County Committee to begin the lapsation process before the end of the 2012-13 school-year and will make the lapsation effective at the beginning of the 2013-14 academic year.

The 2011-12 enrollment for the three Tehama County districts was 55 according to data from the California Basic Educational Data System (CBEDS). As can be seen in the following table, enrollment over the past years has been declining.

<table>
<thead>
<tr>
<th>Year</th>
<th>Plum Valley ESD</th>
<th>Manton Joint Union ESD</th>
<th>Mineral ESD*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>31</td>
<td>32</td>
<td>7</td>
<td>70</td>
</tr>
<tr>
<td>2008-09</td>
<td>20</td>
<td>41</td>
<td>8</td>
<td>69</td>
</tr>
<tr>
<td>2009-10</td>
<td>15</td>
<td>33</td>
<td>6</td>
<td>54</td>
</tr>
<tr>
<td>2010-11</td>
<td>13</td>
<td>39</td>
<td>6</td>
<td>58</td>
</tr>
<tr>
<td>2011-12</td>
<td>10</td>
<td>38</td>
<td>7</td>
<td>55</td>
</tr>
</tbody>
</table>

*Mineral ESD operates an on-line independent-study charter school (eScholar Academy). Enrollment from that charter school is not included in the table. The 2011-12 enrollment for eScholar Academy was 141. Upon lapsation, the Antelope ESD will operate the eScholar Academy.

The district governing boards believe that the lapsation will provide financial and educational benefits for the Tehama County districts and their students, including:

- Expansion of programs, services, and academic interventions available to current students.
- Greater ability to absorb extreme fluctuations in enrollment.
- Centralization of district office functions.
- Greater financial stability.

If the waiver request is approved, the Tehama County districts will be annexed to the Antelope ESD, a district with a 2011-12 enrollment of 623 and a 2012 Growth Academic Performance Index of 825. The governing board of the Antelope ESD supports the annexation and has submitted a separate waiver request (on the current SBE agenda) to allow the lapsation to proceed despite the fact that the Tehama County districts are not contiguous to the Antelope ESD.

By removing the requirement that the county committee wait until the close of the school year to initiate the lapsation, the approved waiver request will allow the lapsation process to proceed in a timeframe that provides the affected districts the ability to plan appropriately for the annexation of the Tehama County districts to the Antelope ESD. By allowing the lapsation to be effective at the beginning of a new school-year, the waiver will allow a more orderly transition (for both educational and fiscal purposes).
The CDE recommends that the SBE approve the Tehama County districts' request to waive portions of EC sections 35534, 35780, and 35782, and all of EC Section 35786 to facilitate the lapsation of those districts. The CDE supports the waiver because:

- It is the opinion of CDE staff that none of the grounds specified in EC Section 33051(a) that authorize denial of a waiver exist;
- No significant local opposition to the waiver request is reported;
- The CDE agrees that lapsation is beneficial for the Tehama County districts; and
- The SBE has approved several similar waiver requests in the past.

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 Plum Valley ESD has a 2011–12 student population of 10 and is located in a rural area of Tehama County. The Manton Joint Union ESD has a 2011–12 student population of 38 and is located in a rural area of Tehama County. The Mineral ESD has a 2011–12 student population of 148 (141 enrolled in an on-line independent study charter school) and is located in a rural area of Tehama County.

**Authority for Waiver:** EC Section 33050

**Period of request:** March 14, 2013, to March 14, 2014 (requested)
March 14, 2013, to July 1, 2014 (recommended)

**Local board approval date(s):** Plum Valley ESD: December 18, 2012; Manton Joint Union ESD: December 19, 2012; Mineral ESD: December 19, 2012.

**Public hearing held on date(s):** Plum Valley ESD: December 18, 2012; Manton Joint Union ESD: December 19, 2012; Mineral ESD: December 19, 2012.

**Bargaining unit(s) consulted on date(s):** Plum Valley Teachers’ Union: November 16, 2012; Manton Elementary School District Teachers’ Union: December 6, 2012; Mineral Teachers’ Union: November 27, 2012.

**Name of bargaining unit/representative(s) consulted:** Plum Valley Teachers’ Union: Marsha Rogers, President; Manton Elementary School District Teachers’ Union: Catherine Mancino, President; Mineral Teachers’ Union: Karen Worley, Lead Teacher.

**Position of bargaining unit(s) (choose only one):**
- [ ] Neutral
- [X] Support
- [ ] Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
posting in a newspaper  ☑ posting at each school  ☑ other (specify): Notice posted at three public locations within the Plum Valley ESD, at two public locations within the Manton Joint Union ESD, on the Manton Joint Union ESD website, at two public locations within the Mineral ESD, on the Mineral ESD website, and at the Tehama County Department of Education building.

**Advisory committee(s) consulted:** The School Site Council (SSC) at each school.

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

**Date(s) consulted:** Plum Valley SSC: October 24, 2012; Manton SSC: December 17, 2012; Mineral SSC: November 27, 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: Plum Valley Elementary School District (110-12-2012) General Waiver Request. (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 2: Manton Joint Union Elementary School District (111-12-2012) General Waiver Request. (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Mineral Elementary School District (112-12-2012) General Waiver Request. (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
California Department of Education
WAIVER SUBMISSION - General

CD Code: 5271613  Waiver Number: 110-12-2012
Active Year: 2012

Date In: 12/21/2012 9:20:30 AM

Local Education Agency: Plum Valley Elementary School District
Address: 29950 Plum Creek Rd.
Paynes Creek, CA 96075

Start: 3/14/2013  End: 3/14/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Lapsation of a Small District
Ed Code Section: 35780, 35782, 35786, 35534
Ed Code Authority: 33050-33053

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.

35782. [Within 30 days after the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance thereof to each member of the governing board of the lapsed district immediately prior to its lapsation, to each of the governing boards which adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

35786. [An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.]

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 current enrollment of Plum Valley Elementary School is 10 students kindergarten through eighth grade. The decision to apply for a waiver is based on budget shortfalls due to the economic climate in the state and enrollment fluctuations.
The desired outcome of this waiver is to provide improved matriculation, financial viability, efficiency of district office functions, ability to absorb extreme fluctuations of student enrollment, allow for flexibility in student programs, and enhance the ability of Plum Valley School to continue to exist and provide quality educational programs to students in the community.

Student Population: 10

City Type: Rural

Public Hearing Date: 12/18/2012
Public Hearing Advertised: Three locations within the Plum Valley School District, Tehama County Department of Education, local paper

Local Board Approval Date: 12/18/2012

Committee/Council Reviewed By: Plum Valley School Site Council
Committee/Council Reviewed Date: 10/24/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne Carrig
Position: Administrative Program & Evaluation Specialist
E-mail: suzanne_carrig@sccoe.org
Telephone: 408-453-6869
Fax:

Bargaining Unit: Date: 11/16/2012
Name: Plum Valley Teachers Union (CTA)
Representative: Marsha Rogers
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 5271589  Waiver Number: 111-12-2012
Active Year: 2012

Date In: 12/21/2012 9:31:24 AM

Local Education Agency: Manton Joint Union Elementary School District
Address: 31345 Forward Rd.
Manton, CA 96059

Start: 3/14/2013  End: 3/14/2014

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Lapsation of a Small District
Ed Code Section: 35780, 35782, 35786, 35534
Ed Code Authority: 33050-33053

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.

35782. [Within 30 days after the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance thereof to each member of the governing board of the lapsed district immediately prior to its lapsation, to each of the governing boards which adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

35786. [An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.]

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 current enrollment of Manton Elementary School is 38 students kindergarten through eighth grade. The decision to apply for a waiver is based on budget shortfalls due to the economic climate in the state and enrollment fluctuations.

The desired outcome of this waiver is to provide improved matriculation, financial viability, efficiency of district office functions, ability to absorb extreme fluctuations of student enrollment, allow for flexibility in student programs, and enhance the ability of Manton School to continue to
exist and provide quality educational programs to students in the community.

Student Population: 38

City Type: Rural

Public Hearing Date: 12/19/2012
Public Hearing Advertised: Manton School District Website, three locations within the district, Tehama County Department of Education, local paper

Local Board Approval Date: 12/19/2012

Committee/Council Reviewed By: Manton School Site Council
Committee/Council Reviewed Date: 12/17/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne Carrig
Position: Administrative Program & Evaluation Specialist
E-mail: suzanne_carrig@sccoe.org
Telephone: 408-453-6869
Fax:

Bargaining Unit: Date: 12/06/2012
Name: Manton Elementary School Dist.Teachers Union (CTA)
Representative: Catherine Mancino
Title: President
Position: Support
Comments:
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 deferrals.

35782. [Within 30 days after the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance thereof to each member of the governing board of the lapsed district immediately prior to its lapsation, to each of the governing boards which adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

35786. [An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.]

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 current enrollment of Mineral Elementary School is 30 students kindergarten through eight grade (CDE enrollment figures show 148 students; however, Mineral is an elementary school district and the additional 118 students attend a charter high school.
chartered through Mineral School District). The decision to apply for a waiver is based on budget shortfalls due to the economic climate in the state and enrollment fluctuations.

The desired outcome of this waiver is to provide improved matriculation, financial viability, efficiency of district office functions, ability to absorb extreme fluctuations of student enrollment, allow for flexibility in student programs, and enhance the ability of Mineral School to continue to exist and provide quality educational programs to students in the community.

Student Population: 30

City Type: Rural

Public Hearing Date: 12/19/2012
Public Hearing Advertised: Three sites in the Mineral School District: Mineral school site, post office, local restaurant, district website, Tehama County Department of Education building and website

Local Board Approval Date: 12/19/2012

Committee/Council Reviewed By: Mineral School Site Council
Committee/Council Reviewed Date: 11/27/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne Carrig
Position: Administrative Program & Evaluation Specialist
E-mail: suzanne_carrig@sccoe.org
Telephone: 408-453-6869
Fax:

Bargaining Unit: Date: 11/27/2012
Name: Mineral Teachers Union (not associated w/CTA)
Representative: Karen Worley
Title: Lead Teacher
Position: Support
Comments:
WAIVER ITEM W-13
CALIFORNIA STATE BOARD OF EDUCATION  
MARCH 2013 AGENDA

**General Waiver**

**SUBJECT**
Request by Antelope Elementary School District to waive portions of California Education Code Section 35543, regarding reorganization of separated territory.

Waiver Number: 115-12-2012

**RECOMMENDATION**

[ ] Approval  [ ] Approval with conditions  [ ] Denial

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve this request to eliminate the requirement that territory in a reorganized district not be separated by territory of another district, only if the SBE also approves Waiver Item Number 12 (on the March 2013 SBE agenda) from the Plum Valley Elementary School District (ESD), the Manton Joint Union ESD, and the Mineral ESD to waive portions of California Education Code (EC) sections 35534, 35780, and 35782, and all of Section 35786 regarding district lapsation and date of effectiveness of lapsation. Approval of Waiver Item Number 12 will require the three districts to lapse (and be annexed into the Antelope ESD).

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

The SBE has not heard a request to waive this EC section previously.

**SUMMARY OF KEY ISSUES**

EC Section 35543 prohibits the reorganization of a school district if the reorganized district includes territory that is separated from other portions of the district by another school district. There currently is an effort in Tehama County to lapse three small, rural school districts and annex the territory of these districts to the Antelope ESD. None of these three school districts is contiguous to the Antelope ESD as EC Section 35543 requires for annexation.

Waiver of EC Section 35543 would allow the Plum Valley ESD, the Manton Joint Union ESD, and the Mineral ESD to be annexed to the Antelope ESD, although the three districts would be separated from the Antelope ESD by a small portion of the Evergreen Union ESD (see the following map).

The Plum Valley ESD, the Manton Joint Union ESD, and the Mineral ESD are
geographically isolated from any other district. They are located in very mountainous areas with much of the territory being National Forest. The geographic areas of the Evergreen ESD and the Lassen View Union ESD that are contiguous to the three districts proposed for lapsation are uninhabited. The closest connection that the three districts have to a populated area is via Highway 36 (see following map). Since the populated areas (and the schools) of these geographically isolated districts are, by necessity, along major highways, any reasonable transportation option to the schools of either Evergreen ESD or Lassen View Union ESD (from the three districts proposed for lapsation) would first go through the populated area (and near the schools) of Antelope ESD.

Map of Affected Area in Tehama County

The CDE recommends that the SBE approve the request of the Antelope ESD to waive EC Section 35543. The CDE supports the waiver because:

- It is the opinion of CDE staff that none of the grounds specified in EC Section 33051(a) that authorize denial of a waiver exist;
- No significant local opposition to the waiver request is reported; and
- Neither the Tehama County Assessor nor the Tehama County Registrar of Voters object to the waiver. These two county agencies are most affected since they must manage the tax rate areas and voter precincts, respectively, for the reorganized districts.

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 Antelope ESD has a 2011–12 student population of 623 and is located in a small city and rural area of Tehama County.

Authority for Waiver: EC Section 33050

Period of request: March 13, 2013, to March 13, 2014 (requested)
March 13, 2013, to July 1, 2014 (recommended)

Local board approval date(s): December 11, 2012

Public hearing held on date(s): December 11, 2012


Name of bargaining unit/representative(s) consulted: CSEA Chapter 602: Lisa Feser, President; ATA: Terasa Burton, Bargaining Unit Chair.

Position of bargaining unit(s) (choose only one):

- Neutral
- Support
- Oppose

Comments (if appropriate): CSEA: Support; ATA: Neutral.

Public hearing advertised by (choose one or more):

- posting in a newspaper
- posting at each school
- other (specify): Notice posted at three public locations within the Plum Valley ESD, at two public locations within the Manton Joint Union ESD, on the Manton Joint Union ESD website, at two public locations within the Mineral ESD, on the Mineral ESD website, and at the Tehama County Department of Education building.

Advisory committee(s) consulted: Berrendos Middle School Site Council.

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

Date(s) consulted: November 27, 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: Antelope Elementary School District (115-12-2012) General Waiver Request. (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Topic: School District Reorganization
Ed Code Title: Lapse of a Small District
Ed Code Section: 35543
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive:
35543. [On or after January 1, 1981, a school district shall not be formed or reorganized to include territory which is separated from other portions of the territory of the district by the territory of one or more other school districts.]

Outcome Rationale: The Manton, Mineral, and Plum Valley School Districts each have voluntarily decided to lapse and annex the territory into the Antelope Elementary School District. Each district has a resolution in support of the lapse including Antelope School District. The territory to be annexed is separated from Antelope by a highway; in order for the new reorganization of the four districts to be complete, Education Code section 35543 would need to be waived.

Student Population: 623

City Type: Small

Public Hearing Date: 12/11/2012
Public Hearing Advertised: Local papers, 3 sites within district, Tehama Count Department of Education site and website

Local Board Approval Date: 12/11/2012

Committee/Council Reviewed By: Berrendos Middle School Site Council
Committee/Council Reviewed Date: 11/27/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne Carrig
Position: Administrative Program & Evaluation Specialist
E-mail: suzanne_carrig@sccoe.org
Telephone: 408-453-6869
Fax:

Bargaining Unit: Date: 11/14/2012
Name: Antelope Teachers Association
Representative: Terasa Burton
Title: Bargaining Unit Chair
Position: Neutral
Comments:

Bargaining Unit: Date: 12/10/2012
Name: CSEA Antelope Chapter 602
Representative: Lisa Feser
Title: President
Position: Support
Comments:
WAIVER ITEM W-14
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

General Waiver

SUBJECT
Request by Butte County Office of Education to waive California Code of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students.

Waiver Number(s): 27-11-2012

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends that the State Board of Education (SBE) approve the request from Butte County Office of Education (COE) to provide extended school year (ESY) services for fewer than 20 days with the condition that 80 hours or more of instruction be provided. (A minimum of 76 hours of instruction may be provided if a holiday is included.) Also, special education and related services offered during the extended year period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by California Code of Regulations, Title 5, (5 CCR), Section 3043(d).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for special education students.

Extended school year is the term for the education of special education students “between the close of one academic year and the beginning of the next,” similar to a summer school. It must be provided for each individual with exceptional needs whose individualized education program (IEP) requires it. Local educational agencies may request a waiver to provide an ESY program for fewer days than the traditional model.
SUMMARY OF KEY ISSUES

In May 2012, the SBE approved a request from the Butte County Office of Education (COE) to provide ESY services utilizing a 15-day model of five and one half hours of instruction per day. Further, the 15-day model better aligned with district calendars where classes are located and allowed students with disabilities more opportunities to interact with their typically developing peers.

For the purposes of reimbursement for average daily attendance, an ESY program:

- Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

- Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs; and

- Must offer special education and related services during the extended year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic 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.

Demographic Information: A student population of 380 is served throughout rural Butte County in various special day classes/centers.

Authority for Waiver: EC Section 33050


Local board approval date(s): November 13, 2012

Public hearing held on date(s): November 13, 2012

Bargaining unit(s) consulted on date(s):
- October 11, 2012 - Bargaining Unit 736 (Office, Clerical, Technical, and Blue Collar)
- October 24, 2012 - Butte County Teachers Association (BCTA)
- October 29, 2012 - Bargaining Unit 436 (Instructional Support)
**Name of bargaining unit/representative(s) consulted:**
- Unit 736, Tammy Long, President
- BCTA, Rachel Frank, President
- Unit 436 Veronica Rosales, President

**Position of bargaining unit(s) (choose only one):**
- [x] Neutral
- [x] Support
- [ ] Oppose

Both BCTA and Unit 436 support the waiver
Unit 736 is neutral

Comments (if appropriate): None.

**Public hearing advertised by (choose one or more):**
- [ ] posting in a newspaper
- [x] posting at each school
- [x] other: Three public non-Butte COE school locations

**Advisory committee(s) consulted:** Mesa Vista School Leadership Team

**Objections raised (choose one):**
- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** September 28, 2012

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**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

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**ATTACHMENTS**

Attachment 1: Butte County Office of Education General Waiver Request 27-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Outcome Rationale: Due to the current fiscal crisis in California, the Butte County Office of Education (BCOE) proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5.5) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction. Students would receive the same or greater number of instructional minutes. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs. Additionally, the operation of ESY for 15 days instead of 20 will better match the district calendars of sites where BCOE classes are located allowing students more opportunities to be with their typically developing peers.
Community Council Reviewed By: Mesa Vista School Leadership Team
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: Ms. Lorraine Hodel
Position: Executive Asst.
E-mail: lhodel@bcoe.org
Telephone: 530-532-5757
Fax:

Bargaining Unit: Date: 10/29/2012
Name: 436
Representative: Veronica Rosales
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 10/11/2012
Name: 736
Representative: Tammy Long
Title: President
Position: Neutral
Comments:

Bargaining Unit: Date: 10/24/2012
Name: BCTA
Representative: Rachel Frank
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-15
California Department of Education
Executive Office
SBE-006 Specific (REV. 10/2009)

CALIFORNIA STATE BOARD OF EDUCATION
MARCH 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: Guerneville Elementary School District 2-11-2012
Lakeside Union Elementary School District 11-11-2012
Lakeside Union Elementary School District 12-11-2012
San Jose Unified School District 104-12-2012
Saugus Union School District 6-11-2012
Saugus Union School District 7-11-2012
Westside Union Elementary School District 21-11-2012
Westside Union Elementary School District 22-11-2012

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 (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.

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 and/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. In fiscal year 2012–13 school district revenue limit is reduced by 23 percent. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year. Based on the Governor’s 2013–14 Budget, the deferrals will not be eliminated until 2016–17 and it will take several years to restore the revenue limit reductions through the proposed Local Control Funding Formula.

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(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (2 pages)

Attachment 2: Guerneville Elementary School District Specific Waiver Request 2-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lakeside Union Elementary School District Specific Waiver Request 11-11-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Lakeside Union Elementary School District Specific Waiver Request 12-11-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: San Jose Unified School District Specific Waiver Request 104-12-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Saugus Union School District Specific Waiver Request 6-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Saugus Union School District Specific Waiver Request 7-11-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Westside Union Elementary School District Specific Waiver Request 21-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Westside Union Elementary School District Specific Waiver Request 22-11-2012 (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>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>2-11-2012</td>
<td>Guerneville Elementary School District</td>
<td>Requested: August 21, 2012 to June 4, 2013</td>
<td>For K: Overall average 38; no class size larger than 38</td>
<td>For K: Overall average 38; no class size larger than 38</td>
<td>10/9/12</td>
<td>Guerneville Teachers Association, Doug Robinson, President 10/3/12 Neutral</td>
<td>$12,478 FY 2012-13</td>
<td>Positive</td>
<td>No</td>
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<tr>
<td>11-11-2012</td>
<td>Lakeside Union Elementary School District</td>
<td>Requested: August 20, 2012 to June 7, 2013</td>
<td>For K: Overall average 35; no class size larger than 35</td>
<td>For K: Overall average 35; no class size larger than 35</td>
<td>11/8/12</td>
<td>Lakeside Teachers Association, Cindi Marshall, President 8/15/12 Support</td>
<td>$18,702 FY 2012-13</td>
<td>Positive</td>
<td>No</td>
</tr>
<tr>
<td>12-11-2012</td>
<td>Lakeside Union Elementary School District</td>
<td>Requested: August 20, 2012 to June 7, 2013</td>
<td>For 1-3: Overall average 36; no class size larger than 36</td>
<td>For 1-3: Overall average 36; no class size larger than 36</td>
<td>11/8/12</td>
<td>Lakeside Teachers Association, Cindi Marshall, President 8/15/12 Support</td>
<td>$99,744 FY 2012-13</td>
<td>Positive</td>
<td>No</td>
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<td>104-12-2012</td>
<td>San Jose Unified School District</td>
<td>Requested: July 1, 2011 to June 30, 2012</td>
<td>For 1-3: Overall average 30; no class size larger than 33</td>
<td>For 1-3: Overall average 30; no class size larger than 33</td>
<td>12/13/12</td>
<td>San Jose Teachers Association, Stephen McMahon, President 11/27/12 Support</td>
<td>$58,653 FY 2011-12</td>
<td>Positive</td>
<td>Yes FY 2007-08</td>
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# Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code* sections 41376 and 41378: For Kindergarten: Overall average 31; No class larger than 33. For Grades 1-3: Overall average 30; no class larger than 32.

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District’s Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>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>6-11-2012</td>
<td>Saugus Union School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2014</td>
<td>For 1-3: Overall average 31; no class size larger than 33</td>
<td>For 1-3: Overall average 31; no class size larger than 33</td>
<td>11/6/12</td>
<td>Saugus Teachers Association, Debbie Rocha, President 11/5/12 Support</td>
<td>$150,000 each year</td>
<td>Qualified</td>
<td>No</td>
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<td>7-11-2012</td>
<td>Saugus Union School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2014</td>
<td>For K: Overall average 31; no class size larger than 34</td>
<td>For K: Overall average 31; no class size larger than 34</td>
<td>11/6/12</td>
<td>Saugus Teachers Association, Debbie Rocha, President 11/5/12 Support</td>
<td>$50,000 each year</td>
<td>Qualified</td>
<td>No</td>
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<td>21-11-2012</td>
<td>Westside Union Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2014</td>
<td>For K: Overall average 33; no class size larger than 33</td>
<td>For K: Overall average 33; no class size larger than 33</td>
<td>11/13/12</td>
<td>Westside Union Teachers Association, Bryan Page, Chief Negotiator 11/12/12 Neutral</td>
<td>$170,000 each year</td>
<td>Positive</td>
<td>No</td>
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<td>22-11-2012</td>
<td>Westside Union Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 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>11/13/12</td>
<td>Westside Union Teachers Association, Bryan Page, Chief Negotiator 11/12/12 Neutral</td>
<td>$175,000 each year</td>
<td>Positive</td>
<td>No</td>
</tr>
</tbody>
</table>

Created by California Department of Education
January 9, 2013
| California Department of Education  
| WAIVER SUBMISSION - Specific |
|---|---|---|
| CD Code: 4970722 | Waiver Number: 2-11-2012 | Active Year: 2012 |

Date In: 11/5/2012 5:19:57 PM

Local Education Agency: Guerneville Elementary School District
Address: 14630 Armstrong Woods Rd.
Guerneville, CA 95446


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: Guerneville Elementary School District is a small K-8 district (280 students) located along the Russian River in Sonoma County. The district has experienced significant declining enrollment over the past decade and has been running a structural budget deficit during the same period. Regardless of these difficult fiscal concerns, the students and staff of Guerneville School continue to show remarkable achievement as evidenced by our recognition as Title I Academic Achievement School in both 2011 and 2012. Our API scores continue to hover around 870 even though our Free and Reduced Meal Counts have risen to nearly 65%.

The district is requesting this waiver in order to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, and believes the class size penalty provisions of Education Code section 41378 will, if not waived, compromise the district’s ability to provide effective educational programs and improve the level of instruction in these programs.

A potential penalty of $ 12,478.00 could be incurred by the district without this waiver.
Student Population: 281

City Type: Rural

Local Board Approval Date: 10/9/2012

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Mr. Michael "Sid" Albaugh
Position: Business Manager
E-mail: salbaugh@guernevilleschool.org
Telephone: 707-869-2864
Fax:

Bargaining Unit: Date: 10/22/2012
Name: Guerneville Chapter of the CSEA
Representative: Judi Whitelaw
Title: President
Position: Neutral
Comments:

Bargaining Unit: Date: 10/03/2012
Name: Guerneville Teacher's Association
Representative: Doug Robinson
Title: President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1663966  Waiver Number: 11-11-2012  Active Year: 2012

Date In: 11/9/2012 1:31:26 PM

Local Education Agency: Lakeside Union Elementary School District
Address: 9100 Jersey Ave.
Hanford, CA 93230

Start: 8/20/2012 End: 6/7/2013

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: See attached

Outcome Rationale: See Attached

Student Population: 304

City Type: Rural

Local Board Approval Date: 11/8/2012

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Ms. Shelley Leal
Position: CBO
E-mail: sleal@kings.k12.ca.us
Telephone: 559-582-2868 x107
Fax: 559-582-7638
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.
November 9, 2012

To: California Department of Education;

Due to three years of declining enrollment and continued state budget cuts, Lakeside Union Elementary School District has found it necessary to implement necessary reductions in staff and increase our class sizes to offset the revenue shortfalls due to the state’s fiscal crisis.

One of the reductions is to offer only one kindergarten class. The district would be negatively impacted if we have to incur an attendance penalty; therefore we ask you to consider accepting our waiver request.

Sincerely,

Dale Ellis
Superintendent/Principal
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 $18702 could be incurred by the district without this waiver.
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1663966  Waiver Number: 12-11-2012  Active Year: 2012

Date In: 11/9/2012 1:46:36 PM

Local Education Agency: Lakeside Union Elementary School District
Address: 9100 Jersey Ave.
Hanford, CA 93230

Start: 8/20/2012  End: 6/7/2013

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: See Attached

Outcome Rationale: See Attached

Student Population: 304

City Type: Rural

Local Board Approval Date: 11/8/2012

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Ms. Shelley Leal
Position: CBO
E-mail: sleal@kings.k12.ca.us
Telephone: 559-582-2868 x107
Fax: 559-582-7638

Revised: 3/4/2013 4:07 PM
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.
November 9, 2012

To: California Department of Education;

Due to three years of declining enrollment and continued state budget cuts, Lakeside Union Elementary School District has found it necessary to implement reductions in staff and increase our class sizes to offset the revenue shortfalls due to the state’s fiscal crisis.

One of the reductions is to offer only one class per grade level for our first through third grade students. The district would be negatively impacted if we have to incur an attendance penalty; therefore we ask you to consider accepting our waiver request.

Sincerely,

Dale Ellis
Superintendent/Principal
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 $99744 could be incurred by the district without this waiver.
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4369666  Waiver Number: 104-12-2012  Active Year: 2012

Date In: 12/19/2012 3:17:51 PM

Local Education Agency: San Jose Unified School District
Address: 855 Lenzen Ave.
San Jose, CA 95126

Start: 7/1/2011  End: 6/30/2012

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: 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.
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 incurred a revenue limit penalty of approximately $60,000 in fiscal year 2011-12 because one 3rd grade class that had 33 students enrolled. The District is filing the waiver to recoup the loss revenue limit due to the Class Size Penalty fee.

As evidenced in the memo below from the Elementary Principal:

This note is in regards to the third grade bilingual class. During the 2011-2012 school year, Almaden Elementary experienced a high number of Spanish-speaking newcomer students. The designated third grade bilingual class was full to capacity, but the teacher, Ruth Vazquez, requested to have an additional new student in her class in order to better meet his needs. We did not have another bilingual class for the student. He would have had to be enrolled in an SEI class, and it would have been detrimental to his academic needs.

Under the circumstances, and knowing of Ms. Vasquez’ excellent skills, I agreed to allow the additional student in her class, since it was her desire.

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 $60,000 could be incurred by the district without this waiver.

Student Population: 32000
City Type: Urban
Local Board Approval Date: 12/13/2012
Audit Penalty YN: N Categorical Program Monitoring: N
Submitted by: Mr. Edgar Manalo
Position: Manager, Administrative Services
E-mail: Edgar_Manalo@sjusd.org
Telephone: 408-535-6601 Fax:
Bargaining Unit:  Date: 11/26/2012
Name: AFSCME
Representative: Jo Bates
Title: AFSCME Representative
Position: Support
Comments:

Bargaining Unit:  Date: 11/27/2012
Name: CSEA
Representative: Jenelle Morela
Title: President of CSEA
Position: Support
Comments:

Bargaining Unit:  Date: 11/27/2012
Name: SJTA Representative: Stephen McMahon
Title: President of SJTA
Position: Support
Comments:

Bargaining Unit:  Date: 11/29/2012
Name: TRADES
Representative: David McClanahan
Title: President of the Trades Union
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964998  Waiver Number: 6-11-2012  Active Year: 2012

Date In: 11/8/2012 10:13:17 AM

Local Education Agency: Saugus Union
Address: 24930 Avenue Stanford
Santa Clarita, CA 91355

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 1-3
Ed Code Section: portions of 41376 (a) (c) and, (d)
Ed Code Authority: 41382

Ed Code or CCR to Waive: Waiver of Class Size Penalty for exceeding the statewide average of (30) and per classroom total of (32) in grades 1 - 3.
EC 41376 (a) (c) and (d)

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. 

Revised: 3/4/2013 4:07 PM
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: Saugus Union School District is seeking to temporarily increase the average class size in grades 1 - 3. The District believes this waiver is necessary due to revenue cuts over the last few years. Please see attached explanation.

Student Population: 10198
City Type: Suburban
Local Board Approval Date: 11/6/2012
Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Dr. JOAN LUCID
Position: SUPERINTENDENT
E-mail: jlucid@saugususd.org
Telephone: 661-294-5300 x5121
Fax:

Bargaining Unit: Date: 10/31/2012
Name: CALIFORNIA SCHOOL EMPLOYEES ASSOC.
Representative: SUE HAYNES
Title: PRESIDENT
Position: Support
Comments:

Bargaining Unit: Date: 11/05/2012
Name: SAUGUS TEACHERS ASSOCIATION
Representative: DEBBIE ROCHA
Title: PRESIDENT
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964998  Waiver Number: 7-11-2012  Active Year: 2012

Date In: 11/8/2012 11:01:34 AM

Local Education Agency: Saugus Union
Address: 24930 Avenue Stanford
Santa Clarita, CA 91355

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: Waiver of class size penalty for kindergarten for exceeding the statewide average (33) per teacher.

EC 41378 (a) (b) (c) (d) and (e)
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).

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: Saugus Union School District is seeking to temporarily increase the class size in Kindergarten due to revenue cuts over the last few years.

Please see attached

Student Population: 10198

City Type: Suburban

Local Board Approval Date: 11/6/2012

Revised: 3/4/2013 4:07 PM
Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Dr. JOAN LUCID  
Position: SUPERINTENDENT  
E-mail: jlucid@saugususd.org  
Telephone: 661-294-5300 x5121  Fax:  

Bargaining Unit: Date: 10/31/2012  
Name: CALIFORNIA SCHOOL EMPLOYEES ASSOC.  
Representative: SUE HAYNES  
Title: PRESIDENT  
Position: Support  
Comments:  

Bargaining Unit: Date: 11/05/2012  
Name: SAUGUS TEACHERS ASSOCIATION  
Representative: DEBBIE ROCHA  
Title: PRESIDENT  
Position: Support  
Comments:
November 7, 2012

Addendum to Specific Waiver Request – Saugus Union School District

Saugus Union School District is seeking to temporarily increase the average class size in Kindergarten, in order to reduce expenditures. The District believes that this waiver is necessary to facilitate local agency operations due to fiscal challenges faced by school districts all over the state. Over the past two fiscal years, Saugus Union has had revenue cuts of approximately $23,882,043.00.

### Revenue Limit

<table>
<thead>
<tr>
<th></th>
<th>If Fully Funded</th>
<th>Actual Funding</th>
<th>Loss in Revenue</th>
</tr>
</thead>
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<tr>
<td>2010/11</td>
<td>$61,541,590.00</td>
<td>$50,551,712.00</td>
<td>($10,989,878.00)</td>
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<td>2011/12</td>
<td>$63,636,629.00</td>
<td>$50,744,464.00</td>
<td>($12,892,165.00)</td>
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<tr>
<td><strong>Total Revenue Loss</strong></td>
<td></td>
<td></td>
<td><strong>($23,882,043.00)</strong></td>
</tr>
</tbody>
</table>

To achieve a savings and avoid a penalty for exceeding class sizes, Saugus Union School District would require a waiver of Education Code Section 41378 (a) through (e). Request: **Maximum of 34 to 1 in any classroom.** Average of 31 to 1 has not changed.

The waiver would allow the District some flexibility and time over the next two fiscal years to reassess its fiscal position in order to lower class sizes.

Given the extremely challenging fiscal environment presently facing all California schools and the specific circumstances described by the district in its waiver application, the Board finds that the District’s continued ability to maintain the delivery of instruction and required program offerings, in all core subjects, including reading and mathematics will be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver.

Joan Lucid, Ed.D.
Superintendent
Saugus Union School District
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1965102 Waiver Number: 21-11-2012 Active Year: 2012

Date In: 11/20/2012 10:44:37 AM

Local Education Agency: Westside Union Elementary School District
Address: 41914 50th St. West
Quartz Hill, CA 93536

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 Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or CCR to Waive: 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 is requesting a waiver for the section of the California Education Code (EC 41378) in order to avoid incurring funding penalties in the event that the district-wide average number of pupils per full-time equivalent teacher (FTE) exceeds the class size limits as stated in California Education Code Section 41378.

Due to the current statewide budget crisis and the subsequent ongoing reductions to school district revenues, it has become necessary to manage student/teacher ratios in every classroom to extremely close tolerances. The solution that has been available in the past, i.e., the hiring of additional staff in order to eliminate the risk of penalties, may not be an available option in the current fiscal environment, given the twin pressures of significantly reduced funding and AB1200 multi-year budgeting requirements. Additionally, the district would be prevented from developing more effective educational programs for pupils to improve instruction in core programs including reading and mathematics.

Student Population: 8700
City Type: Urban

Local Board Approval Date: 11/13/2012

Audit Penalty YN: N  Categorical Program Monitoring: N

Submitted by: Mr. Shawn Cabey
Position: Director, Administrative Services
E-mail: s.cabey@westside.k12.ca.us
Telephone: 661-722-0716 x76104
Fax: 661-974-8565

Bargaining Unit: Date: 11/12/2012
Name: Westside Union Teacher's Association
Representative: Bryan Page
Title: Chief Negotiator
Position: Neutral
Comments:
Ed Code or CCR to Waive: 41376. 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 is requesting a waiver for the section of the California Education Code (EC 41376) in order to avoid incurring funding penalties in the event that the district-wide average number of pupils per full-time equivalent teacher (FTE) exceeds the class size limits as stated in California Education Code Section 41376.

Due to the current statewide budget crisis and the subsequent ongoing reductions to school district revenues, it has become necessary to manage student/teacher ratios in every classroom to extremely close tolerances. The solution that has been available in the past, i.e., the hiring of additional staff in order to eliminate the risk of penalties, may not be an available option in the current fiscal environment, given the twin pressures of significantly reduced funding and AB1200 multi-year budgeting requirements. Additionally, the district would be prevented from developing more effective educational programs for pupils to improve instruction in core programs including reading and mathematics.

Student Population: 8700

City Type: Urban

Local Board Approval Date: 11/13/2012

Audit Penalty YN: N   Categorical Program Monitoring: N

Submitted by: Mr. Shawn Cabey
Position: Director, Administrative Services
E-mail: s.cabey@westside.k12.ca.us
Telephone: 661-722-0716 x76104
Fax: 661-974-8565

Bargaining Unit: Date: 11/12/2012
Name: Westside Union Teacher’s Association
Representative: Bryan Page
Title: Chief Negotiator
Position: Neutral
Comments:
WAIVER ITEM W-16
General Waiver

SUBJECT

Request by three 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: Robla Elementary School District 28-11-2012
Saugus Union School District 17-11-2012
Westside Union Elementary School District 23-11-2012

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, Education Code (EC) Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of EC Section 41376, which relates to class size penalties for grades four through eight that reduce a district’s revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district’s class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.

The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.
A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district’s most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053

**FISCAL ANALYSIS (AS APPROPRIATE)**

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

**ATTACHMENT(S)**

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Robla Elementary School District General Waiver Request 28-11-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Saugus Union School District General Waiver Request 17-11-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Westside Union Elementary School District General Waiver Request 23-11-2012 (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>28-11-2012</td>
<td>Robla Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2013</td>
<td>30.5</td>
<td>33</td>
<td>33</td>
<td>Robla Teachers Association, Vern Ahnin, President 6/7/12</td>
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<td>$351,000 FY 2012/13</td>
<td>Qualified</td>
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<td>17-11-2012</td>
<td>Saugus Union School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2014</td>
<td>31.4</td>
<td>32</td>
<td>32</td>
<td>Saugus Teachers Association, Debbie Rocha, President 11/5/12</td>
<td>Support</td>
<td>11/6/12</td>
<td>$150,000 each year</td>
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<td>23-11-2012</td>
<td>Westside Union Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 29, 2014</td>
<td>32.8</td>
<td>35</td>
<td>35</td>
<td>Westside Union Teachers Association, Bryan Page, Chief Negotiator 11/12/12</td>
<td>Neutral</td>
<td>11/13/12</td>
<td>$1,100,000 each year</td>
<td>Positive</td>
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</tbody>
</table>

Created by California Department of Education
January 11, 2013

Revised: 3/4/2013 4:01 PM
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467421 Waiver Number: 28-11-2012 Active Year: 2012

Date In: 11/29/2012 11:27:37 AM

Local Education Agency: Robla Elementary School District
Address: 5248 Rose St.
Sacramento, CA 95838

Start: 7/1/2012 End: 6/30/2013

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: 33050

Ed Code or CCR to Waive: §41376. 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 for the current fiscal year.]
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 late June settlement with the Robla Teachers Association increasing class sizes for 2012-13 and greater than expected growth in enrollment, the district finds itself in the position of needing a class size penalty waiver. Because the district has continued to grow since school opened in August, and because students are two months into their academic year, it would be disruptive and educationally damaging to pull the needed number of students out of each class to make up a new classroom to bring the average down to the state required levels. Our current class sizes fall within our collective bargaining contract and meet board goals.
Student Population: 2108

City Type: Rural

Public Hearing Date: 11/15/2012
Public Hearing Advertised: newspaper, web, general agenda distribution list

Local Board Approval Date: 11/15/2012

Community Council Reviewed By: Robla School Advisory Committee and District English Language Advisory Committee
Community Council Reviewed Date: 6/13/2012
Community Council Objection: No objections
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Teresa Ryland
Position: Interim CBO
E-mail: tryland@robla.k12.ca.us
Telephone: 916-991-1728 x530
Fax:

Bargaining Unit: Date: June 7, 2012
Name: Robla Teachers Association
Representative: Vern Ahnin
Title: President
Position: Support
Comments:
Waiver of class size penalty in grades 4 - 6 for exceeding our District average, established in 1964 of 31.4.

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: Saugus Union School District is seeking to temporarily increase class size in grades 4 - 6, due to revenue cuts over the last few years.

Please see attached

Student Population: 10198

City Type: Suburban

Public Hearing Date: 11/6/2012
Public Hearing Advertised: Posted on site and online

Local Board Approval Date: 11/6/2012

Community Council Reviewed By: Parent Advisory Committee
Community Council Reviewed Date: 11/14/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. JOAN LUCID
Position: SUPERINTENDENT
E-mail: jlucid@saugususd.org
Telephone: 661-294-5300 x5121
Fax:
Bargaining Unit: Date: 10/31/2012
Name: CALIFORNIA SCHOOL EMPLOYEES ASSOC.
Representative: SUE HAYNES
Title: PRESIDENT
Position: Support
Comments:

Bargaining Unit: Date: 11/05/2012
Name: SAUGUS TEACHERS ASSOCIATION
Representative: DEBBIE ROCHA
Title: PRESIDENT
Position: Support
Comments:
November 8, 2012

Addendum to General Waiver Request – Saugus Union School District

Saugus Union School District is seeking to temporarily increase the average class size in Grades 4 - 6, in order to reduce expenditures. The District believes that this waiver is necessary to facilitate local agency operations due to fiscal challenges faced by school districts all over the state. Over the past two fiscal years, Saugus Union has had revenue cuts of approximately $23,882,043.00.

Revenue Limit

<table>
<thead>
<tr>
<th></th>
<th>If Fully Funded</th>
<th>Actual Funding</th>
<th>Loss in Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/11</td>
<td>$61,541,590.00</td>
<td>$50,551,712.00</td>
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<td>2011/12</td>
<td>$63,636,629.00</td>
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<td>$(12,892,165.00)</td>
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<tr>
<td>Total</td>
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<td></td>
<td>$(23,882,043.00)</td>
</tr>
</tbody>
</table>

To achieve a savings and avoid a penalty for exceeding class sizes, Saugus Union School District would require a waiver of Education Code Section 41376 (b) and (e).

Request: **Maximum of 35 to 1 in any classroom. Average of 32 to 1.**

The waiver would allow the District some flexibility and time over the next two fiscal years to reassess its fiscal position in order to lower class sizes.

Given the extremely challenging fiscal environment presently facing all California schools and the specific circumstances described by the district in its waiver application, the Board finds that the District’s continued ability to maintain the delivery of instruction and required program offerings, in all core subjects, including reading and mathematics will be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver.

Joan Lucid, Ed.D.
Superintendent
Saugus Union School District
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1965102 Waiver Number: 23-11-2012 Active Year: 2012

Date In: 11/20/2012 11:29:27 AM

Local Education Agency: Westside Union Elementary School District
Address: 41914 50th St. West
Quartz Hill, CA 93536

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: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 41376. 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 (.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 is requesting a waiver for the section of the California Education Code (EC 41376) in order to avoid incurring funding penalties in the event that the district-wide average number of pupils per full-time equivalent teacher (FTE) exceeds the class size limits as stated in California Education Code Section 41376.

Due to the current statewide budget crisis and the subsequent ongoing reductions to school district revenues, it has become necessary to manage student/teacher ratios in every classroom to extremely close tolerances. The solution that has been available in the past, i.e., the hiring of additional staff in order to eliminate the risk of penalties, may not be an available option in the current fiscal environment, given the twin pressures of significantly reduced funding and AB1200 multi-year budgeting requirements.

Student Population: 8700

City Type: Urban

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Public Website, Internal Website, District Facebook

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: District Advisory Council
Community Council Reviewed Date: 11/15/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Shawn Cabey  
Position: Director, Administrative Services  
E-mail: s.cabey@westside.k12.ca.us  
Telephone: 661-722-0716 x76104  
Fax: 661-974-8565

Bargaining Unit: Date: 11/12/2012  
Name: Westside Union Teacher's Association  
Representative: Bryan Page  
Title: Chief Negotiator  
Position: Neutral  
Comments
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-17
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

Specific Waiver

SUBJECT
Request by two 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: Adelanto Elementary School District 107-12-2012
Center Joint Unified School District 6-12-2012
Center Joint Unified School District 9-12-2012

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 (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.

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.

For fiscal year 2012–13, the districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten and/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. In fiscal year 2012–13 school district revenue limit is reduced by 23 percent. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year. Based on the Governor’s 2013–14 budget, the deferrals will not be eliminated until fiscal year 2016–17 and it will take several years to restore the revenue limit reductions through the proposed Local Control Funding Formula.

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. (1 pages)

Attachment 2:  Adelanto Elementary School District Specific Waiver Request 107-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3:  Center Joint Unified School District Specific Waiver Request 6-12-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4:  Center Joint Unified School District Specific Waiver Request 9-12-2012 (4 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.

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<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>
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<td>107-12-2012</td>
<td>Adelanto Elementary School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 29, 2013</td>
<td><strong>Recommended:</strong> 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>12/8/12</td>
<td>Adelanto District Teachers Association, LaNita Dominique, President 11/29/12 Oppose</td>
<td>$733,448 FY 2012-13</td>
<td>Qualified</td>
<td>Yes FY 2011-12</td>
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<td>Center Joint Unified School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2013</td>
<td><strong>Recommended:</strong> For K: Overall average 32; no class size larger than 33</td>
<td>For K: Overall average 32; no class size larger than 33</td>
<td>11/14/12</td>
<td>Center Unified Teachers Association, Heather Woods, President 9/7/12 Oppose</td>
<td>$56,032 FY 2012-13</td>
<td>Qualified</td>
<td>Yes FY 2011-12</td>
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<td>9-12-2012</td>
<td>Center Joint Unified School District</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2013</td>
<td><strong>Recommended:</strong> For 1-3: Overall average 32; no class size larger than 35</td>
<td>For 1-3: Overall average 32; no class size larger than 35</td>
<td>11/14/12</td>
<td>Center Unified Teachers Association, Heather Woods, President 9/7/12 Oppose</td>
<td>$264,570 FY 2012-13</td>
<td>Qualified</td>
<td>Yes FY 2011-12</td>
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Created by California Department of Education

January 16, 2013
Revised: 3/4/2013 4:01 PM

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667587 Waiver Number: 107-12-2012 Active Year: 2012

Date In: 12/20/2012 12:49:40 PM

Local Education Agency: Adelanto Elementary School District
Address: 11824 Air Expressway
Adelanto, CA 92301

Start: 7/1/2012 End: 6/29/2013

Waiver Renewal: Y
Previous Waiver Number: 34-5-2012-W-14 Previous SBE Approval Date: 9/13/2012

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: 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: If not granted, the District would suffer significant class-size penalties and the loss of crucial revenue limit funding. Fiscal flexibility for the District is crucial to maintain programs for students. The waiver does not violate our collective bargaining agreement. The Adelanto School District is facing at least $9 million in cuts over the next two years. The class size waiver offers flexibility to remain solvent and avoid penalties during difficult times.

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 $733,448 could be incurred by the district without this waiver.

Student Population: 8350

City Type: Small

Local Board Approval Date: 12/8/2012

Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Mr. Ed Dardenne-Ankringa
Position: Director Human Resources
E-mail: ed_da@aesd.net
Telephone: 760-246-8691 x10261 Fax:

Bargaining Unit: Date: 11/29/2012
Name: ADTA (Adelanto District Teacher Association)
Representative: LaNita Doninique
Title: President
Position: Oppose

Comments: Teachers want lower class sizes when fiscally possible, but are opposed to salary cuts/furloughs
Outcome Rationale: The Center Joint Unified School District has presented a “qualified budget to Sacramento County, the result of declining enrollment and decreased state revenues. The best-case scenario for CJUSD for school year 2012-2013 shows a budget shortfall. Even after concessions from both certificated and classified employee groups (in the form of furlough days) and the reduction of the school year by 5 days, the District will suffer financial hardship unless this waiver is granted. The District intends to continue to provide high-quality instruction in the core areas to students at all grade levels, but the financial penalty incurred if a waiver is not granted may preclude the District from doing so. (See additional attachment)

Student Population: 4805

City Type: Urban

Local Board Approval Date: 11/14/2012

Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Mr. David Grimes
Position: Director of Personnel/Student Services
E-mail: davidgrimes@centerusd.org
Telephone: 916-338-6413 Fax: 916-339-4607
Bargaining Unit:  Date: 09/07/2012  
Name: Center Unified Teachers Association  
Representative: Heather Woods  
Title: President  
Position: Oppose  

Comments: While understanding financial situation of the Dist, supports smaller class sizes @ all grade levels
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.
CENTER JOINT UNIFIED SCHOOL DISTRICT STATEMENT RELATED TO SPECIFIC WAIVER REQUEST - KINDERGARTEN

The Center Joint Unified School District is making a request to temporarily increase class size in grade KINDERGARTEN to an overall average of 32 per class, with no individual class above 33 students, an average that exceeds the Ed. Code mandated limit on class size at those grade levels. If this waiver is not granted, the penalty imposed on the District (an estimated $56,032) would have an extremely negative impact on programs that have already been devastated by a combination of declining enrollment and state budget reductions. The District is already facing a budget shortfall of at least 1.47 million this fiscal year, which has resulted in major adjustments to core educational programs at all grades levels.

While Center Joint Unified School District has worked hard to provide the essential core academic programs to our students, the imposition of a penalty coupled with the current loss of state revenue would deal a blow to our ability to continue to provide such quality instruction to our students. We continue to take pride in the accomplishments of all our students, especially in the core areas of mathematics and reading instruction, and would like to continue to offer the quality educational programs our community expects and requires.

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 $56,032 could be incurred by the district without this waiver.
Outcome Rationale: The Center Joint Unified School District has presented a “qualified budget to Sacramento County, the result of declining enrollment and decreased state revenues. The best-case scenario for CJUSD for school year 2012-2013 shows a budget shortfall. Even after concessions from both certificated and classified employee groups (in the form of furlough days) and the reduction of the school year by 5 days, the District will suffer financial hardship unless this waiver is granted. The District intends to continue to provide high-quality instruction in the core areas to students at all grade levels, but the financial penalty incurred if a waiver is not granted may preclude the District from doing so. (See additional attachment)

Student Population: 4805

City Type: Urban

Local Board Approval Date: 11/14/2012

Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Mr. David Grimes
Position: Director of Personnel/Student Services
E-mail: davidgrimes@centerusd.org
Telephone: 916-338-6413 Fax: 916-339-4609
Bargaining Unit:  Date: 09/07/2012
Name: Center Unified Teachers Association
Representative: Heather Woods
Title: President
Position: Oppose

Comments: While understanding financial situation of the Dist, supports smaller class sizes @ all grade levels
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.
CENTER JOINT UNIFIED SCHOOL DISTRICT STATEMENT RELATED TO SPECIFIC WAIVER REQUEST – GRADES 1-3

The Center Joint Unified School District is making a request to temporarily increase class size in grades 1-3 to an overall average of 32 per class, with no individual class above 35 students, an average that exceeds the Ed. Code mandated limit on class size at those grade levels. If this waiver is not granted, the penalty imposed on the District (an estimated $264,570) would have an extremely negative impact on programs that have already been devastated by a combination of declining enrollment and state budget reductions. The District is already facing a budget shortfall of at least 1.47 million this fiscal year, which has resulted in major adjustments to core educational programs at all grades levels.

While Center Joint Unified School District has worked hard to provide the essential core academic programs to our students, the imposition of a penalty coupled with the current loss of state revenue would deal a blow to our ability to continue to provide such quality instruction to our students. We continue to take pride in the accomplishments of all our students, especially in the core areas of mathematics and reading instruction, and would like to continue to offer the quality educational programs our community expects and requires.

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 $264,570 could be incurred by the district without this waiver.
WAIVER ITEM W-18
California Department of Education  
Executive Office  
SBE-005 General (REV. 08/2011)  

CALIFORNIA STATE BOARD OF EDUCATION  

MARCH 2013 AGENDA  

**General Waiver**  

**SUBJECT**  

Request by Los Angeles Unified School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:  
- Los Angeles Unified 11-12-2012  
- Los Angeles Unified 15-12-2012  
- Los Angeles Unified 16-12-2012  
- Los Angeles Unified 17-12-2012  
- Los Angeles Unified 18-12-2012  
- Los Angeles Unified 19-12-2012  
- Los Angeles Unified 20-12-2012  
- Los Angeles Unified 21-12-2012  
- Los Angeles Unified 22-12-2012  
- Los Angeles Unified 24-12-2012  
- Los Angeles Unified 26-12-2012  
- Los Angeles Unified 27-12-2012  
- Los Angeles Unified 28-12-2012  
- Los Angeles Unified 29-12-2012  
- Los Angeles Unified 30-12-2012  
- Los Angeles Unified 31-12-2012  
- Los Angeles Unified 32-12-2012  
- Los Angeles Unified 33-12-2012  
- Los Angeles Unified 34-12-2012  
- Los Angeles Unified 36-12-2012  
- Los Angeles Unified 37-12-2012  
- Los Angeles Unified 38-12-2012  
- Los Angeles Unified 40-12-2012  
- Los Angeles Unified 42-12-2012  
- Los Angeles Unified 44-12-2012  
- Los Angeles Unified 45-12-2012  
- Los Angeles Unified 46-12-2012  
- Los Angeles Unified 47-12-2012  
- Los Angeles Unified 48-12-2012  
- Los Angeles Unified 49-12-2012  
- Los Angeles Unified 50-12-2012  
- Los Angeles Unified 51-12-2012  
- Los Angeles Unified 52-12-2012  
- Los Angeles Unified 53-12-2012  
- Los Angeles Unified 54-12-2012  

**Action**

**Consent**
Los Angeles Unified 55-12-2012
Los Angeles Unified 56-12-2012
Los Angeles Unified 57-12-2012
Los Angeles Unified 58-12-2012
Los Angeles Unified 59-12-2012
Los Angeles Unified 60-12-2012
Los Angeles Unified 61-12-2012
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Los Angeles Unified 97-12-2012
Los Angeles Unified 98-12-2012
Los Angeles Unified 99-12-2012

**RECOMMENDATION**

☐ Approval  ✅ Approval with conditions  ☐ Denial

See Attachment 1 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 size targets.

**SUMMARY OF KEY ISSUES**

Los Angeles Unified School District (USD) is located in Los Angeles County with a student population of approximately 662,140 students. The CSR requirements of QEIA were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14.

Los Angeles USD states that in 2007, in collaboration with the Los Angeles County Office of Education, it performed a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. The district states that based upon this projection, regular application QEIA schools were advised to save QEIA dollars since the funds could carry over from year to year; these funds would provide a means by which a school could later scale down the number of staff purchased by QEIA funds after the program ended. The district states that due to the deep economic cuts it has had to make over the last few years, schools are struggling to fund class size reduction teachers to meet the established class size targets as QEIA carryover accounts have been depleted.

Los Angeles USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades four through twelve at 79 schools 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 25.0 students per class on average in core classes in grades four through twelve.

The CDE supports Los Angeles USD’s request to increase the QEIA CSR targets for kindergarten and grades one through three, and grades four through twelve at all of the schools identified on Attachment 1, with the following conditions: (1) Applies to kindergarten and grades one through three, and grades four through twelve at all of the schools identified on Attachment 1 for school years 2012–13 and 2013–14; (2) All schools identified on Attachment 1 increase enrollment to 24.0 per class in core classes in kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades four through twelve; (3) For all schools identified on Attachment 1, no core class in grades four through twelve may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Los Angeles USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.
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: Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waivers (24 Pages)

Attachment 2: Los Angeles Unified School District General Waiver Request 11-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 3: Los Angeles Unified School District General Waiver Request 15-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Los Angeles Unified School District General Waiver Request 16-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Los Angeles Unified School District General Waiver Request 17-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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Attachment 8: Los Angeles Unified School District General Waiver Request 20-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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Attachment 10: Los Angeles Unified School District General Waiver Request 22-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Los Angeles Unified School District General Waiver Request 24-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Los Angeles Unified School District General Waiver Request 26-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Los Angeles Unified School District General Waiver Request 27-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 14: Los Angeles Unified School District General Waiver Request 28-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 15: Los Angeles Unified School District General Waiver Request  
29-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 16: Los Angeles Unified School District General Waiver Request  
30-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Los Angeles Unified School District General Waiver Request  
31-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 18: Los Angeles Unified School District General Waiver Request  
32-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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33-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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42-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 26: Los Angeles Unified School District General Waiver Request  
44-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 27: Los Angeles Unified School District General Waiver Request 45-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 28: Los Angeles Unified School District General Waiver Request 46-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 29: Los Angeles Unified School District General Waiver Request 47-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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Attachment 31: Los Angeles Unified School District General Waiver Request 49-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 32: Los Angeles Unified School District General Waiver Request 50-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 33: Los Angeles Unified School District General Waiver Request 51-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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57-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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59-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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60-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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61-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 44: Los Angeles Unified School District General Waiver Request
62-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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63-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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Attachment 52: Los Angeles Unified School District General Waiver Request 70-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 53: Los Angeles Unified School District General Waiver Request 72-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 54: Los Angeles Unified School District General Waiver Request 73-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 55: Los Angeles Unified School District General Waiver Request 75-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 56: Los Angeles Unified School District General Waiver Request 76-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 57: Los Angeles Unified School District General Waiver Request 78-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 58: Los Angeles Unified School District General Waiver Request 79-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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Attachment 60: Los Angeles Unified School District General Waiver Request 83-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 61: Los Angeles Unified School District General Waiver Request 84-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 62: Los Angeles Unified School District General Waiver Request 86-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 63: Los Angeles Unified School District General Waiver Request
87-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 64: Los Angeles Unified School District General Waiver Request
89-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 65: Los Angeles Unified School District General Waiver Request
90-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 66: Los Angeles Unified School District General Waiver Request
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94-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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98-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 71: Los Angeles Unified School District General Waiver Request
99-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
## Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School (CDS Code)</th>
<th>LEAs Request</th>
<th>CDE Recommendation</th>
<th>Period of Request/Period Recommended</th>
<th>Collective Bargaining Unit Position</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-12-2012</td>
<td>Tenth Street Elementary School 19 64733 6019459</td>
<td>QEIA CSR</td>
<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
<td>United Teachers Los Angeles on November 7, 2012 Neutral</td>
<td>SSC, on November 8, 2012 No objections</td>
<td>November 13, 2012</td>
</tr>
<tr>
<td>15-12-2012</td>
<td>Seventy-Fifth Street Elementary School 19 64733 6019137</td>
<td>QEIA CSR</td>
<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
<td>United Teachers Los Angeles on November 7, 2012 Neutral</td>
<td>SSC, on November 1, 2012 No objections</td>
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<td>16-12-2012</td>
<td>One Hundred Seventh Street Elementary School 19 64733 6018535</td>
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<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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| 17-12-2012    | Bridge Street Elementary School 19 64733 6016091 | QEIA CSR | Approval with conditions:  
See Pages 3–4 under Summary of Key Issues. | **Period of Request:**  
July 1, 2012 to June 29, 2014  
**Period Recommended:**  
July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on October 3, 2012  
No objections | November 13, 2012 |
| 18-12-2012    | Evergreen Avenue Elementary School 19 64733 6016976 | QEIA CSR | Approval with conditions:  
See Pages 3–4 under Summary of Key Issues. | **Period of Request:**  
July 1, 2012 to June 29, 2014  
**Period Recommended:**  
July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on November 26, 2012  
No objections | November 13, 2012 |
| 19-12-2012    | Farmdale Elementary School 19 64733 6017008 | QEIA CSR | Approval with conditions:  
See Pages 3–4 under Summary of Key Issues. | **Period of Request:**  
July 1, 2012 to June 29, 2014  
**Period Recommended:**  
July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on November 7, 2012  
No objections | November 13, 2012 |
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<td>Period of Request: July 1, 2012 to June 29, 2014</td>
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<td>26-12-2012</td>
<td>Magnolia Avenue Elementary School 19 64733 6017990</td>
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<td>27-12-2012</td>
<td>Main Street Elementary School 19 64733 6018006</td>
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<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
<td>Period of Request: July 1, 2012 to June 29, 2014</td>
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| 31-12-2012    | Napa Street Elementary School 19 64733 6018303 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on November 8, 2012  
No objections | November 13, 2012 |
| 32-12-2012    | Nevin Avenue Elementary School 19 64733 6018188 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on December 10, 2012  
No objections | November 13, 2012 |
| 33-12-2012    | Park Avenue Elementary School 19 64733 6018667 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on October 25, 2012  
No objections | November 13, 2012 |
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<td>36-12-2012</td>
<td>Trinity Street Elementary School 19 64733 6019558</td>
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<td>37-12-2012</td>
<td>Vermont Avenue Elementary School 19 64733 6019731</td>
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<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014 <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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<td>38-12-2012</td>
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<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
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<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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<td>42-12-2012</td>
<td>Hyde Park Boulevard Elementary School YES Academy 19 64733 6017677</td>
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<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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<td>46-12-2012</td>
<td>Belvedere Middle School 19 64733 6057889</td>
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<td>52-12-2012</td>
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<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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| 56-12-2012    | Thomas A. Edison Middle School 19 64733 6061444 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012 Neutral | SSC, on October 29, 2012 No objections | November 13, 2012 |
| 57-12-2012    | El Sereno Middle School 19 64733 6068431 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012 Neutral | SSC, on November 10, 2012 No objections | November 13, 2012 |
| 58-12-2012    | David Wark Griffith Middle School 19 64733 6058036 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012 Neutral | SSC, on November 1, 2012 No objections | November 13, 2012 |
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<td>United Teachers Los Angeles on November 7, 2012 Neutral</td>
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<td>Period of Request: July 1, 2012 to June 29, 2014  Period Recommended: July 1, 2012 to June 29, 2014</td>
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| 62-12-2012    | Los Angeles High School of the Arts 19 64733 0117747 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012 Neutral | SSC, on December 4, 2012 No objections | November 13, 2012 |
| 63-12-2012    | Joseph Le Conte Middle School 19 64733 6061501 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012 Neutral | SSC, on November 15, 2012 No objections | November 13, 2012 |
| 64-12-2012    | John H. Liechty Middle School 19 64733 0114199 | QEIA CSR | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012 Neutral | SSC, on November 30, 2012 No objections | November 13, 2012 |
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| 65-12-2012    | Los Angeles Senior High School   | QEIA CSR     | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
 **Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
 Neutral | SSC, on December 4, 2012  
 No objections | November 13, 2012 |
| 66-12-2012    | Los Angeles Academy Middle School | QEIA CSR     | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
 **Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
 Neutral | SSC, on November 28, 2012  
 No objections | November 13, 2012 |
| 67-12-2012    | Charles Maclay Middle School     | QEIA CSR     | Approval with conditions: See Pages 3–4 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
 **Period Recommended:** July 1, 2012 to June 29, 2014 | United Teachers Los Angeles on November 7, 2012  
 Neutral | SSC, on December 10, 2012  
 No objections | November 13, 2012 |
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<td>Los Angeles Teachers Preparatory Academy School 19 64733 0117754</td>
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<td>69-12-2012</td>
<td>Mark Twain Middle School 19 64733 6058135</td>
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<td>70-12-2012</td>
<td>Edwin Markham Middle School 19 64733 6061527</td>
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<td>72-12-2012</td>
<td>John Muir Middle School 19 64733 6058176</td>
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<td>73-12-2012</td>
<td>Florence Nightingale Middle School 19 64733 6058192</td>
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<td>75-12-2012</td>
<td>Chester W. Nimitz Middle School 19 64733 6057939</td>
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<td>Northridge Middle School 19 64733 6058200</td>
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<td>79-12-2012</td>
<td>San Fernando Middle School 19 64733 6058283</td>
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<td>83-12-2012</td>
<td>San Fernando Institute of Applied Media Middle School 19 64733 6058283</td>
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<td>84-12-2012</td>
<td>Sun Valley Middle School 19 64733 6061600</td>
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<td>Vista Middle School 19 64733 0106971</td>
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<td>90-12-2012</td>
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<td>Approval with conditions: See Pages 3–4 under Summary of Key Issues.</td>
<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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<td>Wilmington Middle School 19 64733 6058374</td>
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<td><strong>Period of Request:</strong> July 1, 2012 to June 29, 2014  <strong>Period Recommended:</strong> July 1, 2012 to June 29, 2014</td>
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<td>Robert E. Peary Middle School 19 64733 6061576</td>
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<td>96-12-2012</td>
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<td>97-12-2012</td>
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Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that 10th Street Elementary has shown 78 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 850

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
California Department of Education  
WAIVER SUBMISSION - General  

CD Code: 1964733  Waiver Number: 15-12-2012  Active Year: 2012  

Date In: 12/13/2012 4:16:18 PM  

Local Education Agency: Los Angeles Unified School District  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017  

Start: 7/1/2012  End: 6/29/2014  

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 Authority: 33050  

Ed Code or CCR to Waive: (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:  
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(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:  
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(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: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.  

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that 75th Street Elementary has shown 110 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/1/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that 107th Street Elementary has shown 79 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 900

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Bridge Elementary has shown 43 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 900

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/3/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 18-12-2012  Active Year: 2012

Date In: 12/13/2012 5:16:06 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Evergreen Elementary has shown 69 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1100

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/26/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 19-12-2012  Active Year: 2012

Date In: 12/13/2012 5:22:41 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Farmdale Elementary has shown 33 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 500

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/7/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
Ed Code or CCR to Waive: (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.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) [At least five pupils fewer per classroom than was the average in 2006-07.]

(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from...
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Fernangeles Elementary has shown 72 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 750

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 21-12-2012  Active Year: 2012

Date In: 12/13/2012 5:50:51 PM

Local Education Agency: Los Angeles Unified School District  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Gratts Elementary has shown 107 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 620

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 22-12-2012  Active Year: 2012

Date In: 12/13/2012 6:00:36 PM

Local Education Agency: Los Angeles Unified School District  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Gulf Elementary has shown 115 points of academic growth as measured by the Academic Performance Index over the last four years

Student Population: 950

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/13/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 24-12-2012 Active Year: 2012

Date In: 12/14/2012 9:07:36 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012 End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Langdon Elementary has shown 114 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 600
City Type: Urban
Public Hearing Date: 11/13/2012
Local Board Approval Date: 11/13/2012
Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/20/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032
Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles Representative: Gregg Solkovits Title: Vice President Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733        Waiver Number: 26-12-2012        Active Year: 2012

Date In: 12/14/2012 9:14:20 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012        End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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)]
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      (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: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Magnolia Elementary has shown 28 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1200
City Type: Urban
Public Hearing Date: 11/13/2012
Local Board Approval Date: 11/13/2012
Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/3/2001
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032
Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles Representative: Gregg Solkovits Title: Vice President Position: Neutral Comments:
### California Department of Education
**WAIVER SUBMISSION - General**

<table>
<thead>
<tr>
<th>CD Code: 1964733</th>
<th>Waiver Number: 27-12-2012</th>
<th>Active Year: 2012</th>
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<tbody>
<tr>
<td>Date In: 12/14/2012 9:23:20 AM</td>
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Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017  
Start: 7/1/2012  
End: 6/29/2014  
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 Authority: 33050  
Ed Code or CCR to Waive:  
- (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.  
     - (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
       - (i) At least five pupils fewer per classroom than was the average in 2006-07.  
       - (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Main Street Elementary has shown 70 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 790

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
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Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles Representative: Gregg Solkovits Title: Vice President Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733        Waiver Number: 28-12-2012        Active Year: 2012

Date In: 12/14/2012 9:35:28 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012        End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Malabar Elementary has shown 73 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 780

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/1/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles Representative: Gregg Solkovits Title: Vice President Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 29-12-2012  Active Year: 2012

Date In: 12/14/2012 9:40:08 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Manchester Elementary has shown 154 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 930

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 30-12-2012  Active Year: 2012

Date In: 12/14/2012 9:51:54 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012    End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Miramonte Elementary has shown 14 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1400

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 31-12-2012  Active Year: 2012

Date In: 12/14/2012 10:03:18 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Napa Elementary has shown 125 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 900

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
CD Code: 1964733  Waiver Number: 32-12-2012  Active Year: 2012

Date In: 12/14/2012 10:09:22 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 3
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social
science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in
grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angeles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Nevin Elementary has shown 88 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 900

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 33-12-2012  Active Year: 2012

Date In: 12/14/2012 10:22:36 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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:
      1) [At least five pupils fewer per classroom than was the average in 2006-07.]
      2) An average of 25 pupils per classroom.
   C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      1) [At least five pupils fewer per classroom than was the average in 2006-07.]
      2) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
   • All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Park Elementary has shown 102 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 600

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/25/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
CD Code: 1964733       Waiver Number: 34-12-2012       Active Year: 2012

Date In: 12/14/2012 10:29:33 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012       End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Ritter Elementary has shown 97 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 390

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 36-12-2012  Active Year: 2012

Date In: 12/14/2012 10:35:53 AM

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050  
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Trinity Elementary has shown 68 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 470

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050

Ed Code or CCR to Waive: (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.
   C. For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      i. [At least five pupils fewer per classroom than was the average in 2006-07.]
      ii. An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Vermont Elementary has shown 147 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 920
City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Fax:

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
CD Code: 1964733  Waiver Number: 38-12-2012  Active Year: 2012

Date In: 12/14/2012 10:59:33 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that West Vernon Elementary has shown 119 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 950
City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 40-12-2012  Active Year: 2012

Date In: 12/14/2012 11:22:51 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
     (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
        (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
        (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Western Elementary has shown 109 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 950
City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles Representative: Gregg Solkovits
Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General  

CD Code: 1964733  Waiver Number: 42-12-2012  Active Year: 2012  

Date In: 12/14/2012 11:34:22 AM  

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017  

Start: 7/1/2012  End: 6/29/2014  

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 Authority: 33050  

Ed Code or CCR to Waive: (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.  
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
(ii) An average of 25 pupils per classroom.  

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
• All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.  

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that YES Academy has shown 125 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 600

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkvits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 44-12-2012  Active Year: 2012

Date In: 12/14/2012 11:56:43 AM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social
science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8
retroactively from July 1, 2012 to June 29, 2012.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angeles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Adams Middle School has shown 75 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1080

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

<table>
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<th>Waiver Number: 45-12-2012</th>
<th>Active Year: 2012</th>
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Date In: 12/14/2012 12:04:42 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
   C. For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      i. At least five pupils fewer per classroom than was the average in 2006-07.
      ii. An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Audubon Middle School has shown 137 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 830

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
**California Department of Education**  
**WAIVER SUBMISSION - General**

CD Code: 1964733  
Waiver Number: 46-12-2012  
Active Year: 2012  

Date In: 12/14/2012 12:11:52 PM  

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017  

Start: 7/1/2012  
End: 6/29/2014  

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 Authority: 33050  

Ed Code or CCR to Waive: (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.  
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
(ii) An average of 25 pupils per classroom.  

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.  

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Belvedere Middle School has shown 76 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1510

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/28/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General  

CD Code: 1964733  Waiver Number: 47-12-2012  Active Year: 2012  

Date In: 12/14/2012 12:19:04 PM  

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017  

Start: 7/1/2012  End: 6/29/2014  

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 Authority: 33050  

Ed Code or CCR to Waive: (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.  
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
(ii) An average of 25 pupils per classroom.  

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.  
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Belmont Senior High has shown 107 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1210

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 48-12-2012  Active Year: 2012

Date In: 12/14/2012 12:25:22 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Berendo Middle School has shown 93 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Bernstein Senior High has shown 64 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 990

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/31/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 50-12-2012  Active Year: 2012

Date In: 12/14/2012 1:41:15 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: 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) F(or 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.
(C)For classes in English language arts, reading, mathematics, science, or history and social
science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8
retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angeles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Bethune Middle School has shown 88 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1300

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/1/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 51-12-2012  Active Year: 2012

Date In: 12/14/2012 1:47:18 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Civitas School of Leadership has shown 31 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 360

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 52-12-2012  Active Year: 2012

Date In: 12/14/2012 1:47:36 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Carnegie Middle School has shown 66 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 970

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/16/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Cochran Middle School has shown 79 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1160

City Type: Urban

Public Hearing Date: 11/13/2012  

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council  
Committee/Council Reviewed Date: 11/10/2012  
Committee/Council Objection: N  
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Dorsey Senior High has shown 79 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1380

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012 Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 55-12-2012  Active Year: 2012

Date In: 12/14/2012 1:58:36 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C)For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Curtiss Middle School has shown 60 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 700

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/30/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 56-12-2012  Active Year: 2012

Date In: 12/14/2012 2:04:31 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Edison Middle School has shown 120 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1170

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/29/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 57-12-2012  Active Year: 2012

Date In: 12/14/2012 2:08:37 PM

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that El Sereno Middle School has shown 99 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 11670

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733   Waiver Number: 58-12-2012   Active Year: 2012

Date In: 12/14/2012 2:12:20 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Griffith Middle School has shown 79 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1420

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/1/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 59-12-2012  Active Year: 2012

Date In: 12/14/2012 2:13:04 PM

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Hollywood Senior High has shown 140 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1700

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
**California Department of Education**  
**WAIVER SUBMISSION - General**

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Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  
End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.  
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Harte Middle School has shown 44 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1040

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Hollenbeck Middle School has shown 85 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1360

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Los Angeles High of the Arts has shown 80 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 400

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/4/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733   Waiver Number: 63-12-2012   Active Year: 2012

Date In: 12/14/2012 2:26:13 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
      (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
         (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
         (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Le Conte Middle School has shown 58 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 920

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 64-12-2012  Active Year: 2012

Date In: 12/14/2012 2:30:00 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social
science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8
retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Liechty Middle School has shown 90 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1160

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/30/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 65-12-2012  Active Year: 2012

Date In: 12/14/2012 2:32:25 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Los Angeles Senior High has shown 83 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1950

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/4/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
CD Code: 1964733  Waiver Number: 66-12-2012  Active Year: 2012

Date In: 12/14/2012 2:34:26 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
      (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
         (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
         (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Los Angeles Academy Middle School has shown 84 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1770

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/28/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
Annual review of school data to determine if school met all program requirements by third full year of funding:

- Kindergarten and grades 1 to 3, inclusive: no more than 20 pupils per class.
- Self-contained classrooms in grades 4 to 8, inclusive: average classroom size is the lesser of:
  1. At least five pupils fewer per classroom than was the average in 2006-07.
  2. An average of 25 pupils per classroom.
- English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12: average classroom size is the lesser of:
  1. At least five pupils fewer per classroom than was the average in 2006-07.
  2. An average of 25 pupils per classroom.

Outcome Rationale:

The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2012.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Maclay Middle School has shown 107 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 880

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 68-12-2012  Active Year: 2012

Date In: 12/14/2012 2:39:27 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
      (C) For classes in English language arts, reading, mathematics, science, or history and social
          science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
          clause (i) or (ii), as follows:
             (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
             (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25
to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angeles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Los Angeles Teacher Preparatory Academy has shown 46 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 270

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 69-12-2012  Active Year: 2012

Date In: 12/14/2012 2:42:54 PM

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Mark Twain Middle School has shown 64 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 700

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/11/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
### Waiver Submission - General

<table>
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<tr>
<th>CD Code: 1964733</th>
<th>Waiver Number: 70-12-2012</th>
<th>Active Year: 2012</th>
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</table>

**Date In:** 12/14/2012 2:46:22 PM

**Local Education Agency:** Los Angeles Unified

**Address:** 333 South Beaudry Ave.

Los Angeles, CA 90017

**Start:** 7/1/2012 **End:** 6/29/2014

**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)(1)(A)(i)(ii)(C)(i)(ii)

**Ed Code Authority:** 33050

**Ed Code or CCR to Waive:** (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:
   1. (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)]
   2. (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:
      1. (i) At least five pupils fewer per classroom than was the average in 2006-07.
      2. (ii) An average of 25 pupils per classroom.
   3. (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      1. (i) At least five pupils fewer per classroom than was the average in 2006-07.
      2. (ii) An average of 25 pupils per classroom.

**Outcome Rationale:** The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Markham Middle School has shown 90 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1160

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 72-12-2012  Active Year: 2012

Date In: 12/14/2012 2:49:50 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012       End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Muir Middle School has shown 66 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1060

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733      Waiver Number: 73-12-2012      Active Year: 2012

Date In: 12/14/2012 2:53:08 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012      End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social
science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8
retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angeles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Nightingale Middle School has shown 66 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1060

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 75-12-2012  Active Year: 2012

Date In: 12/14/2012 2:59:10 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Nimitz Middle School has shown 82 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1980

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/29/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733   Waiver Number: 76-12-2012   Active Year: 2012

Date In: 12/14/2012 3:02:36 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Northridge Middle School has shown 101 points academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 800

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/28/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 78-12-2012  Active Year: 2012

Date In: 12/14/2012 3:06:25 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Olive Vista Middle School has shown 103 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1390

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/13/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 79-12-2012  Active Year: 2012

Date In: 12/14/2012 3:09:35 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that San Fernando Middle School has shown 70 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1420

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
CD Code: 1964733  Waiver Number: 80-12-2012  Active Year: 2012

Date In: 12/14/2012 3:15:02 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Sepulveda Middle School has shown 48 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1630

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/13/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 83-12-2012  Active Year: 2012

Date In: 12/14/2012 3:27:36 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social
science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of
clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify
class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8
retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los
Angeles Unified School District did a preliminary seven-year projection to calculate the annual
cost of QEIA when implemented. Based upon this projection, regular application QEIA schools
were advised to save QEIA dollars allocated given the ability of these funds to carry over from
year to year. The carryover dollars would provide a means by which a school could later scale
down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that San Fernando Institute of Applied Media Middle School has shown 70 points of academic growth as measured by the Academic Performance Index of San Fernando Middle School.

Student Population: 1420

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Gregg Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Sun Valley Middle School has shown 53 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 10/29/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733        Waiver Number: 86-12-2012        Active Year: 2012

Date In: 12/14/2012 3:37:14 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012        End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Van Nuys Middle School has shown 53 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1340

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/27/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act  
Ed Code Title: Class Size Reduction Requirements  
Ed Code Authority: 33050  
Ed Code or CCR to Waive: (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.  
    (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Virgil Middle School has shown 92 points of academic growth as measured by the Academic Performance Index.

Student Population: 1220

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733   Waiver Number: 89-12-2012   Active Year: 2012

Date In: 12/14/2012 3:52:27 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012   End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Vista Middle School has shown 73 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1550

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/7/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733    Waiver Number: 90-12-2012    Active Year: 2012

Date In: 12/14/2012 3:55:48 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012    End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Webster Middle School has shown 77 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 700

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 92-12-2012  Active Year: 2012

Date In: 12/14/2012 3:59:05 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Wilmington Middle School has shown 77 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 700

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 94-12-2012  Active Year: 2012

Date In: 12/14/2012 4:08:34 PM

Local Education Agency: Los Angeles Unified  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Peary Middle School has shown 85 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1810

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act  
Ed Code Title: Class Size Reduction Requirements  
Ed Code Authority: 33050  
Ed Code or CCR to Waive: (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.  
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]  
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:  
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.  
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Roybal Learning Center has shown 70 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 1570

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050
Ed Code or CCR to Waive: 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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Washington Preparatory Senior High has shown 62 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 1670

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/29/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 98-12-2012  Active Year: 2012

Date In: 12/14/2012 4:34:10 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that West Adams Preparatory Senior High has shown 109 points of academic growth as measured by the Academic Performance Index over the last four years

Student Population: 2400

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/5/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
CD Code: 1964733 Waiver Number: 99-12-2012 Active Year: 2012

Date In: 12/14/2012 4:41:58 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017
Start: 7/1/2012 End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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.
      (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
         (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
         (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014. In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Wilson Senior High has shown 63 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 2040

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-19
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 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: Jurupa Unified 100-12-2012
Jurupa Unified 101-12-2012
Mountain Empire Unified 26-11-2012

☐ Action
☐ Consent

RECOMMENDATION

☐ Approval ☑ Approval with conditions ☐ Denial

See Attachments 1, 3, and 5 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: Jurupa Unified School District Request 100-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Jurupa Unified School District General Waiver Request 100-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Jurupa Unified School District Request 101-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Jurupa Unified School District General Waiver Request 101-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5: Mountain Empire Unified School District Request 26-11-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Mountain Empire Unified School District General Waiver Request 26-11-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 100-12-2012  Period of Request: July 1, 2012, to June 30, 2014

Period Recommended: July 1, 2012, to June 29, 2014

CDS Code: 33 67090

Pacific Avenue Elementary School
6032197
Jurupa Unified School District

Local Educational Agency Request:

Jurupa Unified School District (USD) is a suburban district located in Riverside County with a student population of approximately 19,884 students. Pacific Avenue Elementary School (ES) serves 432 students in kindergarten and grades one through six. Monitoring performed by the Riverside County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Pacific Avenue ES in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 24.3, 25.0, and 25.0 in grades four through six, respectively.

Jurupa USD states that although Pacific Avenue ES has maintained and met QEIA targets since 2006–07, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions, which include reductions to transportation. The district also states that the waiver is needed in order for the district to reduce the number of combination classes, avoid splitting siblings between schools due to over-enrollment, allow enrollment of new students, and eliminate the need for students to be transported across the district where a space may exist at another elementary school. In addition, the district states that approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.

Jurupa USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Pacific Avenue ES for school years 2012–13 and 2013–14, and the establishment of alternative CSR targets of 25.0 students per class in kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Jurupa USD’s request to increase the QEIA CSR target for kindergarten and grades one through three at Pacific Avenue ES for school years 2012–13 and 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Pacific Avenue ES for school years 2012–13 and 2013–14; (2) Pacific Avenue ES increases enrollment to 25.0 per class in core classes in kindergarten and grades one through three; (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, Jurupa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a
result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Pacific Avenue Elementary Schoolsite Council and the English Learner Advisory Committee on November 7, 2012.


**Local Board Approval:** December 10, 2012.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367090    Waiver Number: 100-12-2012    Active Year: 2012

Date In: 12/17/2012 10:34:22 AM

Local Education Agency: Jurupa Unified School District
Address: 4850 Pedley Rd.
Jurupa Valley, CA 92509

Start: 7/1/2012    End: 6/30/2014

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)(1)
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Education Code 52055.740(a)(1)(A)
(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.

Outcome Rationale: The Jurupa Unified School District requests that a portion of Education Code (EC) Section 52055.740(a)(1)(A) regarding the K-3 class size reduction requirements under the Quality Education Investment Act (QEIA) be waived for Pacific Avenue elementary school for 2012-2014 academic years from Kindergarten and grades 1 to 3 (K-3), 20 pupils per class to an alternative target of 25 students in core classes in grades K-3 combined. All non-QEIA sites are averaging 27 to 30:1 class reduction sizes.

A waiver will be needed in order for the district to reduce the number of combination classes, splitting siblings between schools due to over-enrollment, allowing enrollment of new students, and eliminating the need for students to be transported across the district where a space may exist at another elementary school. Even though Pacific Avenue has maintained and met QEIA targets since 2006-2007, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions which include reductions to transportation. Since 2006-2007, Pacific Avenue's API Growth has gone from 708 to 793; which reflect the continued commitment of the Highly Qualified Staff at this sites to continued student achievement.

Approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.
NEA-J QEIA Response: Neutral - NEA-J's motto is "The Quality Education Advocate", and a central tenet to a quality education is adequate opportunity to interact with a quality educator. While we will never abandon this belief and support of lower class sizes to achieve it, we understand that in this fiscal environment certain sacrifices will have to be made. The gradual increase in QEIA class sizes will enable a smoother transition when the funding is exhausted.

Student Population: 432

City Type: Suburban

Public Hearing Date: 10/23/2012
Public Hearing Advertised: Notice Posted at Site

Local Board Approval Date: 12/10/2012

Committee/Council Reviewed By: Pacific Avenue School Site Council (SSC) and English Learner Advisory Committee (ELAC)
Committee/Council Reviewed Date: 11/7/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Teresa Moreno
Position: Director, Categorical Projects
E-mail: tmoreno@jusd.k12.ca.us
Telephone: 951-453-1459
Fax:

Bargaining Unit: Date: 11/16/2012
Name: NEA-J
Representative: John Vigrass
Title: NEA-J President
Position: Neutral
Comments:
Waiver Number: 101-12-2012  
Period of Request: July 1, 2012, to June 30, 2014  
Period Recommended: July 1, 2012, to June 29, 2014  
CDS Code: 33 67090 6032213

Rustic Lane Elementary School  
Jurupa Unified School District

Local Educational Agency Request:

Jurupa Unified School District (USD) is a suburban district located in Riverside County with a student population of approximately 19,884 students. Rustic Lane Elementary School (ES) serves 624 students in kindergarten and grades one through six. Monitoring performed by the Riverside County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Rustic Lane ES in the school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three and 25.0 in grades four through six.

Jurupa USD states that although Rustic Lane ES has maintained and met QEIA targets since 2006-07, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions, which include reductions to transportation. The district also states that the waiver is needed in order for the district to reduce the number of combination classes, avoid splitting siblings between schools due to over-enrollment, allow enrollment of new students, and eliminate the need for students to be transported across the district where a space may exist at another elementary school. In addition, the district states that approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.

Jurupa USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Rustic Lane ES for school years 2012–13 and 2013–14, and the establishment of alternative CSR targets of 25.0 students per class in kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Jurupa USD’s request to increase the QEIA CSR target for kindergarten and grades one through three at Rustic Lane ES for school years 2012–13 and 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Rustic Lane ES for school years 2012–13 and 2013–14; (2) Rustic Lane ES increases enrollment to 25.0 per class in core classes in kindergarten and grades one through three; (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, Jurupa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.
Reviewed by Rustic Lane Elementary Schoolsite Council and the English Learner Advisory Committee on November 27, 2012.


**Local Board Approval:** December 10, 2012.
**California Department of Education**  
**WAIVER SUBMISSION - General**

CD Code: 3367090  Waiver Number: 101-12-2012  Active Year: 2012

Date In: 12/17/2012 10:41:00 AM

Local Education Agency: Jurupa Unified School District  
Address: 4850 Pedley Rd.  
Jurupa Valley, CA 92509

Start: 7/1/2012  End: 6/30/2014

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)(1)  
Ed Code Authority: 33050-33053

**Ed Code or CCR to Waive:** *Education Code 52055.740(a)(1)(A)*  
(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.

Outcome Rationale: The Jurupa Unified School District requests that a portion of *Education Code (EC) Section 52055.740(a)(1)(A)* regarding the K-3 class size reduction requirements under the Quality Education Investment Act (QEIA) be waived for Rustic Lane elementary school for 2012-2014 academic years from Kindergarten and grades 1 to 3 (K-3), 20 pupils per class to an alternative target of 25 students in core classes in grades K-3 combined. All non-QEIA sites are averaging 27 to 30:1 class reduction sizes.

A waiver will be needed in order for the district to reduce the number of combination classes, splitting siblings between schools due to over-enrollment, allowing enrollment of new students, and eliminating the need for students to be transported across the district where a space may exist at another elementary school. Even though Rustic Lane’s site has maintained and met QEIA targets since 2006-2007, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions which include reductions to transportation. Since 2006-2007, Rustic Lane’s API Growth has gone from 650 to 756 which reflects the continued commitment of the Highly Qualified Staff at this site to student achievement.

Approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.
NEA-J QEIA Response: Neutral - NEA-J's motto is "The Quality Education Advocate", and a central tenet to a quality education is adequate opportunity to interact with a quality educator. While we will never abandon this belief and support of lower class sizes to achieve it, we understand that in this fiscal environment certain sacrifices will have to be made. The gradual increase in QEIA class sizes will enable a smoother transition when the funding is exhausted.

Student Population: 624
City Type: Suburban
Public Hearing Date: 10/23/2012
Public Hearing Advertised: Notice Posted at Site
Local Board Approval Date: 12/10/2012
Committee/Council Reviewed By: Rustic Lane's School Site Council (SSC) and English Learner Advisory Committee (ELAC)
Committee/Council Reviewed Date: 11/27/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Ms. Teresa Moreno
Position: Director, Categorical Projects
E-mail: tmoreno@jusd.k12.ca.us
Telephone: 951-453-1459
Fax:

Bargaining Unit: Date: 11/16/2012
Name: NEA-J
Representative: John Vigrass
Title: NEA-J President
Position: Neutral
Comments:
Waiver Number: 26-11-2012

Period of Request: July 1, 2012, to June 30, 2014

Period Recommended: July 1, 2012, to June 29, 2014

CDS Code: 37 68213

Clover Flat Elementary School

Mountain Empire Unified School District

Local Educational Agency Request:

Mountain Empire Unified School District (USD) is a rural school district located in San Diego County with a student population of approximately 2,755 students. Clover Flat Elementary School (ES) serves 153 students in kindergarten and grades one through five. Monitoring performed by the San Diego County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Clover Flat ES in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2012–13, 2013–14, and 2014–15. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 18.5 and 23.0 in grades four and five, respectively. The State Board of Education previously approved a QEIA CSR waiver for this district on January 11, 2012, granting a request to average class sizes at 22.0 for grades four through eight to meet its QEIA CSR target for school years 2010–11 and 2011–12.

Mountain Empire USD states that in the 2006–07 school year on which the class size reduction target was calculated, grades four, five, and six had only one class each with very small enrollment numbers. Also, the district states that there have been many school configuration changes. The school originally served grades two through six, but in 2009–10, grade seven was added and then in 2010–11, grade eight was added. The district further states that this year (2012–13) it restructured yet again by configuring Clover Flat ES into kindergarten and grades one through five; grades six through eight moved to a newly formed middle school. The district concludes that the targets are very difficult to maintain as the population changes year to year based on the number of students in the previous grades, which sometimes has a higher QEIA CSR target. The result, the district states, is the necessity to create at least four combination classrooms, which is a burden on the students, teachers, and the school as a whole.

Mountain Empire USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Clover Flat ES for school years 2012–13 through 2014–15, and the establishment of an alternative CSR target of 25.0 students per class in 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 Mountain Empire USD’s request to increase its QEIA CSR target for kindergarten and grades one through three, and grades four and five at Clover Flat ES for school years 2012–13 and 2013–14.
The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five at Clover Flat ES for school years 2012–13 and 2013–14; (2) Clover Flat ES increases enrollment to 25.0 per class in kindergarten and grades one through three, and 25.0 students on average in core classes in grades four and five; (3) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Mountain Empire USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Clover Flat/Jacumba Compact Schoolsite Council on October 16, 2012.

Supported by Mountain Empire Teachers Association, October 15, 2012.

Local Board Approval: November 13, 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

(1) Meet all of the following class size requirements:
   [(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program] (Chapter 6.10 (commencing with Section 52120»).
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   [(i) At least five pupils fewer per classroom than was the average in 2006-07.]  
   (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. [If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: Clover Flat School is a small, rural school with a student population of only 153 students. The 2006-2007 school year on which the class size reduction target was calculated, grades four, five, and six had only one class each with very small numbers (see attached chart).

The school originally served only second through sixth grade; however, starting in 2009-10, seventh grade was added, and eighth grade was added in 2010-11. The seventh and eighth
grade targets (below *) were derived from the only middle school in the district, Mountain Empire Middle School which had only about 230 pupils. This year our district restructured Clover Flat and Jacumba Elementary Schools. Kindergarten and first moved back to Clover Flat from Jacumba Elementary and sixth, seventh, and eighth graders moved to the newly formed middle school at Jacumba.

These targets are very difficult for us to hold to as the population changes year to year based on the number of students in the previous grade, which has higher targets. The reason for the difficulty is the way the student numbers play out in such a small school. For example, this year our average class size with 8 teachers and 153 students is 19.125. In order to meet our QEIA class size requirements, we must have at least four combination classrooms. The purpose of this legislation was not to burden the school unnecessarily, but to help them improve their achievement through highly qualified teachers and small class sizes. The recommended smaller class size is 25 students, and we are well below this target. It is extremely difficult for a small rural school to remain within the calculated targets based on only one school year.

Student Population: 153

City Type: Rural

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Notice posted at each school and at the district offices.

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: Clover Flat/Jacumba Compact School Site 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. William Dennett
Position: Principal
E-mail: bdennett@meusd.net
Telephone: 619-766-4655 x501
Fax: 619-473-9728

Bargaining Unit: Date: 10/15/2012
Name: Mountain Empire Teachers Association
Representative: Bill Leblanc
Title: President
Position: Support
Comments:
WAIVER ITEM W-20
## CALIFORNIA STATE BOARD OF EDUCATION

### MARCH 2013 AGENDA

#### General Waiver

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
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</thead>
<tbody>
<tr>
<td>Request by Azusa Unified School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.</td>
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<tr>
<td>Waiver Numbers: Azusa Unified 1-12-2012</td>
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<td>Azusa Unified 25-12-2012</td>
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#### RECOMMENDATION

- Approval with conditions

See Attachments 1, 3, and 5 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 CSR 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: Azusa Unified School District Request 1-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Azusa Unified School District General Waiver Request 1-12-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Azusa Unified School District Request 23-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 4: Azusa Unified School District General Waiver Request 23-12-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5: Azusa Unified School District Request 25-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 6: Azusa Unified School District General Waiver Request 25-12-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 1-12-2012  
Period of Request: July 1, 2011, to June 30, 2015  
Period Recommended: July 1, 2012, to June 29, 2014  
CDS Code: 19 64279 6011332

Valleydale Elementary School  
Azusa Unified School District

Local Educational Agency Request:

Azusa Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 9,720 students. Valleydale Elementary School (ES) serves 330 students in transitional kindergarten, kindergarten, and grades one through five. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Valleydale ES in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 per class in transitional kindergarten, kindergarten and grades one through three, and an average of 25.0 and 24.0 in grades four and five, respectively.

Azusa USD states that Valleydale ES has maintained the class size reduction requirements in all grades during the first four years, but due to the ongoing and severe fiscal crisis in the state of California, it can no longer reasonably continue to fund the extremely low class size limits required by QEIA. Since the implementation of the QEIA program, the district states that it has lost about 22.3 percent, or $14.9 million, in annual revenue limit funding.

Azusa USD requests a waiver of the QEIA CSR targets in transitional kindergarten, kindergarten and grades one through three, and grade five at Valleydale ES for school years 2012–13 through 2014–15 and the establishment of an alternative CSR target of 25.0 per class in core classes in transitional kindergarten and kindergarten and grades one through three, and 25.0 on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Azusa USD’s request to increase its QEIA CSR targets in transitional kindergarten, kindergarten and grades one through three, and grade five at Valleydale ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grade five at Valleydale ES for school years 2012–13 and 2013–14; (2) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (3) Within 30 days of approval of this waiver, Azusa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Valleydale Elementary Schoolsite Council on October 9, 2012.

Opposed by Azusa Educators Association, October 9, 2012.

Local Board Approval: October 16, 2012
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964279  Waiver Number: 1-12-2012  Active Year: 2012

Date In: 12/5/2012 11:07:27 AM

Local Education Agency: Azusa Unified School District  
Address: 546 South Citrus Ave.  
Azusa, CA 91702

Start: 7/1/2011  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  
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: 52055.740 (1) Meet all class size requirements:
(A) For kindergarten and grades 1-3, 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]

Outcome Rationale: Please see attached

Student Population: 9720

City Type: Urban

Public Hearing Date: 10/16/2012  
Public Hearing Advertised: Posted at school sites

Local Board Approval Date: 10/16/2012

Committee/Council Reviewed By: Valleydale Elementary School Site Council  
Committee/Council Reviewed Date: 10/9/2012
Committee/Council Objection: N  
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. James Moore  
Position: Assistant Superintendent Educational Services  
E-mail: jamesm@azusausd.k12.ca.us  
Telephone: 626-858-6182  
Fax: 626-858-6538  

Bargaining Unit: Date: 10/09/2012  
Name: Azusa Educators Association  
Representative: Meg Savella  
Title: President  
Position: Oppose  

Comments: Increasing class size at the three QEIA schools in AUSD will not help close the budget deficit.
Valleydale Elementary School

Azusa Unified School District

Local Educational Agency Request:

Valleydale Elementary school is part of the Azusa Unified School District, an urban school district located in Los Angeles County, which serves approximately 9,720 students. Valleydale serves students in grade TK through five and has a current student population of 330 students. Currently, Valleydale Elementary School has required class size ratios of 20.0 for grades Kindergarten to three, 25.0 in grade four and 24.0 in grade five. Current district wide class size averages are 23.1 in grades K through three and 33.4 in grades four through five.

The community, school staff and district are committed to continue their support of the cumulative growth shown at Valleydale over the past five years. Since 2008, API scores have grown over 130 points. Valleydale Elementary School has met all QEIA funding requirements during the first four years, including teacher qualifications, class size and API growth.

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Azusa Unified School District is requesting a waiver for exceeding QEIA targets in Kindergarten and grades one through three, and for self-contained class rooms in grades four and five. Azusa USD requests an alternative QEIA target of 25.0 in grades K-3 and grade five.

Rationale:

Due to the ongoing and severe fiscal crisis in the State of California, AUSD can no longer reasonably continue to fund the extremely low class size limits required by the Quality Education Investment Act (QEIA). Since the implementation of the QEIA program, AUSD has lost about 22.3%, or 14.9 million in annual Revenue Limit Funding.

Desired Outcome:

Azusa Unified School District and Valleydale Elementary school are requesting a waiver for QEIA targets. It is believed that approving this waiver will allow the school to continue to succeed in serving a much deserved student population and is aligned to the intent of the QEIA legislation to improve school performance.
The Azusa Educators Association strongly opposes the District’s General Waiver request for QEIA class size reduction for the following reasons:

1. Increasing class size at the three QEIA schools in AUSD will not help close the budget deficit.

2. The purpose of the QEIA grant is to reduce class size for struggling students to give them the extra support that they need to meet the demands of Standards-based assessments.

3. The QEIA grant is meant to be used for class size reduction. Allowing the District to violate the spirit and intent of the grant undermines the research on class size that is supported by the grant.

4. Allowing AUSD increased flexibility in its use of QEIA grant funds does not ensure that the money will be used in the classroom as it should be.

5. California’s academic standards are the highest in the country. Boosting class size will make it more difficult to achieve those standards.

6. AUSD has been given the opportunity to use CTA provided grant money to reduce class size and increase student achievement. If they increase class size while maintaining their commitment to this grant program, they will benefit from the grant money without honoring the spirit and intent of the grant. Furthermore, increasing class size will allow the District to fire teachers.

We therefore are resolved to oppose the District’s General Waiver request for the aforementioned reasons, which clearly conflict with our mission as an organization that states in part that “the Azusa Educators Association, a local chapter of the California Teachers Association, exists to protect and promote the well-being of its members; to improve the conditions of teaching and learning; and to advance the cause of free, universal, and quality public education.”
Waiver Number: 23-12-2012  
Period of Request: July 1, 2011, to June 30, 2015  
Period Recommended: July 1, 2012, to June 29, 2014  
CDS Code: 19 64279 6011233

Local Educational Agency Request:

Azusa Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 9,720 students. Charles H. Lee Elementary School (ES) serves 443 students in transitional kindergarten, kindergarten, and grades one through five. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Charles H. Lee ES in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 per class in transitional kindergarten, kindergarten and grades one through three, and an average of 25.0 and 24.0 in grades four and five, respectively.

Azusa USD states that Charles H. Lee ES has maintained the class size reduction requirements in all grades during the first four years, but due to the ongoing and severe fiscal crisis in the state of California, it can no longer reasonably continue to fund the extremely low class size limits required by QEIA. Since the implementation of the QEIA program, the district states that it has lost about 22.3 percent, or $14.9 million, in annual revenue limit funding.

Azusa USD requests a waiver of the QEIA CSR targets in transitional kindergarten, kindergarten and grades one through three, and grade five at Charles H. Lee ES for school years 2012–13 through 2014–15 and the establishment of an alternative CSR target of 25.0 per class in transitional kindergarten, kindergarten and grades one through three, and 25.0 on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Azusa USD’s request to increase its QEIA CSR targets in transitional kindergarten, kindergarten and grades one through three, and grade five at Charles H. Lee ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten, kindergarten and grades one through three, and grade five at Charles H. Lee ES for school years 2012–13 and 2013–14; (2) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (3) Within 30 days of approval of this waiver, Azusa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Opposed by Azusa Educators Association, December 6, 2012.

Local Board Approval: October 16, 2012.
California Department of Education  
WAIVER SUBMISSION - General  

CD Code: 1964279  
Waiver Number: 23-12-2012  
Active Year: 2012  

Date In: 12/14/2012 8:48:55 AM  

Local Education Agency: Azusa Unified School District  
Address: 546 South Citrus Ave.  
Azusa, CA 91702  

Start: 7/1/2011  
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  
Ed Code Authority: 33050-33053  
Ed Code or CCR to Waive: 52022.740 (1) Meet all the following class size reductions 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).]  

Outcome Rationale: Please see attached  

Student Population: 9720  

City Type: Urban  

Public Hearing Date: 10/16/2012  
Public Hearing Advertised: Noticed posted at school sites  

Local Board Approval Date: 10/16/2012  

Committee/Council Reviewed By: Charles H. Lee School Site Council  
Committee/Council Reviewed Date: 10/9/2012  
Committee/Council Objection: N  
Committee/Council Objection Explanation:  

Audit Penalty YN: N  

Categorical Program Monitoring: N
Submitted by: Mr. James Moore
Position: Assistant Superintendent Education Services
E-mail: jamesm@azusausd.k12.ca.us
Telephone: 626-858-6182
Fax: 626-858-6538

Bargaining Unit: Date: 10/09/2012
Name: Azusa Educators Association
Representative: Meg Savella
Title: President
Position: Oppose

Comments: Please see attached.
The Azusa Educators Association strongly opposes the District’s General Waiver request for QEIA class size reduction for the following reasons:

1. Increasing class size at the three QEIA schools in AUSD will not help close the budget deficit.

2. The purpose of the QEIA grant is to reduce class size for struggling students to give them the extra support that they need to meet the demands of Standards-based assessments.

3. The QEIA grant is meant to be used for class size reduction. Allowing the District to violate the spirit and intent of the grant undermines the research on class size that is supported by the grant.

4. Allowing AUSD increased flexibility in its use of QEIA grant funds does not ensure that the money will be used in the classroom as it should be.

5. California’s academic standards are the highest in the country. Boosting class size will make it more difficult to achieve those standards.

6. AUSD has been given the opportunity to use CTA provided grant money to reduce class size and increase student achievement. If they increase class size while maintaining their commitment to this grant program, they will benefit from the grant money without honoring the spirit and intent of the grant. Furthermore, increasing class size will allow the District to fire teachers.

We therefore are resolved to oppose the District’s General Waiver request for the aforementioned reasons, which clearly conflict with our mission as an organization that states in part that “the Azusa Educators Association, a local chapter of the California Teachers Association, exists to protect and promote the well-being of its members; to improve the conditions of teaching and learning; and to advance the cause of free, universal, and quality public education.”
Charles H. Lee Elementary School  
Azusa Unified School District  
Local Educational Agency Request:  
Charles H. Lee Elementary school is part of the Azusa Unified School District, an urban school district located in Los Angeles County, which serves approximately 9,720 students. Charles H. Lee serves students in grade TK through five and has a current student population of 443 students. Currently, Charles H. Lee Elementary School has required class size ratios of 20.0 for grades Kindergarten to three, 25.0 in grade four and 24.0 in grade five. Current district wide class size averages are 23.1 in grades K through three and 33.4 in grades four through five. The community, school staff and district are committed to continue their support of the cumulative growth shown at Lee over the past five years. Since 2008, API scores have grown over 107 points and for the past two years exceed the State target of 800. Lee Elementary School has met all QEIA funding requirements during the first four years, including teacher qualifications, class size and API growth.

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Azusa Unified School District is requesting a waiver for exceeding QEIA targets in Kindergarten and grades one through three, and for self-contained class rooms in grades four and five. Azusa USD requests an alternative QEIA target of 25.0 in grades K-3.  
Rationale:  
Due to the ongoing and severe fiscal crisis in the State of California, AUSD can no longer reasonably continue to fund the extremely low class size limits required by the Quality Education Investment Act (QEIA). Since the implementation of the QEIA program, AUSD has lost about 22.3%, or 14.9 million in annual Revenue Limit Funding.  
Desired Outcome:  
Azusa Unified School District and Charles H. Lee Elementary school are requesting a waiver for QEIA targets. It is believed that approving this waiver will allow the school to continue to succeed in serving a much deserved student population and is aligned to the intent of the QEIA legislation to improve school performance.
Waiver Number: 25-12-2012  
Period of Request: July 1, 2011, to June 30, 2015  
Period Recommended: July 1, 2012, to June 29, 2014  
Clifford D. Murray Elementary School  
Azusa Unified School District  
CDS Code: 19 64279 6011241

Local Educational Agency Request:

Azusa Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 9,720 students. Clifford D. Murray Elementary School (ES) serves 549 students in transitional kindergarten, kindergarten, and grades one through five. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Clifford D. Murray ES in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 per class in transitional kindergarten, kindergarten and grades one through three, and an average of 25.0 in grades four and five.

Azusa USD states that Clifford D. Murray ES has maintained the class size reduction requirements in all grades during the first four years, but due to the ongoing and severe fiscal crisis in the state of California, it can no longer reasonably continue to fund the extremely low class size limits required by QEIA. Since the implementation of the QEIA program, the district states that it has lost about 22.3 percent, or $14.9 million, in annual revenue limit funding.

Azusa USD requests a waiver of the QEIA CSR targets in transitional kindergarten and kindergarten and grades one through three at Clifford D. Murray ES for school years 2012–13 through 2014–15 and the establishment of an alternative CSR target of 25.0 per class in transitional kindergarten and kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Azusa USD’s request to increase its QEIA CSR targets in transitional kindergarten and kindergarten and grades one through three at Clifford D. Murray ES.

The CDE recommends approval with the following conditions: (1) Applies only to transitional kindergarten and kindergarten and grades one through three at Clifford D. Murray ES for school years 2012–13 and 2013–14; (2) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (3) Within 30 days of approval of this waiver, Azusa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Opposed by Azusa Educators Association, October 9, 2012.

Local Board Approval: October 16, 2012.
CD Code: 1964279        Waiver Number: 25-12-2012        Active Year: 2012

Date In: 12/14/2012 9:11:16 AM

Local Education Agency: Azusa Unified School District
Address: 546 South Citrus Ave.
Azusa, CA 91702

Start: 7/1/2011       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
Ed Code Authority: 33050-33053
Ed Code or CCR to Waive: 52055.740 (1) Meet all 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).]

Outcome Rationale: Please see attached

Student Population: 9720

City Type: Urban

Public Hearing Date: 10/16/2012
Public Hearing Advertised: Notice posted at school sites

Local Board Approval Date: 10/16/2012

Committee/Council Reviewed By: Murray School Site Council
Committee/Council Reviewed Date: 10/12/2012
Committee/Council Objection: N
Committee/Council Objection Explanation: 

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. James Moore
Position: Assistant Superintendent Education Services
E-mail: jamesm@azusausd.k12.ca.us
Telephone: 626-858-6182
Fax: 626-858-6538
Bargaining Unit: Date: 10/09/2012
Name: Azusa Educators Association
Representative: Meg Savella
Title: President
Position: Oppose

Comments: Please see attached
Murray Elementary School  
Azusa Unified School District  
Local Educational Agency Request:  
Murray Elementary school is part of the Azusa Unified School District, an urban school district located in Los Angeles County, which serves approximately 9,720 students. Murray serves students in grade TK through five and has a current student population of 549 students. Currently, Murray Elementary School has required class size ratios of 20.0 for grades Kindergarten to three, and 25.0 in grades four and five. Current district wide class size averages are 23.1 in grades K through three and 33.4 in grades four through five.  
The community, school staff and district are committed to continue their support of the cumulative growth shown at Murray over the past five years. Since 2008, API scores have grown 75 points. Murray Elementary School has met all QEIA funding requirements during the first four years, including teacher qualifications, class size and API growth.  

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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<td>682</td>
<td>703</td>
<td>755</td>
<td>759</td>
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</tbody>
</table>

Azusa Unified School District is requesting a waiver for exceeding QEIA targets in Kindergarten and grades one through three. Azusa USD requests an alternative QEIA target of 25.0 in grades K-3 and grade five.  
Rationale:  
Due to the ongoing and severe fiscal crisis in the State of California, AUSD can no longer reasonably continue to fund the extremely low class size limits required by the Quality Education Investment Act (QEIA). Since the implementation of the QEIA program, AUSD has lost about 22.3%, or 14.9 million in annual Revenue Limit Funding.  
Desired Outcome:  
Azusa Unified School District and Murray Elementary school are requesting a waiver for QEIA targets. It is believed that approving this waiver will allow the school to continue to succeed in serving a much deserved student population and is aligned to the intent of the QEIA legislation to improve school performance.
The Azusa Educators Association strongly opposes the District’s General Waiver request for QEIA class size reduction for the following reasons:

1. Increasing class size at the three QEIA schools in AUSD will not help close the budget deficit.

2. The purpose of the QEIA grant is to reduce class size for struggling students to give them the extra support that they need to meet the demands of Standards-based assessments.

3. The QEIA grant is meant to be used for class size reduction. Allowing the District to violate the spirit and intent of the grant undermines the research on class size that is supported by the grant.

4. Allowing AUSD increased flexibility in its use of QEIA grant funds does not ensure that the money will be used in the classroom as it should be.

5. California’s academic standards are the highest in the country. Boosting class size will make it more difficult to achieve those standards.

6. AUSD has been given the opportunity to use CTA provided grant money to reduce class size and increase student achievement. If they increase class size while maintaining their commitment to this grant program, they will benefit from the grant money without honoring the spirit and intent of the grant. Furthermore, increasing class size will allow the District to fire teachers.

We therefore are resolved to oppose the District’s General Waiver request for the aforementioned reasons, which clearly conflict with our mission as an organization that states in part that “the Azusa Educators Association, a local chapter of the California Teachers Association, exists to protect and promote the well-being of its members; to improve the conditions of teaching and learning; and to advance the cause of free, universal, and quality public education.”
WAIVER ITEM W-21
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

☐ General Waiver

SUBJECT
Request by River Delta Joint Unified School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Number: 20-11-2012

☐ Action  ☐ Consent

RECOMMENDATION
☐ Approval  ☒ Approval with conditions  ☐ Denial

See Attachment 1 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: River Delta Joint Unified School District Request 20-11-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: River Delta Joint Unified School District General Waiver Request 20-11-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 20-11-2012  
Period of Request: July 1, 2013, to June 29, 2015  
Period Recommended: July 1, 2013, to June 30, 2014  
CDS Code: 34 67413 6033708

Walnut Grove Elementary School  
River Delta Joint Unified School District

Local Educational Agency Request:

River Delta Joint Unified School District (JUSD) is a rural school district located in Sacramento County with a student population of approximately 2,286 students. Walnut Grove Elementary School (ES) serves 168 students in kindergarten and grades one through six. Monitoring performed by the Sacramento County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Walnut Grove ES in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014-15. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 19.0, 20.0, and 25.0 in grades four through six, respectively. The district previously received a CSR waiver in January 2012, covering school years 2011–12 and 2012–13.

River Delta JUSD states that it is an isolated rural community with a small school. The district also states it foresees a need to increase class sizes, as the targets were set during a year in which there were fewer families. The district further states that Walnut Grove ES is seeing an influx of students, and turning these students away displaces them from their own community and forces them to attend schools in neighboring towns. Uprooting the students from their cultural and social community, the district states, creates a hardship for families having to travel to attend their children’s activities and meetings. In addition, the district states that because of the different CSR requirements per grade level, the school is often faced with the decision of splitting siblings as well, which is not beneficial or conducive for the families.

River Delta JUSD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Walnut Grove ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 22.0 students per class in core classes in kindergarten and grades one and two, 24.0 students per class in core classes in grade three, and 24.0 on average in core classes in grades four and five. Grade six would remain at 25.0.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports River Delta JUSD’s request to increase its QEIA CSR targets for kindergarten and grades one through five at Walnut Grove ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five at Walnut Grove ES for school year 2013–14; (2) Walnut Grove ES increases enrollment to 22.0 per class in core classes in kindergarten and grades one and two, 24.0 per class in core classes in grade three, and 24.0 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, River Delta JUSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by River Delta Unified Teacher’s Association, October 8, 2012

**Local Board Approval:** November 13, 2012.
Ed Code or CCR to Waive: River Delta Unified School District requests that a portion of Education Code (EC) Section 52055.740 (a) be waived regarding the class size reduction requirements under the Quality Education Investment Act for Walnut Grove Elementary School. The River Delta Unified School District is requesting to waive Education Code section 52055.740 (C)(i), labeled below with the strike-out key.

52055.740.  (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than [20] pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) At least five pupils fewer per classroom than was the average in 2006-07.
   (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   [(i) At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school-site. If the subject-specific 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 class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: River Delta Unified School District requests that a portion of Education Code (EC) Section 52055.740 (a)(b) regarding the class size reduction requirements under the Quality Education Investment Act (QEIA) be waived for Walnut Grove Elementary. The 2005-2006 school year was selected as our baseline year, and thus we were required to reduce class size to 20.4 in K-3, 19 in grade 4, 20 in grade 5 and 25 in grade 6. Lower class sizes have always been important to our District. Walnut Grove Elementary had a mass exodus to the school prior to QEIA. Due to administrative changes and QEIA supports among others, we are seeing an influx of students returning to their community school. We anticipate the need to increase class size as the targets were set during the year in which many families removed their children from the school. Our goal is to allow all students to return to their community school and increasing the CSR to 22 in grades K-2, 24 in grades 3 and an average class size in core classes at the school level to 24 students per classroom in grades four and five and remain 25 in grade 6.

It is important to note that we are an isolated rural community and small school. Overflowing students displaces them from their own community and forces them to attend school in a neighboring town. This uproots them from their cultural and social community and provides hardship for families to travel to a neighboring town to attend their children's activities and meetings. Because of the different CSR requirements per grade level, we are often faced with the decision of splitting siblings as well which is not beneficial or conducive for our families.

Student Population: 168

City Type: Rural

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Notice posted at DO and at each school site, District Web Site

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: Walnut Grove 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
WAIVER ITEM W-22
California Department of Education  
Executive Office  
SBE-005 General (REV. 08/2011)  

California State Board of Education  

March 2013 Agenda  

General Waiver  

**Subject**  
Request by three 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:  
- Chula Vista Elementary 102-12-2012  
- Oakland Unified 42-1-2013  
- Oakland Unified 47-1-2013  
- Oakland Unified 48-1-2013  
- Oakland Unified 49-1-2013  
- Oakland Unified 50-1-2013  
- Oakland Unified 59-1-2013  
- Oakland Unified 60-1-2013  
- Oakland Unified 61-1-2013  
- Oakland Unified 62-1-2013  
- San Jose Unified 35-12-2012  

**Recommendation**  
- Approval  
- Approval with conditions  
- Denial  

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 21 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: Chula Vista Elementary School District Request 102-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)
Attachment 2: Chula Vista Elementary School District General Waiver Request 102-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Oakland Unified School District Request 42-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 4: Oakland Unified School District General Waiver Request 42-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Oakland Unified School District Request 47-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 6: Oakland Unified School District General Waiver Request 47-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Oakland Unified School District Request 48-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 8: Oakland Unified School District General Waiver Request 48-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Oakland Unified School District Request 49-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 10: Oakland Unified School District General Waiver Request 49-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Oakland Unified School District Request 50-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 12: Oakland Unified School District General Waiver Request 50-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Oakland Unified School District Request 59-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 14: Oakland Unified School District General Waiver Request 59-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Oakland Unified School District Request 60-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)
Attachment 16: Oakland Unified School District General Waiver Request 60-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Oakland Unified School District Request 61-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 18: Oakland Unified School District General Waiver Request 61-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: Oakland Unified School District Request 62-1-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 20: Oakland Unified School District General Waiver Request 62-1-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 21: San Jose Unified School District Request 35-12-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 22: San Jose Unified School District General Waiver Request 35-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 102-12-2012  Period of Request: July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

J. Calvin Lauderbach Elementary School  CDS Code: 37 68023 6037907
Chula Vista Elementary School District

Local Educational Agency Request:

Chula Vista Elementary School District (ESD) is a suburban district located in San Diego County with a student population of approximately 28,101 students. J. Calvin Lauderbach Elementary School (ES) serves 818 students in kindergarten and grades one through six. Monitoring performed by the San Diego County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by J. Calvin Lauderbach ES in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 24.5, 25.0, and 25.0 in grades four through six, respectively.

Chula Vista ESD states that J. Calvin Lauderbach ES has maintained the average class size reduction of 24.5 for grade four classes since 2006–07. The district, however, states that in school year 2011–12, the school was found to have an average of 24.69 in core classes in grade four. The district also states that measures have been taken to correct this issue for school year 2012–13.

Chula Vista ESD requests a waiver of the QEIA CSR target for grade four classes at J. Calvin Lauderbach ES for school year 2011–12 and the establishment of an alternative CSR target of 24.69 on average in grade four classes.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Chula Vista ESD’s request to increase its QEIA CSR target for grade four classes at J. Calvin Lauderbach ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grade four classes at J. Calvin Lauderbach ES for school year 2011–12; (2) Will meet previously established QEIA CSR targets beginning in 2012–13 and going forward; (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, Chula Vista 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.


Supported by Chula Vista Educators, December 6, 2012.

Local Board Approval: December 12, 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: The 2011-12 report indicates that J. Calvin Lauderbach did not maintain the average class size reduction of 24.5:1 for the 4th Grade level. J. Calvin Lauderbach 2011-12 4th Grade level average was 24.69 and the requirement was 24.5. Our intent is to meet the class size reduction requirement. We have been in good standing since inception of the grant with J. Calvin Lauderbach as well as the other 3 school participating in this program. The reporting system rounded up to 25.0 thereby resulting in a .19 overage. As of date, measures have been taken to correct this issue. We have attached the 2011-12 4th Grade QEIA enrollment average that is in question. Also attached are the latest QEIA Regular Program Monitoring results for school years 2008-09, 2009-10 and 2010-11 which substantiates that Chula Vista Elementary School District have met the QEIA CSR requirements.

Chula Vista Elementary School District is committed to participating in the Quality Education Investment Act and class size reduction. We are proud of the academic achievements of our QEIA funded schools as evidence by our strong Academic Performance Index (API) at each of our schools. Lauderbach has grown 111 API points from an API of 749 to 860 during the length of the QEIA grant. We believe strongly that with the continued support of QEIA funding, we will continue to improve the quality of academic instruction and the level of pupil achievement. We
are committed to reduced class sizes and will monitor our enrollment figures at all of our QEIA schools to ensure we meet this requirement throughout all QEIA funded years.
Student Population: 818

City Type: Urban

Public Hearing Date: 12/12/2012
Public Hearing Advertised: 72 Hours Brown Act with board meeting public notice.

Local Board Approval Date: 12/12/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Oscar Esquivel
Position: Assistant Superintendent for Business Services
E-mail: oscar.esquivel@cvesd.org
Telephone: 619-425-9600 x1371
Fax: 619-498-3822

Bargaining Unit: date: 12/06/2012
Name: Chula Vista Educators
Representative: Jennefer Porch
Title: President
Position: Support
Comments:
Waiver Number: 42-1-2013

Period of Request: July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

CDS Code: 01 61259 6001846

Garfield Elementary School
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Garfield Elementary School (ES) serves 572 students in kindergarten and grades one through five. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Garfield ES in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 25.0 in grades four and five.

Oakland USD states that Garfield ES made a good-faith effort to stay within QEIA CSR targets in 2011–12, but more students enrolled in kindergarten than expected, causing the site leader to initiate the process to hire an additional teacher. This was accomplished by October 2011. The district states that Garfield ES had three kindergarten classes (25.9, 25.7, 25.2), three grade one classes (21.1, 24.0, 21.1), three grade two classes (21.9, 22.9, 23.0), and one grade three class (21.0) with enrollment that exceeded 20.44.

Oakland USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Garfield ES for school year 2011–12 and the establishment of alternative CSR targets of 25.9 students per class in kindergarten, 24.0 students per class in grade one, 23.0 students per class in grade two, and 21.0 students per class in grade three for the school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to increase its QEIA CSR targets for kindergarten and grades one through three at Garfield ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three classes at Garfield ES for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
Ed Code or CCR to Waive: For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:
   (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120).
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: This Waiver is requesting that the Class Size Reduction Targets established for Garfield Elementary School of 20.44 students in Kindergarten through grade 3 be increased to 25.9 students in Kindergarten, 24.0 students in 1st grade, 23 students in 2nd grade, and 21 students in 3rd grade for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size targets in 2011-12. In Kindergarten, more students enrolled in the site than expected, causing the site leader to initiate the process to hire an additional teacher. In order to make the position financially viable, and
due to the time it took to process the funds and permission to hire an additional teacher
centrally, the site was forced to increase enrollment in the current Kindergarten classes temporarily during the first six weeks of school. Once the new teacher was hired, class sizes were reduced to fewer than 20 students, but the annual average remained high due to the increase in enrollment at the start of the year.

In grades one through three, the site made a good faith effort to remain within QEIA guidelines while also accommodating the number of students enrolled in each grade, and it proved difficult to maintain class sizes within the QEIA targets throughout the school year. As evidenced by the data above, the school exceeded class size reduction targets by an average of no more than 3.54 students in grade one, 2.54 students in grade two, and 0.54 students in grade three in 2011-12, demonstrating the site's effort to remain complaint with all targets.

Student Population: 572

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: The public hearing was advertised via the District Board of Education online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 47-1-2013

Period of Request: July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

CDS Code: 01 61259 6002091

Parker Elementary School
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Parker Elementary School (ES) serves 191 students in kindergarten and grades one through five. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Parker ES in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 14.0 and 24.0 in grades four and five, respectively.

Oakland USD states that Parker ES made a good-faith effort to stay within QEIA CSR targets in 2011–12, but as a small school with a structural deficit, the school attempted to, but could not remain within QEIA targets while increasing enrollment to improve its fiscal stability and providing a quality program to its students. The district states that Parker ES had one kindergarten class (22.4) and one grade three class (20.7) with enrollment that exceeded 20.44. The district also states that grades four and five exceeded their class size average by 0.2 and 1.1, respectively.

Oakland USD requests a waiver of the QEIA CSR targets for kindergarten and grades three through five at Parker ES for school year 2011–12 and the establishment of alternative CSR targets of 22.4 per class in kindergarten and grades one through three, and 14.2 and 25.1 students per class on average in core classes in grades four and five, respectively, for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to increase its QEIA CSR target for kindergarten and grades one through three, and grades four and five at Parker ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five at Parker ES for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.
Local Board Approval: January 9, 2013.
Ed Code or CCR to Waive: For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

  (1) Meet all of the following class size requirements:

  (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120)).

  (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

    (i) At least five pupils fewer per classroom than was the average in 2006-07.

    (ii) An average of 25 pupils per classroom.

   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: This Waiver is requesting that the Class Size Reduction Targets established for Parker Elementary School of 20.44 students in Kindergarten be increased to 22.4, 20.44 students in grade three be increased to 20.7, 14.0 students in grade four be increased to 14.2, and 24 students in grade five be increased to 25.1 for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size targets in 2011-12. As a small school and a school with a structural deficit, the site attempted to remain within QEIA targets, increase enrollment to improve its fiscal stability, and provide a quality program to its
students. Parker is a school that has demonstrated continued academic gains for its students,
and has met all other requirements for QEIA, including API growth. The strength of the program was not compromised by the slight increases in enrollment that exceeded QEIA targets, and we feel that the school is a model for how QEIA funding can support a small school to successfully serve its students.

Student Population: 191

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: The public hearing was advertised via the District Board of Education online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 48-1-2013  
Period of Request: July 1, 2011, to June 30, 2012  
Period Recommended: July 1, 2011, to June 30, 2012  
CDS Code: 01 61259 6066450

Madison Middle School  
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Madison Middle School (MS) serves 377 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Madison MS in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 18.72, 20.77, and 23.46 in grades six through eight, respectively.

Oakland USD states that Madison MS made a good-faith effort to stay within QEIA CSR targets in 2011–12 but it experienced an unanticipated increase in enrollment in grade six that prompted an attempt to acquire permission and funding to hire an additional teacher. The district states that Madison MS’s grade six classes had an average ending enrollment of 25.7 students.

Oakland USD requests a waiver of the QEIA CSR target for grade six classes at Madison MS for school year 2011–12 and the establishment of an alternative CSR target of 25.7 students per class on average in core classes in grade six for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to increase its QEIA CSR target for grade six at Madison MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grade six classes at Madison MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
Ed Code or CCR to Waive: For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

1. Meet all of the following class size requirements:
   A. For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120)).
   B. For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      i. At least five pupils fewer per classroom than was the average in 2006-07.
      ii. An average of 25 pupils per classroom.
   iii. For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: This Waiver is requesting that the Class Size Reduction Targets established for Madison Middle School of 18.72 students in 6th grade be increased to 25.7 for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size targets in 2011-12. Madison experienced an unanticipated increase in enrollment in 6th grade that prompted the site’s attempt to acquire permission and funding from the District to hire an additional 6th grade teacher. The site was out of compliance with the QEIA targets during the time that it took to acquire the permission, funding, and complete the hiring process for a new 6th grade teacher.
Once the new teacher was hired, the site immediately reconfigured classes and brought the 6th grade CSR average back within range.

Student Population: 377

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: The public hearing was advertised via the District Board of Education online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 49-1-2013  
Period of Request: July 1, 2011, to June 30, 2012  
Period Recommended: July 1, 2011, to June 30, 2012  
CDS Code: 01 61259 6057020

Frick Middle School
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Frick Middle School (MS) serves 431 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Frick MS in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 18.72, 20.77, and 23.46 in grades six through eight, respectively.

Oakland USD states that Frick MS made a good-faith effort to stay within QEIA CSR targets in 2011–12 while balancing a middle school master schedule that included core courses and electives, and while receiving new students throughout the year. The district states that Frick MS had an average ending enrollment of 23.2, 21.6, and 21.8 students in grades six through eight, respectively.

Oakland USD requests a waiver of the QEIA CSR targets for grades six and seven at Frick MS for school year 2011–12 and the establishment of alternative CSR targets of 23.2 and 20.77 students per class on average in core classes for grades six and seven, respectively, for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to increase its QEIA CSR targets for grades six and seven at Frick MS for school year 2011–2012.

The CDE recommends approval with the following conditions: (1) Applies only to grades six and seven at Frick MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
WAIVER SUBMISSION - General

CD Code: 0161259  Waiver Number: 49-1-2013  Active Year: 2013

Date In: 1/10/2013 1:53:21 PM

Local Education Agency: Oakland Unified School District
Address: 1025 Second Ave.
Oakland, CA 94606

Start: 7/1/2011  End: 6/30/2012

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: For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   (i) At least five pupils fewer per classroom than was the average in 2006-07.
   (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: This Waiver is requesting that the Class Size Reduction Targets established for Frick Middle School of 18.72 students in 6th grade be increased to 23.2 and 20.77 students in 7th grade be increased to 21.6 for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size targets in 2011-12. As a small middle school, the site struggled to stay within QEIA targets while also balancing a middle school master schedule that included core courses and electives, and being able to receive new students throughout the year. Despite these challenges, the site was able to keep average
enrollment within range of QEIA targets, and below 25 students.
Student Population: 431

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: The public hearing was advertised via the District Board of Education online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Council
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 50-1-2013  
Period of Request: July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

Urban Promise Middle School
Oakland Unified School District

CDS Code: 01 61259 6066450

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Urban Promise Middle School (MS) serves 315 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Urban Promise MS in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 16.0, 16.35, and 16.94 in grades six through eight, respectively.

Oakland USD states that Urban Promise MS made a good-faith effort to stay within QEIA CSR targets in 2011–12 while balancing a middle school master schedule that included core courses and electives, and while receiving new students throughout the year. The district states that Urban Promise MS had an average ending enrollment of 20.9, 18.7, and 21.1 students in grades six through eight, respectively.

Oakland USD requests a waiver of the QEIA CSR targets for grades six through eight at Urban Promise MS for school year 2011–12 and the establishment of alternative CSR targets of 20.9, 18.7, and 21.1 students per class on average in core classes for grades six through eight, respectively, for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to increase its QEIA CSR targets for grades six through eight at Urban Promise MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight at Urban Promise MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 0161259  Waiver Number: 50-1-2013  Active Year: 2013

Date In: 1/10/2013 1:57:29 PM

Local Education Agency: Oakland Unified School District
Address: 1025 Second Ave.
Oakland, CA 94606

Start: 7/1/2011  End: 6/30/2012

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: 30050

Ed Code or CCR to Waive: For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:
   (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120)).
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: This Waiver is requesting that the Class Size Reduction Targets established for Urban Promise Middle School of 16.0 students in 6th grade be increased to 20.9, 16.35 students in 7th grade be increased to 18.7, and 16.94 students in 8th grade to 21.1 for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size targets in 2011-12. Urban Promise has a strong academic program and a design that made it difficult for the site to stay within range of the small class sizes required in the QEIA grant. The site did remain in range of the targets, and kept average class sizes below 22 students overall.
Student Population: 315

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: The public hearing was advertised via the District Board of Education online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 59-1-2013  Period of Request: July 1, 2011, to June 30, 2012

Frick Middle School
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Frick Middle School (MS) serves 431 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Frick MS for 6 grade six classes and 2 grade eight classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 18.72, 20.77, and 23.46 in grades six through eight, respectively.

Oakland USD states that Frick MS made a good-faith effort to stay within QEIA class size maximums of 27, but challenges of balancing the master schedule and ongoing student enrollment to the site during the course of the year made it difficult. The district also states that through corrective action and natural attrition, the school was able to bring all class sizes within guidelines by March 2, 2012. The district explains that, specifically: (1) One class was brought within guidelines in October 2011; (2) Four classes were brought within guidelines in January 2012; (3) One class was brought within guidelines in February 2012; and (4) Two classes were brought within guidelines in March 2012.

Oakland USD requests a waiver of the QEIA 27-student cap per core classroom CSR requirement for 6 grade six classes and 2 grade eight classes at Frick MS for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to waive the QEIA 27-student cap per core classroom CSR requirement for grades six and eight at Frick MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grades six and eight at Frick MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
### California Department of Education
#### WAIVER SUBMISSION - General

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<th>Active Year: 2013</th>
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- **Date In:** 1/14/2013 3:58:31 PM
- **Local Education Agency:** Oakland Unified School District
- **Address:** 1025 Second Ave.
- **Oakland, CA 94606**
- **Start:** 7/1/2011
- **End:** 6/30/2012
- **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:** 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.

2. For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

**Outcome Rationale:** This Waiver is requesting that the requirement for Frick Middle School to keep class size maximums at 27 students or fewer be suspended for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size maximums of 27, but challenges of balancing the master schedule and ongoing student enrollment to the site during the course of the year made it difficult to always stay within the 27 student maximum requirement. Eight classes were in violation of this rule throughout the course of 2011-12. Through corrective action and natural attrition, the site was able to bring all class sizes that
violated this rule to within guidelines by no later than March 2, 2012. Specifically:
1 class was brought within guidelines in October, 2011
4 classes were brought within guidelines in January, 2012
1 class was brought within guidelines in February, 2012
2 classes were brought within guidelines in March, 2012

Student Population: 431

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: Public notice was posted via the District online system.

Local Board Approval Date: 1/9/2013

Committee/CouncilReviewed By: QEIA Leadership Advisory Committee
Committee/CouncilReviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 60-1-2013  
Period of Request: July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

CDS Code: 01 61259 6066450

Madison Middle School
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Madison Middle School (MS) serves 340 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Madison MS for 15 grade six classes and 1 grade eight class that exceeded the QEIA 27-student cap per classroom requirement in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 18.72, 20.77, and 23.46 in grades six through eight, respectively.

Oakland USD states that Madison MS made a good-faith effort to stay within QEIA class size maximums of 27, but challenges of balancing the master schedule and ongoing student enrollment to the site during the course of the year made it difficult. The district further states that 16 classes were in violation of this rule throughout the course of school year 2011–12. The district also states that through corrective action and natural attrition, the school was able to bring all class sizes within guidelines by the second semester in 2012. Part of the delay, the district states, was due to the need to acquire permission and funding from the district to hire staff to balance class sizes.

Oakland USD requests a waiver of the QEIA 27-student cap per core classroom CSR requirement for 15 grade six classes and 1 grade eight class at Madison MS for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to waive the QEIA 27-student cap per core classroom CSR requirement for grades six and eight at Madison MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grades six and eight at Madison MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
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<td>Address:</td>
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**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:** 30050

Ed Code or CCR to Waive: 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:
   1. 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)).
   2. 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:
      1. At least five pupils fewer per classroom than was the average in 2006-07.
      2. An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

**Outcome Rationale:** This Waiver is requesting that the requirement for Madison Middle School to keep class size maximums at 27 students or fewer be suspended for the 2011-12 school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size maximums of 27, but challenges of balancing the master schedule and ongoing student enrollment to the site during the course of the year made it difficult to always stay within the 27 student maximum requirement. 16 classes were in violation of this rule throughout the course of 2011-12. Through corrective action and natural attrition, the site was able to bring all class sizes that violated this
rule to within guidelines by the the second semester in 2012. Part of the delay was due to the need to acquire permission and funding from the District to hire staff to balance class sizes.

Student Population: 340

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: It was advertised via the District online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 61-1-2013  
Period of Request: July 1, 2011, to June 30, 2012

Parker Elementary School  
Oakland Unified School District

CDS Code: 01 61259 6002091

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Parker Middle School (MS) serves 191 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Parker MS for 1 grade five class that exceeded the QEIA 27-student cap per classroom requirement in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 14.0 and 24.0 in grades four and five, respectively.

Oakland USD states that Parker ES made a good-faith effort to stay within QEIA class size maximums of 27, but the new principal attempted to balance the QEIA requirements with efforts to increase enrollment to support its financial stability. The district also states that once the new principal understood that the school was out of compliance, the principal made every effort to bring the whole school into alignment with QEIA guidelines as quickly as possible.

Oakland USD requests a waiver of the QEIA 27-student cap per core classroom CSR requirement for 1 grade five class at Parker ES for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to waive the QEIA 27-student cap per core classroom CSR requirement for grade five at Parker ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grade five at Parker ES for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 0161259  Waiver Number: 61-1-2013  Active Year: 2013

Date In: 1/14/2013 4:07:03 PM

Local Education Agency: Oakland Unified School District  
Address: 1025 Second Ave.  
Oakland, CA 94606

Start: 7/1/2011  End: 6/30/2012

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: For each funded school, the county superintendent of schools for  
the county in which the school is located shall annually review the school and its data to  
determine if the school has met all of the following program requirements by the school by the  
end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set  
forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120)).  
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that  
is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.  
(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the  
grade level based on the number of self-contained classrooms in that grade at the school site. If  
the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during  
the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for  
purposes of this subparagraph. A school that receives funding under this article shall not have a  
self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its  
average classroom size.

Outcome Rationale: This Waiver is requesting that the requirement for Parker Elementary  
School to keep class size maximums at 27 students or fewer be suspended for the 2011-12  
school year in light of the following circumstances:

The school made a good-faith effort to stay within QEIA class size maximums of 27, but had a  
new principal last year who was attempting to balance the QEIA requirements with efforts to  
increase enrollment at his site to support its financial stability, and acclimating to the challenges  
of being a new principal. The 5th grade class was out of compliance with the Rule of 27 from  
8/30/11 through 10/26/12, when the class fell below this number due to student attrition. The
principal understands that the school was out of compliance, and made every effort to bring the whole school into alignment with the QEIA guidelines as quickly as possible last year.

Student Population: 191

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: It was advertised via the District online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 62-1-2013  
Period of Request: July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012

Urban Promise Middle School  
Oakland Unified School District

CDS Code: 01 61259 6118657

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Urban Promise Middle School (MS) serves 315 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Urban Promise MS for 4 grade six classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 16.0, 16.35, and 16.94 in grades six through eight, respectively.

Oakland USD states that Urban Promise MS had the exact number of students to keep them within the rule of 27 (108 students in 4 grade six classrooms), but one student was accidentally programmed into the wrong section, resulting in one cohort with 28 students and another with 26 students. The district further states that as soon as the site administration became aware of this issue, they moved the student to the appropriate cohort, creating even classes of 27 each. The district also states that this mishap was addressed in the beginning of the school year.

Oakland USD requests a waiver of the QEIA 27-student cap per core classroom CSR requirement for 4 grade six classes at Urban Promise MS for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD’s request to waive the QEIA 27-student cap per core classroom CSR requirement for grade six at Urban Promise MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grade six at Urban Promise MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.

Supportive position taken by Oakland Education Association, December 21, 2012.

Local Board Approval: January 9, 2013.
Ed Code or CCR to Waive: For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

1. Meet all of the following class size requirements:
   (A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program Chapter 6.10 (commencing with Section 52120).
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: This Waiver is requesting that the requirement for Urban Promise Middle School to keep class size maximums at 27 students or fewer be suspended for the 2011-12 school year in light of the following circumstances:

The school had the exact number of students to keep them within the Rule of 27 (108 6th grade students) but one student was accidentally programmed in the wrong section—making one cohort have 28 students, and another have 26 students. As soon as the site administration became aware of this issue, they moved the student to the appropriate cohort, creating even classes of 27 each. This was addressed in the beginning of the school year.
Student Population: 315

City Type: Urban

Public Hearing Date: 1/9/2013
Public Hearing Advertised: It was advertised via the District online system.

Local Board Approval Date: 1/9/2013

Committee/Council Reviewed By: QEIA Leadership Advisory Committee
Committee/Council Reviewed Date: 1/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
Waiver Number: 35-12-2012  
Period of Request: July 1, 2011, to June 30, 2012  
Period Recommended: July 1, 2011, to June 30, 2012  
CDS Code: 43 69666 6048748

Washington Elementary School  
San Jose Unified School District

Local Educational Agency Request:

San Jose Unified School District (USD) is an urban district located in Santa Clara County with a student population of approximately 33,306 students. Washington Elementary School (ES) serves 561 students in kindergarten and grades one through five. Monitoring performed by the Santa Clara County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Washington ES in school year 2011–12. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 23.0 and 24.0 in grades four and five, respectively.

San Jose USD states that Washington ES has an Academic Language Acquisition (ALA) bilingual program. The district also states three kindergarten classes that did not meet QEIA CSR targets started with more than 20 students for school year 2011–12, and because there were no other ALA programs in the area, these students could not be reassigned to other schools. In addition, the district states that the class size could not be lowered to reach the QEIA CSR target of 20.44 by June 2012 because none of the kindergarten students left Washington ES throughout the year. The three kindergarten classes that exceeded the QEIA CSR target for 2011–12 were 20.56, 21.21, and 21.69 students per class. For school year 2012–13, the district states that the school is in compliance with the statutory QEIA CSR targets.

San Jose USD requests a waiver of the QEIA CSR target for kindergarten classes at Washington ES for school year 2011–12 and the establishment of an alternative CSR target of 21.69 students per class for kindergarten classes.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Jose USD’s request to waive the QEIA CSR target for kindergarten classes at Washington ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten classes at Washington ES for school year 2011–12; (2) Will meet previously established QEIA CSR targets beginning in 2012–13 and going forward; (3) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, San Jose USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Neutral position taken by American Federation of State, County and Municipal Employees and the California School Employees Association, November 20, 2012.

**Local Board Approval:** December 13, 2012.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369666  Waiver Number: 35-12-2012  Active Year: 2012

Date In: 12/14/2012 10:35:11 AM

Local Education Agency: San Jose Unified
Address: 855 Lenzen Ave.
San Jose, CA 95126

Start: 7/1/2011  End: 6/30/2012

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
Ed Code Authority: 52055.70

Ed Code or CCR to Waive: (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: [(A) for kindergarten and grades 1-3 include, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chap 6.10(commencing with Sec 52120)).]

Outcome Rationale: Washington Elementary, a QEIA site, has an Academic Language Acquisition bilingual program. Their three Spanish-speaking kindergarten classes started the year with more than 20 students as there were no other ALA programs in the area to assign these students to. No ALA kindergarten students left Washington throughout the year so that the class size could be lowered to reach the 20 student average by June.

Student Population: 561

City Type: Urban

Public Hearing Date: 12/13/2012
Public Hearing Advertised: Public Noticed, DIstrict Website, Board Agenda

Local Board Approval Date: 12/13/2012

Committee/Council Reviewed By:  Washington Elementary School School Site Council
Committee/Council Reviewed Date: 11/20/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Linda Herschbach
Position: Manager, Categorical Programs
E-mail: linda_herschbach@sjusd.org
Telephone: 408-535-6602 x14314
Fax: 408-535-6489

Bargaining Unit: Date: 11/20/2012
Name: AFSCME
Representative: Jo Bates
Title: Business Agent
Position: Support
Comments:

Bargaining Unit: Date: 11/20/2012
Name: California School Employees Association
Representative: Jenelle Morella
Title: President
Position: Neutral
Comments:

Bargaining Unit: Date: 11/20/2012
Name: Trades
Representative: David McClenahan
Title: President
Position: Support
Comments:
WAIVER ITEM W-23
General Waiver

SUBJECT
Request by Oakland Unified School District 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 Number: Oakland Unified 38-1-2013

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

See Attachment 1 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 end 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.

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: Oakland Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 38-1-2013 (1 page)

Attachment 2: Oakland Unified School District General Waiver Request 38-1-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 38-1-2013  

Period of Request: July 1, 2011, to June 30, 2012  

Period Recommended: July 1, 2011, to June 30, 2012  

CDS Code: 01 61259  

Claremont Middle School  

6057004  

Oakland Unified School District  

Local Educational Agency Request:  

Oakland Unified School District (USD) is an urban district located in Alameda County with a student population of approximately 36,262 students. Claremont Middle School (MS) serves 460 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Claremont MS in school year 2011–12.  

Oakland USD states that the Severely Handicapped-Special Day Class (SH-SDC) teacher at Claremont MS was incorrectly listed as the Adaptive Physical Education (PE) teacher of record at Claremont MS in school year 2011–12. The district also states that it acquired confirmation from the Programs for Exceptional Children Department, which oversees staffing and management of the district’s Special Education program, that the SH-SDC teacher was not the Adaptive PE teacher in 2011–12. The district further states that for a brief period of time in 2011–12 (from August 20, 2011, to September 30, 2011), Claremont MS had a teacher on staff that did not meet the HQT requirements for her position.  

Oakland USD requests that the HQT requirements for teachers at Claremont MS be waived for school year 2011–12.  

California Department of Education Recommendation and Conditions:  

The California Department of Education (CDE) supports Oakland USD’s request that the HQT requirements for teachers at Claremont MS be waived for school year 2011–12.  

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Claremont MS for school year 2011–12; and (2) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.  

Reviewed by QEIA Leadership Advisory Committee on January 8, 2013.  

Supportive position taken by Oakland Education Association, December 21, 2012.  

Local Board Approval: January 9, 2013.
California Department of Education  
WAIVER SUBMISSION - General

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<th>CD Code: 0161259</th>
<th>Waiver Number: 38-1-2013</th>
<th>Active Year: 2013</th>
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**Date In:** 1/10/2013 1:12:48 PM

**Local Education Agency:** Oakland Unified School District  
**Address:** 1025 Second Ave.  
**Oakland, CA 94606**

**Start:** 7/1/2011  
**End:** 6/30/2012

**Waiver Renewal:** N  
**Previous Waiver Number:**  
**Previous SBE Approval Date:**

**Waiver Topic:** Quality Education Investment Act  
**Ed Code Title:** Highly Qualified Teachers  
**Ed Code Section:** 52055.740(a)  
**Ed Code Authority:** 33050

**Ed Code or CCR to Waive:** 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. Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

**Outcome Rationale:** QEIA requires that all teachers on a campus meet HQT requirements. During the 2011-12 school year, a teacher was placed at Claremont Middle School who had been consolidated from another school site. That teacher was not HQT compliant to teach Algebra (his placement for 2011-12). While the District HR department began the process to bring the teacher to HQT compliance for his position, because the teacher chose to resign his position at the end of the 2011-12 school year, this process was not completed.

**Student Population:** 460

**City Type:** Urban

**Public Hearing Date:** 1/9/2013  
**Public Hearing Advertised:** The public hearing was advertised via the District Board of Education online system.

**Local Board Approval Date:** 1/9/2013

**Committee/Council Reviewed By:** QEIA Leadership Advisory Committee  
**Committee/Council Reviewed Date:** 1/8/2013  
**Committee/Council Objection:** N
Committee/Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Montes de Oca
Position: Executive Director
E-mail: david.montes@ousd.k12.ca.us
Telephone: 510-336-7500
Fax:

Bargaining Unit: Date: 12/21/2012
Name: Oakland Education Association
Representative: Trish Gorham
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-24
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

General Waiver

SUBJECT
Request by Rialto Unified School District to waive portions of California Education Code Section 52055.760(c)(3), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act.

Waiver Number: 19-11-2012

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California Education Code (EC) Section 33051(a)(1). If approved, termination is effective as of June 30, 2013. The school is receiving QEIA funds for 2012–13 and is not obligated to return 2012–13 funds if the funds are expended by June 30, 2013.

See Attachment 1 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the Academic Performance Index (API) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All but one API waiver previously presented has been denied by the SBE.

SUMMARY OF KEY ISSUES

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.
Alternative Programs

California EC Section 52055.760(a) allows a school district or chartering authority to apply for authority from the State Superintendent of Public Instruction (SSPI) to use alternative program requirements if the district or authority demonstrates that compliance with alternative program requirements would provide a higher level of academic achievement among pupils than compliance with the interim and program requirements. Alternative program requirements must serve no more than 15 percent of the pupils funded by QEIA and must serve the entire school.

A school district or chartering authority may use alternative program requirements at a funded school if all the following criteria are satisfied:

1. The proposed alternative requirements are based on reliable data and are consistent with sound scientifically based research consistent with subdivision (j) of EC Section 44757.5 on effective practices.

2. The costs of complying with the proposed alternative requirements do not exceed the amount of funding received by the school district or chartering authority pursuant to this article.

3. Funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of EC Section 52055.740. Funded schools with alternative programs shall exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

4. The SSPI and the President of the SBE or his or her designee jointly have reviewed the proposed alternative funded schools of the school district or chartering authority for purposes of this section and have recommended to the SBE for its approval those schools, using the same process as for the regular program recommendations.

The SSPI was to give priority for approval of schools with alternative programs to any school serving any of grades nine through twelve, inclusive, that has demonstrated to the satisfaction of the SSPI and the President of the SBE or his or her designee that the school cannot decrease class sizes as required under this article due to extraordinary issues relating to facilities, or due to the adverse impact of the requirements of this program, if implemented in the school, on the eligibility of the school district for state school facility funding.

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.
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 alternative program goals 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: Rialto Unified School District Request 19-11-2012 for a Quality Education Investment Act Alternative Program and Academic Performance Index Waiver (2 pages)

Attachment 2: Rialto Unified School District General Waiver Request 19-11-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 19-11-2012  
Period of Request: July 1, 2012, to June 30, 2013  
Period Recommended: Denial  
CDS Code: 36 67850 3630597  

Rialto High School  
Rialto Unified School District  

Local Educational Agency Request:  

Rialto Unified School District (USD) is located in San Bernardino County with a student population of approximately 26,764 students. Rialto High School (HS) serves 2,986 students in grades nine through twelve. Academic Performance Index (API) data for Rialto HS indicates that the school did not meet or exceed the schoolwide growth target requirement of the Quality Education Investment Act (QEIA). Rialto HS’s growth target for 2011–12 is 5.0, but its API growth is negative 10.0.  

Rialto USD states that not meeting the growth target was due to Rialto HS’s loss of five out of six administrators. The district explains that three of four assistant principals that replaced the ones that left had no prior experience and, although experienced, the principal came from out of the area and had to transition to the culture of the district and school. The district states that Rialto HS has demonstrated great success not only in meeting the challenges of raising graduation rates from 67.4 percent (2008) to 86.6 percent (2012) and attendance rates from 93.14 percent (2009) to 96.49 percent (2012), but in areas of increasing parent engagement (new Parent Center), increasing English Learner’s California State Tests scores (“Newcomer Program”), and increasing API scores for Students with Disabilities (14 points) by focusing on improving instruction and services. The district further states that because of QEIA funding, Rialto HS was able to take a giant leap forward by starting a pilot program consisting of two small 21st Century Schools in August 2012 that put technology in the hands of 300 participating ninth grade students and giving them relevant educations so that they can be career and college ready.  

Rialto USD requests a waiver of the QEIA API growth requirement for Rialto HS for school year 2011–12.  

Additional Local Educational Agency and School Information for Consideration:  

<table>
<thead>
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<th>School Locale Code</th>
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<tr>
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</tr>
</tbody>
</table>

*City: Mid-size Territory* inside an urbanized area and inside a principal city with a population less than 250,000 and greater than or equal to 100,000.
**C** means the school had significant demographic changes and will not have any growth or target information.

**California Department of Education Recommendation and Conditions:**

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California Education Code (EC) Section 33051(a)(1).

Specifically, (1) Although Rialto HS had experienced early gains in API, school year 2011–12 demonstrated negative growth; (2) QEIA funding is expected to result in increased academic achievement over time; and (3) EC Section 52055.760(c)(3) states that funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.


Supported by Rialto Education Association, October 29, 2012.

**Local Board Approval:** November 14, 2012.
CD Code: 3667850  Waiver Number: 19-11-2012
Active Year: 2012

Date In: 11/19/2012 9:32:51 AM

Local Education Agency: Rialto Unified School District
Address: 182 East Walnut Ave.
Rialto, CA 92376

Start: 7/1/2012  End: 6/30/2013
Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: API Growth Target
Ed Code Section: 52055.740 (a) (5)
Ed Code Authority: State Board of Education

Ed Code or CCR to Waive: see Attachment 1

Outcome Rationale: Rialto High experience a turn over in administration. 5 of the 6 administrators including the Principal were new for the 2011-2012 school year. This was due to promotions, reassignments, and a geographic relocation of administration. All Assistant Principals were new to the position and there was much training and administrative transition that was experienced. The Principal was experienced but was from out of the area and had to transition to the culture of the District and the school

See attachment 2

Student Population: 2986

City Type: Suburban

Public Hearing Date: 10/30/2012
Public Hearing Advertised: Notice posted at each school and the District Office, Professional Development Center, and the District Registration Center

Local Board Approval Date: 11/14/2012

Community Council Reviewed By: Rialto High School School Site Council
Community Council Reviewed Date: 10/30/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Jennette Harper  
Position: Senior Director  
E-mail: jharper3@rialto.k12.ca.us  
Telephone: 909-820-7700 x2300  
Fax: 909-873-8214

Bargaining Unit: Date: 10/29/2012  
Name: California State Employee Association  
Representative: Cheryl Decker  
Title: President  
Position: Support  
Comments:

Bargaining Unit: Date: 10/29/2012  
Name: Rialto Education Association  
Representative: Lisa Lindberg  
Title: President  
Position: Support  
Comments:
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 strike out key).

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**Quality Education Investment Act**

**Academic Performance Index Growth**

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**WHAT IS REQUIRED?**

*Education Code* Section 52055.740(a)(5) requires Quality Education Investment Act (QEIA) funded schools to exceed the Academic Performance Index (API) growth target for the school by 2010–11 averaged over the first three full years of funding. Beginning in 2011–12, regular QEIA schools will need to meet their annual API growth targets and alternative application schools must exceed their annual API growth targets.
7. Desired Outcome/Rationale

Rialto Unified School District requests on behalf of Rialto High School a waiver to the requirement of exceeding their annual API growth target. We respectfully request that the Academic Performance requirement be lifted for the 2011-2012 school year.

Rialto High School experienced a turnover in administration beginning in August of 2011. Rialto High School began the 2011-2012 school year with new principal, Mr. Albert Castillo and five veteran assistant principals. Due to promotions, reassignments, and a geographic relocation of one assistant principal, by June of 2012, four of the five assistant principals at Rialto High School had been replaced and not one of them had any prior experience as an administrator. Much time was taken to train the new assistant principals in terms of their roles and responsibilities. As each administrator oversees 30 teachers, it is apparent the toll that the transition took on each group of teachers and their students.

We believe that the administrative transition led to a decrease in the API score. However, the principal was able to maintain a focus on teaching and learning and make positive changes at the school. Although the positive changes were not reflected in the 2011-2012 API score of 733, we have other indicators of student progress that we respectfully ask you to consider.

Rialto High School's 2009 cohort graduation rate (class of 2007-2008) was 67.4%. Every year, since then, Rialto High School has made steady improvement in their graduation rate: 2010 cohort graduation rate: 71.71%, 2011 cohort graduation rate: 82.47%, 2012 cohort graduation rate: 86.60%.

In 2007-2008, Rialto High School's API score was 628. In the five years since Rialto High School has received QEIA funding, their API score increased by 105 points, an average of 21 points per year. Although their scored dipped by 10 points this year, Rialto High School has been able to steadily close the achievement gap for students by reducing class sizes, improving teacher and principal training, and adding counselors.

The correlation between student attendance rates and student achievement is undeniable. Rialto High School has continually focused efforts on improving their student attendance rates. In 2008-2009, the attendance rate at Rialto High School was 93.14%. Every year since then, attendance rates have improved. In 2009-2010, the attendance rate increased to 94.64%. In 2010-2011 the attendance rate rose to 95.86%. Last year, 2011-2012, Rialto High School's attendance rates were at an all time high of 96.49%. So far this year (2012-2013) they are set to reach a new high, as the attendance rate for the months of August and September have been over 97%.

Over the last few years, Rialto High School has focused efforts on their significant subgroups. One of these subgroups is our English Learners. Monumental changes have been made in the English Learner program at RHS including instituting a "Newcomer Program." This program provides Structured English Immersion (SEI) classes specifically for English Learners who are new to the country, an after school tutoring program (the Bridge Program), and other activities such as study trips and workshops. In addition, Rialto High School has conducted a series of
retreats that include administrators, teachers, instructional assistants, and counselors. The purpose of these retreats is to build a greater sense of comradery and teacher capacity in the area of instructional practices in working with English Learners. This year they are expanding the program to include parents of English Learners and district personnel. The efforts that have been directed toward their English Learners have made a difference. One example is the increasing CST scores of their "long term" English learners. Between 2010 and 2012, the percentage of Level 3 EL students who scored 350 or higher on the ELA CST went from .03% to .07%, the percentage of Level 4 EL students who scored 350 or higher on the ELA CST went from .01% to .05%, the percentage of Level 5 EL students who scored 350 or higher went from .10% to .12%. Rialto High School also saw an increase on the Math CST for EL students. Between 2011 and 2012, the percentage of Level 1 EL students who scored 350 or higher on the Math CST went from 0% to .04%, the percentage of Level 2 EL students who scored 350 or higher went from 0% to .03%. There were similar gains for Level 3 and Level 4 EL students. Rialto High School currently serves 545 English Learners. Sixty-six of these students are new to the country.

The new administrative team at Rialto High School also made a concerted effort to increase achievement of another of their significant subgroups: Students with Disabilities. The Special Education Department's Chairperson is part of the Instructional Leadership Team at RHS. She was able to participate in leadership retreats that focus on improving instruction and services for their students with disabilities then share what she learned with the rest of the department. Implementing a focused program of instruction for their Special Education students and planning for the expansion of the program took over a year. The focus and planning has proven worthwhile. This year, Rialto High School has a dedicated Teacher on Special Assignment for the Special Education Department, and several Special Education Instructional retreats planned for administrators, teachers, and instructional assistants. The concentrated efforts toward their Special Education Department produced a gain of 14 points on the API score of their Special Education subgroup between 2010-2011 and 2011-2012.

Because of the QEIA funding and the vision of the new administration, Rialto High School was able to take a giant leap forward when they started a pilot program, consisting of two small 21st Century Schools, beginning in August of 2012. The 21st Century pilot program took over a year to research, plan, and implement. Over three hundred ninth graders are currently participating in the innovative program that puts technology in every students' hands (IPADs and laptops) and in teachers' classrooms (SMART Boards, Interactive Slates, responders), focuses on 21st Century skills, and immerses them in a student-led, hands-on, collaborative learning model. Producing students who are career and college ready and providing them with an education that is relevant to their world and prepares them to compete in our global economy is consistent with the mission of the Common Core State Standards Initiative. Rialto High School QEIA funding for the 2013-2014 school year would allow the program to expand to include another cohort of incoming 9th graders and another cohort of 21st Century teachers, as well as continue the program for the current participants as 10th graders, next year. The program was started with the understanding that it would need to be self-sustaining once the QEIA funding ended. This last year of funding would allow Rialto High School to complete the plan for self-sustenance by continuing to provide the professional development that will create even more teacher-leaders who are able to continue the professional development in-house.
The QEIA funds also provided the impetus for the creation of Rialto High School's Parent Center which officially opened its doors in October of 2011. Over the last year, Rialto High School has targeted parents in an attempt to complete the educational team by integrating them into the school and school programs. Creating the Parent Center has done just that. The Parent Center offers support to parents through on-site computer classes, parenting education classes, and the opportunity to participate in ELAC and SSC. The Parent Center also provides parents and community members with volunteer opportunities at Rialto High School. The goal of the Parent Center is to provide community resources, increase parent involvement and educational support for parents. In 2010-2011, Rialto High School had 17 parents who volunteered with the band and sports programs. Last year (2011-2012), Rialto High School doubled the number to 36 active volunteers. This year, they already have 58 active volunteers. Rialto High School's volunteers now participate in a variety of activities including Ballet Folklorico, lunch supervision, teacher assistance, workshops, classroom walk throughs, college tours, sports activities, and the school band. In conjunction with the Parent Institute for Quality Education (PIQE), Rialto High School offers a nine-week parent involvement program to the parents of students. The program addresses topics such as A-G requirements, the importance of GPA, and higher education. With the establishment of the Parent Center, Rialto High School not only recognizes the critical role that parents play as partners in education, they are actively integrating parents into the school community in order to build strong relationships between school, family, and the community.

Rialto High School has continued to move forward with even more determination to ensure the academic success of all students. The never-ending work of improving instructional practice and working together as a team that includes all stakeholders continues. The administrative transition was the beginning of a renewed vitality at Rialto High School. Although Rialto High School failed to meet the Academic Performance requirement for one year, they succeeded in many other ways. We respectfully ask that you take into consideration the many facets of assessment that can be used to measure the success of a school.
Request by Red Bluff Union Elementary School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5, Section 4701, to remove Metteer Elementary School from the Open Enrollment List of “low-achieving schools” for the 2013–14 school year.

Waiver Number: 88-12-2012

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2013-14 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). Metteer Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets in four of the last five years. This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under Education Code (EC) 33051(a)(1).

This is the second time the SBE has heard a request from an LEA that does not meet the SBE streamlined waiver criteria to be removed from the 2013-14 Open Enrollment list. The SBE approved the non-streamlined waiver requests presented at the January 2013 meeting.

The Red Bluff Union Elementary School District does not meet the criteria set forth in the SBE streamlined waiver policy, therefore the CDE recommends that William M. Metteer Elementary School remain on the Open Enrollment list. The SBE streamlined waiver policy requires the district to have an API score of 800 or above in the current scoring cycle. The Red Bluff Union Elementary School District has a 2012 Growth API score of 787. In the absence of a district API score of 800 or above, the SBE streamlined waiver policy requires the school to have an API score of 800 or above in the current scoring cycle and meet their API growth targets for all student groups. Metteer Elementary School has a 2012 Growth API score of 780. While Metteer
Elementary School made its 2012 API Schoolwide Growth target, they failed to meet the 2012 API growth targets for two other significant student groups (Hispanic or Latino and English Learners). In the absence of a district Growth API score of 800 or above, or if the school fails to receive a Growth API score of 800 or above and does not meet its Growth API targets, the SBE streamlined waiver policy requires the school to make their API Growth targets in three of the last five years. Metteer Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets in four of the last five years.

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 EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: Tehama County

Authority for Waiver: EC Section 33050

Period of request: July 1, 2013, to June 30, 2014

Period of recommendation: July 1, 2013, to June 30, 2014

Local board approval date(s): December 11, 2012

Public hearing held on date(s): December 11, 2012

Bargaining unit(s) consulted on date(s): California State Employees Association
Representative: Barbara Ramey, consulted on November 28, 2012


Advisory committee(s) consulted: Metteer 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: Red Bluff Union Elementary School District General Waiver Request 88-12-2012 (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

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<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>
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<th>Period of Request</th>
<th>Recommend for Approval (Yes/No)</th>
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<td>Tehama Red Bluff Union Elementary William M. Metteer Elementary</td>
<td>787</td>
<td>Schoolwide 780</td>
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<td>4, 6</td>
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<td>Requested: 07/1/2013 to 06/30/2014</td>
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*Only student groups that are numerically significant are included in this column.

SED – Socioeconomically Disadvantaged

Prepared by the California Department of Education
Revised: 12/26/2012 12:24 PM
## California Department of Education
### WAIVER SUBMISSION - General

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<th>Active Year: 2012</th>
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**Date In:** 12/14/2012 3:52:20 PM

**Local Education Agency:** Red Bluff Union Elementary
**Address:** 1755 Airport Blvd.
Red Bluff, CA 96080

**Start:** 7/1/2013 **End:** 6/30/2014

**Waiver Renewal:** N

**Previous Waiver Number:** **Previous SBE Approval Date:**

**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* Section 48352 – the Open Enrollment Act:

[(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 ration 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:** This section of the law identifies a formula for identification of California “low achieving schools” that results in minimizing the number of schools in larger districts that are named to the list of 1,000. As a consequence, higher achieving schools in rural areas and smaller districts are identified as low achieving, regardless of their achievement history.

The application of the current state formula for low achieving schools identifies Metteer Elementary as one of the 1,000 lowest achieving schools in the state. Metteer is not low achieving. Metteer student achievement data displays are attached:

**Student Population:** 597

**City Type:** Rural
Public Hearing Date: 12/11/2012
Public Hearing Advertised: School/District postings, Tehama DoE posting, district website posting

Local Board Approval Date: 12/11/2012

Committee/Council Reviewed By: Metteer School Site Council
Committee/Council Reviewed Date: 12/6/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Karin Matray
Position: Assistant Superintendent
E-mail: kmatray@rbuesd.org

Telephone: 530-527-7200 x108
Fax: 530-527-9308

Bargaining Unit: Date: 11/28/2012
Name: CSEA
Representative: Barbara Ramey Title: President
Position: Support Comments: Bargaining Unit:

Date: 12/03/2012
Name: Red Bluff Elementary Educators' Association
Representative: Sharon Barrett Title: President
Position: Support Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-26
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

☑ General Waiver

SUBJECT
Request by Yucaipa-Calimesa Joint Unified School District to waive California Education Code Section 48352(a) and California Code of Regulations, Title 5, Section 4701, to remove Valley Elementary School from the Open Enrollment List of “low-achieving schools” for the 2013–14 school year.

Waiver Number: 13-11-2012

☐ Action
☐ Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2013-14 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). Valley Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets in four of the last five years. This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under Education Code (EC) 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard a request from an LEA that does not meet the SBE streamlined waiver criteria to be removed from the 2013-14 Open Enrollment list. The SBE approved the non-streamlined waiver requests presented at the January 2013 meeting.

SUMMARY OF KEY ISSUES

The Yucaipa-Calimesa Joint Unified School District does not meet the criteria set forth in the SBE streamlined waiver policy, therefore the CDE recommends that Valley Elementary School remain on the Open Enrollment list. The SBE streamlined waiver policy requires the district to have an API score of 800 or above in the current scoring cycle. The Yucaipa-Calimesa Joint Unified School District has a 2012 Growth API score of 795. In the absence of a district API score of 800 or above, the SBE streamlined waiver policy requires the school to have an API score of 800 or above in the current scoring cycle and meet their API growth targets for all student groups. Valley Elementary School has a 2012 Growth API score of 765 and failed to meet all 2012 API
growth targets. In the absence of a district Growth API score of 800 or above, or if the school fails to receive a Growth API score of 800 or above and does not meet its Growth API targets, the SBE streamlined waiver policy requires the school to make their API Growth targets in three of the last five years. Valley Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets in four of the last five years.

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 EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: San Bernardino County

Authority for Waiver: EC Section 33050

Period of request: July 1, 2012, to June 30, 2013

Period of recommendation: July 1, 2013, to June 30, 2014

Local board approval date(s): November 13, 2012

Public hearing held on date(s): November 13, 2012

Bargaining unit(s) consulted on date(s): Yucaipa-Calimesa Educators Association Representative: Patrick Smith, consulted on November 7, 2012

Public hearing advertised by: Notice posted at each school.

Advisory committee(s) consulted: Valley Elementary School Site Council Sub-committee

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:  Yucaipa-Calimesa Joint Unified School District General Waiver Request 13-11-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).
<table>
<thead>
<tr>
<th>Waiver #</th>
<th>County</th>
<th>District</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>
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</thead>
<tbody>
<tr>
<td>13-11-2012</td>
<td>San Bernardino</td>
<td>Yucaipa-Calimesa Joint</td>
<td>795</td>
<td>Schoolwide Hispanic or</td>
<td>765 No</td>
<td>No</td>
<td>No</td>
<td>3, 1 Year 3</td>
<td>Support 11/07/2012</td>
<td>Requested: 07/1/2012 to 06/30/2013</td>
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<td></td>
<td>Unified</td>
<td>Valley Elementary</td>
<td></td>
<td>Latino White</td>
<td>734 No</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SED</td>
<td>792 No</td>
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</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: 12/26/2012 1:44 PM
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.]

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200. Title 5 CCR 4701. Identification of Open Enrollment Schools.

[a] The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148
high schools;
(2) the list of 1,000 schools shall exclude the following:
(A) schools that are court, community, or community day schools;
(B) schools that are charter schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.
3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and
(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.

Outcome Rationale: Yucaipa-Calimesa Joint Unified School District (YCJUSD), with a district-wide API ranking of 795, is requesting to remove Valley Elementary School from the Open Enrollment List. Valley Elementary scored an API score of 765 in 2011-2012. Valley Elementary has an SES population of over 76%, with a similar schools ranking of 4 and a statewide ranking of 5. The school is currently in Program Improvement Year 3; however, Valley Elementary School has worked hard to improve the achievement of all students:

- Valley Elementary is a 2008 California Distinguished School
- In 2012 both at-risk significant subgroups (Hispanic and Socioeconomic Disadvantaged) grew by 2 and 1 API points respectively.
  - In 2012, all significant subgroups’ API was greater than 723
  - In 2011/2012 Valley Elementary’s demographic population (SES and EL populations) changed significantly due to district boundary changes. Valley’s continuously enrolled students demonstrated significantly higher 2012 CST percent proficiency scores in both ELA (+22.8%) and math (+14.4%) than those students new to Valley. According to comparison data of 2011 and 2012 CST proficiency levels in ELA and math, Valley’s students increased their proficiency levels in 2012.
  - In 2011, Valley received an API score of 772.
- All Valley teachers have been trained and beginning in 2012/2013 are implementing new ELA state-approved district adopted curriculum, California Treasures.
  - Through an MOU agreement, Valley and all district K-8 schools have six collaboration minimum days to focus on strategies to increase student achievement.
  - In 2010, Valley met AYP targets school-wide and for all significant subgroups out right or through Safe Harbor and as a result was “frozen” in Program Improvement Year 1.
  - Since 2005 the overall API has increased by 25 API points while our Socioeconomically Disadvantaged subgroup has increased by 40 API points
- All teachers have now been trained in Direct Interactive Instruction and are receiving ongoing coaching support
- All teachers are implementing the district’s Academic Vocabulary and Summary Writing training/materials
- Valley’s schedule allows for weekly grade level collaboration time
- Valley is continuing to develop as a professional learning community
- Valley has increased the implementation of interactive educational technology in classroom instruction
• Valley has fully implemented Response to Intervention universal screenings and Tier 2/Tier 3 interventions, as well as progress monitoring of students participating in Tier 2 & 3 interventions
• Valley implements school-wide targeted grade level literacy intervention through daily scheduled grade level intervention time for grades K-6.

Student Population: 678

City Type: Suburban

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: Valley Elementary School Site Council Sub-committee
Community Council Reviewed Date: 11/9/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Linda Moffatt
Position: Director, K-12 Curriculum
E-mail: linda_moffatt@ycjusd.k12.ca.us
Telephone: 909-797-0174 x129
Fax: 909-790-6104

Bargaining Unit: Date: 11/07/2012 Name: Yucaipa-Calimesa Educators Association (YCEA)
Representative: Patrick Smith Title: President, YCEA Position: Support Comments:
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-27
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

General Waiver

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

Waiver Number: 14-11-2012

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2013-14 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). Calimesa Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets for each of the last five years. This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under Education Code (EC) 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard a request from an LEA that does not meet the SBE streamlined waiver criteria to be removed from the 2013-14 Open Enrollment list. The SBE approved the non-streamlined waiver requests presented at the January 2013 meeting.

SUMMARY OF KEY ISSUES

The Yucaipa-Calimesa Joint Unified School District does not meet the criteria set forth in the SBE streamlined waiver policy, therefore the CDE recommends that Calimesa Elementary School remain on the Open Enrollment list. The SBE streamlined waiver policy requires the district to have an API score of 800 or above in the current scoring cycle. The Yucaipa-Calimesa Joint Unified School District has a 2012 Growth API score of 795. In the absence of a district API score of 800 or above, the SBE streamlined waiver policy requires the school to have an API score of 800 or above in the current scoring cycle and meet their API growth targets for all student groups. Calimesa Elementary School has a 2012 Growth API score of 773 and failed to meet all but one
of their 2012 API growth targets. In the absence of a district Growth API score of 800 or above, or if the school fails to receive a Growth API score of 800 or above and does not meet its Growth API targets, the SBE streamlined waiver policy requires the school to make their API Growth targets in three of the last five years. Calimesa Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets for each of the last five years.

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 EC 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: San Bernadino County

Authority for Waiver: EC Section 33050

Period of request: July 1, 2012, to June 30, 2013

Period of recommendation: July 1, 2013, to June 30, 2014

Local board approval date(s): November 13, 2012

Public hearing held on date(s): November 13, 2012

Bargaining unit(s) consulted on date(s): Yucaipa-Calimesa Educators Association
Representative: Patrick Smith, consulted on November 7, 2012

Public hearing advertised by: Notice posted at each school.

Advisory committee(s) consulted: Calimesa Elementary School Site Council Sub-committee

**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: Yucaipa-Calimesa Joint Unified School District General Waiver Request 14-11-2012 (3 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</th>
<th>School</th>
<th>2011 District Growth API</th>
<th>2011 School API Growth*</th>
<th>2011 API Growth 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>14-11-2012</td>
<td>San Bernardino</td>
<td>Yucaipa-Calimesa Joint Unified</td>
<td>Calimesa Elementary</td>
<td>795</td>
<td>Schoolwide: 773 Hispanic or Latino: 740 White: 792 SED: 750 English Learners: 703</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>4, 2</td>
<td>Year 3</td>
<td>Support: 11/07/2012</td>
<td>Requested: 07/1/2012 to 06/30/2013</td>
<td>No</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: 12/26/2012 1:44 PM
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667959 Waiver Number: 14-11-2012 Active Year: 2012

Date In: 11/14/2012 10:23:19 AM

Local Education Agency: Yucaipa-Calimesa Joint Unified School District
Address: 12797 Third St.
Yucaipa, CA 92399

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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.
   (b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
   (c) "School district of enrollment" means a school district other than the school district in which
       the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll
       the pupil pursuant to this article.
   (d) "School district of residence" means a school district in which the parent of a pupil resides
       and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.
[a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000
schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and
high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and
retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the
following methodology:
(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148
high schools;
(2) the list of 1,000 schools shall exclude the following:
   (A) schools that are court, community, or community day schools;
   (B) schools that are charter schools;
   (C) schools that are closed; and
   (D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

The strike-out indicates the exact language being waived but is still valid.

Outcome Rationale: Yucaipa-Calimesa Joint Unified School District (YCJUSD), with a district-wide API ranking of 795, is requesting to remove Calimesa Elementary School from the Open Enrollment List. Calimesa Elementary scored an API score of 773 in 2011-2012. Calimesa Elementary has an SES population of over 70 percent, with a similar schools ranking of 2 and a statewide ranking of 4. The school is currently in Program Improvement Year 3; however, Calimesa Elementary School has worked hard to improve the achievement of all students:

- In 2012 all at risk significant subgroups (Hispanic, English Learners, and Socioeconomically Disadvantaged) grew by 3, 1, and 23 API points, respectively.
- In 2012, all significant subgroups’ API was greater than 703. (Hispanic, 740; White, 792; Socioeconomically Disadvantaged, 750; English Learners, 703)
- All Calimesa teachers have been trained and beginning in 2012-2013 are implementing new ELA state-approved district-adopted curriculum, California Treasures.
- Through an MOU agreement, Calimesa and all district K-8 schools have six collaboration minimum days to focus on strategies to increase student achievement.
- All teachers at Calimesa have been trained in Direct Interactive Instruction and are receiving on-going coaching support through on-site teacher leader coaches, district teacher on assignment, and Action Learning Systems.
- All teachers at Calimesa Elementary have been training in Thinking Maps, and the school is in its first year of implementation as a “Thinking Map School.”
- All upper grade teachers at Calimesa Elementary have received Professional Development in the area of Lesson Study and are participating in this practice throughout the year.
- All teachers have received Professional Development in the implementation of the district’s focus areas, Academic Vocabulary and Summary Writing. The implementation of these focus areas is supported by on-site teacher leader coaches.
- Calimesa is in its second year of implementation of the Accelerated Reader program to give students practice reading at their level.
- Calimesa teachers are implementing the steps of the District-Wide Data Protocol on an ongoing basis. This protocol is the basis for targeted instruction to improve student achievement.
- Calimesa’s schedule allows for weekly grade-level collaboration time.
- Calimesa has increased the use of interactive educational technology in classroom instruction.
- Calimesa has fully implemented Response to Intervention universal screenings and Tier 2 and Tier 3 interventions, as well as progress monitoring of students participating in Tier 2 and 3 interventions.
- Calimesa implements school-wide targeted grade-level literacy intervention through daily
scheduled grade level intervention time for students in grades K-6.
Student Population: 518

City Type: Suburban

Public Hearing Date: 11/13/2012
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 11/13/2012

Community Council Reviewed By: Calimesa Elementary School Site Council Sub-committee
Community Council Reviewed Date: 11/9/2012
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Linda Moffatt
Position: Director, K-12 Curriculum
E-mail: linda_moffatt@ycjusd.k12.ca.us
Telephone: 909-797-0174 x129
Fax: 909-790-6104

Bargaining Unit: Date: 11/07/2012 Name: Yucaipa-Calimesa Educators Association (YCEA)
Representative: Patrick Smith Title: President, YCEA Position: Support
Comments:
General Waiver

SUBJECT
Request by the Alpaugh 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 ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at the Central California Connections Academy Charter School.

Waiver Number: 5-10-2012

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of this waiver with the condition that the waiver is approved for the 2012 – 2013 school year only.

The Central California Connections Academy Charter School will begin the 2013 – 2014 school year without a waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved a waiver for Central California Connections Academy Charter School in the Alpaugh Unified School District on November 9, 2011, this 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.

The CDE pulled this waiver off the January 17, 2013 agenda. Per California Education Code Section 33052(a), if formal action by the SBE on a waiver request is not taken by the second regular meeting of the board following receipt of a complete and documented waiver request by the State Department of Education, the waiver shall be deemed approved for one year, commencing the first day of the following month.
SUMMARY OF KEY ISSUES

EC Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for average daily attendance (ADA)-to-teacher ratios in independent study that apply to non-classroom based charter schools. In essence, these sections require that the ratio meet the following criteria:

- The ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the ratio may be calculated by using a fixed ADA-to-certified-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

Central California Connections Academy Charter School is an existing virtual school in the Alpaugh Unified School District. The school has a 2011 Base of 780 and a 2012 Growth API of 739. For additional information, see Attachment 3.

The rationale provided by Central California Connections Academy Charter School for raising the ADA ratio is as follows:

- An increase in the pupil-to-teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students.

- The district states that all revenues will be used to support student services such as enhanced curricular offerings, increased test preparation services, increased remediation and interventions for struggling students, and increased access to technology tools.

Central California Connections Academy Charter School has been operating under the assumption that the higher student-to-teacher ratio would be in effect for the 2012 – 2013 school year. Although there is a decline in the 2011 – 2012 growth target of 41 points, the CDE believes it is reasonable to continue to fund at the higher student to teacher ratio of 27.5:1 for the remainder of the current school year. The Central California Connections Academy Charter School will need to apply for a new waiver for 2013 – 2014, and beyond, after the API data for 2012 – 2013 school year is released.

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.
FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost-savings for the district and increased average daily attendance claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Alpaugh Unified School District—Central California Connections Academy Charter School General Waiver Request 5-10-2012 (2 pages)(Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Academic Performance Index (API) Data Table: Alpaugh Unified School District—Central California Connections Academy Charter School (1 Page)
**Independent Study School State Board of Education Waivers for March 2013**

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>County Office of Education/District Name, Size of District, and Approval Date</th>
<th>Pupil to Teacher Ratio Requested (if waiver of EC Sections 51745.6 and California Code of Regulations, Title 5, Section 11704 and portions of section 11963.4(a)(3))</th>
<th>Period of Request</th>
<th>Renewal Waiver?</th>
<th>Certificated Bargaining Unit Name and Representative, Position, and Date of Action</th>
<th>Advisory Committee/School Site Council Name, Date of Review and any Objections</th>
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</thead>
<tbody>
<tr>
<td>5-10-2012</td>
<td>Alpaugh Unified School District 217 Total Students September 13, 2012</td>
<td>Increase from 25:1 to 27.5:1. Small online charter; no teacher to experience 27.5:1 at any given time.</td>
<td>Requested: July 1, 2012 through June 29, 2014 Recommended: July 1, 2012 through June 30, 2013</td>
<td>YES</td>
<td>No Bargaining Units</td>
<td>Board of Directors of Central California Connections Academy August 28, 2012 No objections</td>
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</table>
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.

Ed Code or CCCR 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.

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
Alpaugh Unified School District—Central California Connections Academy

CDS Code: 54-71803-0112458

Academic Performance Index (API) Data Table

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</table>

Statewide/Similar Schools Rank Codes:
I - Invalid Data  
B - District or ASAM school  
C - Special Education School  
S - Schools whose School Characteristics Index (SCI) and similar schools rank also changed.  
O - Schools whose SCI changed because of data change, but similar schools rank did not change.

Base, Growth and Target Codes:
A - Met Interim Performance Target of 800.  
B - School did not have a valid API Base and there is no Growth or target information.  
C - School had significant demographic changes and there is no Growth or target information.  
D - There is no growth target for districts, or Special Education schools.
California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-29
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

☐ General Waiver

SUBJECT
Request by two districts 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.


RECOMMENDATION
☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of these waiver requests with the condition that the Academic Performance Index (API) growth targets will be met in two of the last three years, schoolwide and for all numerically significant subgroups, inclusive of 2011–12, 2012–13, and 2013–14.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved a waiver for Valley Oaks Charter School in the Kern County Office of Education on May 11, 2011, with the following condition:

- If Valley Oaks Charter School does not meet its 2010–11 API growth target for the Hispanic or Latino subgroup, the waiver will not be recommended for renewal.

This is the first time the SBE will be hearing a pupil-to-teacher ratio waiver for Academic Charter School in the Hart-Ransom Union Elementary School District.

The requested waivers fall 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.

The CDE pulled the Kern County Office of Education waiver from the January 17, 2013,
agenda. Per California Education Code Section 33052(a), if formal action by the State Board of Education on a waiver request is not taken by the second regular meeting of the board following receipt of a complete and documented waiver request by the State Department of Education, the waiver shall be deemed approved for one year, commencing the first day of the following month.

**SUMMARY OF KEY ISSUES**

EC Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for average daily attendance (ADA)-to-teacher ratios in independent study that apply to non-classroom based charter schools. In essence, these sections require that the ratio meet the following criteria:

- The ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the ratio may be calculated by using a fixed ADA-to-certified-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

Valley Oaks Charter School is an existing virtual school in the Kern County Office of Education. Valley Oaks Charter School has a 2011 Base of 748 and a 2012 Growth API of 750. The school met the 2010–11 growth target for the Hispanic or Latino subgroups, which was a condition of the previous waiver request. While they did not reach their target growth, growth was positive. For additional information, see Attachment 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.

- The two largest districts in the region the school serves have lower API scores: Bakersfield City School District has an API of 731 and Kern Union High School District has an API of 730.

The district’s rationale for raising the ADA ratio is as follows:

- The school has added enrichment classes to improve student academic achievement in core subject areas.

- Staff members provide workshops for parents to help improve their skills in working with their students.

- 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.
• 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.

Academic Charter School is an existing virtual school in the Hart-Ransom Union Elementary School District. The school has a 2011 Base of 785 and a 2012 API of 797, and it met its schoolwide API targets, as well as its targets for the two numerically significant student groups. For additional information, see Attachment 5.

The district’s rationale for raising the ADA ratio is as follows:

• The school has been in deficit spending for several years. This trend must be stopped to maintain solvency based on the 2012–13 adopted budget multi-year projections. Personnel costs make up the majority of the school's budget, and these costs will not increase if the student-to-teacher ratio is increased to 27.5:1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 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 increased pupil-to-teacher ratio would result in cost-savings for the district and increased average daily attendance claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Kern County Office of Education—Valley Oaks Charter School General Waiver Request 21-10-2012 (2 pages)(Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Academic Performance Index (API) Data Table: Kern County Office of Education—Valley Oaks Charter School (1 Page)

Attachment 4: Hart-Ransom Union Elementary School District—Academic Charter School General Waiver Request 67-20-2012 (4 pages)(Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Academic Performance Index (API) Data Table: Hart-Ransom Union Elementary School District—Academic Charter School (1 Page)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>County Office of Education/District Name, Size of District, and Approval Date</th>
<th>Pupil to Teacher Ratio Requested (if waiver of EC Sections 51745.6 and California Code of Regulations, Title 5, Section 11704 and portions of section 11963.4(a)(3))</th>
<th>Period of Request</th>
<th>Renewal Waiver?</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>
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<tbody>
<tr>
<td>67-10-2012</td>
<td>Hart-Ransom Union Elementary School District, 261 Total Students, October 11, 2012</td>
<td>Increase from 25:1 to 27.5:1. Small online charter; no teacher to experience 27.5:1 at any given time.</td>
<td>Requested: August 20, 2012 through June 5, 2013</td>
<td>NO</td>
<td>No Bargaining Units</td>
<td>No advisory committee</td>
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</table>
CD Code: 1510157  Waiver Number: 21-10-2012  Active
Year: 2012

Date In: 10/15/2012 3:40:46 PM

Local Educational Agency Name: Kern County Office of Education
Address: 1300 17th St., City Centre
Bakersfield, CA 93301
Fax: 661-636-4127

Start: 7/1/2012  End: 6/29/2014
Waiver Renewal: Y
Previous Waiver Number: 157-12-2010-WC-1
Previous SBE Approval Date: 3/11/2011

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: 51745.6
Ed Code Authority: 33050

Ed Code or CCR to Waive: EC Section 51745.6 . . . (e) The pupils-to-certificated-employee ratio described in subdivision (a) may, in a charter school, be calculated by using a fixed pupils-to-certificated-employee ratio of [25 to one, or by being a ratio of less than 25 pupils per certificated employee]

CCR Title 5 Section 11704 – In a charter school, for the purposes of Education Code Section 51745.6, the ratio of average daily attendance for independent study pupils to full-time equivalent (FTE) certificated employees responsible for independent study shall not exceed a pupil-teacher ratio of [25:1] or the ratio of pupils to full-time equivalent certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, as reported at the second principal apportionment in the prior year, in the county or counties in which the charter school operates.

CCR Title 5 Section 11963 subdivision (a)- (3) If the percentage calculated pursuant

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:
### Kern County Office of Education—Valley Oaks Charter School

**CDS Code:** 15-10157-1530492  
**Academic Performance Index (API) Data Table**

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</table>

**Statewide/Similar Schools Rank**:  
(blink) : The API is not displayed when there are less than 11 valid scores.  
(--) : Targets are not calculated for subgroups that are not numerically significant.

**Statewide/Similar Schools Rank Codes:**
- **I** - Invalid Data
- **B** - District or ASAM school
- **C** - Special Education School
- **S** - Schools whose School Characteristics Index (SCI) and similar schools rank also changed.
- **O** - Schools whose SCI changed because of data change, but similar schools rank did not change.

**Base, Growth and Target Codes:**
- **A** - Met Interim Performance Target of 800.
- **B** - School did not have a valid API Base and there is no Growth or target information.
- **C** - School had significant demographic changes and there is no Growth or target information.
- **D** - There is no growth target for districts, or Special Education schools.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071092  Waiver Number: 67-10-2012  Active
Year: 2012

Date In: 10/24/2012 12:29:36 PM

Local Education Agency: Hart-Ransom Union Elementary School District
Address: 3920 Shoemake Avenue
Modesto, CA 95358

Start: 8/20/2012  End: 6/5/2013

Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: 517.45.6
Ed Code Authority: 33050

Ed Code or CCR to Waive: [The pupils to certificated employee ratio described in subdivision (a) May, in a charter school, be calculated by using a fixed pupils to certificated employee ratio of 25 to one, or by being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in pupil to certificated employee ratio calculations.]

Outcome Rationale: The charter school has been deficit spending for several years. This trend needs to be stopped to maintain solvency, based on the 2012-13 adopted budget multi-year projections. By increasing the pupil teacher ratio, personnel costs will not increase.

Student Population: 261

City Type: Rural

Public Hearing Date: 10/11/2012
Public Hearing Advertised: Notice posted at school.

Local Board Approval Date: 10/11/2012

Community Council Reviewed By: The charter school is not required to have an advisory committee/SSC. No categorical funds.
Community Council Reviewed Date: 10/11/2012
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ream Lochry
Position: Superintendent
E-mail: rlochry@hartransom.org
Telephone: 209-523-9996
Fax: 209-523-9997
Hart-Ransome Union School District  
3920 Soemake Avenue  
Telephone (209) 523-9996  Fax (209) 523-9997  
Modesto, California 95358  

Jerrianna Boer  Dr. R. Ream Lochry  Sherry Smith  Trustees  
Principal  Superintendent  Director  
Cover  Jim  
Elementary School  Academic Charter School  Rich  
Fultz  

Charter School Student-Teacher Ratio Waiver Request Back-up Narrative  
October 24, 2012  

Verifications  

1. All requirements of the independent study option provided by Hart-Ransom Union School District are in current statutory compliance, in both operation and documentation.  
   Current ADA-to-Teacher Ratio: 27.47:1 (261:9.5)  
3. The requested new maximum ADA-to-Teacher Ratio is 27.5:1. The school offers a home-based program, where the parents accept responsibility as the primary teachers of their children. The school supports its students and teacher/parents by providing them with access to a Charter School Advisory Teacher, curriculum, materials and linkages to community resources. Parents and their children, in conjunction with the Charter School Staff, determine their own individual methods of teaching and learning. That team creates a child’s individualized curriculum, and independently determines the particular child’s educational goals and objectives. The school has been deficit spending for several years. Based on the District’s 2012-13 adopted budget multi-year projections, this trend must be reversed to maintain solvency. Personnel costs make up the majority of the school’s budget. By allowing an increase in the ADA-to Teacher Ratio to 27.5:1, personnel costs will not increase, and thereby, will help mitigate the budget deficit issue.  

Assurances  

1. This waiver request is consistent with the general purpose of the law.  
2. The request for a new maximum ADA-to-Teacher Ratio of 27.5:1 is not greater than 10% 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.  
3. The District will expend all revenues generated by students in independent study on services for those students, recognizing the need to allow for reasonable indirect cost charges.  
4. Hart-Ransom Union School District will provide an annual report of expenditures and assurances to the CDE, using 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.

Dr. R. Ream Lochry
Superintendent
Hart-Ransom Union School District

10-24-12
Date
### Academic Performance Index (API) Data

#### Student Subgroups

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#### Statewide/Similar Schools Rank

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California State Board of Education
Meeting Agenda Items for March 13-14, 2013

WAIVER ITEM W-30
California Department of Education
Executive Office
SBE-005 General (REV. 08/2011)

ITEM #W-30

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

General Waiver

SUBJECT
Request by the 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 ratio 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 (CDE) 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 a waiver for the Capistrano Connections Academy Charter School in the Capistrano Unified School District on July 13, 2011, with the following condition:

• If Capistrano Connections Academy Charter School does not meet its Academic Performance Index (API) growth target for 2010–11 and 2011–12, the waiver will not be recommended for renewal.

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.

The CDE pulled these waivers from the January 17, 2013, agenda. Per EC Section 33052(a), if formal action by the SBE on a waiver request is not taken by the second regular meeting of the board following receipt of a complete and documented waiver
request by the State Department of Education, the waiver shall be deemed approved for one year, commencing the first day of the following month.

**SUMMARY OF KEY ISSUES**

*EC* Section 51745.6, and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for average daily attendance (ADA)-to-teacher ratios in independent study that apply to non-classroom based charter schools. In essence, these sections require that the ratio meet the following criteria:

- The ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the ratio may be calculated by using a fixed ADA-to-certified-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

Capistrano Connections Academy Charter School is an existing virtual school in the Capistrano Unified School District. The school did not meet the conditions of the previous waiver: It had a 2010 Base of 794 and a 2011 Growth API of 779, and it had a 2011 Base of 782 and a 2012 Growth API of 778. For additional information, see Attachment 3.

The rationale provided by Capistrano Connections Academy Charter School for raising the ADA ratio is as follows:

- The school has grown by 50 percent from October 2009 to October 2011, and had an enrollment of 1,593 students in the 2011–12 school year. The API scores for the school grew steadily from 725 in 2007 to 793 in 2010. In all of those years, it had a similar schools rank of 10.

- The API scores do not reflect the same student population year to year due to high mobility. Thus, it should be understood that a decrease in their API score reflects a different student body rather than a reduction in the effectiveness of their instruction.

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](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053).

**FISCAL ANALYSIS (AS APPROPRIATE)**

The increased pupil-to-teacher ratio would result in cost-savings for the district and increased average daily attendance claims from the state.
ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Capistrano Unified School District – Capistrano Connections Academy Charter School General Waiver Request 14-3-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Academic Performance Index (API) Table Capistrano Unified School District – Capistrano Connections Academy (1 Page)
### Independent Study School State Board of Education Waiver for March 2013

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>County Office of Education/District Name, Size of District, and Approval Date</th>
<th>Pupil to Teacher Ratio Requested (if waiver of EC Sections 51745.6 and California Code of Regulations, Title 5, Section 11704 and portions of section 11963.4(a)(3))</th>
<th>Period of Request</th>
<th>Renewal Waiver?</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>14-3-2012</td>
<td>Capistrano Unified School District 1,593 Total Students February 29, 2012</td>
<td>Increase from 25:1 to 27.5:1. Small online independent study charter; no teacher to experience 27.5:1 at any given time.</td>
<td>Requested: July 1, 2012 through June 29, 2013</td>
<td>YES</td>
<td>No Bargaining Units</td>
<td>Board of Directors of Capistrano Connections Academy January 24, 2012 No objections</td>
</tr>
</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST          First Time Waiver: ___  
GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/  
Renewal Waiver: ___X___  

Send Original plus one copy to:  Send Electronic copy in Word and  
Waiver Office, California Department of Education  back-up material to: waiver@cde.ca.gov  
1430 N Street, Suite 5602  Sacramento, CA 95814  

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?

☐ Notice in a newspaper  ☐ Notice posted at each school  ☐ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

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 ☒ Yes ☐ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

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 ☐ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  
No ☐ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

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<th>Title:</th>
<th>Date:</th>
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<td>Joseph M. Farley</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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## Academic Performance Index (API) Data Table

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(Blank): The API is not displayed when there are less than 11 valid scores.

(--) : Targets are not calculated for subgroups that are not numerically significant.

### Statewide/Similar Schools Rank Codes:

I - Invalid Data
B - District or ASAM school
C - Special Education School
S - Schools whose School Characteristics Index (SCI) and similar schools rank also changed.
O - Schools whose SCI changed because of data change, but similar schools rank did not change.

### Base, Growth and Target Codes:

A - Met Interim Performance Target of 800.
B - School did not have a valid API Base and there is no growth or target information.
C - School had significant demographic changes and there is no Growth or target information.
D - There is no growth target for districts, or Special Education schools.
WAIVER ITEM W-31
General Waiver

SUBJECT
Request by Los Angeles Unified School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers: Los Angeles Unified 71-12-2012
Los Angeles Unified 74-12-2012
Los Angeles Unified 77-12-2012
Los Angeles Unified 81-12-2012
Los Angeles Unified 82-12-2012
Los Angeles Unified 85-12-2012
Los Angeles Unified 91-12-2012
Los Angeles Unified 93-12-2012
Los Angeles Unified 95-12-2012

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to the 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 size targets.

The Los Angeles Unified School District (USD) previously submitted two QEIA waivers at the March 2010 SBE meeting that requested funds to follow identified students who were transferred to new schools on the Roosevelt High School campus and the Mendez
Learning Center. At the time there was concern that approval of the waivers would represent a significant departure from the intent and purpose of the QEIA program. The SBE ultimately approved these waivers, adding specific conditions intended to protect the integrity of the program (see below). The group of nine schools is commonly referred to as the Roosevelt/Mendez Waiver Group.

**SUMMARY OF KEY ISSUES**

Los Angeles USD is located in Los Angeles County with a student population of approximately 662,140 students. The CSR requirements of QEIA were met in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14.

Los Angeles USD states that in 2007, in collaboration with the Los Angeles County Office of Education, it performed a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. The district states that based upon this projection, regular application QEIA schools were advised to save QEIA dollars since the funds could carry over from year to year; these funds would provide a means by which a school could later scale down the number of staff purchased by QEIA funds after the program ended. The district states that the schools are now struggling to fund class size reduction teachers to meet the established class size targets as QEIA carryover accounts have been depleted.

Los Angeles USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three and grades four through twelve for school years 2012–13 and 2013–14 for the nine schools that resulted when the SBE approved the March 2010 waivers. The district requests establishment of alternative CSR targets of 24.0 students per class in kindergarten and grades one through three, and 25.0 students per class on average in core classes in grades four through twelve.

The CDE recommends denial of Los Angeles USD’s request to increase the QEIA CSR targets for kindergarten and grades one through three and grades four through twelve at all of the schools identified on Attachment 1 for the following reasons: (1) The March 2010 waivers previously approved by the SBE were granted for the period of July 1, 2010, to June 30, 2014; (2) A condition of approval of the March 2010 waivers is that the district must keep all class size targets in place for the new schools; and (3) This waiver request is ultimately asking for a waiver of conditions imposed by the SBE when it granted the original waivers in March 2010.

**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](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: Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waivers (3 Pages)

Attachment 2: Los Angeles Unified School District General Waiver Request 71-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Los Angeles Unified School District General Waiver Request 74-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Los Angeles Unified School District General Waiver Request 77-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5: Los Angeles Unified School District General Waiver Request 81-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Los Angeles Unified School District General Waiver Request 82-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Los Angeles Unified School District General Waiver Request 85-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Los Angeles Unified School District General Waiver Request 91-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Los Angeles Unified School District General Waiver Request 93-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Los Angeles Unified School District General Waiver Request 95-12-2012 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
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<th>Waiver Number</th>
<th>School (CDS Code)</th>
<th>LEAs Request</th>
<th>CDE Recommendation</th>
<th>Period of Request/Period Recommended</th>
<th>Collective Bargaining Unit Position</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
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| 81-12-2012    | Roosevelt—Academy of Medical and Health Sciences 19 64733 0122325 | QEIA CSR | Denial: See Page 2 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** Denial | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on December 10, 2012  
No objections | November 13, 2012 |
| 82-12-2012    | Roosevelt—Communications, New Media, and Technology 19 64733 1937424 | QEIA CSR | Denial: See Page 2 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** Denial | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on December 10, 2012  
No objections | November 13, 2012 |
| 85-12-2012    | Humanities Art at Roosevelt High School 19 64733 0122291 | QEIA CSR | Denial: See Page 2 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** Denial | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on December 10, 2012  
No objections | November 13, 2012 |
| 91-12-2012    | Roosevelt Math/Science/Technology Magnet 19 64733 0122333 | QEIA CSR | Denial: See Page 2 under Summary of Key Issues. | **Period of Request:** July 1, 2012 to June 29, 2014  
**Period Recommended:** Denial | United Teachers Los Angeles on November 7, 2012  
Neutral | SSC, on November 29, 2012  
No objections | November 13, 2012 |
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Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Mendez Learning Center—School of Engineering and Technology has shown 59 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 440

City Type: Rural

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Authority: 33050

Ed Code or CCR to Waive: (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:

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(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.
It should be noted that Mendez Learning Center—School of Math and Science has shown 66 points of academic growth as measured by the Academic Performance Index over the last three years.

Student Population: 360

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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Telephone: 213-241-6990
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

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Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Roosevelt—Academy Environmental and Social Policy has shown 67 points of academic growth as measured by the Academic Performance Index over the last two years.

Student Population: 340

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

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Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

Roosevelt—Academy of Medical and Health Sciences

Student Population: 480

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act  
Ed Code Title: Class Size Reduction Requirements  
Ed Code Authority: 33050  
Ed Code or CCR to Waive: (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.  
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:  
(i) At least five pupils fewer per classroom than was the average in 2006-07.  
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Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

Roosevelt—Communications, New Media, and Technology

Student Population: 480

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 85-12-2012  Active Year: 2012

Date In: 12/14/2012 3:35:56 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050
Ed Code or CCR to Waive: (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:
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   (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
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In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

Roosevelt—Humanities Art School

Student Population: 490

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733  Waiver Number: 91-12-2012  Active Year: 2012

Date In: 12/14/2012 3:56:42 PM

Local Education Agency: Los Angeles Unified
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012  End: 6/29/2014

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 Authority: 33050

Ed Code or CCR to Waive: (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:
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(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
• All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.
In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Roosevelt—Math, Science and Technology Magnet has shown 9 points of academic growth as measured by the Academic Performance Index over the last two years.

Student Population: 380

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 11/29/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Authority: 33050

Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
      (ii) An average of 25 pupils per classroom.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 retroactively from July 1, 2012 to June 29, 2014.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Roosevelt—School of Law and Government has shown 19 points of academic growth as measured by the Academic Performance Index over the last two years.

Student Population: 480

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 5
Ed Code Authority: 33050
Ed Code or CCR to Waive: (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.
   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer per classroom than was the average in 2006-07.]
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Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:
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Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Roosevelt—School of Science Technology Engineering and Math has shown 35 points of academic growth as measured by the Academic Performance Index over the last two years.

Student Population: 480

City Type: Urban

Public Hearing Date: 11/13/2012

Local Board Approval Date: 11/13/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 12/10/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Ernst
Position: Director
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Bargaining Unit: Date: 11/07/2012
Name: United Teachers Los Angeles
Representative: Gregg Solkovits Title: Vice President
Position: Neutral Comments:
PUBLIC COMMENT.
Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

SUMMARY OF THE ISSUE(S)
This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting’s agenda.

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

BRIEF HISTORY OF KEY ISSUES
Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)
Not applicable.

ATTACHMENT(S)
Not applicable.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

SUBJECT

2014 Mathematics Primary Adoption of Instructional Materials: Requests for Reduction of the Publisher Fee for Participation in the Adoption Process and Approval of the Notice of Intent to Hold the Adoption.

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 1 to 8 (K–8), inclusive, that are aligned to SBE-adopted content standards for mathematics no later than March 30, 2014. This law also includes the provision that, upon the request of a small publisher or small manufacturer, the SBE may reduce the fee for participation in the adoption.

Education Code Section 60209(e)(2) defines "small publisher" and "small manufacturer" as "an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years."

California Code of Regulations, Title 5, Section 9517.3, approved by the SBE at the January 2013 meeting, establishes the publisher fees for this adoption to be $5,000 per grade level for each program submitted for review, the criteria for determining if a publisher is eligible for a reduced fee, and the process for requesting the reduction. This regulation also requires that the SBE approve a Notice of Intent to Hold a Mathematics Primary Adoption (Notice of Intent) included as Attachment 2, along with the Schedule of Significant Events 2014 Mathematics Primary Adoption (Schedule of Events) Approved by the SBE on January 16, 2013, an updated Schedule of Events is included as Attachment 3.

In accordance with statute and regulations, the SBE's approval of fee reductions and Notice of Intent to Hold, along with the Schedule of Significant Events is required.
RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the fee reductions for each publisher or curriculum developer listed in the 2014 Mathematics Primary Adoption Publisher Fee Reduction Requests (Attachment 1).

The CDE recommends that the SBE approve the Notice of Intent to Hold a Mathematics Primary Adoption (Attachment 2) and the updated Schedule of Significant Events 2014 Mathematics Primary Adoption (Attachment 3).

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 Common Core Content Standards for Mathematics no later than March 30, 2014, and authorizes the CDE to collect publisher fees for the purposes of funding the adoption process.

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 SBE has not reduced the fees for publishers and curriculum developers prior to this action. The SBE was authorized to take this action during the 2005 “Follow-up” adoptions in reading/language arts, mathematics, and foreign language; however, no publishers were recommended for fee reduction to the SBE at that time.

FISCAL ANALYSIS

AB 1246 requires the CDE, before conducting an adoption of basic instructional materials for mathematics, 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 submit. 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: 2014 Mathematics Primary Adoption Publisher Fee Reduction Requests (1 page)

Attachment 2: Notice of Intent to Hold a Mathematics Primary Adoption (1 page)

Attachment 3: Schedule of Significant Events 2014 Mathematics Primary Adoption (1 page)
2014 Mathematics Primary Adoption Publisher Fee Reduction Requests

The publishers listed below have met the criteria identified in California Education Code Section 60209 and California Code of Regulations, Title 5, Section 9517.3 for “small publisher” status. Each has provided information indicating that they are:

1) An independently owned or operated publisher or manufacturer that is not dominant in its field of operation; and

2) Together with its affiliates, has 100 or fewer employees; and

3) Has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years.

For the publishers listed below, the California Department of Education recommends the following reduced participation fees for the 2014 Mathematics Primary Adoption:

<table>
<thead>
<tr>
<th></th>
<th>3 Year Average of Gross Receipts</th>
<th>3 Year Average of Gross Receipts percentage of $10,000,000</th>
<th>Recommended Participation Fee–per grade level, per program submitted for review</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Preparatory</td>
<td>$4,732,451</td>
<td>47.32%</td>
<td>$2,366</td>
</tr>
<tr>
<td>Mathematics</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Origo</td>
<td>$2,590,425</td>
<td>25.90%</td>
<td>$1,295</td>
</tr>
<tr>
<td>TPS</td>
<td>$215,967</td>
<td>2.16%</td>
<td>$108</td>
</tr>
</tbody>
</table>
Notice of Intent to Hold a Mathematics Primary Adoption

The California State Board of Education and California Department of Education are conducting a statewide primary adoption of mathematics instructional materials aligned to the Common Core State Standards with California Additions. This adoption will consider Basic Grade Level Programs, Kindergarten through grade eight; Algebra I; and Mathematics I (Integrated). The State Board of Education will take final action on a list of proposed instructional materials in March of 2014.

Authority

Assembly Bill 1246 (Chapter 668 of the Statutes of 2012), approved by the California State Legislature, and signed by Governor Brown on September 27, 2012, amended California Education Code Section 60207 and added California Education Code Section 60209 thereby authorizing the State Board of Education to conduct a primary adoption of kindergarten through grade eight instructional materials in mathematics aligned to the Common Core State Standards with California additions.

Publisher Fee

Pursuant to Education Code Section 60209 and California Code of Regulations, Title 5, Section 9517.3, the California Department of Education will assess publishers participating in the 2014 Mathematics Primary Adoption a $5,000 fee for each grade level of each program a publisher submits for consideration of adoption.

Schedule of Significant Events

Along with this notice is a Schedule of Significant Events 2014 Mathematics Primary Adoption. This information is also posted on the California Department of Education Mathematics Instructional Materials Web page at http://www.cde.ca.gov/ci/ma/im/math2014events.asp.

Additional Information

For additional information please visit the California Department of Education Instructional Materials Web page for mathematics at: http://www.cde.ca.gov/ci/ma/im/. You may also contact the Curriculum Frameworks and Instructional Resources Division of the California Department of Education at 916-319-0881.
## Schedule of Significant Events
### 2014 Mathematics Primary Adoption

<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</td>
<td>November 1–2, 2012</td>
</tr>
<tr>
<td>develop criteria</td>
<td></td>
</tr>
<tr>
<td>Instructional Quality Commission (IQC) approves reviewer application</td>
<td>December 10, 2012</td>
</tr>
<tr>
<td>and adoption timeline</td>
<td></td>
</tr>
<tr>
<td>IQC recommends evaluation criteria to the State Board of Education</td>
<td>December 10, 2012</td>
</tr>
<tr>
<td>(SBE)</td>
<td></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</td>
<td>January 16–17, 2013</td>
</tr>
<tr>
<td>State Standards for Mathematics</td>
<td></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</td>
<td>January 16–17, 2013</td>
</tr>
<tr>
<td>legislation must be in place; regulations are good for 180 days.</td>
<td></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 (Sacramento)</td>
<td>January 28, 2013</td>
</tr>
<tr>
<td>Small publisher fee waiver requests due</td>
<td>February 13, 2013</td>
</tr>
<tr>
<td>RSVP for second publisher briefing due</td>
<td>March 6, 2013</td>
</tr>
<tr>
<td>SBE takes action on publisher fee waiver requests</td>
<td>March 13–14, 2013</td>
</tr>
<tr>
<td>Second publisher briefing (Sacramento)</td>
<td>March 20, 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 8–9, 2013</td>
</tr>
<tr>
<td>Submission List for programs (and other forms) due</td>
<td>May 15, 2013</td>
</tr>
<tr>
<td>Non-refundable publisher participation fees due</td>
<td>June 12, 2013</td>
</tr>
<tr>
<td>Reviewer Training (Sacramento)</td>
<td>June 18–21, 2013</td>
</tr>
<tr>
<td>Publishers provide samples of instructional materials to reviewers</td>
<td>July 5, 2013</td>
</tr>
<tr>
<td>and Learning Resource Display Centers</td>
<td></td>
</tr>
<tr>
<td>Independent Review</td>
<td>July–August 2013</td>
</tr>
<tr>
<td>Reviewer Deliberations (Sacramento)</td>
<td>September 10–14, 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 2014³</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.
3. New mathematics adoption list established.
ITEM 20
SUBJECT
Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code Sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

SUMMARY OF THE ISSUE(S)
California Education Code (EC) sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom–based instruction only if a determination of funding is made by the State Board of Education (SBE). The charter schools listed in Attachment 1 are requesting SBE approval of their determination of funding request. Approval of these requests will allow the charter schools listed in Attachment 1 to receive apportionment funding.

RECOMMENDATION
California Department of Education Recommendation
The California Department of Education (CDE) recommends that the SBE approve a determination of funding, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation
The Advisory Commission on Charter Schools met on February 6, 2013, and voted to move the CDE’s staff recommendation to the SBE for the determination of funding requests for the charter schools identified in Attachment 1. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES
Pursuant to *California Code of Regulations (CCR)* section 11963.4(a), charter schools requesting a determination of full (100 percent) funding meet the following criteria:

- At least 40 percent of the school’s public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

Additionally, any SBE-approved determination of funding shall be in increments of a minimum of two years and a maximum of five years in length. *CCR, Title 5 section 11963.6(a)* requires a determination of two years for a new charter school in its first year of operation. Furthermore, *EC section 47612.5(d)(2)* requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. When making a recommendation for a funding determination, the CDE also considers the number of years a school has been in operation and the number of years requested by the charter school.

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

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

**FISCAL ANALYSIS (AS APPROPRIATE)**

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

**ATTACHMENTS**

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation (2 Pages)
# California Department of Education
## Proposed Determination of Funding Recommendation

### Proposed Recommendation – New Charter Schools
**Fiscal Year 2011–12 through 2012–13**

<table>
<thead>
<tr>
<th>County-District-School Code</th>
<th>Charter Number</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>Funding Request</th>
<th>CDE Proposed Recommendation</th>
<th>2010–11 API</th>
<th>2011–12 API</th>
</tr>
</thead>
<tbody>
<tr>
<td>54-71993-0124776</td>
<td>1329</td>
<td>Tulare</td>
<td>Loma Vista Charter School</td>
<td>2011–12</td>
<td>100% 5 Years</td>
<td>100% 2 Years</td>
<td>Not Available</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

### Proposed Recommendation – Continuing Charter Schools
**Fiscal Year 2012–13 through 2015–16**

<table>
<thead>
<tr>
<th>County-District-School Code</th>
<th>Charter Number</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>Funding Request</th>
<th>CDE Proposed Recommendation</th>
<th>2010–11 API</th>
<th>2011–12 API</th>
</tr>
</thead>
<tbody>
<tr>
<td>54-72256-6116909</td>
<td>0250</td>
<td>Tulare</td>
<td>Charter Home School Academy</td>
<td>1999–00</td>
<td>100% 5 Years</td>
<td>100% 4 Years</td>
<td>722</td>
<td>2</td>
</tr>
</tbody>
</table>

|  |  |  |  |  |  |  | 764 | 3 |
Proposed Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2014–15

<table>
<thead>
<tr>
<th>County-District-School Code</th>
<th>Charter Number</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>Funding Request</th>
<th>CDE Proposed Recommendation</th>
<th>2010–11 API</th>
<th>2011–12 API</th>
<th>2010 Base API</th>
<th>2011 Base API</th>
<th>Statewide</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>36-67876-0122572</td>
<td>1222</td>
<td>San Bernardino</td>
<td>Taylion Virtual Academy</td>
<td>2010–11</td>
<td>100% 3 Years</td>
<td>100% 3 Years</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-63875-0121491</td>
<td>1168</td>
<td>Kings</td>
<td>National University Academy Armona</td>
<td>2010–11</td>
<td>100% 3 Years</td>
<td>100% 3 Years</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>04-61531-0121715</td>
<td>1189</td>
<td>Butte</td>
<td>Paradise eLearning Academy</td>
<td>2010–11</td>
<td>100% 5 Years</td>
<td>100% 3 Years</td>
<td>Not Available</td>
<td>Not Available</td>
<td>Not Available</td>
<td>Not Available</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Proposed Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2013–14

<table>
<thead>
<tr>
<th>County-District-School Code</th>
<th>Charter Number</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>Funding Request</th>
<th>CDE Proposed Recommendation</th>
<th>2010–11 API</th>
<th>2011–12 API</th>
<th>2010 Base API</th>
<th>2011 Base API</th>
<th>Statewide</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-67207-3330693</td>
<td>0061</td>
<td>Riverside</td>
<td>Choice 2000 Charter School</td>
<td>1994–95</td>
<td>100% 2 Years</td>
<td>100% 2 Years</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REVISED ITEM 21
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

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 CDE recommends that the 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 1,506 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>
</table>
| 1507   | Hollister Prep                        | San Benito   | Hollister School District                | James Dent  
          |                                      |              | 277 Loof Avenue  
          |                                      |              | Gilroy, CA 95020        |
| 1508   | KIPP Iluminar Academy                 | Los Angeles  | Los Angeles Unified School District      | Mara Bond  
          |                                      |              | 4545 Dozier Avenue  
          |                                      |              | Los Angeles, CA 90022  |
| 1509   | Visions Academy Charter School        | Santa Barbara| Blochman Union School District           | Skip Hansen  
          |                                      |              | 42455 10th Street West  
          |                                      |              | Suite 105 Lancaster, CA 93534 |
| 1510   | San Diego Cooperative Charter School 2 | San Diego    | San Diego Unified School District        | Wendy Ranck-Buhr  
          |                                      |              | 7260 Linda Vista Road  
          |                                      |              | San Diego, CA 92111     |
| 1511   | Stony Point Academy                   | Sonoma       | Bellevue Union School District           | Amy Littlejohn  
          |                                      |              | 3150 Education Drive  
          |                                      |              | Santa Rosa, CA 95407    |
| 1512   | Penngrove Elementary Charter School   | Sonoma       | Petaluma City Schools                    | Amy Fadeji  
          |                                      |              | 365 Adobe Road  
          |                                      |              | Penngrove, CA 94951     |
| 1513   | Reedley Middle College High School    | Fresno       | Kings Canyon Joint Unified School District| Lori Botkin  
          |                                      |              | 955 North Reed Road  
          |                                      |              | Reedley, CA 93654       |
| 1514   | Knowledge Enlightens You (KEY) Academy| Alameda      | Hayward Unified School District          | Krista Kastriotis  
          |                                      |              | PO Box 327 Sunol, CA 94586 |
NEW BUSINESS

ITEM 21
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 CDE recommends that the 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 1,506 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>
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</table>
| 1507   | Hollister Prep                      | San Benito    | Hollister School District             | James Dent  
277 Ilof Avenue  
Gilroy, CA 95020                                               |
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4545 Dozier Avenue  
Los Angeles, CA 90022                                           |
| 1509   | Visions Academy Charter School      | Santa Barbara | Blochman Union School District        | Skip Hansen  
42455 10th Street West  
Suite 105  
Lancaster, CA 93534                                               |
| 1510   | San Diego Cooperative Charter School 2 | San Diego      | San Diego Unified School District     | Wendy Ranck-Buhr  
7260 Linda Vista Road  
San Diego, CA 92111                                               |
ITEM 22
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 for Funding (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 Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with California Code of Regulations, Title 5, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE’s and CDE’s criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2012–13 ConApp consists of six federal-funded 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 recommends regular approval of the 2012–13 ConApp for the 56 LEAs in Attachment 1. While the entitlement figures from school year 2012–13 are now available, prior year data is used for consistency purposes. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2012–13 ConApps for 1,538 LEAs. Attachment 1 represents the fourth set of 2012–13 ConApps (56 total) 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 (3 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>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>25.9</td>
<td>33.3</td>
</tr>
<tr>
<td>54722980000000</td>
<td>Woodville Union Elementary</td>
<td>$703,848</td>
<td>$1,338</td>
<td>$366,822</td>
<td>$1,520</td>
<td>30.0</td>
<td>36.8</td>
</tr>
<tr>
<td>19647336119929</td>
<td>Xinaxcalmecac Academia Semillas del Pueblo</td>
<td>$151,887</td>
<td>$485</td>
<td>$148,021</td>
<td>$516</td>
<td>28.5</td>
<td>30.5</td>
</tr>
</tbody>
</table>

The 2011–12 targets for elementary schools, middle schools, and elementary 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 (students in any grades nine through twelve only) are 77.8 percent for language arts and 77.4 percent for math. The 2011–12 targets for unified districts, high school districts (students in any of grades two through eight and nine through twelve), and county offices of education are 78 percent for language arts and 78.2 percent for math.

Total Number of LEAs in the report: 56
Total ConApp entitlement funds for districts receiving regular approval: $36,115,914
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 20 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 20 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 1,659 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 (2 Pages)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (6 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>Academy of Science and Engineering</td>
<td>19-64733-0126185</td>
<td>None available, opened in August 2012</td>
</tr>
<tr>
<td>Alliance College-Ready Academy High School</td>
<td>19-64733-0127217</td>
<td>None available; opened in August 2012</td>
</tr>
<tr>
<td>Apple Academy Charter Public Schools</td>
<td>19-64733-0126078</td>
<td>None available; opened in August 2012</td>
</tr>
<tr>
<td>Assurance Learning Academy</td>
<td>19-75309-0127100</td>
<td>None available; opened in September 2012</td>
</tr>
<tr>
<td>Celerity Exa Charter School</td>
<td>19-64881-0127126</td>
<td>None available; opened in July 2012</td>
</tr>
<tr>
<td>City Heights Preparatory Charter</td>
<td>37-68338-0124347</td>
<td>None available; opened in September 2012</td>
</tr>
<tr>
<td>Connecting Waters Charter School</td>
<td>50-75572-5030317</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>East Palo Alto Academy</td>
<td>41-69062-0126722</td>
<td>None available; opened September 2012</td>
</tr>
<tr>
<td>Excel Prep Charter School</td>
<td>36-678766-0121343</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Iftin University Prep High School</td>
<td>37-68338-0121178</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Jardin de la Infancia</td>
<td>19-10199-0106880</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>Lazear Charter Academy</td>
<td>01-10017-6002000</td>
<td>None available; opened in August 2012</td>
</tr>
<tr>
<td>Leadership Public Schools–Oakland R &amp; D</td>
<td>01-61259-0126748</td>
<td>None available; opened in August 2012</td>
</tr>
<tr>
<td>New Spirit Charter Academy</td>
<td>10-10108-0125260</td>
<td>None available; opened in August 2012</td>
</tr>
<tr>
<td>Oak Park Preparatory Academy</td>
<td>34-67439-0125591</td>
<td>None available; opened in August 2012</td>
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<tr>
<td>Plumas Charter School</td>
<td>32-66969-3230083</td>
<td>See Attachment 2</td>
</tr>
<tr>
<td>REACH Leadership Academy</td>
<td>33-67215-0126128</td>
<td>None available; opened in September 2012</td>
</tr>
<tr>
<td>Sierra Foothill Charter School</td>
<td>22-65532-0125823</td>
<td>None available; opened August 2012</td>
</tr>
<tr>
<td>Trivium Charter</td>
<td>42-69112-0124255</td>
<td>See Attachment 2</td>
</tr>
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</table>
Direct-Funded Charter Schools Recommended for State Board of Education Approval

<table>
<thead>
<tr>
<th>Local Educational Agency Name</th>
<th>County-District-School Code</th>
<th>Academic Performance Data</th>
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</thead>
<tbody>
<tr>
<td>USC Hybrid High School</td>
<td>19-64733-0125864</td>
<td>None available; opened in September 2012</td>
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## 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: Connecting Waters Charter School</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS CODE: 50-75572-5030317</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>56.2</td>
<td>Yes (SH)</td>
<td>42.8</td>
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<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>48.7</td>
<td>**</td>
<td>33.3</td>
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<tr>
<td>American Indian or Alaska Native</td>
<td>58.3</td>
<td>**</td>
<td>66.7</td>
</tr>
<tr>
<td>Asian</td>
<td>73.1</td>
<td>**</td>
<td>69.2</td>
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<td>Filipino</td>
<td>76.5</td>
<td>**</td>
<td>41.2</td>
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<tr>
<td>Hispanic or Latino</td>
<td>44.3</td>
<td>No</td>
<td>32.6</td>
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<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<td>**</td>
<td>**</td>
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<tr>
<td>White (not of Hispanic origin)</td>
<td>58.5</td>
<td>Yes (SH)</td>
<td>43.4</td>
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<tr>
<td>Two or More Races</td>
<td>59.1</td>
<td>**</td>
<td>47.0</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
<td>45.3</td>
<td>No</td>
<td>31.1</td>
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<tr>
<td>English Learners</td>
<td>29.4</td>
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<td>30.0</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>24.3</td>
<td>**</td>
<td>23.9</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: Excel Prep Charter School</th>
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<tbody>
<tr>
<td><strong>CDS CODE:</strong> 36-67876-0121343</td>
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</table>

<table>
<thead>
<tr>
<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>Met 2012 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></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, met 2 of 4</td>
<td>42.4</td>
<td>36.4</td>
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<td>African American or Black (not of Hispanic origin)</td>
<td>37.0</td>
<td>**</td>
<td>33.3</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
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<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Asian</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
<td>--</td>
<td>**</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>--</td>
<td>--</td>
<td>**</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>--</td>
<td>--</td>
<td>**</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>--</td>
<td>--</td>
<td>**</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>--</td>
<td>--</td>
<td>**</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>40.6</td>
<td>**</td>
<td>34.4</td>
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<tr>
<td>English Learners</td>
<td>--</td>
<td>--</td>
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</tr>
<tr>
<td>Students with Disabilities</td>
<td>--</td>
<td>--</td>
<td>**</td>
</tr>
</tbody>
</table>

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum "2012Growth API" score of 740 OR "2011–12 Growth" of at least one point

† Schools and LEAs are exempt from the API requirement for AYP if they have fewer than 50 valid scores.
## Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

### LEA Name: Iftin University Prep High School
**CDS CODE: 37-68338-0121178**

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<thead>
<tr>
<th>Schoolwide</th>
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<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Percent At or Above Proficient (78.4%)</td>
<td>Percent At or Above Proficient (79.0%)</td>
<td>%</td>
<td>616</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, met 3 of 5</td>
<td>No</td>
<td>33.3</td>
<td>No</td>
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<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>30.0</td>
<td>**</td>
<td>20.0</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>37.5</td>
<td>**</td>
<td>62.5</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>
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<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>26.1</td>
<td>**</td>
<td>30.4</td>
<td>**</td>
</tr>
<tr>
<td>English Learners</td>
<td>21.7</td>
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<td>34.8</td>
<td>**</td>
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<tr>
<td>Students with Disabilities</td>
<td>**</td>
<td>**</td>
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</tbody>
</table>

---

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.
Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: Jardin de la Infancia</th>
<th>CDS CODE: 19-10199-0106880</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></td>
<td>Met All Adequate Yearly Progress (AYP) Criteria</td>
<td>Percent At or Above Proficient (78.4%)</td>
<td>Met 2012 AYP Criteria?</td>
<td>Percent At or Above Proficient (79.0%)</td>
</tr>
<tr>
<td>Schoolwide</td>
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<td>56.9</td>
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<td>57.3</td>
<td>No (PS)</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
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<td>--</td>
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<td>American Indian or Alaska Native</td>
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</tr>
<tr>
<td>Asian</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
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<td>--</td>
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<tr>
<td>Hispanic or Latino</td>
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<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<tr>
<td>White (not of Hispanic origin)</td>
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</tr>
<tr>
<td>Two or More Races</td>
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</tr>
<tr>
<td>English Learners</td>
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<tr>
<td>Students with Disabilities</td>
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</tbody>
</table>

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.
PS = Pair and share: California testing begins in grade two. For schools with only kindergarten and/or grade one, the second grade scores for the schools to which these students matriculate were used. This is also referred to as “pairing and sharing.” For schools that do not supply pair and share data, the school district or county values are used (district average or county-wide average).
Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

| LEA Name: Plumas Charter School  
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
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<td>Percent At or Above Proficient (77.8%)</td>
<td>Met 2012 AYP Criteria?</td>
<td>Percent At or Above Proficient (77.4%)</td>
</tr>
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<td>--------------------------------</td>
<td>-----------------------</td>
<td>--------------------------------------</td>
<td>-----------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, met 8 of 9</td>
<td>59.8</td>
<td>Yes (SH)</td>
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</tr>
<tr>
<td>(not of Hispanic origin)</td>
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<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>
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<td>Filipino</td>
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</tr>
<tr>
<td>Hispanic or Latino</td>
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<td>16.7</td>
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<td>White (not of Hispanic origin)</td>
<td>59.3</td>
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<td>Two or More Races</td>
<td>71.4</td>
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<td>26.9</td>
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<tr>
<td>English Learners</td>
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</tr>
<tr>
<td>Students with Disabilities</td>
<td>25.0</td>
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<td>0.0</td>
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</tr>
</tbody>
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-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
*** Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.
SH = Passed by safe harbor: The school, LEA, or 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

| LEA Name: Trivium Charter  
<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Met 2012 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>
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-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum "2012 Growth API" score of 740 OR "2011–12 Growth" of at least one point.
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2013 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
Section 1116(e)(4)(C) of the Elementary and Secondary Education Act (ESEA) requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students.

RECOMMENDATION
The California Department of Education (CDE) recommends the State Board of Education (SBE) approve providers for a two-year period beginning July 1, 2013, through June 30, 2015, and local educational agencies (LEAs) identified for improvement or corrective action as SES providers for a one-year period beginning July 1, 2013, through June 30, 2014, based on the waiver granted by the U.S. Department of Education (ED). The summary list of providers recommended for approval is provided as Attachment 1. The summary list of LEAs identified for improvement recommended for approval is provided as Attachment 2.

BRIEF HISTORY OF KEY ISSUES
Title I, Part A Section 1116(e)(1) and (4) of the ESEA requires an SES provider be approved by the SBE before offering tutoring services to low-income students attending schools advancing to Program Improvement (PI) Year 2 and beyond. The CDE has established and maintained a list of SBE-approved SES providers since June 2003.

Title 34, Code of Federal Regulations (34 CFR) Section 200.47(b)(1)(iv)(A) and (B) prohibits an SEA from approving requests to provide SES services from LEAs identified for improvement or corrective action. However, the SEA may request a waiver of these provisions. A waiver request was submitted to the ED on May 2, 2012. On August 17, 2012, ED granted the request for a two-year period. The response letter from ED is
available as a PDF on the SBE Web site at 
http://www.cde.ca.gov/be/ag/ag/yr12/documents/nov12item19a01.pdf. You can find an 
accessible alternative version of the letter at 
http://www.cde.ca.gov/be/ag/ag/yr12/nov12item19a1aav.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND 
ACTION

At its July 2011 and January 2012 meetings, the SBE approved 21 PI LEAs based on 
an approved waiver of 34 CFR Section 200.47(b)(1)(iv)(A) and (B) granted for the 
2011–12 school year.

At its January 2010 meeting, the SBE approved 14 PI LEAs based on an approved 
waiver for the 2009–10 school year.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: California Department of Education Recommended 2013–15 
Supplemental Educational Services Provider Applicant List (9 Pages)

Attachment 2: California Department of Education Recommended 2013–14 Program 
Improvement Local Educational Agencies Supplemental Educational 
Services Provider Applicant List (1 Page)
<table>
<thead>
<tr>
<th>Provider Name</th>
<th>English-Language Arts</th>
<th>Math</th>
<th>Science</th>
<th>EL</th>
<th>SWD</th>
<th>Online</th>
<th>Type of Entity</th>
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California Department of Education Recommended 2013–14  
Program Improvement Local Educational Agencies  
Supplemental Educational Services Provider Applicant List  
(NOTE: U.S. Department of Education approval of waiver allows for approval of one year to provide SES services)

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California State Board of Education
Meeting Agenda Items for March 13-14, 2013

ITEM 25
CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2013 AGENDA

SUBJECT

Elementary and Secondary Education Act: School Improvement Grant: Renewal of Sub-grants Under Section 1003(g) for Year 2 of Cohort 2 Local Educational Agencies and Schools.

SUMMARY OF THE ISSUE(S)

Renewal of Funding for Year 2 of Cohort 2

Continuation of Cohort 2 funding is contingent on each Cohort 2 School Improvement Grant (SIG) local educational agency (LEA) meeting annual goals established by the LEA for student achievement on the State’s Elementary and Secondary Education Act (ESEA) assessments in both reading/language arts and mathematics or making progress on the leading indicators described in the U.S. Department of Education (ED) SIG Final Requirements. According to SIG Federal Guidance, Question I-16, the California Department of Education (CDE) “has discretion to examine factors such as the school’s progress on the leading indicators in Section III of the [ED SIG] final requirements or the fidelity with which it is implementing the model in deciding whether to renew the LEA’s SIG grant with respect to that school.”

This will be the second year of SIG funding for Cohort 2 SIG LEAs. The CDE will conditionally award Grant Award Notifications (GAN) to LEAs listed in Attachment 1 on July 1, 2013, with the assurance that the LEA will submit a complete Renewal Application indicating progress in meeting annual goals established by the LEA for student achievement in reading/language arts and mathematics or making progress on the leading indicators described in the ED SIG Final Requirements once state assessment data are available. LEAs that do not submit a complete Renewal Application will be recommended to the State Board of Education (SBE) at its November meeting for potential termination from the SIG program.

RECOMMENDATION

The CDE recommends that the SBE authorize SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction (SSPI) Tom Torlakson, to approve Year 2 sub-grants for Cohort 2 SIG LEAs, with funding contingent on the LEA submitting a complete Renewal Application indicating progress in meeting annual goals established by the LEA for student achievement in reading/language arts and
mathematics or making progress on the leading indicators described in Section III of the ED SIG Final Requirements. The list of Cohort 2 LEAs and schools conditionally recommended for Year 2 sub-grants is provided as Attachment 1. The Cohort 2 Year 2 LEA Renewal Application is provided as Attachment 2.

**BRIEF HISTORY OF KEY ISSUES**

**Renewal of Funding for Year 2 of Cohort 2**

Each participating SIG LEA is required to establish clear and measurable goals for student achievement on the State’s ESEA assessments in reading/language arts and mathematics. Subsequently, the LEA must monitor each Tier I and Tier II school that receives SIG funds to determine whether the school is meeting its annual goals and is making progress on the leading indicators described in Section III of the ED SIG Final Requirements. Please visit the ED SIG Final Requirements-Federal Register Notice at http://www2.ed.gov/programs/sif/2010-27313.pdf.

In deciding whether to renew an LEA’s SIG, the CDE is required to review annually the LEA’s progress on meeting its annual school goals for student achievement and its progress on the leading indicators for each of its Tier I and Tier II schools. According to SIG Federal Guidance, Question I-16, the CDE “has discretion to examine factors such as the school’s progress on the leading indicators in Section III of the [ED SIG] final requirements or the fidelity with which it is implementing the model in deciding whether to renew the LEA’s SIG grant with respect to that school." In cases in which one or more of the schools served in an LEA are not meeting their improvement goals, the LEA’s sub-grant will be considered for a reduction equivalent to the annual award for non-achieving schools with the intent that the schools no longer receive funds.

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

At its January 2012 meeting, the SBE took action to approve funding for SIG Cohort 2 sub-grants provided under Section 1003(g) of the ESEA for the 2012–13 school year based upon submitting an approvable application.

**FISCAL ANALYSIS (AS APPROPRIATE)**

SIG funds provide LEAs with grants ranging from $50,000 to $2 million per year per school for up to three years. A maximum of $65 million is available under Section 1003(g) for fiscal year 2011.

**ATTACHMENT(S)**

Attachment 1: The Cohort 2 Local Educational Agencies and Schools Conditionally Recommended for Year 2 Renewal of School Improvement Grant Sub-grants (2 Pages)
Attachment 2:  School Improvement Grant Cohort 2 Year 2 LEA Renewal Application
(20 Pages)
The Cohort 2 Local Educational Agencies and Schools Conditionally Recommended for Year 2 Renewal of School Improvement Grant Sub-grants

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<td>Bellevue Union Elementary</td>
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<td>$148,037.00</td>
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<td>Kawana Elementary</td>
<td>I</td>
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<td>$1,549,642.00</td>
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3/4/2013 3:58 PM
The Cohort 2 Local Educational Agencies and Schools Conditionally Recommended for Year 2 Renewal of School Improvement Grant Sub-grants

<table>
<thead>
<tr>
<th>Region</th>
<th>Charter</th>
<th>LEA / School</th>
<th>Tier</th>
<th>Model</th>
<th>Year 2 Request</th>
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<tbody>
<tr>
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<td>Oakland Unified</td>
<td>Alliance Academy</td>
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<td>ROOTS International Academy</td>
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<td>7</td>
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<td>John C Martinez Elementary</td>
<td>I</td>
<td>Turnaround</td>
<td>$1,345,409.00</td>
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<td></td>
<td></td>
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<td>Richard A. Pittman Elementary</td>
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<td>Taylor Leadership Academy</td>
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<td>Wilhelmina Henry Elementary</td>
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<td>$11,588,973.00</td>
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<td>Visalia Unified</td>
<td>Highland Elementary</td>
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<td>Turnaround</td>
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<td>$958,855.00</td>
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<td>West Contra Costa Unified</td>
<td>De Anza Senior High</td>
<td>II</td>
<td>Turnaround</td>
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<td>Helms Middle</td>
<td>II</td>
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<td>$64,546,429.00</td>
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</table>
School Improvement Grant
Cohort 2, Year 2

2013–14
Renewal Application

Renewal Applications must be received by the California Department of Education (CDE) no later than September 3, 2013

California Department of Education
Improvement and Accountability Division
School Turnaround Office
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901
916-319-0833
http://www.cde.ca.gov/sp/sw/t1/sig09.asp
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### Timeline

<table>
<thead>
<tr>
<th>Important Events</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present School Improvement Grant (SIG) Renewal Application to State Board of Education (SBE) for approval</td>
<td>March 13–14, 2013</td>
</tr>
<tr>
<td>SIG Cohort 2, Year 2 Renewal Application Posted to SIG Website</td>
<td>March 29, 2013*</td>
</tr>
<tr>
<td>Grant Award Notifications (GAN) sent with assurance to submit SIG Renewal Application</td>
<td>July 1, 2013</td>
</tr>
<tr>
<td>SIG Renewal Application due by mail and email. (If the SIG Renewal Application is incomplete or not submitted by the due date, payments will be withheld and LEA's GAN may be rescinded).</td>
<td>September 3, 2013</td>
</tr>
</tbody>
</table>

*Pending SBE Approval

### Reminders:

1. Check the name of the school district superintendent in the local educational agency (LEA) County-District-School code database on the CDE California School Directory Web page at [http://www.cde.ca.gov/re/sd/index.asp](http://www.cde.ca.gov/re/sd/index.asp) and update if there are changes.

2. To obtain the National Council on Education Statistics (NCES) Identification Number, the LEA can search for a school by using the following link at [http://nces.ed.gov/globallocator/](http://nces.ed.gov/globallocator/).

### Mail an original copy of this renewal request to:

California Department of Education  
Improvement and Accountability Division  
School Turnaround Office  
1430 N Street, Suite 6208  
Sacramento, CA 95814-5901

**E-Mail a copy of this renewal request to:** STO@cde.ca.gov
School Improvement Grant Renewal Process

A. Background

The Elementary and Secondary Education Act (ESEA), through use of Section 1003(g) funding, authorizes the U.S. Department of Education to issue school improvement funds to states. The California Department of Education (CDE) awards school improvement sub-grants to local educational agencies (LEAs) with persistently lowest-achieving Title I schools and to LEAs with persistently lowest-achieving secondary schools that are eligible for, but do not receive, Title I funds.

The purpose of the SIG is to enable eligible LEAs to implement selected intervention models in identified persistently lowest-achieving schools to raise academic achievement levels of students attending these schools. An LEA that has been identified with one or more persistently lowest-achieving schools is eligible to apply for SIG funds. An LEA that wishes to receive a school improvement grant must implement one of four school intervention models: turnaround, restart, school closure, and transformation. These models are to be implemented at the beginning of the school year and throughout the term of the grant period.

B. Purpose

Continuation of Cohort 2 funding is contingent on each Cohort 2 SIG LEA meeting annual goals established by the LEA for student achievement on the State's ESEA assessments in both reading/language arts and mathematics and making progress on the leading indicators described in the final requirements. In addition, the CDE has discretion to examine factors such as the fidelity with which it is implementing the model in deciding whether to renew the LEA’s SIG grant with respect to a particular SIG school.

C. Renewal of Funding

The CDE will consider the following factors annually in determining whether to recommend to the SBE that the LEA’s SIG sub-grant, in whole or in part, be renewed:

- LEA Progress on Annual School Achievement Goals

Each participating LEA must establish clear, measurable, and challenging goals for student achievement on the state’s assessments in reading/language arts and mathematics, STAR data, AYP, and API for each school. The CDE will use annual results from these assessment and accountability systems to determine progress made and compare them with LEA applicant goals for each funded school in reading/language arts and mathematics for all students and subgroup. In cases in which one or more of the schools served in an LEA are not meeting their improvement goals, the LEA’s sub-
grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receive(s) funding.

- LEA Progress on SIG Plan Implementation

For each participating school, the LEA must describe the actions and activities required to implement the selected intervention model, including a timeline with specific dates of implementation. The LEA must regularly report progress on these actions and activities. The CDE will annually evaluate whether the LEA has made sufficient progress on the implementation of each school’s plan. In cases in which the LEA has not made sufficient progress, the LEA’s sub-grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receive(s) funding.

D. Renewal Application Submission

The SIG Renewal Application is due on or before September 3, 2013. **If forms are incomplete or late, the SIG grant may not be renewed.**

Applicants must submit an original and one electronic 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 electronic copy are received by the School Turnaround Office on or before (not postmarked by) 4 p.m., September 3, 2013. Applicants must submit an electronic copy to **STO@cde.ca.gov**. Mailed documents must arrive on or before the September 3, 2013, deadline and should be sent to the following address:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
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
- Do not include images of handwritten signatures for privacy reasons
E. Grant Awards and Payments

Under the provisions of the SIG authorized under Section 1003(g) of Title I of ESEA of 1965, as amended ([75 FR 66363] October 28, 2010), the SIG Program grant is a three-year grant awarded in three one-year increments. Once the CDE approves grant awards for renewal for 2013-14, the grant period will run from July 1, 2013, through September 30, 2014.

Grant payments will be subject to fulfillment of all reporting requirements.

Additional program and fiscal information related to the SIG Program can be found online on the CDE SIG Program Web page at http://www.cde.ca.gov/sp/sw/t1/sig09.asp.
**SIG Form 1— Renewal Application Cover Sheet**

School Improvement Grant (SIG)  
Renewal Application

**RENEWAL APPLICATION RECEIPT DEADLINE**  
September 3, 2013

Submit to:  
California Department of Education  
Improvement and Accountability Division  
School Turnaround Office  
1430 N Street, Suite 6208  
Sacramento, CA 95814-5901

**NOTE:** Please print or type all information.

<table>
<thead>
<tr>
<th>County Name:</th>
<th>County/District Code:</th>
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</thead>
<tbody>
<tr>
<td>Local Educational Agency (LEA) Name</td>
<td>LEA NCES Number:</td>
</tr>
<tr>
<td>LEA Address</td>
<td>Total Grant Amount Requested</td>
</tr>
<tr>
<td>City</td>
<td>Zip Code</td>
</tr>
<tr>
<td>Name of Primary Grant Contact</td>
<td>Grant Contact Title</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>Fax Number</td>
</tr>
</tbody>
</table>

**CERTIFICATION/ASSURANCE SECTION:** As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal SIG program; and I agree to comply with all requirements as a condition of funding.

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 Superintendent or Designee</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent or Designee Signature (Blue Ink)</td>
<td>Date</td>
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**SIG Form 2— Signatures and Approvals**

**School District Approval:** The superintendent, or designee, at each school district involved in the renewal application must sign.

<table>
<thead>
<tr>
<th>School District Name</th>
<th>Printed Name of Superintendent</th>
<th>Signature of Superintendent</th>
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<tbody>
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**School Principal Approval:** The principal of each school site involved in the renewal application must sign.

<table>
<thead>
<tr>
<th>School Name</th>
<th>Intervention Model (Transformation, Turnaround, Restart, or Closure)</th>
<th>Printed Name of Principal</th>
<th>Signature of Principal</th>
</tr>
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<tbody>
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</table>
### SIG Form 3—Grant Contact Information

<table>
<thead>
<tr>
<th>Name of Primary Grant Contact</th>
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<tbody>
<tr>
<td>Professional Title</td>
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<tr>
<td>Address</td>
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</tr>
<tr>
<td>City, State, Zip</td>
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<td>Phone Number</td>
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<tr>
<td>Fax Number</td>
<td></td>
</tr>
<tr>
<td>E-mail Address</td>
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</table>

| Name of Fiscal Contact        |  |
| Professional Title            |  |
| Address                       |  |
| City, State, Zip              |  |
| Phone Number                  |  |
| Fax Number                    |  |
| E-mail Address                |  |

Note: Please confirm that all contacts listed above are updated in the School Improvement Grant Monitoring and Reporting Tool at [http://www2.cde.ca.gov/sigmart/](http://www2.cde.ca.gov/sigmart/) and in the California Accountability and Improvement System at [http://www.cais.ca.gov](http://www.cais.ca.gov).
SIG Form 4— General Assurances

Note: All sub-grantees are required to retain on file a copy of these assurances for your records and for audit purposes. Please download the General Assurances form located on the CDE Funding Tools and Materials Web Site at http://www.cde.ca.gov/fg/fo/fm/. Do not submit SIG Form 4 to the CDE; retain at the LEA.

Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension (Do not submit as part of RFA.)

Download the following three forms from the CDE Funding Tools and Materials Web site at http://www.cde.ca.gov/fg/fo/fm/. The signature on the front of the application indicates acknowledgement of and agreement with all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension
SIG Form 5— Sub-grant Conditions and Assurances (Page 1 of 3)

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 US Department of Education requires LEAs to adhere to the following assurances:

1. Use its SIG to implement fully and effectively an intervention in each Tier I and Tier II school that the LEA commits to serve consistent with the final requirements of SIG;

2. Establish challenging annual goals for student achievement on the state’s assessments in both reading/language arts and mathematics and measure progress on the leading indicators in Section III of the final requirements in order to monitor each Tier I, Tier II, and Tier III school that it serves with school improvement funds;

3. If it implements a restart model in a Tier I or Tier II school, include in its contract or agreement terms and provisions to hold the charter operator, charter management organization, or education management organization accountable for complying with the final requirements; and

4. Report to the CDE the school-level data as described in this RFA.

Furthermore, the CDE requires LEAs to adhere to the following additional assurances:

5. Ensure that the identified strategies and related activities are incorporated in the revised LEA Plan and Single Plan for Student Achievement.

6. Follow all fiscal reporting and auditing standards required by the CDE.

7. Participate in a statewide evaluation process as determined by the SEA and provide all required information on a timely basis.

8. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

9. Use funds only for allowable costs during the sub-grant period.

10. Include in the application all required forms signed by the LEA Superintendent or designee.

11. Use fiscal control and fund accountability procedures to ensure proper disbursement of, and accounting for, federal funds paid under the sub-grant,
SIG Form 5— Sub-grant Conditions and Assurances (Page 2 of 3)

including the use of the federal funds to supplement, and not supplant, state and local funds, and maintenance of effort (20 USC § 8891).

12. Hereby express its full understanding that not meeting all SIG requirements will result in the termination of SIG funding.

13. Ensure that funds are spent as indicated in the sub-grant proposal and agree that funds will be used only in the school(s) identified in the LEA’s AO-400 sub-grant award letter.

14. 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.

15. Ensure that expenditures are consistent with the federal Education Department Guidelines Administrative Regulations (EDGAR) under Title 34 Education on the Web page at http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html (Outside Source).

16. Agree that the SEA has the right to intervene, renegotiate the sub-grant, and/or cancel the sub-grant if the sub-grant recipient fails to comply with sub-grant requirements.

17. Cooperate with any site visitations conducted by representatives of the state or regional consortia for the purpose of monitoring sub-grant implementation and expenditures, and provide all requested documentation to the SEA personnel in a timely manner.

18. Repay any funds which have been determined through a federal or state audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and further agree to pay any collection fees that may subsequently be imposed by the federal and/or state government.

19. Administer the activities funded by this sub-grant in such a manner so as to be consistent with California’s adopted academic content standards.

20. Obligate all sub-grant funds by the end date of the sub-grant award period or repay any funding received, but not obligated, as well as any interest earned over one-hundred dollars on the funds.

21. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.
22. Comply with the reporting requirements and submit any required report forms by the due dates specified.

I hereby certify that the agency identified below will comply with all sub-grant conditions and assurances described in items 1 through 22 above.

The signature on the front of this application indicates acknowledgement and agreement to all assurances.
SIG Form 6a— Instructions for Annual Student Achievement Goals

School and Sub-group Student Achievement Goals on the State’s Assessments in Reading/Language Arts and Mathematics using Standardized Testing and Reporting (STAR) Program data, Adequate Yearly Progress (AYP), and Academic Performance Index (API)

This form provides the LEA with an opportunity to identify its established school and sub-group student achievement goals in reading/language arts and mathematics and describe the extent to which each goal was met. In addition, the LEA will identify supporting data used to measure each goal. Each school must submit one SIG Form 6 for both ELA and Math.
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<td>School:</td>
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Analysis of goals using supporting data (suggested supporting data includes Standardized Testing and Reporting data, AYP, and API) (265 word limit):

Based on data analysis, changes/revisions to Year 2 (265 word limit):
**SIG Form 6— Annual Student Achievement Goals (Page 2 of 2)**

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**Analysis of goals using supporting data (suggested supporting data includes Standardized Testing and Reporting data, AYP, and API) (265 word limit):**

**Based on data analysis, changes/revisions to Year 2 (265 word limit):**


SIG Form 7— Program Evaluation of SIG Required Components

- Briefly describe implementation of the SIG Required Components in year one. Describe progress made in implementing the selected intervention model and include a statement describing the greatest implementation challenge and strategies used to overcome the challenge.
- List 2–3 significant needs identified in the original application. For each, provide evidence of progress in meeting these needs.
- List goals not met in year one, including a brief analysis of the reason why these goals were not met.
- Describe any proposed revisions to the approved SIG implementation chart based on evidence and data from year one. Include specific steps planned to successfully implement the selected intervention model for each school served by the SIG.
SIG Form 10– Revised Implementation Chart(s)

The LEA must revise and attach one current Form 10 Implementation Chart for each Tier I and Tier II school reflecting all activities completed in year 1 and all activities proposed in years 2 and 3.

The implementation chart must include the following:

- Proposed revisions identified in SIG Form 7–Program Evaluation of SIG Required Components
- Specific action steps completed and projected for all required components of the model
- The timeline to complete each action step, including beginning and ending implementation dates, using both month and year designations for actions completed in year 1 and actions to be completed in years 2 and 3.
- Persons responsible for ensuring that each action step is completed according to the timeline
- Documentation of evidence submitted to the CDE, upon request, to verify implementation of action steps
Insert Revised Implementation Chart(s) for each Tier I and Tier II school here
SIG Renewal Application Checklist

Required Forms

The following forms must be included as part of the renewal application. Check or initial by each form, and include this form in the application package. These forms can be downloaded from the CDE School Improvement Grant Web page at http://www.cde.ca.gov/sp/sw/t1/sig09.asp. Please compile the application packet in the order provided below.

Include this completed checklist in the application packet

- Form 1 Renewal Application Cover Sheet
- Form 2 Signatures and Approvals
- Form 3 Grant Contact Information
- Form 4 General Assurances (keep on file; please do not submit to CDE)
- Form 5 Sub-grant Conditions and Assurances
- Form 6 Annual Student Achievement Goals
- Form 7 Program Evaluation of SIG Required Components
- Form 10 Implementation Chart(s) for a Tier I or Tier II School (LEA must revise approved implementation chart)
  - Form 10.1 Turnaround Implementation Chart
  - Form 10.2 Transformation Implementation Chart
  - Form 10.3 Restart Implementation Chart
  - Form 10.4 Closure Implementation Chart
- SIG Renewal Application Checklist
SUMMARY OF THE ISSUE(S)

The Workforce Investment Act (WIA), Title II: Adult Education Family Literacy Act (AEFLA) supports California adult education providers to assist adults most in need to become literate and obtain skills needed for employment and self-sufficiency. The grant funds are dispersed to 221 agencies, including the California Department of Education (CDE) adult education programs, community colleges, community-based organizations, and library literacy programs. In 2011–12, the CDE served 524,908 adult students under the WIA, Title II: AEFLA grant. The CDE received $90,933,921 under the WIA, Title II: AEFLA in 2012–13.

In order for states to receive allotments under the AEFLA, state plans are required. As a requirement of the extension of the AEFLA, the CDE must negotiate with the Office of Vocational and Adult Education (OVAE) in the U.S. Department of Education (ED) each year on student performance measures for the upcoming program year, which in this case is 2013–14. The new performance targets must then be incorporated into the state’s current plan as a revision and submitted to the State Board of Education (SBE) for approval.

Student performance of WIA, Title II: AEFLA eligible adults are measured through completion of federally defined Educational Functioning Levels (EFLs). Performance data are collected and summarized in California through the Comprehensive Adult Student Assessment System (CASAS). Student progress is reported to the OVAE using standards set by the federal National Reporting System (NRS). The AEFLA performance measures include literacy level improvement, student goal attainment, advancement or completion of EFLs, placement in postsecondary education, entrance into employment, and retention of employment.
SUMMARY OF KEY ISSUES (CONT.)

In 2011–12, the California WIA, Title II agencies exceeded all negotiated state goals for the NRS EFLs. The completion rate for all EFLs improved in 2011–12 compared to 2010–11. The persistence rate in 2011–12 improved for all EFLs compared to 2010–11. In 2011–12, 9,049 adult students passed the California High School Exit Examination and received a high school diploma, and 12,642 students received a General Educational Development certificate.

The current and projected performance goals for the upcoming year are included in Chapter 5, Section 5.3 of the California State Plan (CSP) (page 5 of Attachment 1). The projected goals are based on past performance data and historical trend data. The goals will receive initial approval from the OVAE in early March 2013. Following the incorporation of the goals into the CSP and submission for SBE approval, the revision will be due to the OVAE by April 1, 2013.

Enclosed for the SBE’s review and approval is the revised Chapter 5 in Section 5.3 (page 5 of Attachment 1) of the CSP, which incorporates the 2013–14 proposed performance goals and the Program Memorandum from Brenda Dann-Messier, Assistant Secretary, OVAE, ED (Attachment 2) that describes OVAE’s policy in implementing an extension of the WIA, Title II: AEFLA grant. The CDE will conduct a public competition for the 2014–15 WIA Title II: AEFLA funds in 2013. However, the application process for 2013–14 will provide continuation funding for currently funded agencies that meet all of the program requirements, are in compliance with grant requirements for 2012–13, and submit an application to continue their programs.

RECOMMENDATION

The CDE recommends that the SBE extend the CSP 1999–2014 for the WIA, Title II: AEFLA for one additional year and approve the estimated performance goals for 2013–14, in addition, CDE staff will work with SBE staff to work on the negotiation process with the OVAE for 2014 performance goals.

BRIEF HISTORY OF KEY ISSUES

The WIA, Title II: AEFLA legislation required eligible state agencies to prepare five-year state plans consistent with the OVAE Guide for the Development of a State Plan Under AEFLA. The SBE adopted the initial submission of the CSP (1999–2004) for the WIA, Title II: AEFLA in March 1999.

Eligible state agencies that previously submitted a plan must submit revisions in their adult education plan for the upcoming program year, including performance targets for that year. The revisions enable the ED to extend the plans for one year and make allotments of federal adult education funds on July 1 of the upcoming program year.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved annual revisions to the CSP. The most recent approval was in March 2012, when the SBE approved the 2012–13 performance goals and a one-year extension of the CSP (through June 30, 2013).

FISCAL ANALYSIS (AS APPROPRIATE)

This one-year extension of the existing provisions of the CSP is required for California to continue to receive funding through the AEFLA. No state funding is required or requested. Failure by the SBE to approve the CSP revision may result in the loss or delay of an estimated amount of $88,692,234 in federal WIA, Title II: AEFLA grant funds for 2013–14. CDE is the fiscal agent that is responsible for dispersing the federal funds to 221 other state organizations receiving the federal AEFLA funds.

ATTACHMENT(S)


Attachment 2: Program Memorandum from Brenda Dann-Messier, Assistant Secretary, OVAE, ED (2 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)
Chapter 5
Performance Measures

Section 224(b)(4) requires a description of the performance measures described in Section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the state or outlying area.

5.0 Performance Measures (Section 224[b][4])

Pursuant to Section 212, the California Department of Education (CDE) will establish and implement a comprehensive performance accountability system. To optimize the return on investment of federal funds in adult education and literacy activities, the accountability system will assess the effectiveness of eligible local providers’ achievement in continuously improving their adult education and literacy program delivery funded under this subtitle. All of the performance measures will apply to all funded priorities.

The CDE has established a solid basis for the development of a performance accountability system. For many years, California adult education programs have provided a competency based curriculum, instruction, and assessment that focuses on the competencies that enable learners to participate more fully within American society, as citizens, workers, and family members. The CDE has developed and implemented model curriculum standards for Adult Basic Education (ABE), English as a Second Language (ESL), which includes ESL-Citizenship, and Adult Secondary Education (ASE) and standard performance descriptors at each program level. In addition, a Comprehensive Adult Student Assessment System (CASAS) was established that accurately measures progress and mastery of skills and competencies for completion of a program level and promotion to the next instructional level. The CASAS provides a standardized reporting scale linked to demonstrated performance of identified skills and competencies at each instructional level. These skill level descriptors and standardized scale score ranges have been incorporated into the National Reporting System (NRS) for Adult Education.

The CDE has also implemented a local program database reporting system, Tracking of Programs and Students (TOPSpro™) that enables local programs to collect and report all student progress and outcome measures. It provides student, class, and program reports that enable local providers to have immediate access to the data for targeting instruction based on student goals and for continuous program improvement. It provides
for the collection of the data elements needed to meet the reporting requirements of Temporary Assistance for Needy Families (TANF) programs and other workforce related programs.

5.1 Eligible Agency Performance Measures (Section 212)

Eligible local provider must report on performance measures including student goal attainment and demonstrated student improvements in literacy levels within a program level, student completion of a program level, and student advancement to higher program levels. Additional performance measures include receipt of a secondary school diploma or its recognized equivalent, placement in post-secondary education, training, entered employment, and retained employment. The tables within this section (5.1) specify the measures, including the CASAS assessment instruments that are to be used to document improvements in literacy performance. These measures must be used by all providers for all enrolled students for each of the program priorities addressed. These priorities, described in Chapter 3, include: (1) literacy at the National Adult Literacy Survey (NALS) Level 1, including ABE and ESL and ESL-Citizenship; (2) literacy at the NALS Levels 1 and 2-Workforce Literacy, including ABE and ESL and ESL-Citizenship; (3) literacy at the NALS Level 2-School Based literacy, including ABE and ESL and ESL-Citizenship; (4) Family Literacy; and (5) ASE NALS Level 3 and above. Programs using distance learning as the method for delivering literacy services must also meet performance measures. In addition to these measures, local providers funded for the family literacy priority must also document achievement gains of the adults who are enrolled in the program.

In accordance with Section 212, the CDE will establish levels of performance for each of the core indicators:

1. Demonstrated improvements in literacy skill levels in reading and problem solving, numeracy, writing, English language acquisition, speaking the English language, and other literacy skills

2. Placement in, retention in, or completion of postsecondary education, and employment; and

3. Receipt of a secondary school diploma or its recognized equivalent
They will be expressed in an objective, quantifiable, and measurable form, and will show the progress of the eligible local providers in continuously improving performance.

1. **Demonstrated improvements in literacy skill levels**

   The CDE has established literacy skill levels for ABE and ESL, which includes ESL-Citizenship, that provide a standardized definition for reporting learning gains within a literacy skill level, completion of each level, and progression to a higher literacy skill level. All participating agencies will assess a student’s literacy skill level upon entry into the program using standardized assessments provided by the CDE.

### Comprehensive Adult Student Assessment System Standardized Assessment Instruments

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<td>Providing Options for the Workplace, Education, and Rehabilitation</td>
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</table>
2. Placement in, retention in, or completion of post-secondary education, training, or unsubsidized employment

Local providers must obtain placement, retention, or completion information from their students and report it on the TOPSpro™ Student Update Record. Standard definitions and documentation procedures are identified in the CASAS Administration Manual for California. In some instances, adult learners leave programs before this information can be obtained. To obtain accurate data of both short-term and longer-term student outcomes resulting from participation in adult education programs, the CDE will establish several pilot projects, including, but not limited to, the following:

### Placement in, retention in, or completion of:

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<th>Existing Standardized Reporting Instruments</th>
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<td>Entered Employment</td>
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<td>Retained-Employment</td>
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- **Local Program Reporting:** The CDE will build on the NRS to improve strategies that local providers use to follow-up on students who leave their program before completing all their goals as well as for students who leave the program after meeting their primary goals.

- **Data Matching:** The CDE will identify the issues in developing and using a state level database that requires use of a student social security number to document longer-term student outcomes, such as those related to employment.

3. Attainment of secondary school diplomas or their recognized equivalent

Participating local providers will track and report the number of learners who pass the General Educational Development (GED) test, earn credits toward a high school diploma, or attain a high school diploma for those students enrolled in ASE programs. In addition, summary data obtained through the CDE statewide reports will document the number of high school diplomas earned through adult schools. The State GED Office will report the number of GED Certificates issued each calendar year.
### 5.2 Additional Indicators

Participating local providers will report additional indicators of performance for student-identified outcomes on Student Entry and Update Records. Entry Record information includes: instructional program, instructional level, reason for enrollment, special programs enrollment, personal status, and, labor force status. Update information includes: instructional program and level (at the time of update); student’s status in the instructional program; learner results pertaining to work, personal/family, community, and education; reason for leaving early; sub-sections of GED passed; and high school credits earned. Additional information may be required for workplace literacy and family literacy programs.

### 5.3 Levels of Performance

The initial Levels of Performance are based on student progress and outcome data from federally funded ABE 321 providers in California. During the first year of the state plan, local providers began collecting progress and level completion data on students throughout the program year. Local providers used the data gained during the first year of the program to reassess and adjust their projected levels of performance for the second program year. Subsequent years’ projected performance levels were established in similar fashion, incorporating other factors identified in Section 5.4, to (1) offset unmeasured student progress due to a new data collection requirement in the first year of the Title II of the Workforce Investment Act and (2) quantify a more accurate picture of actual performance—the proportion of students who completed an instructional level within a specific program year. The projected performance levels for 2012–13 and 2013–14 have been established based upon the performance levels achieved in 2010–11 and 2011–12, respectively.
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</tr>
<tr>
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<tr>
<td>Retained Employment</td>
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<td>58.0</td>
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<td>57.0</td>
<td>42.4</td>
<td>60.0</td>
<td>41.7</td>
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5.4 Factors (Section 212[b][3][A][IV])

Student progress and outcome data in California indicate significant differences in levels of performance based on individual student characteristics. These characteristics include initial literacy skill level upon entry into the program, literacy levels of limited English proficient students in their home language, the number of years of education completed before entering the Adult Education Program, learning and developmental disabilities, and other demographic and socio-economic variables. California serves large numbers of students who are most in need, including immigrants with low literacy skills in their native language as well as in English, institutionalized adults, adults in homeless shelters, migrant workers, and those that are unemployed or underemployed in hourly, minimum wage jobs.

Service delivery factors also affect performance such as the intensity, duration, and quality of the instructional program; convenience and accessibility of the instructional program; ability of the program to address specific learning goals, and provide targeted instruction in a competency-based context related directly to student goals.

California serves an extremely diverse adult student population with a broad range of skill levels and different short- and long-term learning goals. Many students initially enter the program with a short-term goal but as they make progress toward their goal and experience success, they remain in the program to achieve longer-term learning goals. Some, such as TANF/CalWORKs recipients and the homeless, may be unable to attend an instructional program on a regular basis because of time limits on educational participation. As a result, the performance measures must address both short- and long-term goals, length of participation, initial skill levels at program entry, and use multiple student performance measures related to student goals.

Based on student characteristics and service delivery factors, the CDE has identified expected levels of performance for each of the core indicators provided for ABE and ESL, which includes ESL-Citizenship programs. The projected skill levels for each of these programs are indicated. The CASAS Scale Score ranges at each level address the significant differences in performance for the special and diverse populations that are served by local providers. Local providers must be encouraged to continue to serve the least educated and most in need, and to evaluate with measures of performance that are most appropriate for the populations they serve. Over the life of this State Plan, the levels of performance will be analyzed and adjusted as appropriate to ensure that California continues to promote continuous improvement in performance on appropriate measures and ensure optimal return on the investment of federal funds.

Further Information—Annual Report

The CDE will annually prepare and submit to the Secretary of the ED a report on the progress of California in achieving the stated performance measures, including
information on the levels of performance achieved on the core indicators of performance. The report will include the demographic characteristics of the populations served, the attainment of student goals, progress on the core indicators of performance by program and program level, and learning gains within literacy levels, as well as level completion and movement to higher instructional levels. Sub-set analyses of special populations groups will be provided and adjustments to levels of performance for these groups may be recommended based on the findings.

Levels of performance achieved for other core indicators will include student outcomes related to post-secondary education, training, unsubsidized employment or career advancement, and receipt of a high school diploma or GED Certificate.

5.5 Performance Measures for English Literacy and Civics Education

Funded providers must establish observable, measurable, and meaningful goals and objectives for participants in programs that are either uniquely funded by the English Literacy and Civics Education (EL Civics) funds or supplemented by them.

All funded providers must use the CASAS assessment, evaluation, and data collection system to document participant outcomes as required in Section 212. The state provides funded agencies all the necessary software and test forms for efficient implementation of this assessment process. Given the innovative nature of the EL Civics initiative and the range of targeted outcomes that extend beyond literacy gains that can be easily captured on pencil and paper tests, in addition to the CASAS assessments, providers must also develop and/or utilize alternative strategies for documenting student outcomes. All such strategies must yield clearly identified observable, measurable, and meaningful outcomes.

All funded programs must be required to have participants submit demographic and other student outcome information through completion of student Entry and Update Records. The TOPSpro™ data collection system collects and transmits the required data in an acceptable format.
PROGRAM MEMORANDUM OVAE/DAEL FY 2013-01

TO: State Directors of Adult Education

FROM: Brenda Dann-Messier

SUBJECT: Extension of the Adult Education and Family Literacy Act

This memorandum describes our policy in implementing an extension of the Adult Education and Family Literacy Act (AEFLA). This action is necessary to give States as much advance notice and flexibility as possible in submitting any revisions needed in current State plans, including establishment of performance levels for the coming program year.

Need for Revising Current State Plans

State plans are required for States to receive allotments under AEFLA. Last year, the Office of Vocational and Adult Education (OVAE) approved a one-year extension of operating plans, but those extensions will expire on June 30, 2013. The States and OVAE need to agree upon new performance targets for the coming year, and the new targets must be incorporated into the existing State plans as a revision.

As you know, there is a great variation in adult education performance outcomes among the States. We have in place a data quality checklist that State directors must use to certify data accuracy, when data is submitted to OVAE.

Requirements for Revising Current State Plans

Set forth here is the process to complete State plan revisions (See AEFLA sections 224(c) and (d)):

1. Revisions, including the agreed upon new performance targets, must be submitted to OVAE no later than April 1, 2013. Each State must indicate whether it intends to extend current grants for one year, or conduct a one-year competition.
2. It is advisable to discuss proposed targets with OVAE prior to submission, to ensure that levels are appropriate and approvable. Beginning in late February, OVAE will start contacting State directors by telephone to discuss the proposed Program Year 2013-2014 performance levels.
3. Revisions must be submitted to the Governor, and any comments made by the Governor must be submitted to OVAE with the plan revisions.

4. Revisions must include any new uses of funds incorporated in the existing State plan.

5. Revisions must include updated certifications and assurances with original signatures.

Please feel free to contact your area coordinator for technical assistance in meeting these requirements. We look forward to working with you.

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