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.

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

TERM OF OFFICE

Section 2.

a. The term of office of the members of the Board is four years, except for the student member whose term is one year.
b. Except for the student member, who serves a one-year term, terms expire on January 15 of the fourth year following their commencement. Members, other than the student member, continue to serve until the appointment and qualification of their successors to a maximum of 60 days after the expiration of their terms. If the member is not reappointed and no successor is appointed within that 60-day period, the member may no longer serve and the position is deemed vacant. The term of the student member begins on August 1 and ends on July 31 of the following year.
c. If the Senate refuses to confirm, the person may continue to serve until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first.
d. If the Senate fails to confirm within 365 days after the day the person first began performing the duties of the office, the person may not continue to serve in that office following the end of the 365-day period.

EC 33001; 33000.5
GC 1774

VACANCIES

Section 3.
Any vacancy shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The person appointed to fill a vacancy shall hold office only for the balance of the unexpired term.

EC 33002

STUDENT MEMBER

Section 4.
Finalists for the student member position shall be selected and recommended to the Governor as prescribed by law.

EC 33000.5

COMPENSATION AND EXPENSES

Section 5.
Members of the Board shall receive their actual and necessary travel expenses while on official business. Each member shall also receive one hundred dollars ($100) for each day he or she is acting in an official capacity.

EC 33006
GC 11564.5

CONFLICT OF INTEREST CODE

Section 6.
Board members shall file statements of economic interest as required by the Fair Political Practices Commission. The terms of a standard Conflict of Interest Code, adopted by the Commission and as may be amended, are incorporated by reference and constitute the Conflict of Interest Code of the Board.

2 CCR 18730
5 CCR 18600

ARTICLE IV

Officers and Duties

PRESIDENT, VICE PRESIDENT

Section 1.
Officers of the Board shall be a president and a vice president. No member may serve as both president and vice president at the same time.

Section 2.

a. The president and vice president shall be elected annually in accordance with the procedures set forth in this section.
b. 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 the function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8.

The member shall:

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

ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: 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.

EC 33008
GC 11125

EMERGENCY MEETINGS

Section 5.

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

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

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

GC 11125.5
EC 33008
EC 33010

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126
QUORUM

Section 7.

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

   EC 33010

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

ORDER OF BUSINESS

Section 8.

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

- 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.
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
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>
<td>CCR</td>
<td>California Code of Regulations</td>
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<tr>
<td>EC</td>
<td>California Education Code</td>
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<tr>
<td>GC</td>
<td>California Government Code</td>
</tr>
<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

<table>
<thead>
<tr>
<th>Status</th>
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<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
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<tr>
<td>Amended</td>
<td>February 11, 1987</td>
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<td>Amended</td>
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<td>Amended</td>
<td>July 9, 2003</td>
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<tr>
<td>Amended</td>
<td>January 16, 2013</td>
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Questions: State Board of Education | 916-319-0827
SBE Agenda for July 2014

Agenda for the California State Board of Education (SBE) meeting on July 9-10, 2014.

State Board Members

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

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

The Local Control Funding Formula (LCFF Permanent Regulations) Item 11 will be heard on Thursday, July 10, 2014, commencing at 8:30 a.m.

Spanish translators and headsets will be available for Item 11 regarding the proposed permanent LCFF expenditure regulations and local control and accountability plan template. Members of the public wishing to send written comments are asked to send an electronic copy to SBE@cde.ca.gov with the item number clearly marked in the subject line. To ensure that your comments are received by board members in advance of the meeting, please submit these and any related materials to our office by 12:00 Noon on Thursday, July 3, 2014. Members of the public wishing to submit materials after July 3 should bring at least 25 copies to the Board meeting.

Sign-up sheets for testimony on Item 11 will be accessible to the public on Wednesday, July 9, 2014 at 8:00 a.m., inside the entrance to the CDE building lobby.

For the LCFF Item 11, individual speakers will be limited to one minute each. A group of five speakers may sign up together and designate one speaker who will be allocated a total of three minutes for the group. A group of ten or more people may sign up together and designate one speaker who will be allocated a total of five minutes for the group.

<table>
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<th>Schedule of Meeting</th>
<th>Location</th>
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<tr>
<td><strong>Wednesday, July 9, 2014</strong></td>
<td>California Department of Education</td>
</tr>
<tr>
<td>8:30 a.m. Pacific Time ±</td>
<td>1430 N Street, Room 1101</td>
</tr>
<tr>
<td><strong>STATE BOARD OF EDUCATION</strong></td>
<td>Sacramento, California 95814</td>
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<tr>
<td><strong>The Closed Session will take place at approximately</strong></td>
<td>916-319-0827</td>
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<tr>
<td><strong>11:30 a.m.</strong></td>
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<tr>
<td><em>(The Public may not attend.)</em></td>
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</tbody>
</table>

The Closed Session (1) may commence earlier than 11:30 a.m.; (2) may begin at or before 11:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 11:30 a.m.
Thursday, July 10, 2014
8:30 a.m. Pacific Time ±

STATE BOARD OF EDUCATION
Public Session. Public Session, adjourn to Closed Session – IF NECESSARY.

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.

CLOSED SESSION AGENDA

Conference with Legal Counsel – Existing Litigation: Under Government Code sections 11126(e)(1) and (e)(2)(A), the State Board of Education hereby provides public notice that some or all of the pending litigation 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
- Cruz et al. v. State of California, State Board of Education, State Department of Education, Tom Torlakson et al., Alameda County Superior Court, Case No. RG14727139
- D.J. et al. v. State of California, California Department of Education, Tom Torlakson, the State Board of Education, Los Angeles Superior Court, Case No. BS142775.
- 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
- Nevada City School District and the Board of Trustees of the Nevada City School District v. California Department of Education, State Superintendent of Instruction Tom Torlakson, State Board of Education, Nevada County Superior Court, Case No. CU14-080329
- 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 ; Los Angeles County Superior Court, Case No. BS 148496
- 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. E058S5
- Porter, et al., v. Manhattan Beach Unified School District, et al., United States District Court, Central District, Case No. CV-00-8402
- 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
Conference with Legal Counsel – Anticipated Litigation: Under Government Code sections 11126(e), the State Board of Education hereby provides public notice that it may meet in Closed Session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under Government Code sections 11126(e)(1) and (e)(2), the State Board of Education hereby provides public notice that it may meet in Closed Session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

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

Under Government Code Section 11126(a), the State Board of Education hereby provides public notice that it may meet in Closed Session regarding the appointment, employment, evaluation of performance, or dismissal, discipline, or release of public employees, or a complaint or charge against public employees. Public employees include persons exempt from civil service under Article VII, Section 4(e) of the California Constitution.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

ALL ITEMS MAY BE HEARD IN A DIFFERENT ORDER THAN HOW THEY ARE LISTED ON THE AGENDA 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 or any other individual 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 at 1430 N Street, Room 5111, Sacramento, CA 95814; by telephone at 916 319-0827; or by facsimile at 916 319-0175.

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA

Public Session

July 9, 2014

Wednesday, July 9, 2014 – 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
- 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)

Subject: Local Control Funding Formula: Update on California’s Local Educational Agency and School Planning and Accountability System.
**Type of Action:** Action, Information

**Item 2 (DOC)**

**Subject:** School Accountability Report Card: Approve the Template for the 2013–14 School Accountability Report Card.

**Type of Action:** Action, Information

**Item 3 (DOC)**

**Subject:** Update on the National Center and State Collaborative Alternate Assessment, Including, but not Limited to, the Phase I Pilot Administration.

**Type of Action:** Action, Information

**Item 4 (DOC)**

**Subject:** Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs, Including but Not Limited to, Proposed Amendments to California’s Consolidated State Application Accountability Workbook for 2014; and Request to Waive Current Academic Assessments and Accountability from States that Participate in Field Testing of New State Assessments During the 2014–15 School Year Under the Elementary and Secondary Education Act Section 9401.

**Type of Action:** Action, Information

**Item 5 (DOC)**

**Subject:** Amendment to the Educational Testing Service contract to implement the California Assessment of Student Performance and Progress in the 2014–15 school year.

**Type of Action:** Action, Information

- **Item 5 Attachment 1 (DOC)**

**Item 6 (DOC; 3MB)**

**Subject:** Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval and/or Denial of Applicants Based on Appeal of Additional Providers to the 2014–16 State Board of Education-Approved Supplemental Educational Services Provider List, Including Local Educational Agencies Identified for Improvement Based on a Waiver Granted by the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401; and Authorization to Seek an Additional Waiver from the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401.

**Type of Action:** Action, Information

**Public Hearing**

A Public Hearing on the following agenda item will commence no earlier than 1:30 p.m. on July 9, 2014. The Public Hearing will be held as close to 1:30 p.m. as the business of the State Board permits.

**Item 7 (DOC)**

**Subject:** English Language Arts/English Language Development Framework for California Public Schools, 2014 Revision: Public Hearing and Adoption.

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

**End of Public Hearing**

**Item 8 (DOC)**
Subject: California Assessment of Student Performance and Progress: Adopt Permanent California Code of Regulations, Title 5, Sections 850 - 868.

Type of Action: Action, Information

- Item 8 Attachment 1 (DOC)
- Item 8 Attachment 2 (DOC)
- Item 8 Attachment 3 (PDF; 2MB)
- Accessible Alternative Version of Item 8 Attachment 3

Item 9 (DOC)


Type of Action: Action, Information

- Item 9 Attachment 1 (DOC)
- Item 9 Attachment 2 (DOC)
- Item 9 Attachment 3 (DOC; 1MB)
- Item 9 Attachment 4 (PDF)
- Accessible Alternative Version of Item 9 Attachment 4

Public Hearing

A Public Hearing on the following agenda item will commence no earlier than 3:30 p.m. on July 9, 2014. The Public Hearing will be held as close to 3:30 p.m. as the business of the State Board permits.

Item 10 (DOC)

Subject: Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Thrive Public School which was denied by the San Diego Unified School District and the San Diego County Office of Education.

Type of Action: Action, Information, Hearing

End of Public Hearing

Adjournment of Day’s Session

FULL BOARD AGENDA

Public Session

July 10, 2014

Thursday, July 10, 2014 – 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
- 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

The Local Control Funding Formula (LCFF Permanent Regulations) Item 11 will be heard on Thursday, July 10, 2014, commencing at 8:30 a.m.
Spanish translators and headsets will be available for Item 11 regarding the proposed permanent LCFF expenditure regulations and local control and accountability plan template. Members of the public wishing to send written comments are asked to send an electronic copy to SBE@cde.ca.gov with the item number clearly marked in the subject line. To ensure that your comments are received by board members in advance of the meeting, please submit these and any related materials to our office by **12:00 Noon on Thursday, July 3, 2014**. Members of the public wishing to submit materials after July 3 should bring at least 25 copies to the Board meeting.

Sign-up sheets for testimony on Item 11 will be accessible to the public on Wednesday, July 9, 2014 at 8:00 a.m., inside the entrance to the CDE building lobby.

For the LCFF Item 11, individual speakers will be limited to **one minute each**. A group of five speakers may sign up together and designate one speaker who will be allocated a total of **three minutes for the group**. A group of ten or more people may sign up together and designate one speaker who will be allocated a total of **five minutes for the group**.

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**Agenda Items**

**Item 11** (DOC)

**Subject:** Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Sections 15494–15498.

**Type of Action:** Action, Information

- Item 11 Attachment 1 (DOC; 1MB)
- Item 11 Attachment 2 (DOC)
- Item 11 Attachment 3 (DOC)
- Item 11 Attachment 4 (DOC)
- Item 11 Attachment 5 (DOC)

**Item 12** (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.

**Type of Action:** Action, Information

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**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 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, and public comment will be taken before board action on all proposed consent items; 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 (Extended School Year [Summer School])

**Item W-01** (DOC)

**Subject:** Request by four school districts 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 Numbers:**

- El Centro Elementary School District 8-3-2014
- Mariposa County Office of Education 10-3-2014
Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

**Item W-02** (DOC)

**Subject:** Request by Shasta County Office of Education 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 Brian Martin and Shannon DeGeorge to continue to provide services to students until June 30, 2015, under a remediation plan to complete those minimum requirements.

**Waiver Numbers:**
- 15-4-2014
- 16-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

**Item W-03** (DOC)

**Subject:** Request by Pacifica School District to waive *Education Code* Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Michael Bobrowicz is the resource specialist assigned at Vallemar School.

**Waiver Number:** 9-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CAHSEE)

**Item W-04** (DOC)

**Subject:** Request by five school districts 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:**
- Dehesa Elementary School District 18-4-2014
- Plumas County Office of Education 22-3-2014
- Plumas Unified School District 23-3-2014
- Rio Bravo-Greeley Union Elementary School District 3-3-2014
- Twin Rivers Unified School District 1-4-2014

(Recommended for APPROVAL)

Equity Length of Time

**Item W-05** (DOC)

**Subject:** Request by two school districts to waive *California Education Code* Section 37202, the equity length of time requirement for transitional kindergarten and kindergarten programs at district's elementary schools.

**Waiver Numbers:**
- Poway Unified School District 31-4-2014
- Waugh Elementary School District 13-5-2014
Instructional Time Requirement Audit Penalty (Below 1982-83 Base Minimum Minutes)

Item W-06 (DOC)

Subject: Request from El Rancho Unified School District under the authority of California Education Code Section 46206(a) to waive Education Code Section 46201(d), the audit penalty for offering less instructional time in the 2012–2013 fiscal year for students in grades nine through eleven (shortfall of 1,168 minutes per grade) and grade twelve (shortfall of 1,948) at El Rancho High School.

Waiver Number: 42-1-2014

Out-of-State Use of Funds and Transportation Allowances

Item W-07 (DOC)

Subject: Request by two school districts to waive a portion of California Education Code Section 35330(b)(3), to authorize expenditure of school district funds for students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.

Waiver Numbers:
- Junction Elementary School District 33-4-2014
- Seiad Elementary School District 131-2-2014

Physical Fitness Testing

Item W-08 (DOC)

Subject: Request by Fremont Unified School District to waive portions of the California Education Code Section 60800(a), relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31 for grade nine students.

Waiver Number: 130-2-2014

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

Item W-09 (DOC)

Subject: Request by South Whittier Elementary School District to waive portions of California Education Code sections 17466, 17472, and 17475 and all of 17473 and 17474 specific statutory provisions for the lease of surplus property, the Carmela Elementary School site.

Waiver Number: 3-4-2014

School District Reorganization (Lapsation of a Small District)

Item W-10 (DOC)

Subject: Request by Death Valley Unified School District to waive California Education Code Section 35780(a), which requires lapsation of a district with an average daily attendance of less than 11 in the ninth through twelfth grades.

Waiver Number: 25-4-2014
Schoolsite Council Statute (Shared, Composition or Shared and Composition of Members)

**Item W-11** (DOC)

**Subject:** Request by six school districts, under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

**Waiver Numbers:**
- Los Angeles Unified School District 5-3-2014
- Lost Hills Union Elementary School District 10-4-2014
- Mariposa County Unified School District 21-4-2014
- Mariposa County Unified School District 22-4-2014
- Southern Trinity Joint Unified School District 30-4-2014
- Travis Unified School District 7-4-2014
- Tulelake Basin Joint Unified School District 24-3-2014

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Kindergarten and Grades 1-3)

**Item W-12** (DOC)

**Subject:** Request by two school 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:**
- Inglewood Unified School District 37-4-2014
- Paramount Unified School District 5-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

**Item W-13** (DOC)

**Subject:** Request by eight school districts to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

**Waiver Numbers:**
- Alum Rock Union Elementary School District 12-3-2014
- Meadows Union Elementary School District 32-4-2014
- Montebello Unified School District 17-3-2014
- Montebello Unified School District 18-3-2014
- Pasadena Unified School District 34-4-2014
- Pasadena Unified School District 35-4-2014
- Placentia-Yorba Linda Unified School District 14-3-2014
- Planada Elementary School District 17-4-2014
- San Jose Unified School District 26-4-2014
- Yuba City Unified School District 12-4-2014
- Yuba City Unified School District 13-4-2014
- Yuba City Unified School District 14-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Highly Qualified Teachers)
Item W-14 (DOC)

**Subject:** Request by Lodi 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:** 20-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Teacher Experience Index)

Item W-15 (DOC)

**Subject:** Request by three school districts to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

**Waiver Numbers:**
- Cutler-Orosi Joint Unified School District 1-3-2014
- Madera Unified School District 8-4-2014
- Planada Elementary School District 19-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

Academic Performance Index (API) Score Waiver (Test Takers Less Than 85 Percent)

Item W-16 (DOC)

**Subject:** Request by Stockton Unified School District to waive a portion of California *Code of Regulations*, Title 5, Section 1032(d)(5); the 85 percent requirement of test takers in Life Science to allow Health Careers Academy to be given a valid 2013 Growth Academic Performance Index.

**Waiver Number:** 6-3-2014

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (One Year Notice to Change SELPA)

Item W-17 (DOC)

**Subject:** Request by two school districts to waive California *Education Code* Section 56195.1(a), regarding size and scope requirements of a special education local plan area.

**Waiver Numbers:**
- ABC Unified School District 28-5-2014
- Norwalk-La Mirada Unified School District 16-3-2014

(Recommended for DENIAL)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-18 (DOC)

**Subject:** Request by Los Nietos 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:** 125-2-2014

(Recommended for DENIAL)

End of Waivers
**Item 13** (DOC)

**Subject:** Presentation on Local Implementation Efforts Regarding the *Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve (Mathematics Framework)*, including Presentations by Representatives of the Anaheim Union High School District, Davis Joint Unified School District, Long Beach Unified School District, and Shasta County Office of Education.

**Type of Action:** Information

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**Item 14** (DOC)

**Subject:** *Science Framework for California Public Schools*, 2016 Revision: Approval of Curriculum Framework and Evaluation Criteria Committee Guidelines and Appointment of Members to the Curriculum Framework and Evaluation Criteria Committee.

**Type of Action:** Action, Information

- Item 14 Attachment 1 (PDF; 3MB)

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**Public Hearing**

A Public Hearing on the following agenda item will commence no earlier than 3:30 p.m. on July 10, 2014. The Public Hearing will be held as close to 3:30 p.m. as the business of the State Board permits.

**Item 15** (DOC)

**Subject:** Barack Obama Charter School: Consider a Material Revision of the Charter to Change from Kindergarten Through Grade Six to Kindergarten Through Grade Five.

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

- Item 15 Attachment 1 (PDF)
- Accessible Alternative Version of Item 15 Attachment 1
- Item 15 Attachment 2 (XLS)
- Item 15 Attachment 3 (PDF)
- Item 15 Attachment 4 (PDF)
- Item 15 Attachment 5 (PDF; 1MB)

End of Public Hearing

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**Item 16** (DOC)

**Subject:** Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Readoption of the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 15494-15497.

**Type of Action:** Action, Information

- Item 16 Attachment 1 (DOC; 2MB)
- Item 16 Attachment 2 (DOC)
- Item 16 Attachment 3 (DOC)
- Item 16 Attachment 4 (PDF; 1MB)
- Accessible Alternative Version of Item 16 Attachment 4

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**Item 17** (DOC)

**Subject:** Local Control Funding Formula, Kindergarten and Grades One through Three Grade Span Adjustment: Adopt Proposed *California Code of Regulations*, Title 5, sections 15498, 15498.1, 15498.2, and 15498.3.

**Type of Action:** Action, Information

- Item 17 Attachment 1 (DOC)
- Item 17 Attachment 2 (DOC)
- Item 17 Attachment 3 (PDF)
Item 18 (DOC)

Subject: Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.

Type of Action: Action, Information

Item 19 (DOC)

Subject: Charter Revocation: Adopt Proposed California Code of Regulations, Title 5, Section 11968.5.

Type of Action: Action, Information

- Item 19 Attachment 3 (PDF; 1MB)
- Accessible Alternative Version of Item 19 Attachment 3

Item 20 (DOC)

Subject: Approval of 2013–14 Consolidated Applications.

Type of Action: Action, Information

Item 21 (DOC)

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

Type of Action: Action, Information

Item 22 (DOC)

Subject: Update on California Assessment of Student Performance and Progress Activities, Including, but not limited to, the Spring 2014 Smarter Balanced Field Test including Field Test administration counts, results from mid-testing and post-testing surveys and focus groups.

Type of Action: Information

Item 23 (DOC)

Subject: GENERAL 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

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, please submit these and any related materials to our office by 12:00 Noon on July 3, 2014, the Thursday prior to the meeting.
SUMMARY OF THE ISSUE(S)

On July 1, 2013, the Governor signed Assembly Bill 97 (Chapter 47, Statutes of 2013) to enact the Local Control Funding Formula (LCFF). This agenda item is the seventh in a series of regular information or action items to demonstrate progress in the implementation of the LCFF to the State Board of Education (SBE) and to the public.

RECOMMENDATION

No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

On January 16, 2014, the SBE took action to approve emergency regulations governing the expenditure of LCFF funds pursuant to the requirements of California Education Code (EC) Section 42238.07 and the Local Control and Accountability Plan (LCAP) template pursuant to EC Section 52064, available on the California Department of Education (CDE) LCFF Web page at http://www.cde.ca.gov/re/lr/rr/lcffemergencyreqs.asp. In addition, the SBE approved a proposal to commence the regular rulemaking process. This process is required to adopt permanent regulations and includes a period of 45 days for written comments and a public hearing to receive verbal and written testimony. The progress of these activities is addressed today in separate agenda items.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 2014: The SBE took action to approve Item 20, the expenditure of funds and LCAP template emergency regulations (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item20.doc). The SBE also took action on Item 21 to approve the commencement of the regular rulemaking process in order to adopt permanent regulations.
This item included an overview of the key issues that were identified from the public comment, the responses to these comments, and the rationale for the potential changes incorporated into the regulations based on this feedback.

**March 2014:** The CDE presented to the SBE a status update regarding issues specific to the implementation of the LCFF and the development of the LCAP (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item01.doc). The item described progress on the coordination of local plans, existing program and fiscal management requirements, creation of an electronic LCAP template, charter school requirements, the role of the county office of education (COE), and promising practices. Further discussion about the LCAP review process and the role of California Collaborative for Educational Excellence (CCEE) prompted a request for a status update regarding the development of the evaluation rubrics and the selection of the CCEE fiscal agent to be presented at the May meeting (http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item11.doc).

The SBE also took action to approve Item 2, the Kindergarten and Grades One through Three Grade Span Adjustment Finding of Emergency and Proposed Emergency Regulations for amendments to the California Code of Regulations, Title 5 (5 CCR), sections 15498, 15498.1, 15498.2, and 15498.3 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item02.doc) and Item 30, the Commencement of the Rulemaking Process for Amendments to the 5 CCR, sections 15498, 15498.1, 15498.2, and 15498.3 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item30.doc).

**May 2014:** The CDE presented to the SBE a status update regarding issues specific to the implementation of the LCFF and the development of the LCAP (http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item10.doc). The update included discussion of the provision of services to foster youth; planning information about the development of an electronic template, including plans to link it to other LCFF implementation activities; the LCAP review process for districts and COEs; and a description of the process of developing LCAP evaluation rubrics. The item also included presentations by two local educational agencies (LEAs) and the California County Superintendents Educational Services Association describing local processes and resources to support implementation of the LCFF.

In addition, the SBE took action to approve the Superintendent’s recommendation to contract with the Riverside COE to serve as the fiscal agent for the CCEE and to authorize the CDE to execute a contract for services (http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item11-addendum.doc).

**FISCAL ANALYSIS (AS APPROPRIATE)**

The 2014 Budget Act provides an increase of $5.6 billion over the 2013 Budget Act level of $55.3 billion for a total of $60.9 billion in Proposition 98 funding for 2014–15. The budget appropriates $4.7 billion of this Proposition 98 funding to school districts and charter schools and $25.9 million for COEs to support the second year of LCFF
implementation. The second-year investment in the LCFF is projected to close over 29 percent of the remaining funding gap for school districts and charter schools, and close the entire funding gap for COEs. COEs receive a county operations grant to cover the cost of county oversight of school districts, among other operational responsibilities (EC Section 2575 subdivision [l]).

ATTACHMENT(S)

Attachment 1: Update on Local Control Funding Formula Issues and Resources (4 Pages)
Update on Local Control Funding Formula Issues and Resources

Overview

Below is an update about key issues identified by the State Board of Education (SBE) as topics for further discussion or clarification. Each topic is introduced, followed by a brief status update. Suggested resources to support local planning activities are included where available. These topics will be updated and new topics will be added as local educational agencies (LEAs) transition through the Local Control and Accountability Plan (LCAP) implementation phases.

Alignment of State and Federal Mandated Plans

The SBE received a memo in June 2014 describing the formation of a department-wide Plan Alignment Committee to oversee a review of required state and federal plans (http://www.cde.ca.gov/be/pn/im/infomemojun2014.asp). At the May 2014 SBE meeting, California Department of Education (CDE) staff representing a number of program offices continued a review of a list of required plans to confirm that plan elements are accurately represented.

The committee has also created a matrix of plan elements to identify areas of similarities and differences, with particular attention to the LCAP, the Single Plan for Student Achievement, the Single School District Plan, and the Local Educational Agency Plan. This fall, the committee will distribute the draft matrix to practitioners and other interested stakeholders and will consult these groups to develop recommendations for plan alignment.

This review will assist the SBE to take steps to minimize duplication of effort at the local level to the greatest extent possible pursuant to California Education Code (EC) Section 52064. As this work progresses, it will also help to guide the development of the LCAP electronic template in an effort to create a single electronic plan template that can assist LEAs to produce more than one required plan.

School Accountability Report Card

EC sections 52060(f), 52066(f), and 47605(iii)(C) specify that to the extent practicable, data reported in the LCAP shall be reported in a manner that is consistent with the way information is reported in the School Accountability Report Card (SARC). As part of the effort to streamline planning and reporting requirements across multiple programs, the Analysis, Measurement, and Accountability Reporting Division has proposed a revised SARC template that aligns SARC data elements with the Local Control Funding Formula (LCFF) state priorities. The proposed revision, also presented at this meeting, includes a chart that details which data is provided by the CDE and which is provided locally. See: http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item02.doc.
Electronic Template

Since the May 2104 SBE meeting, a group of CDE and SBE staff has met with accountability, data reporting, and technology services staff to consider the existing SBE-adopted LCAP template, including proposed revisions emerging from the permanent rulemaking process, and to begin developing the electronic template. Technology services staff has identified design decisions to be made prior to the initial development, and CDE staff are working to create, to the extent possible, a template that can eventually accommodate other required plans and access data collected by the CDE for purposes of needs assessment and reporting of results.

Rubric Development

LCFF statute requires the SBE to adopt evaluation rubrics by October 1, 2015. The evaluation rubrics are an integral part of the LCFF performance and accountability system. Once developed, the rubrics will serve as tools to ensure LEAs are able to align resources to implement strategies that result in meaningful student outcomes. The rubrics will also direct attention to areas in need of additional support to meet the adopted standards for district and school performance relative to the state and local priorities.

The LCFF update item at the May 2014 SBE meeting provided information regarding preliminary planning for the development of rubrics. The SBE has asked WestEd to coordinate and facilitate a process for developing rubrics that takes into account the following:

- Stakeholder input that reflects knowledge and experience from practitioners, researchers, students, and parents.

- Relevant application to the diverse range of LEAs that will use the rubrics, including factors such as regional differences, types of LEAs, sizes of LEAs, student demographics, and baseline outcomes.

- Fidelity to the LCFF design principles as identified in the legislation (i.e., performance, equity, engagement, outcomes, and local flexibility).

WestEd’s proposed rubric development process has identified a rubric design group that is comprised of educational leaders from school districts, county offices of education (COEs), and charter schools; CDE staff with responsibility for monitoring COEs; and SBE staff. The work of this group will be informed by three additional groups:

- Practitioner and Community- A series of regional (3-4 locations) advisory group meetings that will include LEA leaders, teachers, students, and parents to gain input and insight from local experiences.
• Research- State and national researchers with interest and knowledge related to education systems change, resource management, engagement, and student outcomes will meet to provide advice based on their research.

• Policy- The organizations represented as part of the LCAP implementation working group will be reconstituted and expanded to provide input to the rubric development.

In July WestEd will facilitate a meeting with SBE and CDE staff and the rubric design group. The purpose of this meeting is to determine evaluation rubric guiding principles, define deliverables, and create a tentative schedule for future meetings of the design group and additional working groups with specific policy, technical, research, and practitioner experience. The rubric design group will also identify specific questions for each additional group that will provide focused feedback to the rubric design group.

A tentative timeline to support the creation of the rubrics is proposed:

• Spring/Summer 2014—WestEd commences facilitation and outreach for participation

• Summer 2014—Initial meetings of practitioners and participants; timeline for future meetings and deliverables established

• Spring 2015—First Draft of Evaluation Rubrics completed

• September 2015—Evaluation Rubrics Adopted by the SBE

• October 1, 2015—Statutory Deadline for Adoption of the Evaluation Rubrics

The specific requirements of the evaluation rubrics are set forth in EC Section 52064.5:

(a) On or before October 1, 2015, the state board shall adopt evaluation rubrics for all of the following purposes:

(1) To assist a school district, county office of education or charter school in evaluating strengths, weaknesses, and areas that require improvement.

(2) To assist a county superintendent of schools in identifying school districts and charter schools in need of technical assistance pursuant to Section 52071 or 47607.3 as applicable, and the specific priorities upon which the technical assistance should be focused.

(3) To assist the Superintendent in identifying school districts for which intervention pursuant to section 52072 is warranted.
(b) The evaluation rubrics shall reflect a holistic, multidimensional assessment of school district and individual schoolsite performance and shall include all of the state priorities described in subdivision (d) of Section 52060.

(c) As part of the evaluation rubrics, the state board shall adopt standards for school district and individual schoolsite performance and expectation for improvement in regard to each of the state priorities described in subdivision (d) of Section 52060.
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) annually approves the School Accountability Report Card (SARC) template in accordance with the requirements of state law (California Education Code [EC] sections 32286, 33126, 33126.1, 35256, 35258, and 41409).

The SARC includes 38 data tables and narrative descriptions; making it a comprehensive accountability tool. The California Department of Education (CDE) and the SBE have engaged in ongoing discussions to evaluate different ways to improve the usability and readability of the SARC.

RECOMMENDATION

The CDE recommends that the SBE approve the proposed template for the 2013–14 SARC that will be published during the 2014–15 school year (Attachment 2).

The 2013–14 SARC template has been modified to align with the SBE adopted Local Control Accountability Plan (LCAP). Further changes to the SARC were made based on the implementation of the California Assessment of Student Performance and Progress (CAASPP) and the resultant changes to the state and federal accountability reporting requirements of 2013–14. Additionally, the data on suspensions and expulsions have been expanded. Lastly, the dates have been updated accordingly and the proposed template has been condensed with the removal of some data descriptions.

The CDE is recommending these changes to the SARC template in order to continue providing a user-friendly and comprehensive accountability tool for parents and community members to gauge the performance of schools, while continuing to be responsive to state and federal requirements.
BRIEF HISTORY OF KEY ISSUES

Included in Proposition 98, passed in 1988, the SARC is an accountability tool that reports data on various indicators. The purpose of the SARC is to apprise parents and members of the public about school conditions and performance.

The CDE is responsible for annually preparing a SARC template for SBE approval that includes all legally required data elements (see Attachment 2 for the proposed 2013–14 SARC template). Beginning with the 2012–13 SARC, the CDE provided an online SARC application. The application included approximately 75 percent of the data necessary to complete the SARC. Application users also had the ability to generate a SARC using the online application. In 2012–13, approximately 30 percent of the SARCs were generated using the CDE-supplied online application. The CDE intends to offer the SARC online application for the 2013–14 SARC.

Any material changes to the required data elements in the SARC must be legislated. However, the State Superintendent of Public Instruction (SSPI), the CDE, and the SBE have considerable flexibility in making changes to the formatting of the SARC template, including how the data elements are displayed (e.g., tables or graphics) and the order in which the data elements appear in the SBE-approved template. The CDE has historically produced a Data Element Definitions document that corresponds to the SBE approved SARC template to provide information on data descriptions and data sources. Pending approval of the condensed SARC template, the CDE will modify the Data Element Definitions document to include data descriptions similar to those previously in the SARC template.

The CDE and the SBE continue to make the SARC more responsive to state and federal accountability reporting requirements. The following four broad areas of modifications, pending SBE approval, will be made to the proposed 2013–14 SARC template, to be published during the 2014–15 school year.

1. **Align with Local Control Accountability Plan**

   In January 2014, the SBE approved the LCAP template. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures necessary to implement the specific actions. The specific priorities are outlined in EC sections 52060(d), 52066(d), and 47605(b)(5)(A) and (B). The approved LCAP template requires data within the plan to be consistent with data within the SARC where appropriate. Given this requirement, the 2013–14 proposed SARC template has been reformatted to align with the SBE adopted LCAP template. Attachment 1 outlines the eight state priority areas and whether or not the data are included in the proposed 2013–14 SARC template.

   The SARC was first established in 1988 and additional data elements have been legislated over time. While the SARC does have overlap with the state priorities as can be seen in Attachment 1, there are elements of importance to the state priorities that are not required SARC elements, and there are also required SARC data that are not
included in the state priorities established by the Local Control Funding Formula (LCFF) legislation.

2. Update to the Academic Assessment Tables

California EC Section 60640 authorized the replacement of the Standardized Testing and Reporting (STAR) Program with a new assessment program, referred to as the CAASPP. On March 7, 2014, the U.S Department of Education (ED) approved California’s waiver request for flexibility in assessment and accountability provisions of Title I of the Elementary and Secondary Education Act (ESEA). As a result, the assessment tables in the SARC template have been modified as follows:

- The three-year assessment comparisons for the school, district, and state for English-language arts, mathematics, and history-social science are displayed in a table that includes only STAR results (2010–11, 2011–12, and 2012–13).

- The three-year assessment comparisons for the school, district, and state for science are displayed in a table that includes both STAR results (2011–12 and 2012–13) and CAASPP results (2013–14) given it is currently appropriate to make comparisons across the assessment systems for science.

- The current year (2013–14) assessment information by student group table displays CAASPP data.

3. Update to the State and Federal Accountability Tables

On March 7, 2014, the ED approved California’s request for flexibility in assessment administration submitted as a waiver of Title I of the ESEA. The flexibility allows the CDE to refrain from making AYP determinations for schools and local educational agencies (LEAs) participating in the 2013–14 Smarter Balanced Field Test (exclusive of high schools and high school districts). The CDE will continue to make Adequate Yearly Progress (AYP) determinations for high schools serving only students in grades nine through twelve.

Additionally, the SBE approved changes to the state accountability reporting requirements at its March 2014 meeting. The SBE approved not to calculate the 2014 Growth and Base Academic Performance Indexes (APIs), and 2015 Growth APIs.

The accountability tables in the SARC template have been updated to reflect the state and federal accountability changes as follows:


- The 2013–14 AYP table displays data for high schools serving only students in grades nine through twelve and high school districts.
4. Expand Suspensions and Expulsions Reporting

The CDE revised the Suspensions and Expulsions Table to include a three-year state rate comparison. Unlike in previous years, the CDE will now provide these data.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2013, the SBE approved the 2012–13 SARC template that was used for SARCs published during the 2013–14 school year. The CDE proposed several options to improve the usability and readability of the SARC. These options included modifying the SARC format, which included how the data elements were displayed and the order in which data elements appeared in the template. These changes were intended to provide parents and members of the public with additional information, to assist in their understanding of the SARC, and to facilitate comparisons between school and LEA-level test results.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved by the SBE, the recommended action will result in ongoing costs to the CDE to prepare and publish the SARC. All costs associated with the preparation of the SARCs are included in the CDE’s Analysis, Measurement, and Accountability Reporting Division budget. No additional costs would be imposed on LEAs and schools as a result of approving the SARC template.

The costs of maintaining the Web-based application are contained in an existing contract with the San Joaquin County Office of Education (COE).

ATTACHMENT(S)

Attachment 1: The Alignment between the Eight State Priority Areas and the School Accountability Report Card (2 pages)

The Alignment between the Eight State Priority Areas and the School Accountability Report Card

<table>
<thead>
<tr>
<th>Local Control Funding Formula Requirements</th>
<th>Data Required in the 2013-14 SARC (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Conditions of Learning</strong></td>
<td></td>
</tr>
<tr>
<td>Basic (Priority 1)</td>
<td></td>
</tr>
<tr>
<td>Degree to which teachers are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching <em>(Education Code [EC] Section 52060 [d][1])</em></td>
<td>Yes</td>
</tr>
<tr>
<td>Pupils have access to standards-aligned instructional materials <em>(EC Section 52060 [d][1])</em></td>
<td>Yes</td>
</tr>
<tr>
<td>School facilities are maintained in good repair <em>(EC Section 52060 [d][1])</em></td>
<td>Yes</td>
</tr>
<tr>
<td>Implementation of State Standards (Priority 2)</td>
<td></td>
</tr>
<tr>
<td>Implementation of academic content and performance standards adopted by the state board for all students, including English language development standards for English learners <em>(EC Section 52060 [d][2])</em></td>
<td>No</td>
</tr>
<tr>
<td>Course Access (Priority 7)</td>
<td></td>
</tr>
<tr>
<td>Pupils have access to and are enrolled in a broad course of study that includes all subject areas <em>(EC Section 52060 [d][7])</em></td>
<td>No</td>
</tr>
<tr>
<td><strong>B. Pupil Outcomes</strong></td>
<td></td>
</tr>
<tr>
<td>Pupil Achievement (Priority 4)</td>
<td></td>
</tr>
<tr>
<td>Statewide assessments (e.g., California Assessment of Student Performance and Progress) <em>(EC Section 52060 [d][4][A])</em></td>
<td>Yes</td>
</tr>
<tr>
<td>The Academic Performance Index <em>(EC Section 52060 [d][4][B])</em></td>
<td>Yes</td>
</tr>
<tr>
<td>The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study <em>(EC Section 52060 [d][4][C])</em></td>
<td>Yes</td>
</tr>
<tr>
<td>The percentage of English learners who make progress toward English proficiency (i.e., California English Language Development Test) <em>(EC Section 52060 [d][4][D])</em></td>
<td>No</td>
</tr>
<tr>
<td>The English learner reclassification rate <em>(EC Section 52060 [d][4][E])</em></td>
<td>No</td>
</tr>
</tbody>
</table>

1 Priority 9 (expelled pupils) and Priority 10 (foster youth) are only applicable to county office of education, and therefore are not included in this table.
### Local Control Funding Formula Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Data Required in the 2013-14 SARC (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher (EC Section 52060 [d][4][F])</td>
<td>No</td>
</tr>
<tr>
<td>The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program (EC Section 52060 [d][4][G])</td>
<td>No</td>
</tr>
<tr>
<td>Pupil outcomes in subject areas such as English, mathematics, social sciences, science, visual and performing arts, health, physical education, career technical education, and other studies prescribed by the governing board (EC Section 52060 [d][8])</td>
<td>Yes²</td>
</tr>
<tr>
<td><strong>C. Engagement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Parental Involvement</strong> (Priority 3)</td>
<td></td>
</tr>
<tr>
<td>Efforts the school district makes to seek parent input in making decisions for the school district and each schoolsite (EC Section 52060 [d][3])</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Pupil Engagement</strong> (Priority 5)</td>
<td></td>
</tr>
<tr>
<td>School attendance rates (EC Section 52060 [d][5][A])</td>
<td>No</td>
</tr>
<tr>
<td>Chronic absenteeism rates (EC Section 52060 [d][5][B])</td>
<td>No</td>
</tr>
<tr>
<td>Middle school dropout rates (EC Section 52060 [d][5][C])</td>
<td>No</td>
</tr>
<tr>
<td>High school dropout rates (EC Section 52060 [d][5][D])</td>
<td>Yes</td>
</tr>
<tr>
<td>High school graduation rates (EC Section 52060 [d][5][E])</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>School Climate</strong> (Priority 6)</td>
<td></td>
</tr>
<tr>
<td>Pupil suspension rates (EC Section 52060 [d][6][A])</td>
<td>Yes</td>
</tr>
<tr>
<td>Pupil expulsion rates (EC Section 52060 [d][6][B])</td>
<td>Yes</td>
</tr>
<tr>
<td>Other local measures including surveys of students, parents, and teachers on the sense of safety and school connectedness (EC Section 52060 [d][6][C])</td>
<td>Yes³</td>
</tr>
</tbody>
</table>

² English, mathematics, and physical education are the only subject areas included in Other Pupil Outcomes (Priority 8) that are reflected in the 2013–14 SARC template.

³ School safety plan is the only other local measure of School Climate (Priority 6) that is reflected in the 2013–14 SARC template.
2013–14
School Accountability Report Card Template
(Word Version)

(To be used to meet the state reporting requirement by February 1, 2015)

Prepared by:
California Department of Education
Analysis, Measurement, and Accountability Reporting Division

Posted to the CDE Web site:
September XX, 2014

Contact:
SARC Team
916-319-0406
sarc@cde.ca.gov

Important!
Please delete this page before using the SARC template
Every school in California is required by state law to publish a School Accountability Report Card (SARC), by February 1 of each year. The SARC contains information about the condition and performance of each California public school. Under the Local Control Funding Formula (LCFF) all local educational agencies (LEAs) are required to prepare a Local Control Accountability Plan (LCAP), which describes how they intend to meet annual school-specific goals for all pupils, with specific activities to address state and local priorities. Additionally, data reported in an LCAP is to be consistent with data reported in the SARC.

➢ For more information about SARC requirements, see the California Department of Education (CDE) SARC Web page at http://www.cde.ca.gov/ta/ac/sa/.

➢ View this SARC online at the school and/or LEA Web sites.

➢ For more information about the LCFF or LCAP, see the CDE LCFF Web page at http://www.cde.ca.gov/fg/aa/lc/.

➢ For additional information about the school, parents and community members should contact the school principal or the district office.

Throughout this document the letters DPL mean data provided by the LEA, and the letters DPC mean data provided by the CDE.
About This School

District Contact Information – Most Recent Year

<table>
<thead>
<tr>
<th>District Name</th>
<th>DPC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number</td>
<td>DPC</td>
</tr>
<tr>
<td>Superintendent</td>
<td>DPC</td>
</tr>
<tr>
<td>E-mail Address</td>
<td>DPC</td>
</tr>
<tr>
<td>Web Site</td>
<td>DPC</td>
</tr>
</tbody>
</table>

School Contact Information – Most Recent Year

<table>
<thead>
<tr>
<th>School Name</th>
<th>DPC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>DPC</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>DPC</td>
</tr>
<tr>
<td>Phone Number</td>
<td>DPC</td>
</tr>
<tr>
<td>Principal</td>
<td>DPC</td>
</tr>
<tr>
<td>E-mail Address</td>
<td>DPC</td>
</tr>
<tr>
<td>Web Site</td>
<td>DPC</td>
</tr>
<tr>
<td>County-District-School (CDS) Code</td>
<td>DPC</td>
</tr>
</tbody>
</table>

School Description and Mission Statement – Most Recent Year

Narrative provided by the LEA

Use this space to provide information about the school, its program, and its goals.

Student Enrollment by Grade Level (School Year 2013–14)

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Number of Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 1</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 2</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 3</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 4</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 5</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 6</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 7</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 8</td>
<td>DPC</td>
</tr>
<tr>
<td>Ungraded Elementary</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 9</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 10</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 11</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 12</td>
<td>DPC</td>
</tr>
<tr>
<td>Ungraded Secondary</td>
<td>DPC</td>
</tr>
<tr>
<td>Total Enrollment</td>
<td>DPC</td>
</tr>
</tbody>
</table>
### Student Enrollment by Student Group (School Year 2013–14)

<table>
<thead>
<tr>
<th>Group</th>
<th>Percent of Total Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black or African American</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
</tr>
<tr>
<td>Asian</td>
<td>DPC</td>
</tr>
<tr>
<td>Filipino</td>
<td>DPC</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>DPC</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>DPC</td>
</tr>
<tr>
<td>White</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
</tr>
</tbody>
</table>

### A. Conditions of Learning

**State Priority: Basic**

The SARC provides the following information relevant to the Basic State Priority (Priority 1):

- Degree to which teachers are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching;
- Pupils have access to standards-aligned instructional materials; and
- School facilities are maintained in good repair.

### Teacher Credentials

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>With Full Credential</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Without Full Credential</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Teaching Outside Subject Area of Competence</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>(with full credential)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Teacher Misassignments and Vacant Teacher Positions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Misassignments of Teachers of English Learners</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Total Teacher Misassignments</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Vacant Teacher Positions</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
</tbody>
</table>

*Note: “Misassignments” refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.

*Total Teacher Misassignments includes the number of Misassignments of Teachers of English Learners.*
Core Academic Classes Taught by Highly Qualified Teachers (School Year 2013–14)

<table>
<thead>
<tr>
<th>Location of Classes</th>
<th>Percent of Classes In Core Academic Subjects Taught by Highly Qualified Teachers</th>
<th>Percent of Classes In Core Academic Subjects Not Taught by Highly Qualified Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>This School</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>All Schools in District</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>High-Poverty Schools in District</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Low-Poverty Schools in District</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: High-poverty schools are defined as those schools with student eligibility of approximately 40 percent or more in the free and reduced price meals program. Low-poverty schools are those with student eligibility of approximately 39 percent or less in the free and reduced price meals program.

Quality, Currency, Availability of Textbooks and Instructional Materials – Most Recent Year

**Year and month in which data were collected:** Data provided by the LEA

<table>
<thead>
<tr>
<th>Subject</th>
<th>Textbooks and Instructional Materials/year of Adoption</th>
<th>From Most Recent Adoption?</th>
<th>Percent Students Lacking Own Assigned Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading/Language Arts</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Mathematics</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Science</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>History-Social Science</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Foreign Language</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Health</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Visual and Performing Arts</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Science Laboratory Equipment (grades 9-12)</td>
<td>N/A</td>
<td>N/A</td>
<td>DPL</td>
</tr>
</tbody>
</table>

School Facility Conditions and Planned Improvements – Most Recent Year

**Narrative provided by the LEA**

Using the most recent Facility Inspection Tool (FIT) data (or equivalent) provide the following:

- Description of the safety, cleanliness, and adequacy of the school facility
- Description of any planned or recently completed facility improvements
- Description of any needed maintenance to ensure good repair
School Facility Good Repair Status – Most Recent Year

Using the most recent FIT data (or equivalent), provide the following:

- Determination of repair status for systems listed
- Description of any needed maintenance to ensure good repair
- The year and month in which the data were collected
- The overall rating

<table>
<thead>
<tr>
<th>System Inspected</th>
<th>Repair Needed and Action Taken or Planned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Good</td>
</tr>
<tr>
<td>Systems: Gas Leaks, Mechanical/HVAC, Sewer</td>
<td>DPL</td>
</tr>
<tr>
<td>Interior: Interior Surfaces</td>
<td>DPL</td>
</tr>
<tr>
<td>Cleanliness: Overall Cleanliness, Pest/ Vermin Infestation</td>
<td>DPL</td>
</tr>
<tr>
<td>Electrical: Electrical</td>
<td>DPL</td>
</tr>
<tr>
<td>Restrooms/Fountains: Restrooms, Sinks/ Fountains</td>
<td>DPL</td>
</tr>
<tr>
<td>Safety: Fire Safety, Hazardous Materials</td>
<td>DPL</td>
</tr>
<tr>
<td>Structural: Structural Damage, Roofs</td>
<td>DPL</td>
</tr>
<tr>
<td>External: Playground/School Grounds, Windows/ Doors/Gates/Fences</td>
<td>DPL</td>
</tr>
</tbody>
</table>

Overall Facility Rate – Most Recent Year

<table>
<thead>
<tr>
<th>Overall Rating</th>
<th>Exemplary</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
</tbody>
</table>

B. Pupil Outcomes

State Priority: Pupil Achievement

The SARC provides the following information relevant to the Pupil Achievement State Priority (Priority 4):

- Statewide assessments (i.e., California Assessment of Student Performance and Progress and its successor the Standardized Testing and Reporting Program);
- The Academic Performance Index; and
- The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study.
### California Assessment of Student Performance and Progress/ Standardized Testing and Reporting Results for All Students In Science – Three-Year Comparison

<table>
<thead>
<tr>
<th>Subject</th>
<th>Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Science (grades 5, 8, and 10)</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Science assessments include California Standards Tests (CSTs), California Modified Assessment (CMA), and California Alternate Performance Assessment (CAPA).

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

### California Assessment of Student Performance and Progress Results by Student Group In Science (School Year 2013–14)

<table>
<thead>
<tr>
<th>Group</th>
<th>Percent of Students Scoring at Proficient or Advanced</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students in the LEA</td>
<td>DPC</td>
</tr>
<tr>
<td>All Students at the School</td>
<td>DPC</td>
</tr>
<tr>
<td>Male</td>
<td>DPC</td>
</tr>
<tr>
<td>Female</td>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
</tr>
<tr>
<td>Asian</td>
<td>DPC</td>
</tr>
<tr>
<td>Filipino</td>
<td>DPC</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>DPC</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>DPC</td>
</tr>
<tr>
<td>White</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
</tr>
<tr>
<td>Students Receiving Migrant Education Services</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: CAASPP includes science assessments (CSTs, CMA, and CAPA) in grades 5, 8, and 10.

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.
# Standardized Testing and Reporting Results for All Students – Three-Year Comparison

<table>
<thead>
<tr>
<th>Subject</th>
<th>Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>English-Language Arts</td>
<td>DPC</td>
</tr>
<tr>
<td>Mathematics</td>
<td>DPC</td>
</tr>
<tr>
<td>History-Social Science</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: STAR Program was last administered in 2012–13. Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

# Academic Performance Index Ranks – Three-Year Comparison

<table>
<thead>
<tr>
<th>API Rank</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Similar Schools</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: For 2014 and subsequent years, the statewide and similar schools ranks will no longer be produced.

# Academic Performance Index Growth by Student Group – Three-Year Comparison

<table>
<thead>
<tr>
<th>Group</th>
<th>Actual API Change 2010–11</th>
<th>Actual API Change 2011–12</th>
<th>Actual API Change 2012–13</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students at the School</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Asian</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Filipino</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>White</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: "N/D" means that no data were available to the CDE or LEA to report. "B" means the school did not have a valid API Base and there is no Growth or target information. "C" means the school had significant demographic changes and there is no Growth or target information.
Career Technical Education Programs (School Year 2013–14)

Narrative provided by the LEA

Use this space to provide information about Career Technical Education (CTE) programs including:

- Programs and classes offered that are specifically focused on career preparation and or preparation for work
- How these programs and classes are integrated with academic courses and how they support academic achievement
- How the school addresses the needs of all students in career preparation and/or preparation for work, including needs unique to defined special populations of students
- The measurable outcomes of these programs and classes, and how they are evaluated
- State the primary representative of the district’s CTE advisory committee and the industries represented on the committee

Career Technical Education Participation (School Year 2013–14)

<table>
<thead>
<tr>
<th>Measure</th>
<th>CTE Program Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of pupils participating in CTE</td>
<td>DPL</td>
</tr>
<tr>
<td>Percent of pupils completing a CTE program and earning a high school diploma</td>
<td>DPL</td>
</tr>
<tr>
<td>Percent of CTE courses sequenced or articulated between the school and institutions of postsecondary education</td>
<td>DPL</td>
</tr>
</tbody>
</table>

Courses for University of California and/or California State University Admission

<table>
<thead>
<tr>
<th>UC/CSU Course Measure</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–14 Students Enrolled in Courses Required for UC/CSU Admission</td>
<td>DPC</td>
</tr>
<tr>
<td>2012–13 Graduates Who Completed All Courses Required for UC/CSU Admission</td>
<td>DPC</td>
</tr>
</tbody>
</table>

State Priority: Other Pupil Outcome

The SARC provides the following information relevant to the Other Pupil Outcomes State Priority (Priority 8):

- Pupil outcomes in the subject areas of English, mathematics, and physical education.
# California High School Exit Examination Results for All Grade Ten Students – Three-Year Comparison (if applicable)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Percent of Students Scoring at Proficient or Advanced</th>
</tr>
</thead>
<tbody>
<tr>
<td>English-Language Arts</td>
<td>DPC</td>
</tr>
<tr>
<td>Mathematics</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

# California High School Exit Examination Grade Ten Results by Student Group (School Year 2013–14) (if applicable)

<table>
<thead>
<tr>
<th>Group</th>
<th>English-Language Arts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent Not Proficient</td>
</tr>
<tr>
<td>All Students in the LEA</td>
<td>DPC</td>
</tr>
<tr>
<td>All Students at the School</td>
<td>DPC</td>
</tr>
<tr>
<td>Male</td>
<td>DPC</td>
</tr>
<tr>
<td>Female</td>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
</tr>
<tr>
<td>Asian</td>
<td>DPC</td>
</tr>
<tr>
<td>Filipino</td>
<td>DPC</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>DPC</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>DPC</td>
</tr>
<tr>
<td>White</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
</tr>
<tr>
<td>Students Receiving Migrant Education Services</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.
California Physical Fitness Test Results (School Year 2013–14)

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Percent of Students Meeting Four of Six Fitness Standards</th>
<th>Percent of Students Meeting Five of Six Fitness Standards</th>
<th>Percent of Students Meeting Six of Six Fitness Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>7</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>9</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

C. Engagement

State Priority: Parental Involvement

The SARC provides the following information relevant to the Parental Involvement State Priority (Priority 3):

- Efforts the school district makes to seek parent input in making decisions for the school district and each schoolsite.

Opportunities for Parental Involvement – Most Recent Year

Narrative provided by the LEA

Use this space to provide information on how parents can become involved in school activities, including contact information pertaining to organized opportunities for parent involvement.

State Priority: Pupil Engagement

The SARC provides the following information relevant to the Pupil Engagement State Priority (Priority 5):

- High school dropout rates; and
- High school graduation rates.

Dropout Rate and Graduation Rate (Four-Year Cohort Rate)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dropout Rate</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Graduation Rate</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>
Completion of High School Graduation Requirements – Graduating Class of 2013

<table>
<thead>
<tr>
<th>Group</th>
<th>School</th>
<th>District</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Asian</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Filipino</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>White</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>English Learners</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

State Priority: School Climate

The SARC provides the following information relevant to the School Climate State Priority (Priority 6):

- Pupil suspension rates;
- Pupil expulsion rates; and
- Other local measures on the sense of safety.

Suspensions and Expulsions

<table>
<thead>
<tr>
<th>Rate</th>
<th>School</th>
<th>District</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspensions</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Expulsions</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

School Safety Plan – Most Recent Year

*Narrative provided by the LEA*

Use this space to provide information about the school’s comprehensive safety plan, including the dates on which the safety plan was last reviewed, updated, and discussed with faculty and a student representative; as well as a brief description of the key elements of the plan.

D. Other SARC Information

The information in this section is required to be in the SARC but is not included in the state priorities for LCFF.
### Adequate Yearly Progress Overall and by Criteria (School Year 2013–14)

<table>
<thead>
<tr>
<th>AYP Criteria</th>
<th>School</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Made AYP Overall</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Met Participation Rate - English-Language Arts</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Met Participation Rate - Mathematics</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Met Percent Proficient - English-Language Arts</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Met Percent Proficient - Mathematics</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Met API Criteria</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Met Graduation Rate</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

### Federal Intervention Program (School Year 2014–15)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>School</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Improvement Status</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>First Year of Program Improvement</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Year in Program Improvement</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Number of Schools Currently in Program Improvement</td>
<td>N/A</td>
<td>DPC</td>
</tr>
<tr>
<td>Percent of Schools Currently in Program Improvement</td>
<td>N/A</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Cells with NA values do not require data.

### Average Class Size and Class Size Distribution (Elementary)

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Avg. Class Size</th>
<th>2011–12 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2012–13 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2013–14 Number of Classes*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1-20</td>
<td>21-32</td>
<td>33+</td>
<td>1-20</td>
<td>21-32</td>
</tr>
<tr>
<td>K</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>1</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>2</td>
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<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>3</td>
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<td>DPC</td>
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<tr>
<td>4</td>
<td>DPC</td>
<td>DPC</td>
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<td>DPC</td>
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<tr>
<td>5</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>6</td>
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<td>DPC</td>
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</tr>
<tr>
<td>Other</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

* Number of classes indicates how many classes fall into each size category (a range of total students per class).

### Average Class Size and Class Size Distribution (Secondary)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1-22</td>
<td>23-32</td>
<td>33+</td>
<td>1-22</td>
<td>23-32</td>
</tr>
<tr>
<td>English</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Mathematics</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Science</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Social Science</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

* Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.
### Academic Counselors and Other Support Staff (School Year 2013–14)

<table>
<thead>
<tr>
<th>Title</th>
<th>Number of FTE* Assigned to School</th>
<th>Average Number of Students per Academic Counselor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Counselor</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>Counselor (Social/Behavioral or Career Development)</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Library Media Teacher (librarian)</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Library Media Services Staff (paraprofessional)</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Psychologist</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Social Worker</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Nurse</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Speech/Language/Hearing Specialist</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Resource Specialist (non-teaching)</td>
<td>DPL</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>DPL</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Note: Cells with N/A values do not require data.

* One Full Time Equivalent (FTE) equals one staff member working full time; one FTE could also represent two staff members who each work 50 percent of full time.

### Expenditures Per Pupil and School Site Teacher Salaries (Fiscal Year 2012–13)

<table>
<thead>
<tr>
<th>Level</th>
<th>Total Expenditures Per Pupil</th>
<th>Expenditures Per Pupil (Supplemental/Restricted)</th>
<th>Expenditures Per Pupil (Basic/Unrestricted)</th>
<th>Average Teacher Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Site</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>District</td>
<td>N/A</td>
<td>N/A</td>
<td>DPL</td>
<td>DPC</td>
</tr>
<tr>
<td>Percent Difference – School Site and District</td>
<td>N/A</td>
<td>N/A</td>
<td>DPL</td>
<td>DPL</td>
</tr>
<tr>
<td>State</td>
<td>N/A</td>
<td>N/A</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Cells with N/A values do not require data.

### Types of Services Funded (Fiscal Year 2013–14)

**Narrative provided by the LEA**

Provide specific information about the types of programs and services available at the school that support and assist students. For example, this narrative may include information about supplemental educational services related to the school’s federal Program Improvement (PI) status.
### Teacher and Administrative Salaries (Fiscal Year 2012–13)

<table>
<thead>
<tr>
<th>Category</th>
<th>District Amount</th>
<th>State Average For Districts In Same Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Teacher Salary</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Mid-Range Teacher Salary</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Highest Teacher Salary</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Average Principal Salary (Elementary)</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Average Principal Salary (Middle)</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Average Principal Salary (High)</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Superintendent Salary</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Percent of Budget for Teacher Salaries</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Percent of Budget for Administrative Salaries</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

For detailed information on salaries, see the CDE Certificated Salaries & Benefits Web page at [http://www.cde.ca.gov/ds/fd/cs/](http://www.cde.ca.gov/ds/fd/cs/).

### Advanced Placement Courses (School Year 2013–14)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Number of AP Courses Offered*</th>
<th>Percent of Students In AP Courses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Science</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>English</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>Fine and Performing Arts</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>Foreign Language</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>Mathematics</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>Science</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>Social Science</td>
<td>DPC</td>
<td>N/A</td>
</tr>
<tr>
<td>All courses</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Cells with N/A values do not require data.

* Where there are student course enrollments.

### Professional Development – Most Recent Three-Years

**Narrative provided by the LEA**

Use this space to share information on the number of days provided for professional development and continuous professional growth in the most recent three year period. Questions that may be answered include:

- What are the primary/major areas of focus for staff development and specifically how were they selected? For example, was student achievement data used to determine the need for professional development in reading instruction?
- What are the methods by which professional development is delivered (e.g., after school workshops, conference attendance, individual mentoring, etc.)?
- How are teachers supported during implementation (e.g., through in-class coaching, teacher-principal meetings, student performance data reporting, etc.)?
## SUBJECT

Update on the National Center and State Collaborative Alternate Assessment, Including, but not Limited to, the Phase I Pilot Administration.

### SUMMARY OF THE ISSUE(S)

The National Center and State Collaborative (NCSC) project is funded through the General Supervision Enhancement Grants (GSEG), a research and development grant provided by the Office of Special Education Programs (OSEP), U.S. Department of Education (ED). One of the goals of the NCSC grant is to develop alternate assessments for English–language arts (ELA) and mathematics based on alternate achievement standards (AA-AAS) aligned to the Common Core State Standards. The NCSC project is led by five centers and 26 states, including California, with the goal of ensuring that students with significant cognitive disabilities achieve increasingly higher academic outcomes and leave high school ready for post-secondary options.

From December 2013 to May 2014, the California Department of Education (CDE), Assessment Development and Administration Division (ADAD) has provided information about the NCSC Phase I Pilot assessment activities. Prior to that, the Special Education Division (SED) updated the State Board of Education (SBE) on the development of the curriculum and instruction and professional development components of the NCSC. Additionally, ADAD and SED collaborated on communications and provided support to the field during the Phase I Pilot conducted in spring 2014. Attachment 1 provides a chronology of key activities for the NCSC alternate assessment.

This item provides an update on the NCSC Phase I Pilot testing in California and examines possible next steps for the state’s alternate assessments.

### RECOMMENDATION

The CDE recommends that the SBE endorse the CDE’s proposed plan for a full (100% of eligible students) participating field test in spring 2015 using the assessment developed through the NCSC consortium.
BRIEF HISTORY OF KEY ISSUES

Phase I Pilot

The pilot testing concluded on May 23, 2014 with approximately 5,161 students participating across 16 states and territories. California had 1,615 students participate, 31.3% of the population tested. The CDE is surveying Local Educational Agencies (LEAs). An update on the survey results will be provided when available.

Although consortium participation was lower than anticipated, there were sufficient numbers of tests completed to yield data for preliminary item analyses according to the test contractor. A writing study was conducted with a small sample of sites, including some in California, and this information will assist in preparing the writing items for the pilot testing this fall. Further, this first pilot allowed for trying out the training modules and the Test Administration Portal (TAP). The feedback from states and LEAs will help NCSC improve these resources and tools before the Phase II Pilot commences this fall which will provide an opportunity to test and analyze additional items and processes prior to the operational assessment in spring 2015.

NCSC communicated in late February that development and implementation issues were occurring which delayed the start of the pilot test window from February to April 14, 2014. This adjustment in turn created test administration scheduling conflicts for California LEAs that were also engaged in the Smarter Balanced field test and the California Alternate Performance Assessment (CAPA) administration. Additionally, California and other states experienced several challenges during the Phase I Pilot testing including delays in NCSC deliverables and technical difficulties during testing.

As referenced in Attachment 1, the CDE launched a series of communications with LEAs regarding the NCSC pilot. In response to these challenges, the ADAD conducted a call campaign to recruit and encourage participation in the pilot, provided communications to inform LEAs about the change, and provided extensive help desk support (e.g., set up passwords and add test administrators to the system). The CDE worked directly with the NCSC test contractor to re-enroll districts that had been registered in the system, but somehow did not get added into the online system. The CDE was aware of the LEAs that withdrew from the pilot and conducted follow-up calls two weeks before the test window closed to ascertain why LEAs had no activity in the TAP. A summary of the reasons are provided in Attachment 2.

Remaining Tasks

Under the OSEP grant, the NCSC project has several remaining tasks. This summer, the contractors are updating the online training materials, the test directions, and the TAP in preparation for the Phase II Pilot that is scheduled for October 20 through November 14, 2014. Phase II will provide an analysis of the testing platform, administration materials, and further assessment of the item development. Registration for the second pilot test will occur in September 2014. The sampling frame is anticipated to be about 1,500 students per grade and content area. The first full administration of the alternate assessment is scheduled for spring of 2015.
Participating Cost

In March 2014, the NCSC consortium voted for a 50/50 cost model for the 2015 administration of the alternate assessment, which is comprised of a fixed rate for each state (states' share of cost) and a variable per pupil rate based on the number of students tested (e.g., if 15 states with a total of 49,729 students participate, the fixed cost is $14,252 and the per pupil estimate would be $4.30). The test administration cost will increase or decrease depending on the total number of states participating and total number of students tested. NCSC has requested states to declare, by mid-July, whether they will be participating in the 2015 spring administration as an operational (scores counted for accountability purposes) or field test (testing the test).

It is important to note that the cost of the spring 2015 alternate test is partially subsidized by the NCSC grant and does not include the full cost to administer the alternate assessments in subsequent years after the grant concludes. Therefore, states participating in the NCSC spring 2015 assessment will be responsible for costs related to:

- hardware and assorted peripherals (e.g., mouse or keyboard) at the state and LEA levels;
- monitoring of testing irregularities and providing needed interventions;
- preparation of any hard copy versions, enhanced protocols for manipulatives or interpreters, embossing for vision, etc. (NCSC would provide templates or downloadable materials at cost); and
- the ELA writing portion requires states to audit 20 percent of teacher open-response scoring to ensure the writing rubric is applied consistently from one examiner to another (i.e., to maintain inter-rater reliability).

Currently, an option for states is to participate in the spring 2015 administration as a field test. The CDE recommends the use the 2015 administration of NCSC to field test all eligible students, as we did in the spring 2014 Smarter Balanced field test. NCSC has indicated that California's field test data would not be included in the NCSC achievement level setting process. Therefore, California would conduct its own achievement level setting and psychometric analyses to determine the validity and reliability of the alternate assessment. For the spring 2015 field test administration, the CDE would apply for a waiver from the ED in order to eliminate double testing for this student population.

Governance

Participation in the future multistate post-grant governance will allow member states to contribute to the achievement level setting process, ongoing item development and reviews, and scoring and range finding activities for the writing portion of the assessment.

Since September 2013, member states have held conference calls to discuss governance. A chronology of key activities related to the NCSC assessment is provided in Attachment 1. The CDE has participated in weekly calls related to a post-grant,
multistate governance structure to administer the NCSC alternate assessments in 2015–16 and beyond. The CDE will continue to monitor the developments of a post-grant governance structure and provide updates to the board as needed.

Next Steps

To ensure that California has a valid and reliable alternate assessment for eligible students with significant cognitive disabilities, the CDE recommends that California participate in the NCSC Phase II Pilot and utilize the spring 2015 administration as a full participating field test. Additionally, the CDE recommends that the SBE authorize the CDE to request a waiver of the Elementary and Secondary Education Act (ESEA) requirement to eliminate double-testing of eligible students in spring 2015. Current legislation, Assembly Bill 2057 (Bonilla), addresses double-testing and provides for a field test of an alternate assessment for all eligible students with significant cognitive disabilities. The administration of the science portion of the CAPA will continue to be required according to current Education Code and until a successor alternate science assessment is developed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2014, the CDE advised the SBE about the challenges created by the shift in the testing window, contractor delays of important deliverables, and the sluggish system. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item03.doc)

In March 2014, the CDE informed the SBE that school registration was extended to February 7. The CDE also advised the SBE that the NCSC project will be conducting a Phase II Pilot in the fall and an operational assessment in spring 2015 under the current grant. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item13.doc)

In January 2014, the CDE provided an update on its outreach and communication efforts to recruit LEAs to voluntarily participate in the NCSC pilot test and that the school registration would conclude at the end of January. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item04.doc)

In December 2013, the CDE provided general information about the alternate assessment pilot test, such as the content and grade spans to be assessed which mirror the Smarter Balanced content and grade spans. Students eligible to participate in the NCSC pilot also had to take the CAPA in grades two–eleven. (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-dec13item02.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

The NCSC alternate assessment project is funded by a GSEG grant from the ED. The 2014 Pilot II is at no cost to the state; the 2015 assessment is subsidized by the grant with a share of cost paid by the state. California is working with NCSC to determine its share of the cost for a full participation field test. In 2014–15, the California Assessment of Student Performance and Progress assessment budget contains $2,204,000 for
CAPA testing. It is anticipated these funds would be used to cover the costs associated with item analysis, psychometrics, and achievement level setting using the 2015 alternate assessment field test data.

ATTACHMENT(S)

Attachment 1: Chronology of Key Activities for the National Center and State Collaborative Alternate Assessment (2 Pages)

Attachment 2: Reasons Local Educational Agencies Cancelled Participation in NCSC Pilot (1 Page)
## Chronology of Key Activities for the National Center and State Collaborative Alternate Assessment

The following is a timeline of key National Center and State Collaborative (NCSC) activities and California’s involvement.

<table>
<thead>
<tr>
<th>Date(s)</th>
<th>Key Activities</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2011</td>
<td>NCSC Awarded General Supervision Enhancement Grant (GSEG) from OSEP</td>
<td>NCSC</td>
</tr>
<tr>
<td>September 1, 2012</td>
<td>California Joined NCSC Consortium as a Tier II State</td>
<td>SED</td>
</tr>
<tr>
<td>June–August 2013</td>
<td>NCSC Grant Item Review</td>
<td>ADAD/SED/LEA representatives</td>
</tr>
<tr>
<td>September 16–18, 2013</td>
<td>Governance Meeting - Indianapolis</td>
<td>ADAD/SED</td>
</tr>
<tr>
<td>October 30, 2013 January 9, 2014 March 5, 2014 May 1, 2014</td>
<td>Presentation to Advisory Commission on Special Education: Assessment Update on NCSC pilot activities</td>
<td>ADAD/DSIB</td>
</tr>
<tr>
<td>November 22, 2013</td>
<td>Letter to LEAs, Assessing Students With Significant Cognitive Disabilities: CAPA and NCSC</td>
<td>ADAD/SED</td>
</tr>
<tr>
<td>November 25, 2013</td>
<td>Letter to local educational agencies (LEAs) for Schools to register students to participate in NCSC alternate assessments based on AA-AAS Pilot Phase I</td>
<td>ADAD</td>
</tr>
<tr>
<td>November 25, 2013–February 7, 2014</td>
<td>School Registration was Open for voluntary participation in NCSC AA-AAS Phase I Pilot</td>
<td>LEA and School Coordinators/ADAD</td>
</tr>
<tr>
<td>January 2014</td>
<td>Recruitment efforts and call campaign conducted to encourage LEA participation in Phase I Pilot</td>
<td>ADAD</td>
</tr>
<tr>
<td>February 7, 2014</td>
<td>School Registration closes</td>
<td>NCSC</td>
</tr>
<tr>
<td>February 2014</td>
<td>Notice to states that the Phase I Pilot window would be delayed</td>
<td>NCSC</td>
</tr>
<tr>
<td>March 11, 2014</td>
<td>Student registration completed</td>
<td>ADAD</td>
</tr>
<tr>
<td>March 17, 2014</td>
<td>Test Administration Manual (TAM) Released to LEAs</td>
<td>ADAD</td>
</tr>
<tr>
<td>Date(s)</td>
<td>Key Activities</td>
<td>Staff</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>March 18, 2014</td>
<td>Letter to LEAs participating in Phase I Pilot</td>
<td>ADAD</td>
</tr>
<tr>
<td>March 26, 2014</td>
<td>Learning Management System (LMS) Opened so test administrators and coordinators can participate in test administration professional development via online platform</td>
<td>NCSC</td>
</tr>
<tr>
<td>April 3, 2014</td>
<td>Family Educational Rights and Privacy Act agreement in place between California Department of Education and CTB/McGraw-Hill</td>
<td>ADAD/Legal</td>
</tr>
<tr>
<td>April 14, 2014</td>
<td>Test Administration Portal (TAP) Opens so test coordinators and test administrators can view sample test items, enter student learning characteristics and student response check mode</td>
<td>NCSC</td>
</tr>
<tr>
<td>April 14–May 23, 2014</td>
<td>Phase I Pilot Test Window Opens so test administrators who have completed the on-line training can access the site and administer the Phase I Pilot test to students with significant cognitive disabilities</td>
<td>NCSC</td>
</tr>
<tr>
<td>April 24, 2014</td>
<td>TAM Addendum Released with special directions for administration to students who are deaf, blind, or deaf and blind, provided upon request</td>
<td>ADAD</td>
</tr>
<tr>
<td>July 2014</td>
<td>States are asked to commit to participate in Pilot II in the fall and the assessment in spring 2015</td>
<td>CDE</td>
</tr>
<tr>
<td>May 2014</td>
<td>NCSC Phase I Pilot News Flashes: #1 Slow system performance #2 Resolution to the system performance issues #3 End of pilot survey</td>
<td>ADAD</td>
</tr>
<tr>
<td>September 2014</td>
<td>Registration for Phase II Pilot</td>
<td>NCSC</td>
</tr>
<tr>
<td>October–November 2014</td>
<td>Phase II Pilot Test Window Opens</td>
<td>NCSC</td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Operational Administration of NCSC Alternate Assessment</td>
<td>NCSC</td>
</tr>
</tbody>
</table>
Reasons Local Educational Agencies Cancelled Participation in NCSC Pilot*

<table>
<thead>
<tr>
<th>Reason(s) Reported</th>
<th>Number of Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unforeseen circumstances – illness, teacher no longer in classroom, unable to participate upon further consideration</td>
<td>10</td>
</tr>
<tr>
<td>Testing overlapped with Smarter Balanced and CAPA testing window</td>
<td>9</td>
</tr>
<tr>
<td>Inadequate planning time – preparation too extensive, too much information to take in</td>
<td>7</td>
</tr>
<tr>
<td>Communication – received information too late, inadequate information, sent to wrong person</td>
<td>6</td>
</tr>
<tr>
<td>Technology issues – in relation to other testing and difficulty accessing NCSC sites</td>
<td>6</td>
</tr>
<tr>
<td>Resources are going to Smarter Balanced</td>
<td>5</td>
</tr>
</tbody>
</table>

* The local educational agencies (LEAs) may have given more than one reason for cancelling participation (37 LEA respondents)
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

SUBJECT

Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Federal Programs, Including but Not Limited to, Proposed Amendments to California’s Consolidated State Application Accountability Workbook for 2014; and Request to Waive Current Academic Assessments and Accountability from States that Participate in Field Testing of New State Assessments During the 2014–15 School Year Under the Elementary and Secondary Education Act Section 9401.

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.

Proposed Amendments to California's Consolidated State Application Accountability Workbook

The CDE is proposing that due to the changes in the Adequate Yearly Progress (AYP) determination and suspension of the Academic Performance Index (API) it may be more appropriate to use the current definition of numerically significant student groups for the 2014 AYP determinations. Aligning the state and federal definition of numerically significant student groups to 30 in 2015 provides uniform implementation of the new sample size (also known as “n” size) requirements. Further, applying an n size of 30 in 2014 may place high schools at a disadvantage for Program Improvement determinations.

California’s Request to Waive Title I, Part A Requirements of ESEA Under Section 9401

On June 18, 2013, the U.S. Secretary of Education announced that the U.S. Department of Education (ED) will consider waiver requests for academic assessments and accountability (Section 111[b][2] and [3] of the ESEA) from states that participate in field testing of new state assessments during the 2013–14 school year. This was intended to support states during the transition to new assessments aligned to the Common Core State Standards (CCSS), specifically to avoid the “double testing” of students, while new assessments are being properly field tested and evaluated with regard to their validity, reliability, and fairness. While the Secretary’s consideration was
specific to the 2013–14 school year, the CDE believes it appropriate to again request a similar waiver for a different testing population in light of pending legislation and recent developments regarding the alternate assessment. This request is specific to students with severe cognitive disabilities who are currently required, per their Individualized Education Program, to take the California Alternate Performance Assessment (CAPA) during the 2014–15 school year. The request would ask that eligible students be waived from taking the CAPA, to avoid a potential double testing situation.

RECOMMENDATION

**Proposed Amendments to California's Consolidated State Application Accountability Workbook**

The CDE recommends that the SBE delay the implementation of the numerically significant student group size of 30 until the 2015 AYP determinations.

**California’s Request to Waive Title I, Part A Requirements of ESEA Under Section 9401**

The CDE recommends that the SBE delegate authority to the SBE President and the State Superintendent of Public Instruction (SSPI), to submit a Title I waiver request to the ED to prevent double testing in the 2014–15 school year for eligible students who currently are required to take the CAPA.

**BRIEF HISTORY OF KEY ISSUES**

**Proposed Amendments to California's Consolidated State Application Accountability Workbook**

At the March 2014 SBE meeting, board members approved three amendments to California’s 2014 Consolidated State Application Accountability Workbook (please see March Item 14). One of the proposed amendments was to reduce the numerically significant student group size to 30 to align with Assembly Bill 97 (Chapter 47, Statutes of 2013) Local Control Funding Formula’s definition of numerically significant student groups as specified in *Education Code* Section 52052(a)(2).

To better align the calculation of AYP between high school and elementary school districts, the CDE is proposing to change the date to determine the high school AYP from 2014 to 2015 in order to match the proposed date of 2015 for the calculation of elementary school districts AYP. This proposal is consistent with SBE’s request to strategically approve any policy changes during the transition to the new CCSS and new assessment system that will subsequently impact accountability. The CDE was notified by ED that as of June 5, 2014, California’s request for Workbook amendments had not yet been received. Therefore, the CDE and the SBE have an opportunity to reevaluate the implementation timeline for the proposed amendments and in particular, introduce the new definition of numerically significant subgroups in calculating the AYP.
California’s double testing and determination waiver was approved by ED and authorizes the CDE to calculate the 2014 AYP determinations for only high schools and high school districts. In addition, the SSPI recommended, and the SBE approved, not calculating the 2014 and 2015 Growth APIs for elementary, middle, and high schools.

**California’s Request to Waive Title I, Part A Requirements of ESEA Under Section 9401**

On November 21, 2013, the CDE and SBE submitted a waiver request to the ED for flexibility in assessment administration aligned with college- and career-ready standards for the 2013–14 school year only. In addition, the waiver request sought to allow participating schools to retain their federal accountability designations for an additional year. The one year Title I waiver pertained to California students who participated in the Smarter Balanced field tests.

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

**Proposed Amendments to California's Consolidated State Application Accountability Workbook**

At the March 2014 SBE meeting, the SBE approved the proposed amendments to California’s Consolidated State Application Accountability Workbook for 2014. (See http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item16.doc.) The SBE also reviewed California’s notice of request to waive current academic assessments and accountability to participate in field-testing of new state assessments during the 2013–14 school year under the Elementary and Secondary Education Act Section 9401. (See http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item14.doc.)

**California’s Request to Waive Title I, Part A Requirements of ESEA Under Section 9401**

At the March 2014 SBE meeting, Deputy Superintendent of Public Instruction, Deborah V.H. Sigman, presented information about the U.S. Secretary of Education’s March 7, 2014, approval of California's waiver request. (See http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item14.doc.)

At the September 2013 SBE meeting, the SBE approved the release of a draft Title I waiver request for a 10-day comment period and delegated authority to the SBE President, in consultation with the SSPI, to submit the Title I waiver request to ED. (See http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item04.doc.)

At the July 2013 SBE meeting, Deputy Superintendent of Public Instruction, Deborah V.H. Sigman, presented information about the U.S. Secretary of Education’s June 18, 2013, announcement that the ED will consider waiver requests from states that participate in field testing of new state assessments during the 2013–14 school year. Deputy Superintendent Sigman indicated that the CDE would pursue a waiver. (See http://www.cde.ca.gov/be/ag/ag/yr13/documents/jul13item05.doc.)
**FISCAL ANALYSIS (AS APPROPRIATE)**

Any state or local educational agency that does not abide by the mandates or provisions of ESEA is at risk of losing federal funding.

**Proposed Amendments to California’s Consolidated State Application Accountability Workbook**

Fiscal impact is minimal. All costs associated with the AYP are included in the Analysis, Measurement, and Accountability Reporting Division’s budget.

**ATTACHMENT(S)**

None.
SUBJECT
Amendment to the Educational Testing Service contract to implement the California Assessment of Student Performance and Progress in the 2014–15 school year.

SUMMARY OF THE ISSUE(S)

In November 2013, per California Education Code (EC) Section 60640(f)(2) the California Department of Education (CDE) and State Board of Education (SBE), with the approval of the Department of Finance, amended the Education Testing Service (ETS) contract to implement the 2013–14 test administration for the California Assessment of Student Performance and Progress (CAASPP) system.

This proposed contract amendment will extend the current contract with ETS for one year to administer the 2014–15 CAASPP assessments, including the Smarter Balanced summative assessment for English–language arts and mathematics in grades three through eight and grade eleven and remaining CAASPP assessments. This extension was in response to the Smarter Balanced Consortium announcement to reschedule the release of the open source code to member states. Open source code is part of the software program or system (e.g., student registration, test delivery, and teacher registration systems, and adaptive engine for the summative and interim assessments) that computer programmers can manipulate to add features for specific state requirements or improve functionality for end users. The CDE anticipates the release of the Request for Submission (RFS) in November 2014, when the open source code will be available to all potential bidders. This proposed contract amendment will ensure a seamless transition from Smarter Balanced Field Test in 2014 to Smarter Balanced Operational Test in 2015.

The proposed scope of work will be provided in Attachment 2 as an Item Addendum and the proposed budget along with the Summary Crosswalk of Scope of Work Changes can be found in Attachment 1. The contract amendment includes examples of the following additional new tasks:

- Continue work on science assessments including development of the test blueprints, and initiate the item development of the new CAASPP science assessments aligned to the Next Generation Science Standards (NGSS)
• Host (house and maintain) the Smarter Balanced Summative Assessment system, including: a system to register students; the use of a computer-adaptive engine, an online system for hand-scoring items; developing new individual student score reports and disaggregated reports for LEAs and schools as well as disaggregated reports at the state, county, district, and school levels.

• Host the Smarter Balanced Interim Assessments, including a system to register teachers to access them, and a system for teachers to register students

• Conduct stakeholder meetings for the expansion of the CAASPP system and to draft recommendations based upon stakeholder feedback in preparation for State Superintendent of Public Instruction (SSPI) recommendations to SBE

• Administer a paper-pencil version of the Smarter Balanced summative assessment to LEAs when necessary and appropriate

The stipulations around the requirements for contract development and modifications are set forth in EC Section 60643. Specifically Section 60643 (b)(1) requires that the CDE shall develop, and that the SSPI and the SBE shall approve a contract to be entered into with a contractor in connection to statewide assessment provided for in EC Section 60640 and allows the CDE to develop the contract through negotiations. Any amendment to the contract that result in additional costs beyond the amounts set forth in the state budget each fiscal year are not valid without prior approval by the CDE, the SBE, and the Department of Finance (DOF).

RECOMMENDATION

The CDE recommends that the SBE approve the proposed amendment to the CAASPP contract with ETS and direct CDE and SBE staff to work with ETS in the modification of the scope of work, timeline, and budget for the 2015 administration of the CAASPP. This amendment will extend the existing contract from July 1, 2014, through December 31, 2015.

BRIEF HISTORY OF KEY ISSUES

In November 2013, after the passage of Assembly Bill 484 (Bonilla), the SBE approved amending and extending the ETS contract an additional year. At the same time, commencing with the 2013–14 school year, CAASPP was established (replacing STAR) for the statewide assessment of certain elementary and secondary pupils. CAASPP is currently composed of a consortium summative assessment for English–language arts and mathematics for grades three through eight, and grade eleven; science grade–level assessments in grades five, eight, and ten; the California Alternative Performance Assessment (CAPA) in grades two through eleven in English–language arts and mathematics and CAPA science in grades five, eight, and ten; and the Early Assessment Program in grade eleven in English language arts and mathematics.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

**November 2013:** The SBE heard discussion and approved agreed-upon amendments to the STAR Program contract to transition to the new CAASPP system.

**March 2012:** The SBE heard discussion and approved agreed-upon amendments to the STAR Program contract to implement enhancements to the STAR Program that supported the state’s transition activities to the CCSS and a new assessment system.

**July 2010:** The SBE approved an extension to the current STAR contract with ETS to December 31, 2013, with the caveat that ETS restore the grade four writing component to both the English—language arts California Standards Test and California Modified Assessment with no further compensation as well as develop a longitudinal growth model at no additional cost to the state. The two-year contract extension covers the 2012 and 2013 test administrations.

**September 2009:** The SBE approved an amendment to the STAR Program contract with ETS to modify the scope of work, timeline, and budget through negotiations with ETS, SBE staff, SBE testing liaisons, and the CDE to address a $6,534,000 reduction in the 2009–10 General Fund appropriation for the STAR Program contract.

**September 2008:** The SBE approved a two-year extension of the STAR Program contract with ETS for the 2010 and 2011 test administrations.

**November 2005:** The SBE accepted the recommendation of the SSPI to designate ETS as the STAR contractor and approved the resulting negotiated contract in March 2006.

FISCAL ANALYSIS (AS APPROPRIATE)

The funding for the CAASPP system is to be an annual budget appropriation.

Funding for the CAASPP system is included in the Governor’s proposed 2014–15 budget act for contract costs as approved by the SBE, contingent upon Department of Finance review of the related contract, during contract negotiations, prior to its execution.

The proposed budget includes a total of $89,081,000 for contracts related to CAASPP. This includes $9.55 million for consortium-managed services for the CAASPP Smarter Balanced Assessments to be provided by the University of California, Los Angeles, National Center for Research on Evaluation Standards and Student Testing (CRESST) and $200,000 for the first six months of a separate contract to be let to provide an independent evaluation of the CAASPP assessment system. The remaining $73,231,000 is available to fund contract activities for the 2014–15 test administration and $6 million for the development of specified new CAASPP assessments per SBE actions as part of this contract amendment. The final budget for this contract amendment is to be negotiated and approved by CDE, SBE, and the DOF.
ATTACHMENT(S)

Attachment 1: Crosswalk of Scope of Work Changes and Contract Amendment Budget (12 pages)

Attachment 2: Proposed Amendment to the “2015 Administration of the California Assessment of Student Performance and Progress (CAASPP), Scope of Work D” will be provided as an Item Addendum.
# Crosswalk of Scope of Work Changes

## Transitioning to the 2015 CAASPP Administration

<table>
<thead>
<tr>
<th>Activity</th>
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</table>
| Task 1: Overall CAASPP Program Administration | • Provided overall contract and program management oversight. The 2014 administration activities included:  
  – Providing test setup and administration support to the CDE and LEAs during the 2013–14 school year  
  – Producing, administering, scoring, and reporting the paper-pencil tests for the CST/CMA/CAPA science 5/8/10; CAPA ELA and mathematics 2–11; and STS RLA 2–11  
  – Producing and administering separate paper-based assessments used for the CSU Early Assessment Program (EAP)  
  – Hosting and administering the Smarter Balanced Field Test using the California model of half-length tests in two content areas (no scoring or reporting)  
  – Conducting special studies related to the Smarter Balanced Field Test  
  – Conducting stakeholder meetings for new science assessments  
  • Provided ongoing psychometric support to the CDE and the SBE (e.g., completed ad hoc analyses, attend SBE and Technical Advisory Group [TAG] meetings). | | • New processes and activities must be incorporated into the CAASPP assessment system. The new activities include:  
  – Hosting and administering the full-length operational versions of the Smarter Balanced Summative Assessments in two content areas  
  – Scoring and reporting the Smarter Balanced Summative Assessments  
  – Printing and administering the paper-pencil versions of the Smarter Balanced Summative Assessments  
  – Hosting the Smarter Balanced Interim Assessments  
  – Conducting stakeholder meetings to expand CAASPP  
  – Developing items for a new science assessment including a new alternate science assessment  
  – Developing items for new primary language assessments that are aligned to the California Common Core State Standards (CCSS) in ELA  
  • Setting performance | | | • Provide overall contract and program management oversight for the continuing test administration activities including:  
  – Providing test setup and administration support to the CDE and LEAs during the 2014–15 school year  
  – Producing, administering, scoring, and reporting the paper-pencil tests for the CST science, CMA science, CAPA science, and STS RLA tests  
  – Coordinating activities with CSU-EAP to transitioning to using the Smarter Balanced Summative Assessments for grade 11 in determining readiness for college level ELA and mathematics courses. | | The program administration is increased due to the additional management and oversight of new activities. | Overall increase: $181,878 |
## Transitioning to the 2015 CAASPP Administration

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<td>Task 1 (continued)</td>
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<td>standards on the ELA and mathematics alternate assessments developed by the National Center and State Collaborative (NCSC)</td>
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| Task 2: Test Security Measures for Computer-based (CBT) and Paper-pencil (PPT) Tests | • Conducted up to 100 test security site visit audits.  
• Provided social media and Web site monitoring, and conducted analyses of high exposure breaches.  
• Conducted security breach investigations as directed by the CDE. | | • Security of additional test materials must be monitored. The additional test materials include:  
  - Full-length computer-based versions for the Smarter Balanced Summative Assessments in two content areas (in 2014, approximately 50 items per student were administered; in 2015, approximately 80–100 items per content area per student will be administered)  
  - New paper-pencil versions for the Smarter Balanced Summative Assessments (3 test booklets per student in each of the 7 grades, which is approximately 21 new test booklets) | • Conduct up to 100 test security site visit audits  
• Conduct security breach investigations as directed by the CDE | Due to the increase in test materials that will be out in the field over the course of the 2015 administration cycle, test security activities are increased.  
Overall increase: $126,828 |
## Crosswalk of Scope of Work Changes

### Transitioning to the 2015 CAASPP Administration

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| Task 3: Test Support to the CDE and Local Educational Agencies (LEAs) | • Provided ongoing customer service support (California Technical Assistance Center [CalTAC] help desk) to LEAs.  
• Provided training to LEAs about test administration activities.  
• Conducted on-site visits to assist LEAs with test administration and technology preparations. | • Based on the experiences from the 2014 Field Test and the high level of LEA participation, LEA support activities can be adjusted in a manner that will still provide the same high-level quality support that was provided for the 2014 Field Test but that reduces costs:  
  – CalTAC help desk staffing will be adjusted based on lessons learned from the 2014 Field Test.  
  – The number of on-site training workshops will be reduced but also be replaced by remote, computer-based training.  
  – The number of on-site technical support site visits will be reduced but replaced with one-on-one remote computer-based support.  
• Coordinate support to LEAs with other CDE contractors at the direction of the CDE. | | | Overall savings: $1,226,709 |

Over 99 percent of LEAs participated in the 2014 Field Test, using it as an opportunity to conduct a practice run of their network infrastructure, test administration procedures, and staff training. Much of that experience will be leveraged to prepare for the 2015 administration that will use a similar test delivery system and other applications as the Field Test. The LEA support is reduced overall to meet the anticipated needs for the 2015 CAASPP administration but will provide the same high level of quality.
### Transitioning to the 2015 CAASPP Administration

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| Task 4: Test Administration Setup | • LEAs used the CAASPP Management System (a Web-based application) to:  
  – set up testing windows  
  – order test materials  
  – submit information for pre-identifying (Pre-ID’ing) test materials for students  
  – update Pre-ID demographic data between initial submission and final testing  
  • CDE CALPADS provided daily data feeds of student-level demographic information to the test delivery system for the Smarter Balanced Field Test. | • To support the state’s goal to utilize CALPADS as the source for student achievement data, CALPADS will be fully integrated into the test administration process. LEAs will use a single data source by which they can provide student demographic information to the CAASPP assessment system. Using CALPADS will also eliminate the need for assessment-specific demographic data corrections that would normally cost LEAs to complete.  
  • Pre-ID labels will be offered to LEAs by the testing contractor. The change to offer Pre-ID labels only will reduce activities that are necessary to set up the system for the Pre-ID process. | • LEAs use the test order management system (a Web-based application) provided by ETS to:  
  – set up testing windows  
  – order test materials  
  – submit information for pre-identifying test materials for students | The overall reduction capitalizes on the end-to-end use of CALPADS and the data exchange processes put in place for the 2014 administration.  
Overall savings: $338,805 |
## Transitioning to the 2015 CAASPP Administration

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| Task 5: Item Bank | • Provided monthly updates of the California Item Bank for the existing statewide assessments.  
  • Updated metadata in the California Item Bank for the suspended STAR tests.  
  • There were no new item development activities in 2014 for the expansion of CAASPP. | • The conversion of the legacy STAR tests to suspended status was completed as part of the 2014 administration and will not be repeated in the future. | • The new science item development and the new primary language item development described in Task 12 below will require the use of an item banking system to warehouse the technology-enhanced items and simulations. | • The monthly updates to the California Item Bank for the existing statewide assessments will continue to support the non-CAASPP assessments with continued test development activities. | The reductions for completing the item bank conversions were offset with the addition of new test development but still resulted in an overall savings.  
Overall savings: $402,228 |
| Task 6: Administer Computer-based CAASPP Assessments: Smarter Balanced Summative Assessments | • Set up and hosted the Smarter Balanced Field Test on a separate server specifically used by California.  
  • Provided support for up to 500,000 concurrent users.  
  • Administered the California model of the Field Test which consisted of approximately half-length tests in two content areas (approximately 50 items per content area).  
  • Administered the computer-based Smarter Balanced Field Test to approximately 3.2 million students.  
  – Administration of the Field Test to approximately 2.7 million students was covered by the state  
  – Administration of the Field Test to approximately 500,000 students that were part of the Smarter Balanced sample so was covered by Smarter Balanced | • The Smarter Balanced Summative Assessments will be set up and hosted as separate virtual servers on shared hardware. | • Full-length tests in two content areas will be administered for the 2015 administration. This is approximately 80–100 items per content area per student.  
• The full costs to administer the Smarter Balanced Summative Assessments will be covered by the state. | • Support for up to 500,000 concurrent users will continue. | The change to use shared hardware resulted in a significant cost savings. However, those savings were offset by the increase in test length, along with the state bearing the full costs for administering the Smarter Balanced Summative Assessments to 3.2 million students. This resulted in an overall increase.  
Overall increase: $842,988 |
## Transitioning to the 2015 CAASPP Administration

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<td>Task 7: Administer Paper-pencil CAASPP Assessments: Smarter Balanced Summative Assessments, CSTs, CMA, CAPA, and STS</td>
<td>• Produced and administered test booklets from ready-to-use forms for CST/CMA/CAPA science 5/8/10; CAPA ELA and mathematics 2–11; and STS RLA 2–11</td>
<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
<td>• It is assumed that the Smarter Balanced will provide camera-ready PDFs for the paper-pencil versions of the Summative Assessments. However, it is the state's responsibility to include CAASPP-specific covers and to print in sufficient volumes for students who cannot take the computer-based version. The Smarter Balanced Summative Assessments will add 21 new test booklets and 21 new response documents to the overall production portfolio.</td>
<td>• Produce test booklets from ready-to-use forms for CST science 5/8/10, CMA science 5/8/10, CAPA science 5/8/10, and STS RLA 2–11</td>
<td>• The elimination of the CAPA ELA and mathematics tests, along with the shift to use the Smarter Balanced Summative Assessment for the CSU-EAP instead of using a separate assessment, results in savings. However, those savings are offset by the additional test materials that will be produced to administer the paper-pencil versions of the Smarter Balanced Summative Assessments. Overall increase: $1,826,351</td>
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<td>• Produced separate paper-based assessments used for the CSU Early Assessment Program (CSU-EAP).</td>
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<td>• While the number of materials has increased, there are no substantive changes to materials packaging, shipping, and returns processes.</td>
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<td>• Provided annual revisions to answer documents and testing instructions based on program and policy changes.</td>
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<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
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<td>• Packed and shipped test materials by school and LEA for the testing program based on the ordering and Pre-ID information submitted by the LEA through the Test Management System.</td>
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<td>• It is assumed that the Smarter Balanced will provide camera-ready PDFs for the paper-pencil versions of the Summative Assessments. However, it is the state's responsibility to include CAASPP-specific covers and to print in sufficient volumes for students who cannot take the computer-based version. The Smarter Balanced Summative Assessments will add 21 new test booklets and 21 new response documents to the overall production portfolio.</td>
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<td>‒ Each school and LEA shipment included additional test materials (overage) for emergency use.</td>
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<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
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<td>‒ An LEA may have had multiple testing windows to accommodate different school schedules; each testing window required its own set of test materials.</td>
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<td>• It is assumed that the Smarter Balanced will provide camera-ready PDFs for the paper-pencil versions of the Summative Assessments. However, it is the state's responsibility to include CAASPP-specific covers and to print in sufficient volumes for students who cannot take the computer-based version. The Smarter Balanced Summative Assessments will add 21 new test booklets and 21 new response documents to the overall production portfolio.</td>
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<td>• Shipped and administered test booklets from ready-to-use forms for CST/CMA/CAPA science 5/8/10; CAPA ELA and mathematics 2–11; and STS RLA 2–11</td>
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<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
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<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
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<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
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<td>Task 8: Test Processing, Scoring, and Analysis</td>
<td>• Processed and scored answer documents for approximately 1.5 million students for the CST/CMA/CAPA science 5/8/10; CAPA ELA and mathematics 2–11; and STS RLA 2–11. (Using the 2013 test-taker volumes, this is approximately 460,000 students per grade in grades 5, 8 and 10; 35,000–39,000 students for the CAPA; and approximately 55,000 students for STS RLA.) • Developed end-to-end specifications and programming of the scoring and reporting system. • Conducted psychometric analyses for quality control purposes.</td>
<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students. • It is assumed that the CSU-EAP will use the Smarter Balanced Summative Assessments for grade 11 to determine readiness in college-level ELA and mathematics courses. Therefore, the separate assessment used for CSU-EAP will not be processed, reducing the overall processing volume by about 460,000 test booklets. Since the CSU-EAP is a voluntary assessment, the volume is based on the estimated maximum number of grade 11 students that could take the assessment.</td>
<td>• The overall test taker volume will increase to approximately 3.2 million students by adding the Smarter Balanced Summative Assessments. • The Smarter Balanced Summative Assessment includes constructed response items. Each student will respond to approximately 9 to 10 constructed response items. These items cannot be machine scored and must be hand scored by human raters. The handscoring process involves training human raters, qualifying the raters to score, and monitoring the raters to ensure consistent scoring of the responses. The human raters will include current California teachers and other qualified raters. Based on these assumptions, an estimated 28 to 31 million student responses must be hand scored.</td>
<td>• Processing and scoring answer documents for approximately 1.45 million students for the CST/CMA/CAPA science, and STS RLA tests will continue.</td>
<td>While there is some saving to processing and scoring due to the elimination of the CAPA ELA and mathematics tests and the shift in the CSU-EAP process, there is a significant overall increase due to the intensive nature of the hand scoring activities for the Smarter Balanced Summative Assessments. Overall increase: $23,255,554</td>
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## Crosswalk of Scope of Work Changes

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<td>Task 9: Report Test Results to LEAs</td>
<td>• Provided paper score reports at the aggregate and student levels for approximately 1.5 million students.</td>
<td>• The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students.</td>
<td>• Prior to the 2014 administration, the STAR Program typically reported test results for approximately 4.4 million students in grades 2 through 11. During the 2014 administration, this was decreased to approximately 1.5 million students due to the elimination of most of the STAR tests. For the 2015 administration, there will be an increase of approximately 1.7 million reports (approximately 3.2 million reports) compared to the 2014 administration. • Score reports for the 2015 test results will be redesigned to include the Smarter Balanced Summative Assessment test results.</td>
<td>• Reporting for approximately 1.45 million students for the CST science, CMA science, CAPA science, and STS RLA tests will continue.</td>
<td>The state is resuming reporting of test results in ELA and mathematics for students in grades 3 through 8 and grade 11 and is also redesigning the score reports to include these results. These changes result in an overall increase to reporting costs. Overall increase: $2,404,564</td>
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# Crosswalk of Scope of Work Changes

## Transitioning to the 2015 CAASPP Administration

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| **Task 10:** Report Test Results to the CDE | • Created a Web-based reporting system hosted on the CDE Web site.  
• Provided aggregate summary data for CST/CMA/CAPA science 5/8/10, CAPA ELA and mathematics 2–11, and STS RLA 2–11. | • The CAPA ELA and mathematics tests will be eliminated, reducing the test-taker volume by approximately 35,000–39,000 students. | • As described in Task 9 above, the state will resume reporting test results for ELA and mathematics in grades 3 through 8 and grade 11, resulting in an increase of approximately 1.7 million reports.  
• The existing CAASPP Reporting Web site must be redesigned to accommodate the full range of CAASPP tests. | • Reporting for approximately 1.45 million students for the CST science, CMA science, CAPA science, and STS RLA tests will continue. | As described in Task 9, the state is resuming reporting of test results in ELA and mathematics for students in grades 3 through 8 and grade 11 and is also redesigning the Reporting Web site to include these results. These changes result in an overall increase to reporting costs.  
Overall increase: $476,852 |
| **Task 11:** Technical Reports and Other Analyses | • Analyzed data and produced technical reports for each test program. | • The analyses required for the CAPA Technical Report will be reduced due to the elimination of the CAPA ELA and mathematics tests. | • A new technical report will be created that provides analyses of the Smarter Balanced Summative Assessments. | • The analyses and production of the technical reports for CSTs, CMA, and CAPA science and STS will continue. | The new technical report for the Smarter Balanced Summative Assessments is an increase to the scope and costs; however, those are offset by the savings in reducing the activities for the CAPA ELA and Mathematics technical report.  
Overall increase: $21,905 |
### Crosswalk of Scope of Work Changes

#### Transitioning to the 2015 CAASPP Administration

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<th>Overall Impact</th>
</tr>
</thead>
</table>
| Task 12: New Test Development | • Conducted stakeholder meetings to collect recommendations on new Next Generation Science Standards (NGSS)–based science assessments, including a new alternate science assessment. | • Complete stakeholder meetings to collect recommendations on new NGSS-based science assessments, including a new alternate science assessment. | • As directed in the Education Code, the following new test development activities will occur:  
  – Stakeholder meetings to collect recommendations for assessments in additional content areas  
  – Item development for the new science assessments  
  – Item development for the new alternate science assessments  
  – Stakeholder meetings to collect recommendations for a new primary language assessment based on the California Common Core State Standards (CCSS) for ELA  
  – Item development for the new primary language test, depending on approval by the SBE for a new assessment  
  – Setting of performance standards on the National Center and State Collaborative (NCSC) ELA and mathematics tests administered in spring 2015 | | Overall, there are significantly more new test development activities.  
Overall increase: $5,912,190 |
### Crosswalk of Scope of Work Changes

#### Transitioning to the 2015 CAASPP Administration

<table>
<thead>
<tr>
<th>Activity</th>
<th>Process During the 2014 Administration</th>
<th>Cost Savings (these existing activities do not occur)</th>
<th>New Costs Incurred (these new activities must occur)</th>
<th>No Cost Change (these activities stay the same)</th>
<th>Overall Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 13: Smarter Balanced Interim Assessments</td>
<td>Not applicable for 2014.</td>
<td>• The state will host the Smarter Balanced Interim Assessments for California. Access will be provided to LEAs for use throughout the 2014–15 school year for students in grades K–12.</td>
<td></td>
<td></td>
<td>Access to the Interim Assessments is built on the test delivery system used for the Smarter Balanced Summative Assessments. There would be no savings if this work were to be eliminated in 2015. Overall costs: <em>The costs for hosting the Interim Assessments is included in the costs provided in Task 6 above.</em></td>
</tr>
<tr>
<td>Task 14: Coordinate with the Independent Evaluator</td>
<td>Not applicable for 2014.</td>
<td>• Coordination of activities with the CDE and providing responses for information requested by the independent evaluator will increase labor.</td>
<td></td>
<td></td>
<td>Overall increase: $44,975</td>
</tr>
</tbody>
</table>
## 2015 Test Administration Cycle

<table>
<thead>
<tr>
<th>Description</th>
<th>Estimated Number of Test Takers</th>
<th>Grades to be Tested</th>
<th>Fiscal Year 2014-15</th>
<th>Fiscal Year 2015-16</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative and Program Support (Tasks 1, 2, 3, 4, 5, 10, and 14)</td>
<td>1,380,000</td>
<td>5, 8, 10</td>
<td>$7,790,934</td>
<td>$1,322,018</td>
<td>$9,112,952</td>
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<tr>
<td>CST Science Costs (Tasks 7, 8, 9, and 11)</td>
<td>15,000</td>
<td>5, 8, 10</td>
<td>$1,065,852</td>
<td>$101,565</td>
<td>$1,167,417</td>
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<tr>
<td>CAPA Science Costs (Tasks 7, 8, 9, and 11)</td>
<td>76,000</td>
<td>5, 8, 10</td>
<td>$623,168</td>
<td>$136,793</td>
<td>$759,961</td>
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<tr>
<td>STS RLA Costs (Tasks 7, 8, 9, and 11)</td>
<td>45,000</td>
<td>2-11</td>
<td>$1,507,318</td>
<td>$425,141</td>
<td>$1,932,459</td>
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<tr>
<td>Smarter Balanced Test (Tasks 6, 7, 8, 9, and 11)</td>
<td>3,200,000</td>
<td>3-8,11</td>
<td>$51,704,403</td>
<td>$2,505,081</td>
<td>$54,209,484</td>
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<tr>
<td>NGSS Science Item Development (including alternate science item development) and Stakeholder Meetings for CAASPP Expansion (Task 12)</td>
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<td></td>
<td>$3,635,441</td>
<td>$408,431</td>
<td>$4,043,872</td>
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<td>$108,451</td>
<td>$1,863,393</td>
<td>$1,971,844</td>
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<tr>
<td>Smarter Balanced Interim Assessment (Task 13)</td>
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<tr>
<td>NCSC ELA and Mathematics Standard Setting (Task 12)</td>
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<td>$526,154</td>
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<td>$526,154</td>
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</table>

**Total cost for 2015 test administration cycle:**

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<th>Estimated Number of Test Takers</th>
<th>Grades to be Tested</th>
<th>Fiscal Year 2014-15</th>
<th>Fiscal Year 2015-16</th>
<th>Total Costs</th>
</tr>
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<tr>
<td></td>
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<td>$10,262,049</td>
<td>$346,964</td>
<td>$10,609,013</td>
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</table>

**Total cost per fiscal year:**

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<thead>
<tr>
<th>Estimated Number of Test Takers</th>
<th>Grades to be Tested</th>
<th>Fiscal Year 2014-15</th>
<th>Fiscal Year 2015-16</th>
<th>Total Costs</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>$76,697,616</td>
<td>$7,635,540</td>
<td>$84,333,156</td>
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Prepared by the California Department of Education, 2014
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval and/or Denial of Applicants Based on Appeal of Additional Providers to the 2014–16 State Board of Education-Approved Supplemental Educational Services Provider List, Including Local Educational Agencies Identified for Improvement Based on a Waiver Granted by the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401; and Authorization to Seek an Additional Waiver from the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401.

SUMMARY OF THE ISSUE(S)

Supplemental Educational Services

Supplemental Educational Services (SES) is instruction that is required to be high quality, research based, and effective in increasing student academic performance and helping students attain proficiency on state standards (Section 1116[e][12][C]; Title 34 Code of Federal Regulations [34 CFR] Section 200.45[a]). The state approves providers to deliver this additional academic instruction that is focused on English-language arts (ELA), mathematics, and/or science beyond the regular school day.

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 SES providers. The 34 CFR, Section 200.47(b)(1)(iv)(A) and (B) prohibits an SEA from approving local educational agencies (LEAs) identified for improvement or corrective action as providers of SES; however, the SEA may request a waiver of these provisions. A waiver was granted by the U.S. Department of Education (ED) on November 19, 2013, and remains in effect through June 30, 2016.
RECOMMENDATION

Supplemental Educational Services Providers Approval

Recommendation 1:

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve additional SES providers from the 2014 SES Request for Applications (RFA) for a two-year period beginning July 1, 2014, through June 30, 2016. The 2014 SES RFA is based on the final adopted California Code of Regulations, Title 5 (5 CCR), Section 13075.2. The summary list of providers recommended for approval is provided as Attachment 1. The summary list of LEAs identified for improvement and recommended for approval until June 30, 2016, is provided as Attachment 2.

Recommendation 2:

The CDE recommends the SBE approve the recommendations to deny providers’ appeals as indicated on Attachment 3. Per California Education Code sections 12001 and 33031, and Title 20 United States Code Section 6316, applicants may appeal the decision of the SBE to deny approval of the application. Appeal procedures are described in the notification sent to the applicant following a non-approval decision of the SBE, and are also found in 5 CCR Section 13075.6.

Recommendation 3:

The CDE recommends that the SBE authorize the CDE to request from the ED a waiver of the ESEA Title I, Part A regulatory provision for the 2016–18 school years that prohibits a state from approving LEAs identified for improvement or corrective action as providers of SES pursuant to 34 CFR, Section 200.47(b)(1)(iv)(A) and (B). The draft letter of the waiver request to the ED is provided as Attachment 4.

BRIEF HISTORY OF KEY ISSUES

Supplemental Educational Services Providers Approval

Title I, Part A Section 1116(e)(1) and (4) of the ESEA requires that an SES provider be approved by the SBE before it can offer tutoring services to low-income students in schools advancing to Program Improvement (PI) Year 2 and beyond. The CDE has been responsible for annually establishing and maintaining a list of SBE-approved SES providers, as described in Section 1116(e)(4) of the ESEA, beginning with the SBE approval of the first cohort at the June 2003 SBE meeting.

Local Educational Agency Eligibility to Apply as SES Providers

Title I regulations currently preclude LEAs identified for improvement from serving as SES providers. A regulatory waiver of 34 CFR Section 200.47(b)(1)(iv)(A) and (B) would allow all interested LEAs identified for improvement or corrective action to apply to
serve as SES providers. California currently has a waiver of these provisions that remains in effect through June 30, 2016.

An SEA that receives this waiver must provide information to the ED that sets forth the name and National Center for Education Statistics District Identification Number for each LEA implementing the waiver.

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

At its May 2014 meeting, the SBE approved additional providers, including PI LEAs, to provide services beginning July 1, 2014, through June 30, 2016.

At its March 2014 meeting, the SBE approved providers, including PI LEAs, to provide services beginning July 1, 2014, through June 30, 2016.

At its January 2014 meeting, the SBE removed 27 providers for failing to submit, correct, and/or provide evidence of compliance for the 2012–13 Accountability Report.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no fiscal impact to the state.

**ATTACHMENT(S)**

Attachment 1: California Department of Education Recommended 2014–16 Supplemental Educational Services Additional Provider Applicant List Based on Appeal (1 Page)

Attachment 2: California Department of Education Recommended 2014–16 Local Educational Agencies Supplemental Educational Services Additional Provider Applicant List Based on Appeal (1 Page)

Attachment 3: California Department of Education Supplemental Educational Services List of Appellants Not Recommended for Approval Based on Appeal (2 Pages)

Attachment 4: DRAFT August 1, 2014, 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, regarding Waiver to Allow Local Educational Agencies in Program Improvement or Corrective Action to Be Eligible to Apply as Supplemental Educational Services Providers (3 Pages)
### California Department of Education Recommended 2014–16
Supplemental Educational Services Additional Provider Applicant List
Based on Appeal

<table>
<thead>
<tr>
<th>Provider Name</th>
<th>English-Language Arts (ELA)</th>
<th>Math</th>
<th>Science</th>
<th>English Leaners (EL)</th>
<th>Students with Disabilities (SWDs)</th>
<th>Online</th>
<th>Type of Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anaheim Kumon Center</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td>Sole Proprietorship</td>
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<tr>
<td>G &amp; H Support Systems Inc. DBA The Tutoring Center Ukiah</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>For-profit agency</td>
</tr>
<tr>
<td>Girls Incorporated of Alameda County</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td>Non-profit agency</td>
</tr>
<tr>
<td>Kumon Math and Reading Center of Brea</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td>Sole Proprietorship</td>
</tr>
<tr>
<td>Multilingual Mania</td>
<td>X</td>
<td></td>
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<td>X</td>
<td>X</td>
<td></td>
<td>For-profit agency</td>
</tr>
<tr>
<td>Variations Educational Services LLC</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td>For-profit agency</td>
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<tr>
<td>Provider Name</td>
<td>ELA</td>
<td>Math</td>
<td>Science</td>
<td>ELs</td>
<td>SWDs</td>
<td>Online</td>
<td>Type of Entity</td>
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<tr>
<td>Anaheim City School District</td>
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<td>X</td>
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<td>LEA in Program Improvement</td>
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<td>LEA in Program Improvement</td>
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<td>LEA in Program Improvement</td>
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<td>West Contra Costa Unified School District</td>
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<td>X</td>
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<td>LEA in Program Improvement</td>
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</table>
## California Department of Education Supplemental Educational Services List of Appellants Not Recommended for Approval Based on Appeal

<table>
<thead>
<tr>
<th>Provider Name</th>
<th>Initial Reading: Elements Not Met</th>
<th>Appeal Review: Elements Not Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>! 1 Computadora Gratis para Ti ! Inc.</td>
<td>• 1.1</td>
<td>• 1.1</td>
</tr>
<tr>
<td></td>
<td>• 4</td>
<td>• 4</td>
</tr>
<tr>
<td></td>
<td>• 4.3, 4.4 and 4.6</td>
<td>• 4.3 and 4.6</td>
</tr>
<tr>
<td>! A + CAT (Computer Assisted Tutoring)</td>
<td>• 4</td>
<td>• 4</td>
</tr>
<tr>
<td>!Mpact People</td>
<td>• 4.1</td>
<td>• 4.1</td>
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<td>1 TO 1 Tutor, LLC.</td>
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<td>• 1.1</td>
</tr>
<tr>
<td></td>
<td>• 3.1, 3.2, 3.5, 3.6</td>
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<td></td>
<td>• 4, 4.1, and 4.6</td>
<td>• 4</td>
</tr>
<tr>
<td>1 TO 1 Tutor, LLC - DBA 1to1 Educando Con</td>
<td>• 1.1 and 1.2</td>
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<tr>
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<td>• 3.1, 3.2, 3.5, 3.6</td>
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<tr>
<td></td>
<td>• 2.2. a.</td>
<td>• 2.2. a.</td>
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<td></td>
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<td>Creative Brain Learning</td>
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<td>• 3.5</td>
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<td>• 2.2.a, b</td>
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<td>• 1.2</td>
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<td>• 2.2.a., 2.2.c</td>
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<td></td>
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<td>O'Bless Me Foundation DBA Take Action: Educate to Elevate!</td>
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<td></td>
<td>• 4, 4.5 and 4.6</td>
<td></td>
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<td>On the Third Day Christian Ministries D/B/A Laureate Learning Center</td>
<td>• 3.5</td>
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<td></td>
<td>• 3.6.a. and 3.6.b.</td>
<td>• 3.6.a. and 3.6.b.</td>
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<td>• 4.4, 4.5 and 4.6</td>
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<td>Ramona Unified School District</td>
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<td>• 3.1 and 3.4</td>
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<td>• 2.2.d.</td>
<td>• 2.2.d.</td>
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<td>• 4.3</td>
</tr>
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<td>• 2.2 a., 2.4. a and b</td>
<td>• 2.2 a., 2.4. a and b</td>
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<td></td>
<td>• 3.1</td>
<td>• 3.1</td>
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<tr>
<td>Thomotti Inc DBA Tutoring Club</td>
<td>• 2.4.a. and 2.4.b.</td>
<td>• 2.4.a. and 2.4.b.</td>
</tr>
</tbody>
</table>
Deborah Delisle, Assistant Secretary  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Assistant Secretary Delisle:

Subject: Waiver to Allow Local Educational Agencies in Program Improvement or Corrective Action to Be Eligible to Apply as Supplemental Educational Services Providers Which is Currently Prohibited by the U.S. Department of Education Code of Federal Regulations Section 200.47(b)(1)(iv)(A) and (B)

California is requesting a two-year waiver of the Elementary and Secondary Education Act (ESEA) Title I, Part A regulatory provision that prohibits a state from approving as Supplemental Educational Services (SES) providers schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (Title 34 Code of Federal Regulations Section 200.47[b][1][iv][A] and [B]).

Under the law, California may approve an entity with a demonstrated record of effectiveness in increasing student academic achievement as an SES provider. California believes that LEAs identified for improvement may be able to demonstrate they have an effective program that can help improve academic achievement of students and should not be automatically prevented from gaining approval because of their improvement status.

California has set the annual measurable objectives (AMOs) in reading and mathematics, which are among the subjects offered by SES providers in California for the 2016–18 school years. California’s AMOs for 2013–14 is included in Enclosure 1.
California will determine adequate yearly progress based on assessments administered in the 2016–17 school year in accordance with the requirements of Section 1111(b)(2) of the ESEA. California believes that allowing some identified LEAs to serve as SES providers may help more students within California to reach the state’s proficiency objectives.

If California is granted the requested waiver, California will ensure that only those LEAs that meet the state’s requirements for SES providers are approved to be on the state’s list of approved SES providers for the 2016–17 school year.

Prior to submitting this waiver request, California provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. California provided such notice by posting a public item on the July 2014 Agenda for the California State Board of Education (SBE). Refer to Item 6 on the SBE Agenda for July 2014 Web page at http://www.cde.ca.gov/be/ag/agyr14/agenda201407.asp. The State received/did not receive public comments regarding this issue.

California hereby assures that if the requested waiver is granted, it will submit a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2016–18 school years to the U.S. Department of Education. The report will be submitted no later than September 30, 2018.

If you have any questions regarding this request, 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

Michael W. Kirst  
President

California Department of Education  
California State Board of Education

TT/MK:kb
Enclosure
### Standard Criteria for Annual Measurable Objectives (AMOs) for 2013–14 Adequate Yearly Progress (AYP)

<table>
<thead>
<tr>
<th>Standard Schools and Local Educational Agencies (LEAs)</th>
<th>Percent Proficient or Above on the California Standards Test, California High School Exit Exam, California Modified Assessment, and California Alternate Performance Assessment for 2012–13</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schools</strong></td>
<td><strong>English-Language Arts</strong></td>
</tr>
<tr>
<td>• Elementary and Middle Schools</td>
<td>100.0</td>
</tr>
<tr>
<td>• High Schools</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>LEAs</strong></td>
<td><strong>Elementary School Districts</strong></td>
</tr>
<tr>
<td>• High School Districts (with grade levels 9–12)</td>
<td>100.0</td>
</tr>
<tr>
<td>• Unified School Districts</td>
<td>100.0</td>
</tr>
<tr>
<td>• High School Districts</td>
<td>100.0</td>
</tr>
<tr>
<td>• County Offices of Education (with grade levels 2–8 and 9–12)</td>
<td>100.0</td>
</tr>
<tr>
<td>• Elementary School Districts</td>
<td>100.0</td>
</tr>
</tbody>
</table>

These criteria apply to schools or LEAs that have at least 100 students with valid scores or to numerically significant subgroups that have at least 50 students with valid scores. Different criteria are applied to small schools, LEAs, or subgroups in AYP calculations. Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores—the AMOs are adjusted using a confidence interval methodology. Small subgroups are those with between 50 to 99 valid scores. AMO criteria for small subgroups are the same as the targets listed above but are only applied if the school or LEA has at least 100 valid scores. Subgroups with fewer than 50 valid scores have no AMO criteria.
California Education Code (EC) Section 60207 requires the State Board of Education (SBE) to adopt an English Language Arts/English Language Development (ELA/ELD) curriculum framework and evaluation criteria for the adoption of ELA/ELD instructional materials aligned to both the California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (CA CCSS for ELA/Literacy) and the California English Language Development Standards (CA ELD Standards). EC Section 60204 calls for the Instructional Quality Commission (IQC) to recommend curriculum frameworks to the SBE. On March 28, 2014, the IQC voted unanimously to recommend that the SBE adopt the draft English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve (ELA/ELD Framework). The SBE must hold a public hearing before taking action on the draft ELA/ELD Framework.

RECOMMENDATION

The California Department of Education (CDE) and the IQC recommend that the SBE hold a public hearing and adopt the draft ELA/ELD Framework, including the additional changes recommended by the IQC ELA/ELD Subject Matter Committee on June 27, 2014. The draft ELA/ELD Framework is available on the CDE English Language Arts Curriculum Framework Web page at http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrk2014pubrev.asp.

BRIEF HISTORY OF KEY ISSUES

Framework Components
The draft ELA/ELD Framework provides guidance on the implementation of the CA CCSS for ELA/Literacy and the CA ELD Standards to teachers, administrators, other educators, parents/guardians, and other education stakeholders. It incorporates and supports the CA CCSS for ELA/Literacy and the CA ELD Standards. The
grade-level and grade-span chapters emphasize the three key shifts in instruction: regular practice with complex text and its academic language; reading, writing, and speaking grounded in evidence from text; and building knowledge through content-rich informational texts. These instructional shifts provide a strong foundation to the organization and content of the framework. In addition, the ELA/ELD Framework includes an appendix on the important role of literature in teaching the CA CCSS for ELA/Literacy. New features of the ELA/ELD Framework include the use of snapshots and vignettes in all chapters to demonstrate integration of ELA and ELD, examples of implementation of standards in the classroom, and demonstration of different types of assessment. Another important feature is the organizational design of the grade-level and grade-span chapters around key considerations and issues that emerged from the standards. These key themes of ELA/Literacy and ELD instruction are: making meaning; language development; effective expression, content knowledge; and foundational skills.

Chapters on access and equity, assessment, learning in the 21st century, and implementing high quality ELA/Literacy and ELD instruction provide further guidance on meeting the instructional needs of all students. The draft ELA/ELD Framework makes note of the important roles that teacher leaders, administrators, college and university personnel, community members, and families must play to help all students succeed.

The draft ELA/ELD Framework meets the SBE’s guidelines, responds to input from the field, and fully supports the design of the CA CCSS for ELA/Literacy. Written with the ELA and ELD classroom teachers in mind, the draft ELA/ELD Framework will be an important tool in the implementation of the CA CCSS for ELA/Literacy and the CA ELD Standards and preparing California’s students for college, career, and citizenship.

**Framework Development Process**

The development of a curriculum framework is a multi-step process with many opportunities for public involvement. In May and June 2012, four regional focus groups were convened to receive input from the field on how to write the ELA/ELD Framework. The comments received at the focus group meetings informed the SBE-adopted Curriculum Framework and Evaluation Criteria Committee Guidelines for the 2014 Revision of the English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve,” which was the guiding document for the work of the English Language Arts/English Language Development Curriculum Framework and Evaluation Criteria Committee (ELA/ELD CFCC). The ELA/ELD CFCC met six times from February to September 2013 and developed an initial draft ELA/ELD Framework.

In November 2013, the IQC reviewed and edited the ELA/ELD CFCC’s initial draft ELA/ELD Framework and approved it for posting and distribution for the first of two 60-day public review and comment periods. The draft ELA/ELD Framework was posted from December 12, 2013, through February 13, 2014, with an online survey to facilitate public comment. In February and March 2014, the IQC considered public comments from the online survey, individuals, and organizations. On March 28, 2014, the IQC made further edits to the draft ELA/ELD Framework based on the comments received. At its meeting, the IQC took action to (1) recommend that the SBE adopt the draft ELA/ELD Framework and (2) post and distribute the draft ELA/ELD Framework for the
second required 60-day public review and comment period. On June 27, 2014, the ELA/ELD Subject Matter Committee of the IQC met to review and recommend additional edits received during the second public review period. These actions are noted in Attachment 1: Chart of Public Input on ELA/ELD Draft Framework (organized by chapter) http://www.cde.ca.gov/ci/rl/cf/. Comments received during the May 1 through July 1, 2014, public review and comment period are available to the SBE in Attachment 2: Public Comments on the May 2014 Draft of the ELA/ELD Framework from May 1 to July 1, 2014 http://www.cde.ca.gov/ci/rl/cf/. Attachments 1 and 2 will be available to the SBE and the public no later than July 3, 2014.

The IQC is formally recommending that the SBE adopt the draft ELA/ELD Framework, including the additional changes recommended by the IQC on June 27, 2014. The SBE will convene a public hearing on the draft ELA/ELD Framework before taking action on the recommendation. The SBE may make additional edits to the draft ELA/ELD Framework that will be incorporated into the document by CDE staff before it is published. In addition, the IQC requests support to meet the SBE-approved guideline that the ELA/ELD Framework be a living document with links, implementation tools, instructional practices, exemplars, and high-quality research. Updates or additions to the ELA/ELD Framework will be recommended by the IQC and forwarded to the SBE for approval. The SBE and CDE staff will make necessary editorial changes as the document is professionally edited and prepared for publication.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 7, 2014: The IQC reported on the development of the draft ELA/ELD Framework at the May SBE meeting.

March 12, 2014: The SBE approved a list of supplemental instructional materials, for Kindergarten and Grades one through eight that provide a bridge between the previously adopted English language development standards and the new CA ELD Standards.

March 2013: The SBE adopted the “Career and College Readiness Anchor Standards” to the CA CCSS for ELA/Literacy and approved resolution of technical issues.

November 2012: The SBE: (1) approved the Curriculum Framework and Evaluation Criteria Committee Guidelines for the 2014 Revision of the English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve, as recommended by the IQC, (2) appointed 20 members to the ELA/ELD CFCC, as recommended by the IQC, and (3) approved a list of supplemental instructional materials that are aligned with CA CCSS for ELA. The supplemental materials include additional content needed to fully address the CCSS when used in conjunction with existing adopted materials.
May 2012: The SBE approved the timeline and ELA/ELD CFCC application form for the 2014 revision of the *ELA/ELD Framework*. The ELA/ELD CFCC application was available online from May 14 through August 16, 2012.

August 2010: The SBE adopted the academic content standards in English language arts and literacy as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CA CCSS for ELA/Literacy and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

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

January 2008: The SBE adopted new *California Code of Regulations*, Title 5, sections governing the curriculum framework and instructional materials adoption process.

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

**FISCAL ANALYSIS (AS APPROPRIATE)**

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

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

**ATTACHMENT(S)**

Attachment 1: Chart of Public Input on *ELA/ELD Draft Framework* (organized by chapter) with noted approved action by the IQC Subject Matter Committee on June 27, 2014 [http://www.cde.ca.gov/ci/rl/cf/](http://www.cde.ca.gov/ci/rl/cf/).

Attachment 2: Public Comments on the May 2014 Draft of the *ELA/ELD Framework* from May 1 to July 1, 2014 (in the order received) [http://www.cde.ca.gov/ci/rl/cf/](http://www.cde.ca.gov/ci/rl/cf/).

Both attachments will be available no later than July 3, 2014.
# Subject

California Assessment of Student Performance and Progress: Adopt Permanent *California Code of Regulations*, Title 5, Sections 850 - 868.

## Summary of the Issue(s)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress (CAASPP) assessment system (set forth in Education Code [EC] section 60640 as the Measurement of Academic Performance and Progress or MAPP, referenced in the regulations as the CAASPP), which is governed by EC sections 60640 through 60649. The CAASPP is to be used for the assessment of certain elementary and secondary pupils commencing with the 2013–14 school year.

## Recommendation

The CDE recommends the State Board of Education (SBE) take the following actions:

- Approve the Final Statement of Reasons;
- Adopt the proposed regulations;
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

## Brief History of Key Issues

Governor Brown signed Assembly Bill 484 (AB 484) on October 2, 2013. AB 484 (Chapter 489, Statutes of 2013) deletes the provisions of the EC referencing the Standardized Testing and Reporting (STAR) Program and establishes the CAASPP.
EC Section 60640(q) requires that Title 5 Regulations be revised by the SBE on or before July 1, 2014. The proposed regulations include definitions, requirements, responsibilities, and guidelines, for the administration, test security, reporting, and apportionment for CAASPP. The proposed amendments include, but are not limited to:

- adding and deleting references to the specific names of tests used in the different assessment systems because tests have changed and new tests are being added to the CAASPP assessment system;

- updating and adding testing accommodations, designated supports, and universal tools for paper-pencil and computer-based testing;

- revising testing periods; and

- updating testing coordinator and examiner responsibilities for test administration, including security, for paper-pencil and computer-based testing.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On January 15, 2014, the SBE approved the commencement of the rulemaking process.

The 45-day public comment period ran from January 31, 2014, through March 17, 2014. A public hearing was held on March 17, 2014, in accordance with the Administrative Procedure Act.

On May 7, 2014, the SBE approved the proposed changes to the proposed regulations and directed that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act and if any relevant comments to the proposed changes were received during the 15-day public comment period, the CDE was directed to place the proposed regulations on the SBE’s July 2014 agenda for action.

Relevant comments were received during the 15-Day Notice and responses have been added to the Final Statement of Reasons (Attachment 1). Only two, non-substantive, proposed changes to the regulations have been made for purposes of consistency and clarity.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 3.
ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (23 pages)
Attachment 2: Proposed Regulations (49 pages)
Attachment 3: Economic and Fiscal Impact Statement (STD 399) (5 pages)
FINAL STATEMENT OF REASONS
California Assessment of Academic Performance and Progress (CAASPP)

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from February 1, 2014 through March 17, 2014. Five individuals submitted comments during the 45-day comment period.

A public hearing was held at 1:30 p.m. on March 17, 2014, at the California Department of Education (CDE). Four individuals attended the public hearing and provided input.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 1, 2014 THROUGH MARCH 17, 2014.

GABRIELLE JACKSON, Teacher – 4th Grade - Abraham Lincoln Elem. School
Comment: Commenter states opposition to the legislation establishing the CAASPP as the main assessment required by students “on the grounds that it is harmful to children and young people and it disrupts the normal teaching and learning relationship between a teacher and her pupils.”
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter states that according to Education Code it is the intent of the Legislature that parents, classroom teachers, and other educators, pupil representatives, institutions of higher education, business community members, and the public be involved, in an active and ongoing basis, in the design and implementation of the statewide pupil assessment system and the development of assessment instruments and this has not been done. Commenter also states “We teachers have been told we will not be able to actually see the questions on the field test this year.”
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter states “The ed code also says its intent is to minimize instructional time devoted to the test. We have been told we need to spend much instructional time practicing for the test.”
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter states, “Teachers should be able to develop tests which are appropriate for her students, not have them made by a private company for profit. It also states in the ed code tests should be suited to local communities, that is completely the opposite of what CAASPP does.”
Response: The comment does not address the proposed regulations and therefore no response is required.
Comment: Commenter strongly urges reconsideration of “this harmful and inappropriate test” and states “it is also strongly biased against students who are impoverished since it tests computer skills as much as anything else, and children with a computer at home will do better than those who do not have one.”

Response: The comment does not address the proposed regulations and therefore no response is required.

SPIEGEL COLEMAN, EXEC. DIR., CALIFORNIANS TOGETHER

Comment: Commenter proposes in Recommendation 1 that the permanent regulations have a “stand-alone section” within section 853.51 clearly identifying the variations (now designated supports) that are available to ELs. This stand-alone section should clearly identify the supports available to ELs and the process by which parents/guardians are assured their children will receive those supports.

Accept: The comment is accepted insofar as the CDE has added section 853.7 to the regulations so that there will be a “stand alone” section pertaining to the designated supports available to ELs and that this section will specify that LEAs may consider parental or guardian input in determining appropriate designated supports. The comment is also accepted insofar as section 858(d) has been added which designates a particular person to be responsible for ensuring that all designated supports, appropriate accommodations, and pre-approved individualized aids are entered into the registration system and provided to the proper pupil.

Comment: Commenter proposes in Recommendation 2 that the CDE provide a clear and consistent statewide process for educators to follow in determining whether designated supports should be made available to a pupil. Specifically, commenter believes that the determination about whether embedded and non-embedded designated supports should be provided to an EL pupil should be made by an educator or group of educators familiar with the student and the designated supports available, the parents or guardian and the student. The determination should be made according to a consistent process that considers the supports the student receives in the classroom and for other assessments, in order to maximize the performance of these students.

Accept in Part and Reject In Part: The CDE accepts the comment in part in that the new section 853.7 specifically provides that the LEA may seek parent or guardian input in determining designated supports. The comment is rejected in that the decision as to whether or not a pupil should receive a designated support, and the process for making that decision, is best left to the local level.

Comment: Commenter proposes in Recommendation 3 adding a new section which would require that LEAs make a determination with respect to every EL pupil whether or not the pupil could use a designated support. Specifically, the commenter recommends

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1 The comment refers to section “835” but, there is no section 835 in Title 5 regulations and, based on the content of the comments, it appears to be merely a typo and that the commenter was commenting on section 853.5.
adding the following subdivision (e) to section 853.5:

“An LEA shall determine for each of its pupils identified as English learners whether one or more of the designated supports in subdivisions (c) and (d) of this section are appropriate for use on any of the CAASPP tests. This determination shall include input from the student and the student’s parent/guardian and shall consider supports regularly used in the classroom and for other assessments.”

Reject: Sections 853.5 and 853.7 do not preclude an EL pupil from receiving any designated supports that an educator, or a group of educators, feels is appropriate so long as the resource is identified prior to testing and is a resource regularly used in the classroom for instruction and/or assessment(s). The intent is to provide the LEA with flexibility to provide all pupils, which includes EL pupils, as well as others, necessary resources for participating in assessments. Mandating that LEAs make affirmative determinations concerning the appropriateness of a designated support(s) for all ELs would create an unfunded mandate and there is nothing in the CAASPP law allowing for the creation of a state mandate. The process by which an LEA determines whether a pupil needs a designated support is best left to the local level.

Comment: Commenter proposes in Recommendation 4 “that the permanent regulation include language that would require the provision of data to the CDE as to the number of English Learner students who requested designated support(s), and the number and type of designated support(s) that was actually provided.”

Reject: The addition is unnecessary as the data compilation requested in this regulation is already required to be compiled and reported by the CDE pursuant to Education Code section 60643(b)(7)(F) and (G) and 20 U.S.C. 6311(b)(2)(C)(v) and (b)(3)(C)(xiii).

DOUGLAS J. McRAE, EDUCATIONAL MEASUREMENT SPECIALIST

Comment: Commenter contends that the interim assessments that will be available mirror the summative assessments and believes that these interim tools are unethical means of “teaching to the test.” He recommends the deletion of section 853(c) which reads, “Use of interim assessments and formative assessment tools shall not be considered advanced preparation for CAASPP test as defined in Education Code section 60611.”

Reject: The CDE disagrees with the commenter that the use of interim assessments should be prohibited. The Legislature has specifically expressed its intent that interim assessments be available for use by LEAs at no cost pursuant to Education Code section 60642.6.

Comment: Commenter recommends repealing sections 855(a), which requires LEAs to administer the Smarter Balanced Field Tests for ELA and mathematics in 2013-14 and

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2 Again, the comment refers to section “835.5” and there is no section 835.5 in Title 5 regulations. Based on the content of the comments, it appears to be merely a typo and that the commenter was commenting on section 853.5.
also the CST, CMA and CAPA for certain subjects and grades. Commenter also recommends bringing back section 854, deleted from the current version of the regulations, with some minor revisions, so that section would read as follows:

(a) No program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for standards-based achievement tests, or primary language tests, if any. No administration or use of an alternate or parallel form should be used as practice for any pupils.

(b) Practice tests provided by the contractor as part of the standards-based achievement tests and the primary language tests, if any, for the limited purpose of familiarizing pupils with computerized formats of test items are not subject to the prohibition of subdivision (a).

The commenter notes that the recommended language would ban the use of the interim assessments that mirror Smarter Balanced summative assessments but would not ban practice tests provided by Smarter Balanced for the limited purpose of familiarizing pupils with the tests.

Reject: As to the comment regarding the elimination of section 855(a), commenter does not give reasons why it should be repealed and thus the comment is rejected. As to the commenter’s proposed addition of former section 854 for the purpose of banning the use of interim assessments, such an amendment would be inconsistent with Education Code sections 60603(n) and 60642.6 which expressly permit the availability and use of interim assessments.

Comment: Commenter recommends the deletion of section 854(b)(1) in its entirety. That section prescribes a 12-week window for testing. The commenter instead recommends much shorter testing windows be established. The commenter further recommends modifying section 854(b)(2). That section establishes a separate 7-week testing window for grade 11 Smarter Balanced assessments and CAASPP assessments after January 2015. The commenter recommends that section be amended by replacing “For the grade11” with “For grades 3-8 and grade 11.” The commenter believes that, for grades 3-8 and grade 11, the testing window should last just five weeks with the last two weeks available for emergency make-up testing. Together, the commenter believes that shortening these testing spans will provide a sound educational measurement testing window for large scale standards-based tests, balancing the need for test security and for comparability of scores.

Reject: Education Code section 60640(c)(5) provides for the SBE to approve “testing periods” or windows. The testing periods or windows chosen reflect the test windows established by the consortium.

Comment: Commenter recommends the deletion of Article 2, section 855(c), stating that if the K-12 High Speed Network does not have the capacity to allow LEAs and schools to test when they judge best within the windows, the state needs to delay initiation of statewide computer-administered tests until the state provides adequate technology capacity.
Reject: The CDE needs the flexibility so if there is an excessive load on the K-12 High Speed Network it can request of the SBE President or designee (with cause) temporary limitations on the administration of interim assessments (a draw on the K-12 High Speed Network) and require LEAs to more effectively spread out their pupil testing across a wider span of the testing window thereby reducing the load on the network. Delaying the computer-based testing until another year, as commenter suggests, would conflict with the CAASPP statutes.

Comment: Commenter recommends deleting section 857(d)\(^3\) and replacing it with the language below. The commenter reasons that section 857(d) is absurd as CAASPP coordinators don’t have authority to ensure compliance as authority is vested with the local school board. Commenter believes the following suggested language is more appropriate:

The LEA CAASPP coordinator shall ascertain the LEA’s compliance with the minimum technology specifications as identified by the CAASPP’s contractor(s) or consortium on an annual basis, and if the LEA’s compliance does not meet those specifications, the LEA CAASPP coordinator shall recommend to the LEA Superintendent, the LEA School Board, and the CDE that the LEA utilize paper-and-pencil tests rather than computer-administered tests for the current school year.

Reject: The suggested replacement language is rejected as it is the Legislature’s intent, as stated in Education Code section 60602.5(a)(6), that the assessments be administered, where feasible, via technology.

Comment: Commenter recommends additional language in section 861 regarding the information that must be entered into the “test information engine,” specifically adding all Special Education accommodations and designated supports as well as all English Language Learner’s designated supports.

Accept in Part and Reject in Part: Accept in that section 861 will be amended to add to the required data to be reported, if a pupil used a designated support and if a pupil used an approved individualized aid. The comment is rejected insofar as requiring the data to be disaggregated by subgroups in these regulations is unnecessary as those data will be compiled and reported pursuant to Education Code section 60643(b)(7)(F) and (G) and 20 U.S.C. sections 6311(b)(2)(C)(v) and (b)(3)(C)(xiii).

LAUREN GIARDINA, STAFF ATTORNEY, DISABILITY RIGHTS CALIFORNIA

Comment: Commenter states that they are troubled that section 853.5(d) does not automatically grant supports to students who have accommodations or modifications already written into their IEP or 504 plans.

Accept: The comment is accepted in that, for additional clarity, the phrase, “or specified in a pupil’s IEP or Section 504 Plan” shall be added after the phrase “educator or group of educators” to sections 853.5(d) and 850(i) to make it clear that any non-embedded

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\(^3\) The CDE assumes that the comment, which referred to section 847(d) was a typo and was meant to refer to 857(d) as there is no section 847(d) in the proposed regulations.
designated supports contained in an IEP or Section 504 Plan will be provided to a pupil. This phrase will also be added to section 853.5(c) to clarify that any embedded designated supports contained in an IEP or Section 504 Plan will also be provided to a pupil.

Comment: Commenter is also concerned about section 853.5(d) in that this section does not specify a timeline or procedure for requesting designated supports or an appeal of denials of those supports. Without such timelines or appeals specified, commenter feels it is possible that a student may not receive their denial in a timely manner and may be forced to take the exam without the necessary accommodations, which may impact the validity of the test results.

Reject: As proposed, section 850(j) would define designated supports to be, “resources that are available for use by any pupil for whom the need has been indicated, prior to the assessment administration, by an educator or group of educators and which the pupil regularly uses in the classroom for instruction and/or assessment(s).” The definition provides the LEA the timeline and the CDE defers to the LEA on how to best implement the timeline and address any appeals of denial of a particular designated support. Concerns about a designated support(s) for a pupil with an IEP or Section 504 Plan should be addressed through those processes.

Comment: Commenter is also concerned with sections 853.5(e) and (f). The commenter states that they are concerned that students who require accommodations, modifications or supports that do not have an IEP or Section 504 plan will not be able to receive testing support. Second, commenter is concerned that those with an IEP or Section 504 Plan may not have all of the necessary supports listed in their IEP or Section 504 Plans. The commenter recommends that the “regulations specify a procedure for requesting accommodations that are not in the IEP and for appealing denials of such requests.”

Reject: As to the first concern, students who require resources but do not have an IEP or Section 504 Plan can still receive any and all universal tools as well as any designated supports that have been determined for use by an educator or a group of educators. In addition, the LEA can seek approval of any individualized aid not otherwise enumerated in the regulations on behalf of the student pursuant to section 853.5(g). As to the second concern, that students with an IEP or Section 504 Plan may require a resource that is not listed in their IEP or Section 504 Plans, such a resource will be provided if it is a universal tool available to all students, a designated support determined for that pupil’s use by an educator or a group of educators or an individualized aid if the LEA has sought and received approval for its use by the CDE pursuant to sections 853.5(g).

Comment: Commenter states that the supports enumerated in the regulations in Sections 853.5(a)-(f), “are not exhaustive” and that there may be supports included in a pupil’s IEP or Section 504 Plan that are not listed in the regulations. Commenter suggests that the CDE consider “providing any testing accommodations listed in an IEP or 504 automatically and not just limit the provision of such accommodations to those listed in these sections.”
Reject: It is not possible to develop a comprehensive listing of all the possible testing resources for students with every type of disability for all different tests or test items. Section 853.5(g) provides a mechanism to seek approval for the use of a resource that is included in a pupil’s IEP or Section 504 Plan but that is not included in the list of universal tools, designated supports or accommodations in these regulations.

BILL LUCIA, PRESIDENT AND CEO, EdVOICE
Comment: Commenter states that section 851(b) “conflicts with current law” and exceeds the SBE’s authority. Commenter states that section 851(b) restricts the flexibility granted all charter schools and that Education code section 47651 includes no provision that establishes the authority to adopt the language of this regulation. Commenter further states that while Education Code section 60603(o) includes direct-funded charter schools in the definition of a “local educational agency” for purposes of assessments, it does not define what a locally-funded charter school is for purposes of the assessments and that “without any explicit mention of locally-funded charter schools, these regulations mandate new levels of oversight from a local governing board.”

Accept in Part and Reject in Part: The comment is accepted in that section 851(b) has been amended for purposes of clarification and to connect the regulation more directly to the statutes being implemented. The comment is rejected in that the SBE has neither exceeded its authority nor created new levels of oversight. Education Code section 47651(a) addresses the distinction between a charter school that receives funding directly from the State of California and a charter school that receives funding through the LEA that granted its charter or was designated the oversight agency by the SBE pursuant to Education Code section 47605(k)(1). The former type of charter school is a “direct-funded” charter school and the latter charter school is a “locally-funded” charter school. All SBE-authorized charters and statewide benefit charters are direct-funded charters. Education Code section 60603(o) explicitly states, for the first time, that direct-funded charter schools are “LEAs” at least for purposes of the administering CAASPP assessments. As an LEA, a direct-funded charter school would be directly responsible for the administration and scoring of CAASPP assessments. The SBE is charged with implementing the CAASPP statutory scheme and must clarify and make specific how charter schools that are not LEAs are to administer CAASPP assessments. Pursuant to Government Code section 11342.2, regulations propounded by state agencies are automatically valid when there is express authority for the agency to adopt regulations to implement statutes [which there is pursuant to Education Code section 60640(q)], the regulations are necessary to implement, interpret, make specific or otherwise carryout the provisions of the statute, the regulations are not inconsistent or in conflict with any statute and the regulations are reasonably necessary to effectuate the purpose of the statute. The proposed amended regulation meets this standard.

RIGEL MASSARO, POLICY AND LEGAL ADVOCATE, PUBLIC ADVOCATES, INC.
Comment: Commenter recommends “that 1) a determination about designated supports be made for every EL; 2) this determination be made by educators familiar with the EL, and include the ELs’ parent/guardian and the EL student; and 3) that this determination consider the supports the EL uses in the classroom and for other assessments.”
Accept in Part and Reject in Part: The comment is accepted in that the regulations have been amended to add section 853.7 to specify that in determining whether an EL should have a designated support, input of a parent or guardian may be sought. The comment is rejected in that the regulations already allow for ELs to receive any and all designated supports listed in the regulation and allows an LEA to consider the resources that the EL uses in the classroom and for assessments. The SBE does not believe additional mandates are necessary and that the LEAs are in the best position to identify and determine the need of all students, including ELs.

Comment: Commenter states that “‘when determined’ suggests that individual determinations are optional” and that “While determination about designated supports is appropriately optional for most English only students, this determination should be mandatory for all ELs.” The Commenter goes on to suggest that “a mandatory and individualized determination is consistent with federal law, which states that state assessments ‘shall’ provide for “…the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under paragraph (7);” 20. U.S.C. 6311(b)(3)(C)(ix)(III).  

Reject: Sections 853.5 and 853.7 do not preclude an EL pupil from receiving any designated supports that an educator, or a group of educators, feels is appropriate so long as the support is identified prior to testing and is a support regularly used in the classroom for instruction and/or assessment(s). Mandating in the regulations that LEAs make an affirmative determination concerning every ELs need for a designated support(s) is not required by federal law and would create an unfunded mandate when there is nothing in the CAASPP law creating a state mandate. The process by which an LEA determines whether a pupil needs a designated support is best left to the local level.

Comment: Commenter states that the manuals “must include reference to the process by which the educator(s)” “determination of whether a student needs a designated support is communicated to the LEA CAASPP Coordinator or Test Site Coordinator.”

Accept in Part and Reject in Part: The comment is accepted in that the regulations propose to designate the person to be responsible for correctly processing designated supports and accommodations into the registration system. Subdivision (d) proposes changing section 858 as follows:

The CAASPP test site coordinator shall be responsible for ensuring that all designated supports and accommodations are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations.

The comment is rejected in that the regulations should not specifically dictate what is to be included in the contractor’s manual.
Comment: Commenter states “We suggest that the proposed permanent regulations amend the designated supports to include the variations previously allowed to ELs” under the Standardized Testing and Reporting (STAR) program. The four EL testing variations, previously allowed under STAR regulations at sections 853.5(g)(1)-(4) are rejected from inclusion in the amended regulations for the following reasons:

Subcomment 1: Section 853.5(g)(1): Tested in a separate room with other EL learners provided that an employee of the school, school district or nonpublic school, who has signed the Test Security Affidavit, directly supervises the pupil. 
Reject: Addition of this specific variation as a designated support is unnecessary. Sections 853.5(d)(9) and 853.7(b)(9) provide as a non-embedded designated support “separate setting.” LEAs may provide this non-embedded designated support to any pupil, including any and all ELs, if it is determined appropriate by an educator or group of educators and, under the proposed regulations, an educator or group of educators may determine that ELs should be placed together in a separate setting.

Subcomment 2: Section 853.5(g)(2): Additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by “STOP” at the end of it.
Reject: Addition of this section is unnecessary as sections 853.5(a)(1) and (b)(1) provide for “breaks” (or a pause) for all pupils, which includes ELs.

Subcomment 3: Section 853.5(g)(3): The test directions printed in the test administration manual may be translated into an ELs primary language. ELs shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.
Reject: Smarter Balanced does not include clarifying questions about test directions in a student’s primary language among the list of resources. Any pupil may request such resources pursuant to the mechanism in section 853.5(g).

Subcomment 4: Section 853.5(g)(4): Access to translation glossaries/word lists for the standard based achievement tests in mathematics, science and history social science (English-to-primary language). The translation glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries or word lists shall include no definitions, parts of speech or formulas.
Reject: Smarter Balanced does not include these as among the list of resources. Any pupil may request such resources pursuant to the mechanism in section 853.5(g).

PUBLIC HEARING, MARCH 17, 2014

Four individuals were present at the public hearing: Martha Diaz, representing Californians Together (Shelly Spiegel Coleman) also submitted written comments (addressed above); Doug McRae, also submitted written comments (addressed above); Marge Crawford and Jordan White, Rocklin Unified School District staff, provided oral comments listed below.
MARGE CRAWFORD, ASST. SUPT., ROCKLIN UNIFIED SCHOOL DISTRICT  
**Comment:** Commenter voiced support for the Smarter Balanced assessments.  
**Response:** No response required.  

JORDAN WHITE, ROCKLIN UNIFIED SCHOOL DISTRICT  
**Comment:** Commenter voiced support for the Smarter Balanced assessments.  
**Response:** No response required.  

*After the 45-day comment period, the following changes were made to the proposed text of the regulations and sent out for a 15-Day comment period:*

The following amendments occur throughout the regulations:

- Renumbering for consistency;
- “Accessibility support” has been deleted and replaced with “individualized aid.” This amendment is necessary as individualized aid was deemed a more appropriate term.
- Computer-based testing (CBT) in these regulations has been changed to computer-based assessments (CBA). This amendment is necessary for clarity and consistency because CBA is defined in Education Code section 60603(e).
- In sections 850(a), (k), and (o), the word “support” has been replaced with “resources.” This amendment is necessary as resources is deemed a more appropriate term.

**Proposed section 850(a)** is amended to add the requirement that accommodations must be regularly used in the classroom for instruction and/or assessments. This amendment is necessary to conform to Smarter Balanced requirements.

**Proposed section 850(b)** is deleted. This deletion is necessary as “accessibility supports” is no longer a term used in these regulations.

**Proposed section 850(c)** adds the definition of “Adaptive engine.” This definition is necessary as the term is now used in section 853(b).

**Proposed section 850(d)** is amended to delete the word “accommodations” and replace it with “resources.” This amendment is necessary for clarity and consistency of terminology.

**Proposed section 850(e)** is amended to add a definition for “Assessment delivery system.” This is necessary as the term is now used in sections 859(d)(4)(A) and 859(d)(6).

**Proposed section 850(f)(formerly (e))** is amended to change “Testing” to “Assessment.” This amendment is necessary for clarity and consistency.
Proposed section 850(i)(formerly (h)) is amended to add “its” before “test materials.” This amendment is necessary for clarity and consistency.

Former proposed section 850(i) is deleted. This deletion is necessary as the term computer-based assessments is already defined in Education Code section 60603(e) and thus that term should be utilized in the regulations.

Proposed section 850(j) is amended to add a definition for “Data Warehouse.” This amendment is necessary as the term is now used in section 850(e).

Proposed section 850(k)(formerly (j)) is amended to replace “features” with resources, and add “or specified in a pupil’s IEP or Section 504 Plan.” These amendments are necessary for clarity and consistency. In addition, this section is amended to add the requirement that resources must be regularly used in the classroom for instruction and/or assessments. This amendment is necessary to conform to Smarter Balanced requirements.

Proposed section 850(l)(formerly (k)) is amended to add “taking an assessment pursuant to Education Code section 60640.” This amendment is necessary for specificity as not all pupils in the state of California take CAASPP assessments.

Proposed section 850(o) adds the definition “Individualized aid.” This addition is necessary as the term is now used in the regulations.

Proposed section 850(p) is amended to add the statement that an LEA Superintendent, for purposes of the CAASPP regulations, includes an administrator of a direct-funded charter school. This is necessary for clarity as charter schools have administrators and not superintendents.

Proposed section 850(t) adds the definition “pupil.” This addition is necessary to acknowledge that the CAASPP statutes do not apply to students outside the public school system.

Proposed section 850(u)(formerly (r)) is amended to add “as specified in Education Code section 60603(v).” This amendment is necessary for clarification and consistency.

Proposed section 850(v) adds the definition “registration system.” This definition is necessary because the term is now used in sections 858(d) and 859(c).

Proposed section 850(w) adds the definition “resource(s).” This definition is necessary because the term is now used consistently throughout these amended proposed regulations.

Proposed section 850(x)(formerly (s)) amends “is required” to “has received training”. This is necessary to conform with consortium requirements for scribes.
Proposed section 850(aa) (formerly (v)) is amended to add “at the option of the LEA” and “or pupils enrolled in a dual immersion program that includes Spanish.” These amendments are necessary to conform to Education Code section 60640.

Proposed section 850(ab) adds the definition “streamlining.” This definition is necessary as that term has been added to section 853.5 as an embedded accommodation.

Proposed section 850(ac)(formerly (w)) has been reworded for clarification purposes and for consistency with the definition of test proctor in section (ae).

Proposed section 850(ad)(formerly (x)) is amended to delete “as part of the administration of the CAASPP tests.” This amendment is necessary to eliminate redundant and unnecessary language.

Proposed section 850#ae)(formerly (y)) is amended to delete “within the CAASPP assessment system.” This amendment is necessary to eliminate redundant and unnecessary language.

Proposed section 850#af)(formerly (z)) is amended to add section 853.7 since that section is added to the regulations and utilizes the term “translator.”

Proposed section 850(ag)(formerly (aa)) is amended to change “accessibility features” to “resources.” This amendment is necessary for clarity and consistency.

Proposed section 851(b) is amended to replace a “charter school which is not direct-funded pursuant to Education Code section 47651” to “a charter school which is not an LEA as defined in Education Code section 60603(o).” This amendment is necessary for clarification and to connect the regulation more directly to the statutes being implemented. It is also amended to replace “the local governing board” with the “State Board of Education.” This amendment is necessary as Education Code section 47651 (referenced in Section 60603(o)), specifically refers to Section 47605(k)(1) which permits designation of an oversight agency by the State Board of Education and not a local governing board.

Proposed section 853(a) is amended to add reference to section 853.7. This amendment is necessary because designated supports are referenced in section 853.7 for ELs.

Proposed section 853(b) is added to these regulations. This addition is necessary to emphasize the intent expressed by the Legislature in Education Code section 60602.5(a)(6).

Proposed section 853(d) is amended to delete “for use during the school year.” This amendment is necessary because during the school year is unnecessary due to year-round availability. The words “and formative assessment tools” are deleted for
consistency and clarity as formative tools are provided by the State and require no scoring.

Proposed sections 853.5(a), (b), (c), and (d) are amended to delete the parenthetical phrase “(including ELs and students with disabilities).” This parenthetical, which was added at the January 2014 SBE meeting to continue the practice established in STAR regulations of highlighting in regulations supports available to the EL pupils, is no longer necessary because a stand-alone regulation has been added specifying the designated supports available for ELs. The “all pupils” language is inclusive of all pupils, including ELs and students with disabilities.

Subdivision (c) is amended to delete “unless otherwise indicated.” This is necessary as this language is superfluous.

Subdivision (c)(3) is also amended to add “reading” before “passages.” This amendment is necessary for clarity and consistency.

Subdivisions (c) and (d) are also amended by adding “or specified in a pupil’s IEP or Section 504 Plan.” This is necessary to clarify that a group of educators includes an IEP or Section 504 Plan team. Subdivisions (c) and (d) are also amended to add the word “but” before “not reading passages.” These amendments are necessary for consistency and clarity.

Proposed section 853.5(d)(9) is amended to strike reading, writing, listening and mathematics. The amendment is necessary because these resources are available in all CAASSP tests.

Proposed section 853.5(d)(10) is amended to eliminate science and primary language tests, and to clarify for which languages a glossary is available in mathematics. This amendment is necessary because Smarter Balanced provides glossaries only in the languages it supports. LEAs cannot develop additional glossaries for mathematics.

Proposed section 853.5(d)(13) is added to include LEA developed translation glossaries for science and primary language. This amendment is necessary to differentiate between LEA-developed glossaries and those provided by Smarter Balanced.

Proposed section 853.5(d)(14) is added to include “administration of the test at the most beneficial time of day for the pupil.” This addition, which was formerly a non-embedded accommodation under section 853.5(f)(14), is necessary because it is more appropriate that the resource is deemed a designated support.

Proposed section 853.5(e)(5) is added to include streamlining for reading, writing, listening and mathematics. This addition is necessary to conform to the resources permitted by the Smarter Balanced consortium.
Proposed section 853.5(f)(13) is deleted because section 853.5(d)(9) has been amended to include separate setting for all CAASPP tests.

Proposed section 853.5(f)(14) is deleted and moved to section 853.5(d)(14) because it is a more appropriate designation for this resource.

Proposed section 853.5(i) is added to specify that if a consortium in which California participates approves of a universal tool, designated support and/or accommodation(s) not listed in the regulations, the CDE shall allow its use. This addition is necessary because the CDE wants to make sure that pupils are permitted to use all appropriate resources provided by a consortium in which California participates.

Proposed section 853.7 is added as a “stand-alone” section to highlight the designated supports available to ELs and to emphasize that parent and guardian input may be sought. This addition is included in response to comments from the stakeholders.

Proposed section 855(b)(3) is amended to remove “as these tests.” This amendment is necessary for clarity.

Proposed sections 857(b) and 858(a) are amended to change the date from September 29 to September 30. These amendments are necessary to be consistent with the date in section 857(a).

Proposed section 858(d) is added to specify that it is the CAASPP test site coordinator who is responsible for ensuring that all designated supports and accommodations are correctly entered into the registration system and provided to the pupil identified to receive the designated supports and/or accommodations. This addition is necessary to help ensure that pupils receive the resources they should be receiving under these regulations.

Proposed section 859(b)(6) is amended to replace “the CAPA test” with “an alternate assessment (CAPA or its successor alternate assessment).” This amendment is necessary because the CDE is working to replace the CAPA test with another alternate assessment so these regulations will continue to apply in the event that a new alternate assessment is introduced.

Proposed section 859(c) is amended to add “LEA CAASPP coordinator and CAASPP test site coordinators” for consistency with section 859(b)(2). It is also amended to add “platform” to assessment technology and “registration system, adaptive engine.” These amendments are to clarify all of the parts that comprise the CBA.

Proposed section 859(d)(4)(A) is amended to add “Other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system.” This amendment is necessary to ensure that a pupil, and only that pupil, can receive his/her own information for purposes of logging into the system.
Proposed section 859(d)(4)(D) is deleted. This deletion is necessary as it is covered by section 859(d)(4)(A).

Proposed section 859(d)(6) is amended to change “computer system” to “assessment delivery system.” This amendment is necessary for clarity and consistency.

Proposed section 859(d)(10) is amended to replace reference to “CAPA” with a reference to “an alternate assessment (CAPA or its successor alternate assessment).” This amendment is necessary because the CDE is working to replace the CAPA test with another alternate assessment so these regulations will continue to apply in the event that a new alternate assessment is introduced.

Proposed section 859(d)(11) is amended to add “paper-pencil” to provide clarity of the type of test. It is also amended to delete “embedded and/or” because these resources are only available in the CBA. “Individualized aids” is added to the list of resources available on the “paper-pencil” tests because an IEP and/or Section 504 Plan team may identify an unlisted resource as necessary.

Proposed section 859(d)(12) is added to these regulations. This addition is necessary to ensure active supervision and to ensure that appropriate assessments are given in the correct order.

Proposed section 861(b)(2) is amended to add “if a pupil used a designated support.” This amendment is necessary for purposes of required data reporting.

Proposed section 861(b)(3) is amended to add “if a pupil used an individualized aid.” This amendment is necessary for purposes of required data reporting.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD FROM MAY 8, 2014 THROUGH MAY 23, 2014, INCLUSIVE.

SHELLY SPIEGEL COLEMAN, EXEC. DIR., CALIFORNIANS TOGETHER
Comment 1: Commenter states, “The proposed regulations’ (sic) maintains the language of “when determined” suggesting that this determination is optional. While a determination about designated supports is appropriately optional for most English only students, this determination should be mandatory for all ELs. This does not mean that every EL by definition requires use of one or more designated supports. It does mean that a determination must be made for every EL student regarding whether and which designated supports they will be able to access on the CAASPP.”

Comment 2: Commenter recommends that students be included in decision of appropriate designated supports for the CAASPP tests and that the educator(s) be familiar with the student’s characteristics.

Comment 3: Commenter states “The proposed amendments ‘permit’ the use of designated supports once a determination has been made for an EL student. We
strongly believe that once determined to be necessary by an educator(s) and the parent(s)/guardian(s), the designated support should be given to the EL student.”

The commenter proposes to address concerns #1, 2, and 3 by deleting sections 853.7 (a) and (b) and replacing those subdivisions as set forth below:

“(a) An educator or group of educators familiar with the student’s characteristics and needs shall determine for each of its pupils identified as English learners whether one or more of the designated supports in subdivisions (a) and (b) of this section are appropriate for use on any of the CAASPP tests. This determination shall include input from the student and the student’s parent/guardian and shall consider supports regularly used in the classroom and for other assessments. Upon determination, one or more of the embedded or designated supports shall be provided to the English Learner student(s), on the CAASPP tests for English language arts (including the components of the reading, writing and listening) and mathematics as specified below....“

“(b) An educator or group of educators familiar with the student’s characteristics and needs shall determine for each of its pupils identified as English learners whether one or more of the designated supports in subdivisions (a) and (b) of this section are appropriate for use on any of the CAASPP tests. This determination shall include input from the student and the student’s parent/guardian and shall consider supports regularly used in the classroom and for other assessments. Upon determination, one or more of the non-embedded or designated supports shall be provided to the English Learner student(s), on the CAASPP tests for English language arts (including the components of the reading, writing and listening) and mathematics, science and primary language as specified below....“

Reject: Section 853.7 does not preclude an EL pupil from receiving any designated supports that an educator, or a group of educators, feels is appropriate so long as the designated support, as defined in section 851(k), is identified prior to testing and is a support regularly used in the classroom for instruction and/or assessment(s). Nothing precludes an LEA from locally requiring that educator or educators are familiar with the student’s characteristics or reach a joint decision on which designated supports to provide. Furthermore, nothing precludes a pupil from advocating for the use of a designated support to an educator or an LEA from seeking pupil input on the use of a designated support. Mandating in the regulations that LEAs make an affirmative determination concerning every ELs need for a designated support(s), that students be included in this mandatory determination and that the educator making this decision be required to be familiar with the pupil are mandates not required by federal law and would create unfunded mandates through regulation when there is nothing in the CAASPP law creating such mandates. The process by which an LEA determines whether an EL needs a designated support is best left to the local level. As to the comment that section 853.7 be amended to require that an EL “should” be given designated supports determined to be necessary rather than “permitted,” this change is
unnecessary as section 835.7 already gives an EL pupil the right to any and all designated supports that have been determined for his or her use by an educator or group of educators.

**Comment 4:** Commenter recommends that “the permanent regulations include language that would require the provision of data to the CDE as to the number of English Learner students who requested designated support(s), and the number and type of designated support(s) that was actually provided.” The commenter proposes that the permanent regulations be amended to add a new subdivision (c) to section 853.7 to read:

> “The district or SBAC shall provide to the state the number of English Learners identified as needing designated supports and the number and type of designated supports actually provided to English Learners. This data shall be submitted at the same time SBAC assessment data is forwarded to the state.”

**Reject:** Addition of this section would be beyond the scope of the statute. Neither state nor federal law require the collection of the number of EL students who request designated supports nor the number and type of designated supports actually provided. Inclusion of this recommendation would constitute an unfunded state mandate. Additionally, AB 110, Chapter 20, Statutes of 2013, in section 6100-001-0890 states, “(22.)… As a further condition of receiving these funds, the SDE shall not add additional data elements to CALPADS, require local educational agencies to use the data collected through the CALPADS for any purpose, or otherwise expand or enhance the system beyond the data elements and functionalities that are identified in the most current approved Feasibility Study and Special Project Reports and the CALPADS Data Guide v4.1.” Nevertheless, the CDE will collect, disaggregate and report data on which pupils have been designated EL and which pupils have had designated supports and/or accommodations made available to them in accordance with the federal accountability and technical requirements.

**KIMBERLY RODRIGUEZ, ASSOC. OF CALIFORNIA SCHOOL ADMINISTRATORS**

**Comment 1:** Commenter suggests reorganizing section 855(b)(2) to clearly delineate between the testing window for 11th grade SB assessments administered after January 2015 and CAASSPP assessments administered after January 2015. Commenter is specifically concerned that the proposed window for the grade 11 SB assessments is too late in the academic year (after 80 percent of instruction), that it is only 7 weeks and that the timing interferes with Advanced Placement testing.

**Comment 2:** Commenter is concerned about language that authorizes CDE, with the approval of the SBE or designee, to “require LEAs to more fully utilize the testing window” and “about the ability of CDE to alter the testing window.” Additionally, the commenter is concerned about language that authorizes CDE to limit the use of interim assessments in instances where it determines that is necessary to do so to ensure the capacity of the CA K-12 High Speed Network (K12HSN).

**Response:** No response required because these comments do not address amendments proposed during this 15-day comment period. However, the CDE wishes
to reiterate that the CDE needs the flexibility so if there is an excessive load on the K-12 High Speed Network it can request of the SBE President or designee (with cause) temporary limitations on the administration of interim assessments (a draw on the K-12 High Speed Network) and require LEAs to more effectively spread out their pupil testing across a wider span of the testing window thereby reducing the load on the network. As an additional note, at no time during the 2014 field test did the K-12 High Speed Network reach capacity (500,000 concurrent students). The highest concurrent student count was 184,481 students on Tuesday, April 29, 2014.

GINA PLATE, CHAIR, CALIFORNIA ADVISORY COMMISSION ON SPECIAL EDUCATION
Comment: The commenter expresses concern that when the regulations refer to the state’s current alternative assessment, the California Alternative Performance Assessment (CAPA), there is no mention of important language specifically included in AB 484, which is “until a successor alternative assessment is implemented.” Commenter expresses commitment to obtaining a new alternative state assessment for students with cognitive disabilities and believes that adding this language in the regulations where CAPA is mentioned is important, as CAPA is no longer supported by teachers and administrators.
Response: While no response is required because this comment does not address amendments proposed during this 15-day comment period, the CDE responds as follows: Education Code section 60640(b)(3) states that the CAPA will continue “until a successor assessment is implemented” and the CDE anticipates the adoption of a successor alternate assessment in the near future. Thus, when addressing the alternate assessment for pupils with significant cognitive disabilities in these regulations, the CDE intended to refer to “CAPA or its successor alternate assessment” as demonstrated by the references in the regulations in sections 859(b)(6) and 859(d)(10). Sections 850(l)(2) and 855(b)(3), however, were inadvertently not similarly modified when addressing CAPA to include the reference to “or its successor alternate assessment” and, thus, conforming, non-substantive changes have been now made to both sections.

BILL LUCIA, PRESIDENT AND CEO, EdVOICE
Comment: Commenter believes that “section 851(b) of the proposed regulations is not required by current law and creates unnecessary burdens and restrictions on charter schools and authorizing districts. The commenter states that “the regulation in §851(b) restricts the flexibility granted all charter schools by stating that ‘for the purposes of the CAASPP assessment system a charter school which is not an LEA as defined in Education Code section 60603(0) shall test with, and dependent on, the LEA that granted the charter or was designated the oversight agency by the State Board of Education (SBE).’” The commenter proposes that the permanent regulations be amended to require only “coordination” of locally-funded schools with their LEA, giving the locally-funded charter school the option to select whether to administer tests independently or in conjunction with the authorizing LEA.
Reject: Prior to AB 484, the Education Code required that STAR tests be administered by “school districts.” The Legislature did not define what entities constituted “school districts” for the purposes of administering STAR testing, so it was left to the discretion of the SBE, when drafting STAR regulations, to address what entities constituted a
“school district” for purposes of administration of STAR testing. As set forth in former Section 850(o), a school district was defined at that time by the SBE to include, “any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter.” AB 484 removed the ability of the SBE to continue this flexibility for charter schools. AB 484 provides that CASSPP testing is to be administered by LEAs, not school districts; furthermore AB 484 expressly codified which entities constitute an “LEA” for purposes of administering the CAASPP testing. Education Code section 60603(o) states that an LEA in this context means “a county office of education, school district, state special school or direct-funded charter school as described in Section 47651.” Since AB 484 specifically grants authority only to LEAs, not individual schools, to conduct and administer CAASPP testing, and since a locally-funded charter school is, by statute, not an LEA for purposes of conducting and administering CAASPP testing, the suggestion offered by the commenter, to continue in the regulations to allow locally-funded charter schools to choose whether to independently administer CAASPP testing, must be rejected, as accepting this suggestion would conflict with the express terms of the implementing legislation.

DOUGLAS J. McRAE, EDUCATIONAL MEASUREMENT SPECIALIST
Comment 1: The commenter would like to delete the sentence in section 853(d) [formerly 853(c)] that states “Use of interim assessments and formative tools shall not be considered advance preparation for a CAASPP test as defined in Education Code Section 60611.” The commenter believes that the Smarter Balanced interim tests mirror the summative assessments and thus are an unethical means of “teaching to the test” and should be prohibited rather than exempted from EC Section 60611’s prohibition via regulation.

Comment 2: The commenter would like to see section 854’s language reinstated, instead of repealed, but to delete the parenthetical in subdivision (a) that begins, “Except for materials specifically provided by the CDE or its agents…”: The new section 854 would read: “(a) No program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for standards-based achievement tests, or primary language tests, if any. No administration or use of an alternate or parallel form should be used as practice for any pupils.” And “(b) Practice tests provided by the contractor as part of the standards-based achievement tests and the primary language tests, if any, for the limited purpose of familiarizing pupils with computerized formats of test items are not subject to the prohibition of subdivision (a).”

Comment 3: The commenter would like to delete section 855(b)(1) and instead modify section 855(b)(2) by replacing the words “For the grade 11” with the words “For grades 3-8 and grade 11” thereby making only one window for testing ELA and mathematics beginning after at least 80 percent of a school’s annual instructional days have been completed. Commenter advocates this change on his belief that a 12-week window is too long.
Comment 4: The commenter would like to delete section 855(c). The commenter believes that the requirement LEAs move testing windows due to lack of technology capacity in California state-provided K12HSN is an “insult” to the LEA and that the state should “delay initiation of statewide computer-administered tests until the state provides adequate technology capacity.”

Comment 5: The commenter would like to replace language in section 857(d) with “The LEA CAASPP coordinator shall ascertain the LEA’s compliance with the minimum technology specifications as identified by the CAASPP’s contractor(s) or consortium on an annual basis, and if the LEA’s compliance does not meet those specifications, the LEA CAASPP coordinator shall recommend to the LEA Superintendent, the LEA School Board, and the CDE that the LEA utilize paper-and-pencil tests rather than computer-administered tests for the current school year.”

Comment 6: The commenter would like to add language to section 861 “regarding information that has to be entered into the test information engine regarding all Special Education students’ accommodations and designated supports allowed by Individual Education Plans (IEPs) as well as all English Learners’ designated supports allowed by LEA policy to this section.”

Response to Comments 1–6: No response required because these comments do not address amendments proposed during this 15-day comment period.

Comment 7 (Page 15): The commenter requests “that CDE staff review the regulatory process for CAASPP to date and examine to date and all cases where specific consortium language (mostly Smarter Balanced) was used to either justify inclusion of regulatory language or reject recommendations for amended regulatory language, and remove or amend all regulatory language based on specific consortium agreement or requirements language.” Specifically commenter refers to sections 850(a), (k) and (x), 853(d)(10), 853.5(d)(13), (e)(5), (g)(3) and (g)(4) as all being flawed due to their justification based on consortium requirements.

Reject: The Education Code, as amended by AB 484, clearly provides that the CDE should adopt and administer the summative assessments provided by a multi-state consortium of which California has chosen to be a member, which is the Smarter Balanced assessment consortium. The regulations are consistent with Smarter-Balanced consortium’s recommendations and requirements, consistent with the Legislature’s specific intent.

Comment 8 (Page 16): The commenter requests that regulatory language be inserted at new section 858(d) to set forth a complete listing of all the different designated supports and accommodations that the test site coordinator may have to enter into the test engine and a specific process to follow to enter the information.

Reject: The suggestion is rejected as unnecessary. Sections 853.5 and 853.7 identify all designated supports and/or accommodations that may be required to be entered into the system. Regulations are not necessary to mandate “how” an LEA shall enter the information into the system or to restate a listing of available designated supports and accommodations.
Comment 9 (Page 17): The commenter requests that the second sentence of section 859(d)(4) (“I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test security affidavit may be in the room when and where a test is being administered”) be eliminated or replaced with “regulatory language that permits local districts to allow CAASPP testing sessions observations at local discretion.” Commenter believes the regulatory language is too broad and would bar all CDE staff, SBE members, legislators and CDE contractor personnel from being in the testing environment despite such presence being necessary to perform their job duties.

Reject: The CDE believes that the second sentence of this regulation is necessary to ensure the integrity and security of the testing environment by expressly limiting the people that the LEA may allow into the testing room. The CDE does not agree with the commenter that the sentence is overbroad and would bar CDE staff and CDE contractor personnel from being able to observe the testing process. Education Code section 60641 requires that CDE staff “ensure that LEA’s produce valid individual pupil results” and Education Code section 60643 requires that CDE contractor personnel “ensure compliance with the conditions and requirements of the testing contract,” which includes monitoring the testing process. Therefore, when necessary to comply with these statutory responsibilities, the law would still permit CDE staff and/or CDE contractor personnel to be present when the test is being administered.

ERIC PREMACK, CHARTER SCHOOLS DEVELOPMENT CENTER

Comment 1: Commenter states that “Under the prior definition, a charter was allowed to choose whether to be a ‘school district’ for purposes of these regulations and, as such, could elect to implement the related assessments either independently or in conjunction with a local school district. Under the proposed rule, only direct-funded charter schools would fit the new definition of ‘local education agency (section 850(p)) and charter schools that do not fit this definition ‘shall test’ with and dependent on, the LEA that granted the charter or was designated the oversight agency by the State Board of Education.’ (section 851(b))” Furthermore, commenter states “While Education Code section 60603(o) does define ‘local education agencies’ as including ‘direct-funded charter schools’ it is silent as to how locally-funded charter schools fit into the statutory scheme and does not mandate or require locally-funded charter schools to test with and be dependent upon the LEA that granted their charter.” Commenter claims a less burdensome and more practical alternative would be for the regulations to allow locally-funded charter schools to choose whether to test with the LEA or independently of the LEA.

Reject: Prior to AB 484, the Education Code required that STAR tests be administered by “school districts.” The Legislature did not define what entities constituted “school districts” for the purposes of administering STAR testing, so it was left to the discretion of the SBE, when drafting STAR regulations, to address what entities constituted a “school district” for purposes of administration of STAR testing. As set forth in former Section 850(o), a school district was defined at that time by the SBE to include, “any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter.” AB 484 removed the ability of the SBE to continue this flexibility for charter schools. AB 484 provides that
CASSPP testing is to be administered by LEAs, not school districts; furthermore AB 484 expressly codified which entities constitute an “LEA” for purposes of administering the CAASPP testing. Education Code section 60603(o) states that an LEA in this context means “a county office of education, school district, state special school or direct-funded charter school as described in Section 47651.” Since AB 484 specifically grants authority only to LEAs, not individual schools, to conduct and administer CAASPP testing, and since a locally-funded charter school is, by statute, not an LEA for purposes of conducting and administering CAASPP testing, the suggestion offered by the commenter, to continue in the regulations to allow locally-funded charter schools to choose whether to independently administer CAASPP testing, must be rejected, as accepting this suggestion would conflict with the express terms of the implementing legislation.

Comment 2: Commenter states that “If the requirement to be dependent upon the LEA that granted the charter is to remain, the proposed rule presumably would impose a new state mandate on both the granting LEA and the charter school, both of which are reimbursable.”

Reject: A charter school as part of their charter application may choose to be either locally funded or direct funded and as such must accept the responsibilities of their decision. Locally funded charters have the option to become direct funded charter schools or make the necessary arrangements with the LEA granting their charter or designated oversight agency. In addition, the regulation is not an unfunded state mandate as Education Code section 60640(l) specifically requires that the Superintendent apportion funds to LEAs for purposes of administering the CAASPP assessments. Furthermore, CAASPP fulfills, in part, the state’s obligation for testing all students in ELA, mathematics, and science under the mandates of the Elementary and Secondary Education Act (ESEA).

NON-SUBSTANTIVE EDITS MADE TO REGULATIONS AFTER 15-DAY COMMENT PERIOD

Education Code section 60640(b)(3) states that the CAPA will continue “until a successor assessment is implemented” and the CDE anticipates the adoption of a successor alternate assessment in the near future. When addressing the assessment for pupils with significant cognitive disabilities in these regulations, the CDE intended to refer to “CAPA or its successor alternative assessment” as demonstrated by the references in sections 859(b)(6) and 859(d)(10). Sections 850(l)(2) and 855(b)(3) were not similarly modified when addressing CAPA to include the reference to “or its successor alternate assessment” and, thus, conforming non-substantive changes have been made to sections 850(l)(2) and 855(b)(3).

ALTERNATIVES DETERMINATION

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more
cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

No alternatives have been brought to the SBE or CDE’s attention and given the underlying statutory requirements; the SBE has been unable to come up with any reasonable alternatives.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.
Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils

Subchapter 3.75. Standardized Testing and Reporting Program California Assessment of Student Performance and Progress (CAASPP)

Article 1. General

§ 850. Definitions.

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

(a) “Accommodations” means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores.

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

(c) “Alternate assessment” means an assessment as provided in Education Code section 60640(e) and its test materials developed to measure the degree to which pupils with exceptional needs who are unable to take the California Standards Tests (CSTs) even with accommodations or modifications are achieving the state content standards. The alternate assessments for the STAR Program are the California Alternate Performance Assessment and the California Modified Assessment (CMA). The student shall not be allowed to take both the California Alternate Performance Assessment (CAPA) and the California Modified Assessment (CMA). Students shall
take CAPA in all subject areas, CSTs in all subject areas, CMA in all subject areas, or a combination of CSTs and CMA in the subject areas being assessed.

(d) “Alternate performance assessment” means an alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities. The alternate performance assessment for the STAR Program is the California Alternate Performance Assessment.

(e) “California Alternate Performance Assessment (CAPA)” is the alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities.

(f) “California Modified Assessment (CMA)” is the alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials.

(g) “California Standards Tests (CSTs)” means an assessment as provided in Education Code section 60642.5 and its test materials that measures the degree to which pupils are achieving the state content standards.

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

(i) “Eligible pupil” is any pupil who is not otherwise exempted pursuant to Education Code section 60615.

1. For the primary language test, an eligible pupil is an English learner in grades 2 to 11, inclusive, with a primary language for which a test is required or optional pursuant to Education Code section 60640.

2. For the California Alternate Performance Assessment, an eligible pupil is any pupil in grades 2 to 11, inclusive, who has an individualized education program (IEP) that designates the use of the alternate performance assessment and is unable to take the CSTs even with accommodations or modifications.

3. For the CMA, an eligible pupil is any pupil in grades 3 to 11, inclusive, who has an IEP, meets the State Board of Education (SBE)-adopted eligibility criteria described in paragraphs (A) through (E) below, and whose IEP designates the use of the modified assessment in one or more content areas. The SBE-adopted eligibility criteria for guiding IEP teams in making decisions about which students with disabilities may participate in the CMA are based, in part, on Title 34 of the Code of Federal
Regulations, Part 200, Title 1, Improving the Academic Achievement of the Disadvantaged. Those criteria are as follows:

(A) Previous Participation.

1. CSTs. The student shall have taken the CST in a previous year and scored Below Basic or Far Below Basic in the subject area being assessed by the CMA and may have taken the CSTs with modifications; or

2. CAPA. The student shall have taken the CAPA Level II-V in two previous years and received a performance level of either Proficient or Advanced. The student shall not be allowed to take both the CAPA and CMA.

(B) Progress Based on Multiple Measures and Objective Evidence. The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on the CSTs and other assessments that can validly document academic achievement within the year covered by the student's IEP plan. The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed. The student will not receive a proficient score on the CSTs (even with provision of accommodations) based on evidence from multiple, valid, and objective measures of student progress (or lack of progress).

(C) Response to Appropriate Instruction.

1. The student's progress to date in response to appropriate grade-level instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP plan.

2. The student who is assessed with the CMA has access to the curriculum, including instruction and materials for the grade in which the student is enrolled.

3. The student's IEP includes grade-level California content standards-based goals and support in the classroom for a subject or subjects assessed by the CMA.

4. The student has received special education and related services to support access to and progress in the general curriculum in which the student is enrolled.
5. The IEP team has determined that the student will not achieve grade-level proficiency even with instructional intervention.

(D) High School Diploma. The student who takes alternate assessments based on modified academic achievement standards is not precluded from attempting to complete requirements as defined by the State for a regular high school diploma.

(E) Parents Are Informed. Parents of the students selected to be assessed with the CMA are informed that their child's achievement will be measured based on modified achievement standards.

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

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

(l) “Modified assessment” means an alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials. The modified assessment for the STAR Program is the CMA.

(m) “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in California Education Code section 56034.

(n) “Primary language test” means an assessment as provided in Education Code sections 60640(f)(1) and (2) and 60640(g) and its test materials in each primary language for which a test is available for English learners. The primary language test for the STAR Program is the Standards-based Tests in Spanish.

(o) “School districts” includes elementary, high school, and unified school districts; county offices of education; any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter; any statewide benefit charter; and any other charter school chartered by the SBE.

(p) “Scribe” is an employee of the school district, or a person assigned by a nonpublic school to implement a pupil’s IEP who has signed a STAR Test Security Affidavit and is required to transcribe a pupil’s responses to the format required by the test. A pupil’s parent or guardian is not eligible to be the pupil’s scribe.

(q) A “significant medical emergency” is a significant accident, trauma, or illness
(mental or physical) that precludes a pupil in grades 2 to 11, inclusive, from taking the 
standards-based achievement tests. An accident, trauma, or illness is significant if the 
pupil has been determined by a licensed physician to be unable to participate in the 
tests.

(r) “Standards-based achievement tests” means an assessment that measures the 
degree to which pupils are achieving the state content standards as provided in 
Education Code sections 60640(e) alternate assessment(s), Education Code section 
60642.5 CSTs and its test materials, and Education Code section 60640(f)(3) 
Standards-based Tests in Spanish, and its test materials. The STAR Program alternate 
assessments, the California Alternate Performance Assessment and the CMA, are 
standards-based achievement tests.

(s) “Standards-based Tests in Spanish” is the standards-based achievement test as 
provided in Education Code section 60640(f)(3), and its test materials, that is 
administered as the primary language test as provided in Education Code sections 
60640(f) and (g) for pupils whose primary language is Spanish.

(t) “Test examiner” is an employee or contractor of a school district or a non-public 
school who has been trained to administer the tests and has signed a STAR Test 
Security Affidavit. For the alternate performance assessment, the test examiner must 
be a certificated or licensed school, district, or county staff member.

(u) “Test materials” include administration manuals, administrative materials, test 
booklets, practice tests, and test answer documents provided as part of the 
administration of the STAR Program assessments.

(v) “Test proctor” is an employee of a school district, or a person assigned by a 
nonpublic school to implement a pupil's IEP, who has signed a STAR Test Security 
Affidavit and has received training designed to prepare him or her to assist the test 
examiner in the administration of tests within the STAR Program.

(w) “Translator” is a person who has been assigned to translate the test directions 
into the pupil's primary language pursuant to section 853.5(f), who has signed a Test 
Security Affidavit as identified in section 859(d), and who has received training 
specifically designed to prepare him or her to assist the test examiner in the
administration of the STAR Program assessments. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:

1. an employee of the school district;
2. an employee of the nonpublic school; or
3. supervised by an employee of the school district or an employee of the nonpublic school.

(x) "Variation" means a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications.

(y) "Writing portion of the English-language arts tests" is the performance component of the standards-based achievement tests.

For the purposes of these regulations, the Measurement of Academic Performance and Progress assessment system (as established in Education Code section 60640 and known as “MAPP”) shall be designated the California Assessment of Student Performance and Progress (CAASPP), and the following terms shall have the following meanings:

(a) “Accommodations” means supports resources documented in a pupil’s individualized education program (IEP) or Section 504 Plan which the pupil regularly uses in the classroom for instruction and/or assessments(s) and that are either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment. **Accommodations cannot** fundamentally alter the comparability of scores.

(b) “Accessibility supports” means supports that may or may not (because they have not been previously identified) invalidate the measurement of the test; these supports are not universal tools, designated supports, or accommodations (e.g., read-a-loud of passages in grades 3 through 5). An LEA shall notify the CDE in writing prior to the use of the accessibility support(s).

(b)(e) “Achievement tests” means any summative standardized test that measures the level of performance that a pupil has achieved on state-adopted content standards.

(c) “Adaptive engine” refers to the mechanism utilized in a computer-adaptive assessment that adjusts the difficulty of grade-level test questions throughout
an assessment based on student responses.

(d) “Alternate assessment” means an assessment as provided in Education Code section 60640(k) and its test materials developed to measure the level of performance for a pupil with disabilities who is unable to take the consortium summative assessment in English language arts and mathematics pursuant to Education Code section 60640(b)(1) or are unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with accommodations resources.

(e) “Assessment delivery system” means a set of web applications that manage the registration of pupils for tests, the delivery of those tests to the pupils, scoring of test items, integration of item scores into an overall test score, and delivery of scores to the Data Warehouse.

(f) “Assessment technology platform” means the electronic systems used to display items, accept item responses, store, deliver, score the tests and restrict access to outside sources, as well as report and manage assessment results. Testing Assessment technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

(g) “California Alternate Performance Assessment (CAPA)” is the alternate assessment and its test materials as provided in Education Code section 60640(k) for pupils with significant cognitive disabilities.

(h) “California Modified Assessment (CMA)” is the alternate assessment and its test materials for science based on modified achievement standards.

(i) “California Standards Tests (CSTs)” is the assessment and its test materials that measure the degree to which pupils are achieving the state content standards pursuant to Education Code section 60605.

(j) “Computer-based tests (CBTs)” means tests administered using an electronic computing device.

(k) “Data Warehouse” means a comprehensive storehouse of all Smarter Balanced test registrations and results and a system to generate reports on, or extracts of, that data.

(l) “Designated supports” are features resources which the pupil regularly
uses in the classroom for instruction and/or assessment(s) and that are available
for use by any pupil for whom the need has been indicated, prior to the assessment
administration, by an educator or group of educators or specified in a pupil’s IEP or
Section 504 Plan.

(l)(k) “Eligible pupil,” with the exception of subdivisions (1) through (3) below, is any
pupil taking an assessment pursuant to Education Code section 60640, who is not
exempt from participation in assessments pursuant to Education Code section 60615
or who is not a recently arrived English learner pupil exempt from participating in the
English Language Arts assessment pursuant to Education Code section 60640(f)(1).

(1) For the primary language test, an eligible pupil is an English learner with a
primary language for which a test is optional pursuant to Education Code section
60640.

(2) For CAPA, or its successor alternate assessment, an eligible pupil is any
pupil in grades 2 through 11, inclusive, who has an IEP that designates the use of the
alternate assessment.

(3) For the CMA, an eligible pupil is any pupil in grades 5, 8, or 10, who has an IEP
that designates the use of the modified assessment in science.

(m)(l) “Embedded” means a support resource, whether a universal tool,
designated support, or accommodation, that is part of the assessment technology
platform for the computer-based administered CAASPP tests.

(n)(m) “Grade” means the grade in which the pupil is enrolled at the time of testing,
as determined by the local educational agency.

(o) “Individualized aid” means a type of resource that a pupil regularly uses in
a classroom for instruction and/or assessment that has not been previously
identified as a universal tool, designated support or accommodation. Because an
individualized aid has not been previously identified as a universal tool,
designated support or accommodation, it may or may not invalidate the
measurement of the test(s).

(p)(n) “Local educational agency (LEA)” means a county office of education, school
district, state special school, or direct-funded charter school as described in Education
Code section 47651. LEA superintendent, for purposes of these regulations.
includes an administrator of a direct-funded charter school.

(q)(e) “Non-embedded” means a support resource, whether a universal tool, designated support, or accommodation, that may be provided by the LEA and is not part of the assessment technology platform for the computer-based administered CAASPP tests.

(r)(p) “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in Education Code section 56034.

(s)(q) “Primary language test” means a test as provided in Education Code sections 60640(b) and (c) and its test materials in each primary language for which a test is available for English learners. The primary language test is the Standards-based Tests in Spanish (STS).

(t) “Pupil” refers to a student enrolled in a California public school.

(u)(r) “Recently arrived English learner” means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States as specified in Education Code section 60603(v).

(v) “Registration system” means the mechanism that provides administrators with the tools to manage users and pupils participating in CAASPP computer-based assessments. The engine uses a role-specific design to restrict access to certain tasks based on the user’s designated role as well as manage pupils’ default test settings, designated supports, and accommodations.

(w) “Resource(s)” refers to a universal tool, designated support, accommodation, and/or an individualized aid.

(x)(s) “Scribe” is an employee of the LEA or a person assigned by an NPS to implement a pupil’s IEP who has signed a CAASPP Test Security Affidavit and is has received training required to transcribe a pupil’s responses to the format required by the test. A pupil’s parent or guardian is not eligible to be the pupil’s scribe.

(y)(t) A “significant medical emergency” is a significant accident, trauma, or illness (mental or physical) that precludes a pupil from taking the achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.

(z)(u) “Smarter Balanced Assessment Consortium (Smarter Balanced)” is the multi-
state consortium responsible for the development of the English language arts and mathematics summative assessments administered pursuant to Education Code section 60640(b)(1) and the interim assessments and formative assessment tools administered pursuant to Education Code section 60642.6.

(aa)(v) “Standards-based Tests in Spanish (STS)” are the achievement tests and its test materials that are administered at the option of the LEA as the primary language test as provided in Education Code sections 60640(b) and (c) for pupils whose primary language is Spanish or to pupils enrolled in a dual immersion program that includes Spanish.

(ab) “Streamlining” means an accommodation on a computer-based assessment that provides an alternate display of an item, stacked into instructions, stimuli, and response choices.

(ac)(w) “Test examiner” is an employee or contractor of an LEA or an NPS who has signed a CAASPP Test Security Affidavit and has received training to administer the tests and has signed a CAASPP Test Security Affidavit. For the alternate assessment, the test examiner must be a certificated or licensed school, district, or county staff member.

(ad)(x) “Test materials” include, but are not limited to, administration manuals, administrative materials, test booklets, assessment technology platform, practice tests, scratch paper, and test answer documents, as part of the administration of the CAASPP tests.

(ae)(y) “Test proctor” is an employee of an LEA, or a person assigned by an NPS to implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests within the CAASPP assessment system.

(af)(z) “Translator” is a person who has been assigned to translate the test directions into the pupil’s primary language pursuant to sections 853.5 and 853.7, who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil’s parent or guardian is not eligible to be the pupil’s translator. A translator must
be:

1. an employee of an LEA;
2. an employee of the NPS; or
3. a person supervised by an employee of an LEA or an employee of the NPS.

"Universal tools" are resources accessibility features of the CAASPP tests that are available to all pupils.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.

Reference: Sections 306, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615, 60640, 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), (e) and (f), 300.160; 5 CCR 11967.6.

Article 2. Standards-Based Achievement Tests, Alternate Assessments, and Any Primary Language Test

§ 851. Pupil Testing.

(a) School districts LEAs shall administer the standards-based achievement tests and may administer the primary language test, if any, pursuant to Education Code section 60640 to each eligible pupil enrolled in a school district an LEA on the date testing begins in the pupil's school or school district LEA.

(b) No later than start of the 2014-2015 school year, for the purposes of the CAASPP assessment system, a charter school which is not an LEA as defined in direct-funded pursuant to Education Code section 60603(o) 47651 shall test with, and dependent on, the LEA that granted the charter or was designated the oversight agency by the local governing board State Board of Education (SBE).

(c) School districts LEAs shall make whatever arrangements are necessary to for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic schools NPSs.

(d) No test may be administered in a home or hospital except by a test examiner.

(e) No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the
test under the supervision of a test examiner, provided that the classroom aide does
not assist his or her own child, and that the classroom aide signs a security affidavit.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

§ 852. Pupil Exemptions.
(a) Each year the LEA shall notify parents or guardians of their pupil’s participation
in the CAASPP assessment system in accordance with Education Code section 60604.
(b) The notification to parents or guardians, as defined in subdivision (a), shall
include a notice of the provisions outlined in Education Code section 60615.
(c) A parent or guardian may annually submit to the school a written request to
excuse his or her child from any or all parts of any test provided pursuant to Education
Code section 60640 for the school year. If a parent or guardian submits an exemption
request after testing has begun, any test(s) completed before the request is submitted
will be scored and the results reported to the parent or guardian and included in the
pupil’s records. A school district An LEA and its employees may discuss the STAR
Program CAASPP assessment system with parents and may inform parents of the
availability of exemptions under Education Code section 60615. The school district LEA
and its employees shall not solicit or encourage any written exemption request on
behalf of any child or group of children.

NOTE: Authority cited: Sections 33031 and 60640 60605, Education Code. Reference:
Sections 60604, 60605, 60607, 60612, 60615, 60640 and 60641, Education Code.

§ 853. Administration.
(a) The standards-based achievement tests and the primary language test, if any,
CAASPP tests pursuant to Education Code section 60640 shall be administered,
scored, transmitted, and/or returned by school districts LEAs in accordance with the
manuals or other instructions provided by the contractor or CDE for administering,
scoring, transmitting, and/or returning the tests, unless specifically provided otherwise
in this subchapter, including instructions for administering the test with variations,
accommodations, and modifications universal tools, designated supports, and
accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c)(b) If available, an LEA may utilize a paper-pencil version of any CBT computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBT-CBA version of the test.

(d)(c) Interim assessments and formative assessment tools shall be made available to LEA(s) for use during the school year. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment and formative assessment tools is the responsibility of the LEA.


§ 853.5. Use of Universal Tools, Designated Supports, and Variations, Accommodations, and Modifications.

(a) School districts may provide all pupils the following variations on the CSTs, the CMA, and the Standards-based Tests in Spanish:

(1) have test directions simplified or clarified.

(2) write in test booklets; for example, underlining, highlighting, or working math problems. Tests booklets for grades 2 and 3 must have any marks other than those in response circles erased or pupil responses must be transcribed into new test booklet(s)
by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit to ensure that the tests can be scored.

(3) test in a small group setting.

(4) have as much time as needed within a single sitting to complete a test or test part on the standards-based achievement tests.

(b) School districts may provide all pupils the following testing variations on the CSTs, the CMA, and the Standards-based Tests in Spanish if regularly used in the classroom:

(1) special or adaptive furniture.

(2) special lighting, special acoustics, noise-canceling devices, visual magnifying equipment or audio amplification equipment.

(3) an individual carrel or study enclosure.

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

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

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

(c) Eligible pupils with disabilities who have an IEP and pupils with a Section 504 Plan shall be permitted the following presentation, response, or setting accommodations on the CSTs, the CMA, and the Standards-based Tests in Spanish, if specified in the eligible pupil's IEP or Section 504 Plan:

(1) large print versions.

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

(3) Braille transcriptions provided by the test contractor.

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

(5) Manually Coded English or American Sign Language to present test questions on the mathematics, science, or history-social science tests.
(6) for grades 4 to 11 responses marked in test booklet and transferred to the answer document by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit.

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

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

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

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

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

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

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

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

(15) audio or oral presentation of any prompts or passages present in the STAR writing portion of the English-language arts tests.

(16) Manually Coded English or American Sign Language to present any prompts or passages present in the STAR writing portion of the English-language arts tests.

(d) In addition to the accommodations set forth in section 853.5(c), a pupil who is eligible to take the CMA as defined in section 850(f), shall be permitted the following presentation, response, or setting accommodations on the CMA if specified in the eligible pupil's IEP:

(1) audio or oral presentation of test questions and answer options on the multiple-choice portion of the English-language arts tests.

(2) Manually Coded English or American Sign Language to present test questions on the multiple-choice portion of the English-language arts tests.

(3) use of a calculator on the mathematics test in grade 5.

(4) use of manipulatives on the mathematics and science tests.
(e) Eligible pupils with disabilities shall be permitted the following modifications on
the CSTs and the Standards-based Tests in Spanish if specified in the eligible pupil's
IEP or Section 504 Plan:

(1) calculators, arithmetic tables, and formulas or mathematics manipulatives not
provided in the test materials on the mathematics or science tests.
(2) audio or oral presentation of the multiple-choice portion of the English-language
arts tests.
(3) Manually Coded English or American Sign Language to present test questions
on the multiple-choice portion of the English-language arts tests.
(4) spellcheckers, grammar checkers, or word processing software programs that
check or correct spelling and/or grammar on the writing portion of the English-language
arts tests.
(5) mechanical or electronic devices or other assistive devices that are not used
solely to record the pupil's responses, including, but not limited to, transcribers, scribes,
voice-recognition or voice-to-text software, and that identify a potential error in the
pupil's response or that correct spelling, grammar or conventions on the writing portion
of the English-language arts tests.
(6) responses dictated orally, in Manually Coded English or American Sign
Language to provide an essay response to a scribe and the scribe provides spelling,
grammar, and language conventions.
(7) dictionary.

(f) If the school district, pupil's IEP team or Section 504 Plan proposes a variation
for use on the standards-based achievement tests or the primary language test, if any,
that has not been listed in this section, the school district may submit to the CDE for
review of the proposed variation.

(g) Identified English learner pupils shall be permitted the following testing variations
if regularly used in the classroom or for assessment:

(1) Tested in a separate room with other English learners provided that an
employee of the school, school district, or nonpublic school, who has signed the Test
Security Affidavit, directly supervises the pupil.
(2) Additional supervised breaks following each section within a test part provided
that the test section is completed within a testing day. A test section is identified by a
"STOP" at the end of it.

(3) The test directions printed in the test administration manual may be translated
into an English learner's primary language. English learners shall have the opportunity
to ask clarifying questions about any test directions presented orally in their primary
language.

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

(a) All pupils (including English learners and students with disabilities) shall be
permitted the following embedded universal tools on the CAASPP tests for English
language arts (including the components of reading, writing, and listening) and
mathematics as specified below:

(1) breaks for reading, writing, listening, and mathematics;
(2) calculator for specific mathematic items;
(3) digital notepad for reading, writing, listening, and mathematics;
(4) English dictionary for writing (ELA-performance task – pupil long essay(s) not
short paragraph responses);
(5) English glossary for reading, writing, listening, and mathematics;
(6) expandable passages for reading, writing, listening, and mathematics;
(7) global notes for writing (ELA-performance task – pupils long essay(s) not short
paragraph responses);
(8) highlighter for reading, writing, listening, and mathematics;
(9) keyboard navigation for reading, writing, listening, and mathematics;
(10) mark for review for reading, writing, listening, and mathematics;
(11) math tools for specific mathematics items;
(12) spell check for specific writing items;
(13) strikethrough for reading, writing, listening, and mathematics;
(14) writing tools for specific pupil generated responses; or
(15) zoom for reading, writing, listening, and mathematics.

(b) All pupils **(including English learners and students with disabilities)** shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) breaks;
(2) English dictionary for ELA performance task – pupil long essay(s) not short paragraph responses;
(3) scratch paper;
(4) thesaurus for ELA performance task – pupil long essay(s) not short paragraph responses;
(5) color overlay for science and primary language test;
(6) math tools (i.e., ruler, protractor) for specific mathematics items;
(7) simplify or clarify test administration directions (does not apply to test questions);

or

(8) pupil marks in paper-pencil test booklet (other than responses including highlighting).

(c) All pupils **(including English learners and students with disabilities)** shall be permitted the following embedded designated supports **unless otherwise designated**, when determined for use by an educator or group of educators or specified in a pupil’s IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

(1) color contrast for reading, writing, listening, and mathematics;
(2) masking for reading, writing, listening, and mathematics;
(3) text-to-speech for writing, listening, mathematics, and reading items **but not reading passages**;
(4) translated test directions for mathematics;
(5) translations (glossary) for mathematics;
(6) translations (stacked) for mathematics; or
(7) turn off any universal tool for reading, writing, listening, and mathematics.
(d) All pupils (including English learners and students with disabilities) shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, or specified in a pupil’s IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

1. translated directions for mathematics, science and primary language test;
2. bilingual dictionary for writing;
3. access to translation glossaries/word lists for science and primary language test;
4. color contrast for reading, writing, listening, and mathematics;
5. color overlay for reading, writing, listening, and mathematics;
6. magnification;
7. read aloud for writing, listening, mathematics, and reading items but not reading passages;
8. scribe for reading, listening, and mathematics;
9. separate setting for reading, writing, listening, and mathematics;
10. translations (glossary) for mathematics, science and primary language test; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
11. noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones); or
12. special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
13. translations (glossary) for science and primary language test; or
14. administration of the test at the most beneficial time of day for the pupil.

(e) The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil’s IEP or Section 504 Plan:

1. American Sign Language for listening and mathematics;
2. braille for reading, writing, listening, and mathematics;
3. closed captioning for listening; or
(4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or

(5) streamlining for reading, writing, listening, and mathematics.

(f) The following non-embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language when specified in a pupil’s IEP or Section 504 Plan:

(1) read aloud for primary language test;

(2) American Sign Language for listening, mathematics, and science;

(3) braille for paper-pencil tests;

(4) abacus for mathematics and science;

(5) alternate response options for reading, writing, listening, and mathematics;

(6) calculator for specific mathematics items;

(7) multiplication table for mathematics beginning in grade 4;

(8) print on demand for reading, writing, listening, and mathematics;

(9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills;

(10) scribe for writing, science, and primary language test;

(11) speech-to-text; or

(12) large-print version of a paper-pencil test;

(13) separate setting for science and primary language test; or

(14) administration of the test at the most beneficial time of day to the pupil.

(g) An LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an accessibility support individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil’s first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

(1) LEA name and CDS code;

(2) school/test site and school code;

(3) school/test site address, city, and zip code;
(4) LEA CAASPP coordinator name, phone number, and email address;
(5) CAASPP test site coordinator name, phone number, and email address;
(6) school/test site testing window dates;
(7) SSID(s) for the pupil(s) for which the accessibility support individualized aid is being requested;
(8) CAASPP test and grade; and
(9) the accessibility support individualized aid being requested.

(h) Accessibility supports Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with accessibility supports individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded accessibility supports individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

(1) English dictionary for reading, listening, mathematics, science, and primary language;
(2) thesaurus for reading, listening, mathematics, science and primary language;
(3) translated test directions for reading, writing, or listening;
(4) bilingual dictionary for reading, listening, mathematics, science and primary language;
(5) translations (glossary) for reading, writing, and listening;
(6) read aloud for reading passages in grades 3, 4, and 5;
(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
(8) calculator for non-specified mathematics items or science;
(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and
(10) multiplication table for mathematics in grade 3.

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(i) If a consortium (in which California is a participant) approves of a universal
tool(s), designated support(s), and/or accommodation(s) not listed in
subdivisions (a) through (f), the CDE shall allow its use.
NOTE: Authority cited: Sections 12001, 33031, and 60605 and 60640, Education Code.
Reference: Sections 60605 and 60640, Education Code; 34 C.F.R. Sections 200.1 and
300.160(b).

§ 853.7. Use of Designated Supports for English Learners.
(a) An English learner (EL) shall be permitted the following embedded
designated supports, when determined for use by an educator or group of
educators, who may seek input from a parent(s) or guardian(s), on the CAASPP
tests for English language arts (including the components of reading, writing,
and listening) and mathematics as specified below:
(1) color contrast for reading, writing, listening, and mathematics;
(2) masking for reading, writing, listening, and mathematics;
(3) text-to-speech for writing, listening, mathematics and reading items, but
not passages;
(4) translated test directions for mathematics;
(5) translations (glossary) for mathematics;
(6) translations (stacked) for mathematics; or
(7) turn off any universal tool for reading, writing, listening, and mathematics.
(b) An EL shall be permitted the following non-embedded designated
supports when determined for use by an educator or a group of educators, who
may seek input from a parent(s) or guardian(s), on the CAASPP tests for English
language arts (including the components of reading, writing, and listening),
mathematics, science, and primary language as specified below:
(1) translated directions for mathematics, science and primary language test;
(2) bilingual dictionary for writing;
(3) access to translation glossaries/word lists for science and primary
language test;
(4) color contrast for reading, writing, listening, and mathematics;
(5) color overlay for reading, writing, listening, and mathematics;
(6) magnification;
(7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
(8) scribe for reading, listening, and mathematics;
(9) separate setting;
(10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
(11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
(12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
(13) translations (glossary) for science and primary language test; or
(14) administration of the test at the most beneficial time of day for the pupil.


§ 854. Advance Preparation for the Tests. [REPEALED]
(a) Except for materials specifically provided by the CDE or its agents, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the standards-based achievement tests, or the primary language test, if any. No administration or use of an alternate or parallel form shall be used as practice for any pupils.
(b) Practice tests provided by the contractor as part of the standards-based achievement tests and the primary language test, if any, for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of subdivision (a).
§ 855. Testing Period.

(a)(1) The standards-based achievement tests and the primary language test, if any, except as specified below shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85% of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window.

(2) Each school district shall provide for at least two makeup days of testing for pupils who were absent during the period in which any school administered the standards-based achievement tests and the primary language test, if any. All makeup testing shall occur within five instructional days of the last date that the school district administered the tests but not later than the end of the 25 instructional day period established in subdivision (a)(1).

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

(b) The writing portion of the English-language arts tests shall be administered to each eligible pupil only on the day(s) specified annually by the State Superintendent of Public Instruction. An eligible pupil for purposes of the writing portion is a pupil taking the standards-based achievement tests for a grade at which the writing portion will be administered.

(a)(1) For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code section 60640(f)(2).

(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. If an LEA elects to administer the primary language test, it shall do so during this same
testing window.

(b) Beginning in the 2014-15 school year, the CAASPP tests pursuant to Education Code sections 60640(b) shall be administered to each pupil during the following testing windows:

(1) Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school’s annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing.

(2) For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school’s annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing.

(3) The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school’s, track’s, or program’s instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during this the same window as these tests.

(c) The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not exceeded.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 60605, 60640, 60641 and 60642.5, Education Code.
§ 857. LEA CAASPP District STAR Coordinator.

(a) On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following school year to complete school district testing. The school district shall notify the contractor(s) of the identity and contact information, including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor(s) and the school district and the CDE for all matters related to the STAR Program. A school district superintendent may designate a separate STAR program district coordinator for any primary language test.

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

   (1) Responding to correspondence and inquiries from the contractor and from the CDE in a timely manner and as provided in the contractor’s instructions and these regulations.

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

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

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

   (5) Maintaining security over the standards-based achievement tests, and the primary language test, if any, and test data using the procedure set forth in section 859. The district STAR coordinator shall sign the security agreement set forth in section 859.
and submit it to the contractor prior to receipt of the test materials from the contractor.

(6) Overseeing the administration of the standards-based achievement tests, and

the primary language test, if any, to eligible pupils.

(7) Overseeing the collection and return of all test materials and test data to the

contractor within any required time periods.

(8) Assisting the contractor and the CDE in the resolution of any discrepancies in

the test information and materials, including but not limited to, pre-identification files

and all pupil level data required to comply with sections 861 and 862.

(9) Immediately notifying the CDE of any security breaches or testing irregularities

in the district before, during, or after the test administration.

(10) Ensuring that an answer document is submitted for scoring for each eligible

pupil enrolled in the district on the first day of testing.

(11) After receiving summary reports and files from the contractor, the district STAR

coordinator shall review the files and reports for completeness and accuracy, and shall

notify the contractor and the CDE of any errors, discrepancies, or incomplete

information.

(12) Training test site coordinators to oversee the test administration at each school.

(a) On or before September 30 of each school year, the superintendent of each LEA

shall:

(1) designate from among the employees of the LEA an LEA CAASPP coordinator;

(2) identify school(s) with pupils unable to access the CBA CBT version of a

CAASPP test(s) in accordance with Education Code section 60640(e); and

(3) report to the CAASPP contractor(s) the number of pupils enrolled in the school

identified in subdivision (2) that are unable to access the CBA CBT version of a

CAASPP test.

(b) The LEA CAASPP coordinator, or the LEA superintendent, shall be available

through September 29 30 of the following school year to complete the LEA testing

activities. The LEA shall notify the contractor(s) of the identity and contact information

for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP

coordinator shall serve as the LEA representative and the liaison between the LEA and

the contractor(s) and the LEA and the CDE for all matters related to the CAASPP
assessment system.

(c) The LEA CAASPP coordinator’s responsibilities shall be those defined in the contractor’s(‘s) or consortium’s administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA’s preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests.

(d) The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium.

(e) The LEA CAASPP coordinator shall ensure the training of all CAASPP test site coordinators who will oversee the test administration at each school or test site.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.

Reference: Sections 47079.5, 52052, 60604, 60605, 60610, 60630, and 60640 and 60643, Education Code.

§ 858. CAASPP STAR Test Site Coordinator.

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

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

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

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

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

(4) Maintaining security over the standards-based achievement tests, the primary
language test, if any, and test data. The STAR test site coordinator shall sign the
security agreement set forth in section 859 and submit it to the district STAR
coordinator prior to the receipt of the test materials.

(5) Arranging for and overseeing the administration of the standards-based
achievement tests and the primary language test, if any, to eligible pupils at the test
site.

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

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

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

(9) Ensuring that an answer document is submitted for scoring for each eligible pupil
enrolled in the school on the first day of testing for the standards-based achievement
tests and the primary language test, if any.

(10) Ensuring that for each pupil tested only one scannable answer document is
submitted for scoring, except that for each pupil tested at grades for which the
contractor has designated the use of more than one answer document. An answer
document for the STAR writing portion of the English-language arts tests administered
pursuant to section 855(b) shall be submitted in addition to the answer document for
the multiple-choice items.

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

(12) Training test examiners, translators, proctors, and scribes for administering the
tests.
(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 29 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

(b) The CAASPP test site coordinator’s responsibilities shall be those defined in the contractor’s(s’) and CDE’s administrative manuals and documentation, and shall include, but are not limited to, overseeing the test site’s preparation, coordination, training, registration, administration, security, and reporting of the CAASPP tests.

(c) The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes.

(d) The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

§ 859. CAASPP STAR Test Security Agreement and Test Security Affidavit.

(a) All STAR district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in subdivision (b) before receiving any of the test materials or tests administered pursuant to Education Code section 60640.

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

STAR TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that standards-based achievement tests, including the CSTs, the California Alternate Performance Assessment, the CMA,
and the Standards-based Tests in Spanish, are secure tests and agree to each of the
following conditions to ensure test security:

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

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

3. I will keep the CSTs, the California Alternate Performance Assessment, the
CMA, and the Standards-based Tests in Spanish and their test materials in a secure,
locked location and will deliver tests and test materials only to those persons who have
executed STAR Test Security Affidavits on actual testing dates as provided in section
859(d) with the exception of subdivision (4) below.

4. I will keep the California Alternate Performance Assessment materials in a
secure locked location when not being used by examiners to prepare for and to
administer the assessment. I will adhere to the contractor's directions for the
distribution of the assessment materials to examiners.

5. I will not copy any part of the tests or test materials without written permission
from the CDE to do so.

6. I will not disclose, or allow to be disclosed, the contents of the tests or the test
instruments. I will not review any test questions, passages, or other test items with any
other person before, during, or after the test administration.

7. I will not develop scoring keys, review any pupil responses, or prepare answer
documents except as required by the test administration manual(s) prepared by the
testing contractor.

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

Signed: ________________________________

Print Name: ________________________________

Title: ________________________________

School District: ________________________________
Date: ________________________________

(c) All test examiners, proctors, translators, scribes, and any other persons having
access to any of the test materials or tests administered pursuant to Education Code
section 60640 shall acknowledge the limited purpose of their access to the tests by
signing the STAR Test Security Affidavit set forth in subdivision (d).

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

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to one or more of the standards-based
achievement tests, including the CSTs, the California Alternative Performance
Assessment, the CMA, and the Standards-based Tests in Spanish, and test materials,
for the purpose of administering the test(s). I understand that these materials are highly
secure, and it is my professional responsibility to protect their security as follows:

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

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

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

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

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

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

(7) I will not develop scoring keys, review any pupil responses, or prepare answer
documents except as required by the test administration manual(s) prepared by the
testing contractor.

(8) I will return all test materials for the CSTs, the CMA, and the Standards-based
Tests in Spanish to the designated STAR test site coordinator daily upon completion of
testing.

(9) I will keep all the California Alternate Performance Assessment materials in
secure locked storage except when I am administering or observing the administration
of the assessment to pupils.
(10) I will administer the test(s) in accordance with the directions for test administration and test administration manuals prepared by the testing contractor.

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

Signed: ____________________________________

Print Name: _________________________________

Position: _________________________________

School: _________________________________

School District: ______________________________

Date: ______________________________________

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

(a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any of the test materials or tests administered pursuant to Education Code section 60640.

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

CAASPP TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that the California Assessment of Student Performance and Progress (CAASPP) tests pursuant to Education Code section 60640 are secure tests and agree to each of the following conditions to ensure test security:

(1) I will take all necessary precautions to safeguard all tests and test materials, whether paper-based or computer-based assessments, by limiting access to only persons within the LEA who are responsible for, and have professional interest in, the tests’ security.

(2) I will keep on file the names of all persons who have been trained in the administration of CAASPP tests and all persons with access to tests and test materials, whether paper-based or computer-based assessments. I have and shall have all other persons having access to the tests and test materials read and sign the CAASPP Test Security Affidavit that will be kept on file in the LEA office.

(3) Except during the administration of the tests, I will keep the paper-pencil tests,
and their test materials in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.

(4) I will securely destroy all print-on-demand papers, scratch paper, and other documents as prescribed within the contractor’s(s’) or consortium’s administrative manuals and documentation.

(5) With the exception of subdivision (6) below, I will deliver tests and test materials or allow electronic access thereto, only on actual testing dates and only to those persons who have executed CAASPP Test Security Affidavits.

(6) For an alternate assessment (CAPA or its successor alternate assessment)

the CAPA test, I will keep all tests and testing materials in the manner set forth above in subdivisions (3) and (5) except during actual testing administration or when being used by test examiners to prepare for and to administer the assessment. I will adhere to the contractor’s directions for the distribution of the assessment materials to test examiners.

By signing my name to this document, I am assuring that I have completely read and will abide by the above conditions.

Signed: __________________________

Print Name: ______________________

Title: ____________________________

LEA: ____________________________

Date: ____________________________

(c) All test examiners, proctors, translators, scribes, LEA CAASPP coordinators and CAASPP test site coordinators, and any other persons having access to any of the tests and test materials, assessment technology platform, registration system, adaptive engine, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the tests by signing the CAASPP Test Security Affidavit set forth in subdivision (d).

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

CAASPP TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to one or more of the California Assessment of Student Performance and Progress (CAASPP) tests pursuant to Education Code
section 60640, for the purpose of administering the test(s). I understand that these materials are highly secure and may be under copyright restrictions and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by email without the express written permission of the CDE.

(2) I will not copy or take a photo of any part of the test(s) or test materials. This includes, but is not limited to, photocopying (including enlarging) and recording without prior expressed written permission of the CDE.

(3) Except during the actual testing administrations or as otherwise provided for by law, I will keep the test(s) and test materials secure until the test(s) are actually distributed to pupils when tests and testing materials are checked in and out by the CAASPP test site coordinator. Keeping materials secure means that testing materials are required to be kept in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.

(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test security affidavit may be in the room when and where a test is being administered.

(A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system.

(B) I will not allow anyone other than the assigned pupils to log into their assigned test. I may assist a pupil with using their information to log into their assigned test.

(C) I will not use a pupil’s information to log in as a pupil or allow a pupil to log in using another pupil’s information.

(D) I will not include, nor will I display, a pupil’s name and Statewide Student Identifier (SSID) together in any written or electronic format.

(5) I will not allow pupils to access electronic devices that allow them to access
outside information, communicate with other pupils, or photograph or copy test content. This includes, but is not limited to, cell phones, personal digital assistants (PDAs), tablets, laptops, cameras, and electronic translation devices.

(6) I will collect and account for all materials following each testing session and will not permit pupils to remove any test materials by any means from the room(s) where testing takes place. After each testing session, I will count all test booklets and answer documents before allowing any pupil to leave the testing room and/or ensure that all pupils have properly logged off the computer system assessment delivery system.

(7) I will not review any achievement test questions, passages, performance tasks, or other test items independently or with pupils or any other person at any time, including before, during, or following testing. I understand that this includes any discussion between LEA staff for training or professional development whether one-on-one or in a staff meeting.

(8) I will not, for any achievement test, develop scoring keys, review any pupil responses, or prepare answer documents. I understand that this includes coaching pupils or providing any other type of assistance to pupils that may affect their responses. This includes, but is not limited to, both verbal cues (e.g., interpreting, explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice inflection, pointing, or nodding head) to the correct answer (anything that may indicate correct or incorrect answers), or completing or changing pupils’ answers.

(9) I will return all test materials to the designated CAASPP test site coordinator each day upon completion of testing. I understand that all test booklets, answer documents, and scratch paper shall be returned to the CAASPP test site coordinator each day immediately after testing has been completed for storage or confidential destruction.

(10) If I will administer and/or observe the administration of an alternate assessment (CAPA or its successor alternate assessment) CAPA, which means that I am a certificated or a licensed LEA employee and a trained CAPA examiner, I will keep all the alternate assessment (CAPA or its successor alternate assessment) CAPA materials in a securely locked room, and, when possible, in a locked storage cabinet within that room except when I am preparing for the
administration, administering or observing the administration of the assessment to pupils.

(11) I will actively supervise pupils throughout the paper-pencil testing session to make ensure that they are working on the correct test section or part, marking their answers in the correct section of their answer documents, following instructions, and are accessing only authorized materials (embedded and/or non-embedded universal tools, designated supports, or accommodations, or individualized aids) needed for the test being administered.

(12) I will actively supervise pupils throughout the testing session and verify that pupils have selected the appropriate assessment for the testing session and have completed any necessary preceding test sections and/or classroom activities.

(13)(12) I will administer the test(s) in accordance with the directions for test administration and test administration manuals prepared by the CAASPP testing contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I understand that the unauthorized copying, sharing, or reusing of any test booklet, test question, performance task, or answer document by any means is prohibited. This includes, but is not limited to, photocopying, recording, emailing, messaging (instant, text, or multimedia messaging service, or digital application), using a camera/camera phone, and sharing or posting test content via the Internet without the express prior written permission of the CDE.

(14)(13) I have been trained to administer the tests. By signing my name to this document, I am assuring that I have completely read this affidavit and will abide by the above conditions.

Signed: ________________________________
Print Name: ______________________________
Position: ________________________________
School: ________________________________
LEA: ________________________________
Date: ________________________________

(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP
coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s).


§ 861. School-By-School Analysis Data Elements for Test Registration and State and Federal Reporting.

(a) Each school district shall provide the contractor for the standards-based achievement tests and the primary language test, excluding (6), (7), and (8), the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:

1. Pupil's full name.
2. Date of birth.
3. Grade level.
4. Gender.
5. English proficiency.
6. Primary language.
7. Date of English proficiency reclassification.
8. If reclassified to fluent English proficient (R-FEP) pupil scored proficient or above on the California English-Language Arts Standards Test any three years since reclassification.
9. Program participation.
10. Use of accommodations or modifications.
11. Statewide Student Identifier.
12. Parent or guardian education level.
13. School and district California Basic Educational Data System (CBEDS) enrollment.
14. For English learners, date first enrolled in school in the United States and if
they have been enrolled in school less than 12 cumulative months at the time of
testing.

(15) Documented eligibility to participate in the National School Lunch Program.
(16) Race/ethnicity.
(17) Primary disability code.
(18) Special Education Exit Date.
(19) County and District for pupils with IEPs if residence is other than where pupil
attends school or receives services.
(20) Special testing conditions and/or reasons for not being tested.
(21) Pupil enrolled in NPS by district based on IEP.
(22) NPS school code.

(b) In addition to the demographic data required to be reported in section 861(a),
school districts may report if an eligible pupil is not tested due to a significant medical
emergency.

(c) The information is for the purposes of aggregate analyses only and shall be
provided and collected as part of the testing materials for the standards-based
achievement tests and the primary language test.

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

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

(a) In order to assess pupils pursuant to Education Code section 60640 and meet
state and federal accountability and reporting obligations, each LEA shall provide any
and all program and demographic pupil data requested by the CDE for inclusion in
California Longitudinal Pupil Achievement Data System (CALPADS).

(b) In addition to the demographic and program data required to be reported in
section 861(a), LEAs shall report to the CDE the following information:
(1) if an eligible pupil is not tested due to a significant medical emergency;

(2) if a pupil used a designated support;

(3) if a pupil used an individualized aid;

(4) if a pupil used an accommodation(s);

(5) if a pupil had special testing conditions and/or reasons for not being tested (e.g., parent or guardian exemption);

(6) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code; and

(7) if a pupil in grade 2 was administered a diagnostic assessment pursuant to Education Code section 60644.

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate prior to LEA registration and throughout the testing window. The CDE shall provide LEAs reasonable notification prior to pupil demographic and program data being extracted from CALPADS for purposes of test registration, individual pupil reports and reports aggregated to the LEA, and state and federal accountability reporting.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.

Reference: Sections 49079.5, 52050, 52052, 60605, 60630, 60640, 60641 and 60643, Education Code; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

§ 862. Apportionment Information Report.

(a) Annually, the CDE shall make available electronically to each school district LEA an apportionment information report with the following information provided to the contractor by the LEA pursuant to sections 853 and 861 by grade level for the standards-based achievement tests and the primary language test, if any:

(1) The number of pupils enrolled in each school and in the school district LEA on the first day of testing as indicated by the number of alternate assessments and CSTs, excluding the STAR writing portion of the English-language arts tests, answer documents submitted to the test contractor for scoring.

(2) The number of pupils in each school and in the school district LEA tested with the alternate performance assessment.

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

(4) The number of pupils who were administered any portion of the CSTs or the modified assessment excluding the STAR writing portion of the English-language arts tests CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.

(5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.

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

(7) The number of English language learners who were administered each a designated primary language test aligned to the English language arts standards pursuant to Education Code section 60640(f)(b)(5)(B).

(8) The number of English language learners who were administered each primary language test pursuant to Education Code section 60640(g) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.

(b) To be eligible for apportionment payment for the standards-based achievement tests and the primary language test, if any CAASPP assessments, school districts LEAs must meet the following conditions:

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

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

(A) postmarked transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or

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

NOTE: Authority cited: Sections 42904, 33031, and 60605 and 60640, Education Code.
Reference: Sections 60610, 60615, and 60640 and 60641, Education Code.

§ 862.5. Apportionment to School Districts LEAs.

(a) The amount of funding to be apportioned to the school district LEA for the costs
of administering the standards-based achievement tests and the primary language test,
if any, shall be the amount established by the SBE to enable school district to meet the
requirements of administering the tests, and the primary language test per the number
of tests administered to eligible pupils in grades 2 to 11, inclusive, and the number of
answer documents returned with only demographic information for pupils enrolled on
the first day of testing who were not tested in the school district LEA. The number of
tests administered and the number of demographic answer documents pupils not
tested shall be determined by the certification of the LEA CAASPP coordinator school
district superintendent pursuant to section 862. For purposes of this portion of the
apportionment, administration of the standards-based achievement tests and the
primary language tests includes the following items:

(1) All staffing costs, including the district STAR LEA CAASPP coordinator and the
STAR CAASPP test site coordinators, staff training and other staff expenses related to
testing.

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

(3) All transportation costs of delivering and retrieving tests and test materials within
the school district LEA and to nonpublic schools NPSs.

(4) All costs associated with mailing transmitting the STAR Student pupil Report(s)
to parents/guardians.

(5) All costs associated with pre-identification of answer sheets and consumable
test booklets, and other activities intended to provide the complete and accurate data
required in section 861 of these regulations.
(b) This amount does not include any funding for the purposes of: reimbursing any LEA for primary language tests for non-eligible pupils.

(1) reimbursing the costs incurred by any school district pursuant to section 864.5(d) or (e); and

(2) reimbursing any school district for primary language tests for non-eligible pupils.

(c) If at the time a school district scannable documents are processed by the contractor a student data record is missing any of the data elements required in section 861 of these regulations for the standards-based achievement tests, the school district shall provide the missing data elements within the time required by the contractor to process the documents and meet the contractor’s schedule of deliverables under its contract with the CDE. The additional costs incurred by the school district to have the contractor reprocess the student information to acquire the data required by section 861 of these regulations shall be withheld from the school district apportionment.

NOTE: Authority cited: Sections 12001, 33031, and 60605 and 60640, Education Code.

Reference: Sections 60640 and 60643, Education Code.

§ 863. STAR CAASPP Student Pupil Reports and Cumulative Record Labels.

(a) The school district LEA shall forward or transmit the STAR Student Report pupil results for the designated achievement test and standards-based achievement tests conducted and the designated primary language test provided by the contractor(s) to each pupil’s test pursuant to Education Code section 60640 to the each pupil’s parent or guardian, within no more than 20 working days from receipt of the results report from the contractor.

(b) If the school district LEA receives the reports for the designated achievement test and standards-based tests, or the designated primary language tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the school district LEA shall send the pupil results to the parent or guardian by U.S. mail at the parent’s or guardian’s last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during no later than the first 20 working days of the next school year.
(c) Schools are responsible for maintaining affixing cumulative record labels reporting each pupil’s scores to with the pupil’s permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils’ achievement due to illness or testing irregularities.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 49062, 49068, 60607, 60640, and 60641, and 60607, Education Code.

§ 864. Reporting Test Scores LEA Compliance with Contractor Requirements.
No aggregate or group scores or reports that are compiled pursuant to Education Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other media, to any party other than the school or school district where the pupils were tested, if the aggregate or group scores or reports are composed of ten or fewer individual pupil scores. In each instance in which no score is reported for this reason, the notation shall appear “The number of pupils in this category is too small for statistical accuracy or privacy protection.” In no case shall any group score be reported that would deliberately or inadvertently make the score or performance of any individual pupil identifiable within the meaning of the Family Educational Rights and Privacy Act.

(a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.
(b) In order for the state to meet its obligations in the development, administration, and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:
(1) comply with any and all requests from CAASPP contractor(s) in accordance with Education Code section 60641; and
(2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test.

§ 864.5. Test Order Information. [REPEALED]

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

(1) Valid county district school (CDS) codes.

(2) Number of tests.

(3) Numbers of special version tests including, but not limited to, Braille and large print.

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

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

(6) Number of test examiners for the alternate assessments.

(7) The first and last date of instruction and all non-instructional days during the school year for each school in the district and all non-working days for the school district.

(b) The school district shall provide to the contractor for the primary language test the following data:

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

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

(3) First date of testing indicating the dates for each administration period.

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

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

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

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

§ 865. Transportation. [REPEALED]

(a) Upon arrival of the test materials at a single location designated by each school
district, the district STAR coordinator shall provide the contractor with a signed receipt
certifying that all cartons were received.

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

(c) Secure transportation within a school district is the responsibility of the school
district once materials have been duly delivered to the school district. The school
district is responsible for secure delivery of test materials to non-public schools.

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

§ 866. School District Delivery. [REPEALED]

(a) No school district shall receive its standards-based achievement test or primary
language test materials, if any, more than twenty or fewer than ten working days prior
to the first day of testing in the school district. A school district that has not received test
materials from the test contractor at least ten working days before the first date of
testing in the school district shall notify the test contractor and the CDE on the tenth
working day before testing is scheduled to begin that the school district has not
received its materials. Deliveries of test materials to single school districts shall use the
schedule in section 867.

(b) A school district and the contractor shall establish a periodic delivery schedule to
accommodate all test administration periods within the school district. Any schedule
established must conform to sections 866(a) and (b) for each test administration period.
(c) No school district shall receive its writing test materials more than ten or fewer
than five working days before the day on which the writing portion of the English-
language arts tests are to be administered.
NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
Sections 60605, 60640, 60642.5 and 60643, Education Code.

§ 867. Test Site Delivery and Return. [REPEALED]
(a) No school or other test site shall receive any designated achievement test,
standards-based tests, or designated primary language test or related test materials
more than ten or fewer than five working days prior to the first day of testing scheduled
at the school or test site.
(b) All testing materials shall be returned to the school district location designated
by the district STAR coordinator no more than two working days after testing is
completed for each test administration period.
(c) No school or other test site shall receive any writing test materials more than six
or fewer than two working days before the test administration date.
(d) Writing test materials shall be returned to the district STAR coordinator no more
than one day after the day scheduled for makeup testing.
NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
Sections 60640 and 60642.5, Education Code.

§ 867.5. Retrieval of Materials by Contractor. [REPEALED]
(a) The school district shall ensure that designated achievement test, standards-
based tests, or designated primary language testing materials are inventoried,
packaged, and labeled in accordance with instructions from the contractor, and
returned to a single school district location for pickup by the contractor within five
working days following completion of testing in the school district and in no event later
than five working days after each test administration period.
(b) School districts shall return all writing tests and test materials to the contractor

§ 868. Discrepancy Resolution for Standards-based Achievement Tests and Any Primary Language Test. [REPEALED]

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

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

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

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

(2) The district STAR coordinator shall acknowledge the discrepancy notice via electronic mail, if available in the school district, to the contractor and to the CDE within 24 hours of its receipt via electronic mail.

(b) The district STAR coordinator shall report any discrepancy in the total amount of the shipment from the contractor within two working days of the receipt of the shipment. If the contractor does not remedy the discrepancy within two working days of the school district report, the school district shall notify the CDE within 24 hours.

(c) Any discrepancy in a shipment of standards-based achievement tests or test materials or primary language test or test materials received by a test site from the district STAR coordinator shall be reported to the district STAR coordinator immediately but no later than two working days of the receipt of the shipment at the testing site. The district STAR coordinator shall remedy the discrepancy within two working days.

(d) The district STAR coordinator shall report to the contractor any discrepancy reported by a STAR test Site Coordinator within three working days of receipt of materials at the test site. If the district STAR coordinator does not have a sufficient
supply of tests or test materials to remedy any shortage, the contractor shall remedy
the shortage by providing sufficient materials directly to the test site within two working
days of the notification by the district STAR coordinator.

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

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
Sections 60605, 60640 and 60643, Education Code.
## 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 business 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
   - [x] h. None of the above (Explain below):

   The regulations would not impose any additional costs on the private sector.

   If any box in Items 1 a through g is checked, complete this Economic Impact Statement. If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The ______________________ estimates that the economic impact of this regulation (which includes the fiscal impact) is:

   - [ ] Below $10 million
   - [ ] Between $10 and $25 million
   - [ ] Between $25 and $50 million
   - [ ] Over $50 million [If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]

3. Enter the total number of businesses impacted:

   ____________________________

   Describe the types of businesses (Include nonprofits):

   ____________________________

4. Enter the number of businesses that will be created: ____________________________

   Explain:

   ____________________________

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

6. Enter the number of jobs created: ____________________________

   and eliminated: ____________________________

   Describe the types of jobs or occupations impacted:

   ____________________________

7. 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:

   ____________________________

   ____________________________

   ____________________________
ECONOMIC IMPACT STATEMENT (CONTINUED)

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: $ __________________________
   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 of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment:

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? $ __________________________

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation:

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:

Regulation: Benefit: $ __________________ Cost: $ __________________
Alternative 1: Benefit: $ __________________ Cost: $ __________________
Alternative 2: Benefit: $ __________________ Cost: $ __________________

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.

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million?  □ YES  □ NO

   If YES, complete E2. and E3
   If NO, skip to E4

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

   (Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

   Regulation: Total Cost $ __________________ Cost-effectiveness ratio: $ __________________
   Alternative 1: Total Cost $ __________________ Cost-effectiveness ratio: $ __________________
   Alternative 2: Total Cost $ __________________ Cost-effectiveness ratio: $ __________________

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?
   □ YES  □ NO

   If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

   The increase or decrease of investment in the State: ____________________________

   The incentive for innovation in products, materials or processes: ____________________________

   The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: ____________________________
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 in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ ______________________

☐ a. Funding provided in __________________________

Budget Act of ________ or Chapter __________, Statutes of __________

☐ b. Funding will be requested in the Governor’s Budget Act of __________________________

Fiscal Year: ________

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ ______________________

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in __________________________

☐ b. Implements the court mandate set forth by the __________________________

Case of: __________________________ vs. __________________________

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. __________________________

Date of Election: __________________________

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: __________________________

☐ e. Will be fully financed from the fees, revenue, etc. from: __________________________

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;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in __________________________

☐ 3. Annual Savings. (approximate)

$ ______________________

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

☐ 6. Other. Explain __________________________

PAGE 4
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 in the current State Fiscal Year. (Approximate)

$ ______________________

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the ______________________ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ______________________

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

☐ 4. Other. Explain ______________________

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 in the current State Fiscal Year. (Approximate)

$ ______________________

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ______________________

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

☐ 4. Other. Explain ______________________

FISCAL OFFICER SIGNATURE ______________________

DATE 4/21/14

The signature affirms 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 departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY ______________________

DATE 4/28/14

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER ______________________

DATE
AAV of Item 8 Attachment 3

Accessible Alternative Version (AAV) of Item 8 Attachment 3 for the July 2014 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 8 Attachment 3 from the California State Board of Education (SBE) Meeting Agenda for July 2014. The scanned Item 8 Attachment 3 (PDF; 2MB) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement


Department Name: California Department of Education
Contact Person: Amy Tang-Paterno
E-mail Address: atangpaterno@cde.ca.gov
Telephone Number: 916-322-6630

Descriptive Title From Notice Register Or From 400: California Assessment of Student Performance and Progress (Version dated April 10, 2014)
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.
- Option H explanation: The regulations would not impose any additional costs on the private sector.

If any box in Items 1a through g is checked, complete this Economic Impact Statement. If box in Item 1h is checked, complete the Fiscal Impact Statement as appropriate.

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. 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. 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. This regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature: Signed by Amy Tang-Paterno dated April 21, 2014

The signature attests that the agency has completed the STD. 399 according to the instructions in the State Administrative Manual (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.

Agency Secretary: Signed by Jeannie Oropeza dated April 28, 2014
Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.

Department of Finance Program Budget Manager: No signature.
**California Assessment of Student Performance and Progress (CAASPP): Readoption of the Finding of Emergency and Proposed Emergency Regulations for Amendments to the California Code of Regulations, Title 5, Sections 850 – 868.**

### SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (CAASPP - set forth in Education Code [EC] Section 60640 as the Measurement of Academic Performance and Progress or MAPP), which is governed by EC Sections 60640 through 60649. CASPP is to be used for the assessment of certain elementary and secondary pupils commencing with the 2013–14 school year.

EC Sections 60640 through 60649 were amended and chaptered into law on October 2, 2013. Section 60640(q) requires that sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations be revised by the State Board of Education (SBE) on or before July 1, 2014, to conform to the changes made to the EC and that the SBE adopt initial regulations as emergency regulations to immediately implement the CAASPP assessments.

Emergency regulations were adopted by the SBE at its meeting on January 15, 2014, and were approved by the OAL and deemed effective as of February 3, 2014. The adoption of emergency regulations, in accordance with EC Section 60640(q), is part of the immediate implementation of CAASPP, which includes, but is not limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Government Code Section 11346.1. Unless readopted, the emergency regulations will expire on August 5, 2014.

### RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the revised Finding of Emergency (FOE);
- Readopt the proposed Emergency Regulations;
• Direct the CDE to circulate the required notice of proposed emergency action, and then resubmit the emergency regulations for readoption to the Office of Administrative Law (OAL) for approval; and

• Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the revised Finding of Emergency and proposed emergency regulations.

BRIEF HISTORY OF KEY ISSUES

Governor Brown signed Assembly Bill 484 (AB 484) on October 2, 2013. AB 484 (Chapter 489, Statutes of 2013) deletes the provisions of the EC referencing the Standardized Testing and Reporting (STAR) Program and establishes the CAASPP assessment system.

EC Section 60640(q) requires that Title 5 Regulations be revised by the SBE on or before July 1, 2014. Section 60640(q) also requires the SBE adopt initial regulations as emergency regulations to immediately implement the CAASPP assessments. The proposed emergency regulations include definitions, requirements, responsibilities, and guidelines, for the administration, test security, reporting, and apportionment for CAASPP. The proposed amendments include, but are not limited to:

• add and delete references to the specific names of tests used in the different assessment systems because tests have changed and new tests are being added to the CAASPP assessment system;

• updating and adding testing accommodations, designated supports, and universal tools for paper-pencil and computer-based testing;

• revising testing periods; and

• updating testing coordinator and examiner responsibilities for test administration, including security, for paper-pencil and computer-based testing.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2014 meeting, the SBE:

• Approved the changes to the proposed permanent regulations and directed that the amended regulations be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act (May 8, 2014 to May 23, 2014).

At its January 2014 meeting, the SBE took the following actions:

• Approved the initial Finding of Emergency (FOE);
• Adopted the proposed Emergency Regulations;

• Directed the CDE to circulate the required notice of proposed emergency action and submit the Emergency Regulations to the Office of Administrative Law for approval.

After the SBE approved the FOE and Emergency Regulations, the documents were sent on January 17, 2014, to the CDE’s interested parties’ list. A mandatory five working day pre-notification period was held from January 20 – 24, 2014.

On January 27, 2014, the CDE filed the FOE and proposed Emergency Regulations with the OAL. The OAL approved the Finding of Emergency and Emergency regulations on February 3, 2014. The regulations are effective for 180 days and will expire on August 5, 2014.

In addition to adopting the Emergency Regulations, the SBE took the following steps at its January 2014 meeting with respect to the proposed permanent CAASPP regulations:

• Approved the Notice of Proposed Rulemaking;

• Approved the Initial Statement of Reasons;

• Approved the Proposed Regulations;

• Directed the CDE to commence the Rulemaking Process;

FISCAL ANALYSIS (AS APPROPRIATE)

An Economic and Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Revised Finding of Emergency (6 pages)

Attachment 2: Proposed Emergency Regulations (45 pages)

Attachment 3: Notice of Proposed Emergency Action – Readoption (1 page)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages)
FINDING OF EMERGENCY
READOPTION OF EMERGENCY REGULATIONS

California Assessment of Student Performance and Progress (CAASPP)
(set forth in Education Code section 60640 as Measurement of Academic Performance and Progress (MAPP)

The State Board of Education (SBE) finds that an emergency continues to exist and the emergency regulations, California Code of Regulations, title 5, Sections 850 – 868 effective February 3, 2014, must be readopted pursuant to Government Code section 11346.1(h) in order to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of pupils attending California’s public schools.

NECESSITY FOR EXTENSION

At its January 2014 Board meeting, the SBE approved the Finding of Emergency and Proposed Emergency Regulations and directed the California Department of Education (CDE) to circulate the required notice of Proposed Emergency Action and submit the emergency regulations to the Office of Administrative Law (OAL) for approval. As discussed below, these regulations were necessary on an emergency basis pursuant to Education Code section 60640(q) to immediately implement the California Assessment of Student Performance and Progress (CAASPP) assessments for the 2013-14 school year.

At the same January 2014 Board meeting, the SBE approved commencement of the permanent rulemaking package by approving the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed regulations. The SBE sent the regulations out for a 45-day comment period, commencing on February 1, 2014, and ending on March 17, 2014. Substantive comments were received in response which required the CDE to bring back the proposed regulations to the SBE for review.

At its May 2014 board meeting, the SBE approved changes to the proposed regulations and directed that they be circulated for a 15-day public comment period, which took place between May 8, 2014 and May 23, 2014. At this time, it is unknown whether or not the SBE will adopt permanent regulations at its July 2014 Board meeting.

It is necessary to adopt the extension of the existing emergency regulations for an additional 90-day period until permanent regulations can be finalized and adopted by the SBE. Although testing for the 2013-14 school year has been completed, these emergency regulations are still necessary to provide critical guidance to the field in the absence of permanent regulations. This is because the emergency regulations provide instruction as to, among other things, how the tests are be scored, transmitted and returned to the local educational agencies (LEAs), how the pupil scores are to be reported to parents upon receipt, how the pupil scores are reported for purposes of state and federal reporting and what LEAs must do in order to receive apportionments necessary to conduct these activities- all activities that continue on into the summer and fall months following the testing that took place during the 2013-2104 school year. In
addition, LEAs must begin the set-up for their 2014-15 school year testing periods; requiring the LEA’s Superintendent to designate the LEA CAASPP Coordinator, identify the school(s) with pupils unable to access the computer-based assessment version of the CAASPP test(s), and report this number to the contractor. Without emergency regulations in place to guide the LEAs, the well-being of the pupils attending California’s schools is at risk as LEAs will not have the guidance necessary to conduct these statutorily-required activities. Moreover, extension of these emergency regulations is necessary to comply with the law as Education Code section 60640(q) specifically requires that regulations be in place on or before July 1, 2014. Without the extension of these emergency regulations, the SBE risks being out of compliance with the law.

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

Overview

These proposed regulations must be readopted on an emergency basis pursuant to the requirements set forth in California Education Code section 60640, as established by Assembly Bill (AB) 484 (Bonilla), Statutes of 2013. This law, effective January 1, 2014, deleted the STAR Program, and instead established the California Assessment of Student Performance and Progress (CAASPP) assessment program, (referred to in AB 484 as the Measurement of Academic Performance and Progress or MAPP program). Commencing with the 2013–14 school year, CAASPP was adopted to assess certain elementary and secondary pupils and requires that implementing regulations be initially adopted as emergency regulations to immediately implement the CAASPP assessments for 2013-14. The legislation also specifies policies and procedures with respect to the development and the implementation of the CAASPP by the Superintendent, the SBE, and affected local educational agencies (LEAs). While emergency regulations were adopted by the SBE effective February 3, 2014, it is unclear whether or not the SBE will have adopted permanent regulations by the time these emergency regulations expire on August 5, 2014.

Background

Assembly Bill 484 (Chapter 489, Statutes of 2013) deletes the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead establishes the CAASPP. Education Code section 60640, subdivision (q) requires that the Title 5 regulations, sections 850 to 868, be revised by the SBE to conform the regulations to the statutory changes made in the legislation The proposed amendments to the regulations revise definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP. Specifically, these amendments include, but are not limited to: removing references to STAR and former STAR statutory requirements; adding references to CAASPP and CAASPP statutory requirements; specifying allowable variances in both paper-pencil and computer-based testing by listing acceptable accommodations, designated supports and universal tools for all pupils including
English learners and students with disabilities; revising testing periods, and making changes to the responsibilities and duties of testing coordinators at both the LEA and test site levels.

Specific Basis for the Finding of Emergency

The CDE is presenting these regulations in compliance with Education Code section 60640(q) that states, "On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the MAPP assessments, including, but not necessarily limited to, administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code)."

The following timeline illustrates the necessity of readopting the emergency regulations in order for the CDE to meet the requirements of the Education Code.

<table>
<thead>
<tr>
<th>Action*</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective date of authorizing statute, An act to amend sections 52052, 60601, 60603, 60604, 60607, 60610, 60611, 60612, 60630, 60640, 60641, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to amend and repeal section 60602 of, to add sections 60602.5, 60642.6, 60643.6, and 60648.5 to, to repeal sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal section 60649 of the Education Code, relating to pupil assessments.</td>
<td>October 2, 2013 (completed)</td>
</tr>
<tr>
<td>SBE approve agenda items for the commencement of the emergency regulations and the permanent rulemaking process</td>
<td>January 15-16, 2014 (completed)</td>
</tr>
<tr>
<td>Emergency regulations become effective</td>
<td>February 3, 2014 (completed)</td>
</tr>
<tr>
<td>SBE public comment period for permanent regulations</td>
<td>February 1 – March 17, 2014 (completed)</td>
</tr>
</tbody>
</table>
| SBE amends the permanent regulations and approves a 15-day comment period.| May 7-8, 2014 (completed)
SBE 15-day public comment period for permanent regulations. | May 8 - May 23, 2014 (completed)

*These actions represent a small, but relevant, fraction of the detail of the adoption process.

**These Issues Could Not Be Addressed Through Nonemergency Regulations**

AB 484 was approved by Governor Brown on October 2, 2013 and the new laws established in this legislation were set to take effect on January 1, 2014. Because of an insufficient lack of time, the CDE presented both proposed emergency and permanent regulations to the SBE at its January 2014 meeting, in addition to several other items related to implementation of the CAASPP system. This is noted solely to demonstrate that the CDE’s efforts to comply with the requirements of this recently-enacted bill have been diligent. Nevertheless, emergency regulations are required by law, pursuant to Section 60640(q), and are necessary because the new law provides that CAASPP testing will be administered in spring of 2014 and there would not be sufficient time for permanent regulations to have been enacted in time for this testing. Extension of the emergency regulations is necessary as it is unclear at this time if permanent regulations will be adopted by the SBE at the July meeting.

**NON-DUPLICATION**

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statutes in the proposed emergency regulations is necessary for purposes of clarify and ease of reading.

**AUTHORITY AND REFERENCE**

Authority: Sections 33031, 60605 and 60640, Education Code.

Reference: Sections 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60612, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Section 1232g; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 300.160, 201(d), (e) and (f); and 5 CCR 11967.6.

**INFORMATIVE DIGEST**

Assembly Bill 484 (Chapter 489, Statutes of 2013) deletes the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead establishes the California Measurement of Academic Performance and Progress (referenced in the regulations as CAASPP). Education Code section 60640(q) requires that the Title 5 regulations, sections 850 to 868, be revised by the SBE to conform the regulations to the statutory changes in the legislation. The proposed amendments to the regulations revise definitions, requirements, responsibilities and
guidelines for the administration, test security, reporting and apportionment related to the new CAASPP. Specifically, these amendments include, but are not limited to: removing references to STAR and former STAR statutory requirements; adding references to CAASPP and CAASPP statutory requirements; specifying allowable variances in both paper-pencil and computer-based testing by listing acceptable accommodations, designated supports and universal tools; revising testing periods, and making changes to the responsibilities and duties of testing coordinators at both the LEA and test site levels.

The CDE is presenting these regulations in compliance with Education Code Section 60640(q) that states, “On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013-14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the MAPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).”

The CDE reviewed all state regulations relating to the statewide pupil assessment system and found that none exist that are inconsistent or incompatible with these regulations regarding the CAASPP assessment system.

**SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS**

The benefit of enacting the proposed regulations will be the implementation of a statewide assessment system that aligns with current state-adopted content standards. Administering assessments that align with curriculum and instruction being provided in classrooms will establish continuity, will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

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

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose a reimbursable mandate on the LEA. Any mandate imposed on the LEAs is a result of the requirements under Elementary and Secondary Education Act (ESEA), 20 U.S.C. Section 6311, to annually test all students in specific grades in ELA, mathematics and in science.

COST ESTIMATE

These emergency regulations will not result in any additional costs or savings to LEAs, state agencies, or federal funding to the State.

NON-DISCRETIONARY COSTS OR SAVINGS IMPOSED UPON LOCAL AGENCIES

These emergency regulations will not result in any additional non-discretionary costs or savings upon local agencies.
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 2. Pupils
Subchapter 3.75. Standardized Testing and Reporting Program California Assessment of Student Performance and Progress (CAASPP)

Article 1. General

§ 850. Definitions.
For the purposes of the Standardized Testing and Reporting (STAR) Program, the following terms shall have the following meanings unless the context indicates otherwise:
(a) “Accommodations” means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores.
(b) “Administration period” means one of multiple test administration periods used by school districts with schools or programs on non-traditional calendars that begin and complete the school year at various times and have staggered vacation periods to ensure that all pupils are tested at approximately the same point in the instructional year.
(c) “Alternate assessment” means an assessment as provided in Education Code section 60640(e) and its test materials developed to measure the degree to which pupils with exceptional needs who are unable to take the California Standards Tests (CSTs) even with accommodations or modifications are achieving the state content standards. The alternate assessments for the STAR Program are the California Alternate Performance Assessment and the California Modified Assessment (CMA). The student shall not be allowed to take both the California Alternate Performance Assessment (CAPA) and the California Modified Assessment (CMA). Students shall take CAPA in all subject areas, CSTs in all subject areas, CMA in all subject areas, or a combination of CSTs and CMA in the subject areas being assessed.
(d) "Alternate performance assessment" means an alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities. The alternate performance assessment for the STAR Program is the California Alternate Performance Assessment.

(e) "California Alternate Performance Assessment (CAPA)" is the alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities.

(f) "California Modified Assessment (CMA)" is the alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials.

(g) "California Standards Tests (CSTs)" means an assessment as provided in Education Code section 60642.5 and its test materials that measures the degree to which pupils are achieving the state content standards.

(h) "CDE" means the California Department of Education.

(i) "Eligible pupil" is any pupil who is not otherwise exempted pursuant to Education Code section 60615.

(1) For the primary language test, an eligible pupil is an English learner in grades 2 to 11, inclusive, with a primary language for which a test is required or optional pursuant to Education Code section 60640.

(2) For the California Alternate Performance Assessment, an eligible pupil is any pupil in grades 2 to 11, inclusive, who has an individualized education program (IEP) that designates the use of the alternate performance assessment and is unable to take the CSTs even with accommodations or modifications.

(3) For the CMA, an eligible pupil is any pupil in grades 3 to 11, inclusive, who has an IEP, meets the State Board of Education (SBE)-adopted eligibility criteria described in paragraphs (A) through (E) below, and whose IEP designates the use of the modified assessment in one or more content areas. The SBE-adopted eligibility criteria for guiding IEP teams in making decisions about which students with disabilities may participate in the CMA are based, in part, on Title 34 of the Code of Federal Regulations, Part 200, Title 1, Improving the Academic Achievement of the Disadvantaged. Those criteria are as follows:
(A) Previous Participation.

1. CSTs. The student shall have taken the CST in a previous year and scored Below Basic or Far Below Basic in the subject area being assessed by the CMA and may have taken the CSTs with modifications; or

2. CAPA. The student shall have taken the CAPA Level II-V in two previous years and received a performance level of either Proficient or Advanced. The student shall not be allowed to take both the CAPA and CMA.

(B) Progress Based on Multiple Measures and Objective Evidence. The student’s disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student’s performance on the CSTs and other assessments that can validly document academic achievement within the year covered by the student’s IEP plan. The determination of the student’s progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed. The student will not receive a proficient score on the CSTs (even with provision of accommodations) based on evidence from multiple, valid, and objective measures of student progress (or lack of progress).

(C) Response to Appropriate Instruction.

1. The student’s progress to date in response to appropriate grade-level instruction, including special education and related services designed to address the student’s individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student’s IEP plan.

2. The student who is assessed with the CMA has access to the curriculum, including instruction and materials for the grade in which the student is enrolled.

3. The student’s IEP includes grade-level California content standards-based goals and support in the classroom for a subject or subjects assessed by the CMA.

4. The student has received special education and related services to support access to and progress in the general curriculum in which the student is enrolled.

5. The IEP team has determined that the student will not achieve grade-level proficiency even with instructional intervention.

(D) High School Diploma. The student who takes alternate assessments based on
modified academic achievement standards is not precluded from attempting to
complete requirements as defined by the State for a regular high school diploma.

(E) Parents Are Informed. Parents of the students selected to be assessed with the
CMA are informed that their child's achievement will be measured based on modified
achievement standards.

(j) “Grade” means the grade assigned to the pupil by the school district at the time
of testing.

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

(l) “Modified assessment” means an alternate assessment based on modified
achievement standards as provided in Education Code section 60640(e) and its test
materials. The modified assessment for the STAR Program is the CMA.

(m) “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in
California Education Code section 56034.

(n) “Primary language test” means an assessment as provided in Education Code
sections 60640(f)(1) and (2) and 60640(g) and its test materials in each primary
language for which a test is available for English learners. The primary language test
for the STAR Program is the Standards-based Tests in Spanish.

(o) “School districts” includes elementary, high school, and unified school districts;
county offices of education; any charter school that for assessment purposes does not
elect to be part of the school district or county office of education that granted the
charter; any statewide benefit charter; and any other charter school chartered by the
SBE.

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

(q) A “significant medical emergency” is a significant accident, trauma, or illness
(mental or physical) that precludes a pupil in grades 2 to 11, inclusive, from taking the
standards-based achievement tests. An accident, trauma, or illness is significant if the
pupil has been determined by a licensed physician to be unable to participate in the
(r) "Standards-based achievement tests" means an assessment that measures the degree to which pupils are achieving the state content standards as provided in Education Code sections 60640(e) alternate assessment(s), Education Code section 60642.5 CSTs and its test materials, and Education Code section 60640(f)(3) Standards-based Tests in Spanish, and its test materials. The STAR Program alternate assessments, the California Alternate Performance Assessment and the CMA, are standards-based achievement tests.

(s) "Standards-based Tests in Spanish" is the standards-based achievement test as provided in Education Code section 60640(f)(3), and its test materials, that is administered as the primary language test as provided in Education Code sections 60640(f) and (g) for pupils whose primary language is Spanish.

(t) "Test examiner” is an employee or contractor of a school district or a non-public school who has been trained to administer the tests and has signed a STAR Test Security Affidavit. For the alternate performance assessment, the test examiner must be a certificated or licensed school, district, or county staff member.

(u) “Test materials” include administration manuals, administrative materials, test booklets, practice tests, and test answer documents provided as part of the administration of the STAR Program assessments.

(v) “Test proctor” is an employee of a school district, or a person assigned by a nonpublic school to implement a pupil's IEP, who has signed a STAR Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests within the STAR Program.

(w) “Translator” is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 853.5(f), who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the STAR Program assessments. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:

1. an employee of the school district;
2. an employee of the nonpublic school; or
(3) supervised by an employee of the school district or an employee of the nonpublic school.

(x) “Variation” means a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications.

(y) “Writing portion of the English-language arts tests” is the performance component of the standards-based achievement tests.

For the purposes of these regulations, the Measurement of Academic Performance and Progress assessment system (as established in Education Code section 60640 and known as “MAPP”) shall be designated the California Assessment of Student Performance and Progress (CAASPP), and the following terms shall have the following meanings:

(a) “Accommodations” means supports documented in a pupil’s individualized education program (IEP) or Section 504 Plan that are utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment and that do not fundamentally alter the comparability of scores.

(b) “Accessibility supports” means supports that may or may not (because they have not been previously identified) invalidate the measurement of the test; these supports are not universal tools, designated supports, or accommodations (e.g., read-a-loud of passages in grades 3 through 5). An LEA shall notify the CDE in writing prior to the use of the accessibility support(s).

(c) “Achievement tests” means any summative standardized test that measures the level of performance that a pupil has achieved on state-adopted content standards.

(d) “Alternate assessment” means an assessment as provided in Education Code section 60640(k) and its test materials developed to measure the level of performance for a pupil with disabilities who is unable to take the consortium summative assessment in English language arts and mathematics pursuant to Education Code section 60640(b)(1) or are unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with accommodations.

(e) “Assessment technology platform” means the electronic systems used to display
items, accept item responses, store, deliver, score the tests and restrict access to outside sources, as well as report and manage assessment results. Testing technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

(f) “California Alternate Performance Assessment (CAPA)” is the alternate assessment and its test materials as provided in Education Code section 60640(k) for pupils with significant cognitive disabilities.

(g) “California Modified Assessment (CMA)” is the alternate assessment and its test materials for science based on modified achievement standards.

(h) “California Standards Tests (CSTs)” is the assessment and test materials that measure the degree to which pupils are achieving the state content standards pursuant to Education Code section 60605.

(i) “Computer-based tests (CBTs)” means tests administered using an electronic computing device.

(j) “Designated supports” are features that are available for use by any pupil for whom the need has been indicated, prior to the assessment administration, by an educator or group of educators.

(k) “Eligible pupil,” with the exception of subdivisions (1) through (3) below, is any pupil who is not exempt from participation in assessments pursuant to Education Code section 60615 or who is not a recently arrived English learner pupil exempt from participating in the English Language Arts assessment pursuant to Education Code section 60640(f)(1).

(1) For the primary language test, an eligible pupil is an English learner with a primary language for which a test is optional pursuant to Education Code section 60640.

(2) For CAPA, an eligible pupil is any pupil in grades 2 through 11, inclusive, who has an IEP that designates the use of the alternate assessment.

(3) For the CMA, an eligible pupil is any pupil in grades 5, 8, or 10, who has an IEP that designates the use of the modified assessment in science.

(l) “Embedded” means a support, whether a universal tool, designated support, or accommodation, that is part of the assessment technology platform for the computer-
administered CAASPP tests.

(m) “Grade” means the grade in which the pupil is enrolled at the time of testing, as determined by the local educational agency.

(n) “Local educational agency (LEA)” means a county office of education, school district, state special school, or direct-funded charter school as described in Education Code section 47651.

(o) “Non-embedded” means a support, whether a universal tool, designated support, or accommodation, that may be provided by the LEA and is not part of the assessment technology platform for the computer-administered CAASPP tests.

(p) “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in Education Code section 56034.

(q) “Primary language test” means a test as provided in Education Code sections 60640(b) and (c) and its test materials in each primary language for which a test is available for English learners. The primary language test is the Standards-based Tests in Spanish (STS).

(r) “Recently arrived English learner” means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States.

(s) “Scribe” is an employee of the LEA or a person assigned by an NPS to implement a pupil’s IEP who has signed a CAASPP Test Security Affidavit and is required to transcribe a pupil’s responses to the format required by the test. A pupil’s parent or guardian is not eligible to be the pupil’s scribe.

(t) A “significant medical emergency” is a significant accident, trauma, or illness (mental or physical) that precludes a pupil from taking the achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.

(u) “Smarter-Balanced Assessment Consortium (Smarter Balanced)” is the multi-state consortium responsible for the development of the English language arts and mathematics summative assessments administered pursuant to Education Code section 60640(b)(1) and the interim assessments and formative assessment tools administered pursuant to Education Code section 60642.6.

(v) “Standards-based Tests in Spanish (STS)” are the achievement tests and test
materials that are administered as the primary language test as provided in Education
Code sections 60640(b) and (c) for pupils whose primary language is Spanish.
(w) “Test examiner” is an employee or contractor of an LEA or an NPS who has
been trained to administer the tests and has signed a CAASPP Test Security Affidavit.
For the alternate assessment, the test examiner must be a certificated or licensed
school, district, or county staff member.
(x) “Test materials” include, but are not limited to, administration manuals,
administrative materials, test booklets, assessment technology platform, practice tests,
scratch paper, and test answer documents, as part of the administration of the
CAASPP tests.
(y) “Test proctor” is an employee of an LEA, or a person assigned by an NPS to
implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test Security
Affidavit and has received training designed to prepare him or her to assist the test
examiner in the administration of tests within the CAASPP assessment system.
(z) “Translator” is a person who has been assigned to translate the test directions
into the pupil’s primary language pursuant to section 853.5, who has signed a Test
Security Affidavit as identified in section 859(d), and who has received training
specifically designed to prepare him or her to assist the test examiner in the
administration of the assessments pursuant to Education Code section 60640. A pupil’s
parent or guardian is not eligible to be the pupil’s translator. A translator must be:
(1) an employee of an LEA;
(2) an employee of the NPS; or
(3) a person supervised by an employee of an LEA or an employee of the NPS.
(aa) “Universal tools” are accessibility features of the CAASPP tests that are
available to all pupils.
NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615,
60640, and 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), (e)
and (f), 300.160; 5 CCR 11967.6.
Article 2. Standards-Based Achievement Tests, Alternate Assessments, and Any Primary Language Test

§ 851. Pupil Testing.

(a) School districts LEAs shall administer the standards-based achievement tests and may administer the primary language test, if any, pursuant to Education Code section 60640 to each eligible pupil enrolled in a school district an LEA on the date testing begins in the pupil’s school or school district LEA.

(b) No later than start of the 2014-2015 school year, for the purposes of the CAASPP assessment system, a charter school which is not direct-funded pursuant to Education Code section 47651 shall test with, dependent on, the LEA that granted the charter or was designated the oversight agency by the local governing board.

(c) School districts LEAs shall make whatever arrangements are necessary to for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic schools NPSs.

(d) No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

§ 852. Pupil Exemptions.

(a) Each year the LEA shall notify parents or guardians of their pupil’s participation in the CAASPP assessment system in accordance with Education Code section 60604.

(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.

(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education.
Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. A school district and its employees may discuss the STAR Program with parents and may inform parents of the availability of exemptions under Education Code section 60615. The school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.


§ 853. Administration.

(a) The standards-based achievement tests and the primary language test, if any, CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by school districts in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with variations, accommodations, and modifications universal tools, designated supports, and accommodations specified in section 853.5. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) If available, an LEA may utilize a paper-pencil version of any CBT of the CAASPP assessment system, in accordance with Education Code section 60640(e), if the LEA identifies the pupils that are unable to access the CBT version of the test.

(c) Interim assessments and formative assessment tools shall be made available to LEA(s) for use during the school year. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration.
and use requirements. Any scoring of any performance tasks for the interim assessment and formative assessment tools is the responsibility of the LEA.

NOTE: Authority cited: Sections 42001, 33031 and 60640, 60605, Education Code.

Reference: Sections 60603, 60605, 60611, and 60640 and 60642.6, Education Code.

§ 853.5. Use of Universal Tools, Designated Supports, and Variations, Accommodations, and Modifications.

(a) School districts may provide all pupils the following variations on the CSTs, the CMA, and the Standards-based Tests in Spanish:

(1) have test directions simplified or clarified.
(2) write in test booklets; for example, underlining, highlighting, or working math problems. Tests booklets for grades 2 and 3 must have any marks other than those in response circles erased or pupil responses must be transcribed into new test booklet(s) by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit to ensure that the tests can be scored.
(3) test in a small-group setting.
(4) have as much time as needed within a single sitting to complete a test or test part on the standards-based achievement tests.

(b) School districts may provide all pupils the following testing variations on the CSTs, the CMA, and the Standards-based Tests in Spanish if regularly used in the classroom:

(1) special or adaptive furniture.
(2) special lighting, special acoustics, noise-canceling devices, visual magnifying equipment or audio amplification equipment.
(3) an individual carrel or study enclosure.
(4) test individually in a separate room provided that an employee of the school, school district, or nonpublic school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.
(5) colored overlay, mask, or other means to maintain visual attention to the test or test questions.
(6) Manually Coded English or American Sign Language to present directions for
administration.

(c) Eligible pupils with disabilities who have an IEP and pupils with a Section 504 Plan shall be permitted the following presentation, response, or setting accommodations on the CSTs, the CMA, and the Standards-based Tests in Spanish, if specified in the eligible pupil’s IEP or Section 504 Plan:

(1) large print versions.

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

(3) Braille transcriptions provided by the test contractor.

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

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

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

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

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

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

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

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

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

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

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

(15) audio or oral presentation of any prompts or passages present in the STAR
writing portion of the English-language arts tests.

(16) Manually Coded English or American Sign Language to present any prompts or
passages present in the STAR writing portion of the English-language arts tests.

d) In addition to the accommodations set forth in section 853.5(c), a pupil who is
eligible to take the CMA as defined in section 850(f), shall be permitted the following
presentation, response, or setting accommodations on the CMA if specified in the
eligible pupil's IEP:

(1) audio or oral presentation of test questions and answer options on the multiple-
choice portion of the English-language arts tests.

(2) Manually Coded English or American Sign Language to present test questions
on the multiple-choice portion of the English-language arts tests.

(3) use of a calculator on the mathematics test in grade 5.

(4) use of manipulatives on the mathematics and science tests.

(e) Eligible pupils with disabilities shall be permitted the following modifications on
the CSTs and the Standards-based Tests in Spanish if specified in the eligible pupil's
IEP or Section 504 Plan:

(1) calculators, arithmetic tables, and formulas or mathematics manipulatives not
provided in the test materials on the mathematics or science tests.

(2) audio or oral presentation of the multiple-choice portion of the English-language
arts tests.

(3) Manually Coded English or American Sign Language to present test questions
on the multiple-choice portion of the English-language arts tests.

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

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

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

(7) dictionary.

(f) If the school district, pupil's IEP team or Section 504 Plan proposes a variation for use on the standards-based achievement tests or the primary language test, if any, that has not been listed in this section, the school district may submit to the CDE for review of the proposed variation.

(g) Identified English learner pupils shall be permitted the following testing variations if regularly used in the classroom or for assessment:

(1) Tested in a separate room with other English learners provided that an employee of the school, school district, or nonpublic school, who has signed the Test Security Affidavit, directly supervises the pupil.

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

(3) The test directions printed in the test administration manual may be translated into an English learner's primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.

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

(a) All pupils (including English learners and students with disabilities) shall be permitted the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

(1) breaks for reading, writing, listening, and mathematics;

(2) calculator for specific mathematic items;

(3) digital notepad for reading, writing, listening, and mathematics;
(4) English dictionary for writing (ELA-performance task – pupil long essay(s) not short paragraph responses);
(5) English glossary for reading, writing, listening, and mathematics;
(6) expandable passages for reading, writing, listening, and mathematics;
(7) global notes for writing (ELA-performance task – pupils long essay(s) not short paragraph responses);
(8) highlighter for reading, writing, listening, and mathematics;
(9) keyboard navigation for reading, writing, listening, and mathematics;
(10) mark for review for reading, writing, listening, and mathematics;
(11) math tools for specific mathematics items;
(12) spell check for specific writing items;
(13) strikethrough for reading, writing, listening, and mathematics;
(14) writing tools for specific pupil generated responses; or
(15) zoom for reading, writing, listening, and mathematics.

(b) All pupils (including English learners and students with disabilities) shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) breaks;
(2) English dictionary for ELA performance task – pupil long essay(s) not short paragraph responses;
(3) scratch paper;
(4) thesaurus for ELA performance task – pupil long essay(s) not short paragraph responses;
(5) color overlay for science and primary language test;
(6) math tools (i.e., ruler, protractor) for specific mathematics items;
(7) simplify or clarify test administration directions (does not apply to test questions); or
(8) pupil marks in paper-pencil test booklet (other than responses including highlighting).

(c) All pupils (including English learners and students with disabilities) shall be
permitted the following embedded designated supports, unless otherwise designated,
when determined for use by an educator or group of educators, on the CAASPP tests
for English language arts (including the components of reading, writing, and listening)
and mathematics as specified below:
(1) color contrast for reading, writing, listening, and mathematics;
(2) masking for reading, writing, listening, and mathematics;
(3) text-to-speech for writing, listening, mathematics and reading items not
passages;
(4) translated test directions for mathematics;
(5) translations (glossary) for mathematics;
(6) translations (stacked) for mathematics; or
(7) turn off any universal tool for reading, writing, listening, and mathematics.
(d) All pupils (including English learners and students with disabilities) shall be
permitted the following non-embedded designated supports when determined for use
by an educator or a group of educators, on the CAASPP tests for English language arts
(including the components of reading, writing, and listening), mathematics, science,
and primary language as specified below:
(1) translated directions for mathematics, science and primary language test;
(2) bilingual dictionary for writing;
(3) access to translation glossaries/word lists for science and primary language test;
(4) color contrast for reading, writing, listening, and mathematics;
(5) color overlay for reading, writing, listening, and mathematics;
(6) magnification;
(7) read aloud for writing, listening, mathematics and reading items not reading
passages;
(8) scribe for reading, listening, and mathematics;
(9) separate setting for reading, writing, listening, and mathematics;
(10) translations (glossary) for mathematics, science and primary language test;
(11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
headphones); or
(12) special lighting or acoustics, assistive devices (specific devices may require
CAASPP contractor certification), and/or special or adaptive furniture.

(e) The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil’s IEP or Section 504 Plan:

(1) American Sign Language for listening and mathematics;

(2) braille for reading, writing, listening, and mathematics;

(3) closed captioning for listening; or

(4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11.

(f) The following non-embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language when specified in a pupil’s IEP or Section 504 Plan:

(1) read aloud for primary language test;

(2) American Sign Language for listening, mathematics, and science;

(3) braille for paper-pencil tests;

(4) abacus for mathematics and science;

(5) alternate response options for reading, writing, listening, and mathematics;

(6) calculator for specific mathematics items;

(7) multiplication table for mathematics beginning in grade 4;

(8) print on demand for reading, writing, listening, and mathematics;

(9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills;

(10) scribe for writing, science, and primary language test;

(11) speech-to-text;

(12) large-print version of a paper-pencil test;

(13) separate setting for science and primary language test; or

(14) administration of the test at the most beneficial time of day to the pupil.

(g) An LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an accessibility support. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the
LEA ten business days prior to the pupil’s first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

1. LEA name and CDS code;
2. school/test site and school code;
3. school/test site address, city, and zip code;
4. LEA CAASPP coordinator name, phone number, and email address;
5. CAASPP test site coordinator name, phone number, and email address;
6. school/test site testing window dates;
7. SSID(s) for the pupil(s) for which the accessibility support is being requested;
8. CAASPP test and grade; and
9. the accessibility support being requested.

(h) Accessibility supports that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils’ tests with accessibility supports that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded accessibility supports have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

1. English dictionary for reading, listening, mathematics, science, and primary language;
2. thesaurus for reading, listening, mathematics, science and primary language;
3. translated test directions for reading, writing, or listening;
4. bilingual dictionary for reading, listening, mathematics, science and primary language;
5. translations (glossary) for reading, writing, and listening;
6. read aloud for reading passages in grades 3, 4, and 5;
7. American Sign Language for reading passages in grades 3, 4, and 5
reading passages for primary language;

(8) calculator for non-specified mathematics items or science;

(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and

(10) multiplication table for mathematics in grade 3.

NOTE: Authority cited: Sections 12001, 33031, and 60605 and 60640, Education Code.
Reference: Sections 60605 and 60640, Education Code; 34 C.F.R. Sections 200.1 and 300.160(b).

§ 854. Advance Preparation for the Tests. [REPEALED]

(a) Except for materials specifically provided by the CDE or its agents, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the standards-based achievement tests, or the primary language test, if any. No administration or use of an alternate or parallel form shall be used as practice for any pupils.

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

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

§ 855. Testing Period.

(a)(1) The standards-based achievement tests and the primary language test, if any, except as specified below shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85% of the school’s, track’s, or program’s instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window.

(2) Each school district shall provide for at least two makeup days of testing for pupils who were absent during the period in which any school administered the standards-based achievement tests and the primary language test, if any. All makeup
testing shall occur within five instructional days of the last date that the school district
administered the tests but not later than the end of the 25 instructional day period
established in subdivision (a)(1).

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

(b) The writing portion of the English-language arts tests shall be administered to
each eligible pupil only on the day(s) specified annually by the State Superintendent of
Public Instruction. An eligible pupil for purposes of the writing portion is a pupil taking
the standards-based achievement tests for a grade at which the writing portion will be
administered.

(a)(1) For the 2013-14 school year, each LEA shall administer the Smarter
Balanced field tests for ELA and mathematics in the manner prescribed by the CDE
pursuant to the authority granted by Education Code section 60640(f)(2).

(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and
10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades
5, 8, and 10, shall be administered to each pupil during a testing window of 25
instructional days that includes 12 instructional days before and after completion of 85
percent of the school's, track's, or program's instructional days. Testing for all pupils,
including makeup testing, is to be completed within this 25 instructional day window. If
an LEA elects to administer the primary language test, it shall do so during this same
testing window.

(b) Beginning in the 2014-15 school year, the CAASPP tests pursuant to Education
Code sections 60640(b) shall be administered to each pupil during the following testing
windows:

(1) Unless otherwise stated in these regulations, the testing window shall not begin
until at least 66 percent of a school's annual instructional days have been completed,
and testing may continue up to and including the last day of instruction for the regular
school calendar. For a 180-day school year, 66 percent of a school year occurs after
the 120th instructional day. This allows for a 12-week window for testing.

(2) For the grade 11 Smarter Balanced assessments and CAASPP tests
administered after January 2015, the testing window shall not begin until at least 80 percent of a school’s annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing.

(3) The CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school’s, track’s, or program’s instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during this same window as these tests.

(c) The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not exceeded.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 60605, 60640, 60641 and 60642.5, Education Code.

§ 857. LEA CAASPP District STAR Coordinator.

(a) On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following school year to complete school district testing. The school district shall notify the contractor(s) of the identity and contact information, including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor(s) and the
school district and the CDE for all matters related to the STAR Program. A school
district superintendent may designate a separate STAR program district coordinator for
any primary language test.

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

(1) Responding to correspondence and inquiries from the contractor and from the
CDE in a timely manner and as provided in the contractor's instructions and these
regulations:

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

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

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

(5) Maintaining security over the standards-based achievement tests, and the
primary language test, if any, and test data using the procedure set forth in section 859.
The district STAR coordinator shall sign the security agreement set forth in section 859
and submit it to the contractor prior to receipt of the test materials from the contractor.

(6) Overseeing the administration of the standards-based achievement tests, and
the primary language test, if any, to eligible pupils.

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

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

(9) Immediately notifying the CDE of any security breaches or testing irregularities
in the district before, during, or after the test administration.
(10) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.

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

(12) Training test site coordinators to oversee the test administration at each school.

(a) On or before September 30 of each school year, the superintendent of each LEA shall:

   (1) designate from among the employees of the LEA an LEA CAASPP coordinator;
   (2) identify school with pupils unable to access the CBT version of a CAASPP test(s) in accordance with Education Code section 60640(e); and
   (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school identified in subdivision (2) that are unable to access the CBT version of a CAASPP test.

(b) The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 29 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system.

(c) The LEA CAASPP coordinator’s responsibilities shall be those defined in the contractor’s(s’) or consortium’s administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA’s preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests.

(d) The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium.

(e) The LEA CAASPP coordinator shall ensure the training of all CAASPP test site coordinators.
coordinators who will oversee the test administration at each school or test site.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 47079.5, 52052, 60604, 60605, 60610, 60630, and 60640 and
60643, Education Code.

§ 858. CAASPP STAR Test Site Coordinator.
(a) At each test site, including but not limited to, each elementary, middle, and high
school or other grade-span designated school, each charter school, each court-school,
each school or program operated by a school district, and all other public programs
serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school
district or the district STAR coordinator shall designate a STAR test site coordinator
from among the employees of the school district. The STAR test site coordinator, or the
site principal or his or her designee, shall be available to the district STAR coordinator
by telephone through August 15 of the following school year for purposes of resolving
discrepancies or inconsistencies in materials or errors in reports.
(b) The STAR test site coordinator’s responsibilities shall include, but are not limited to,
all of the following duties:
(1) Determining site test and test material needs and communicating the site needs
to the district STAR coordinator.
(2) Overseeing the acquisition and distribution of tests and test materials at the test
site, including but not limited to, distributing test materials to test examiners on each
day of testing in accordance with the contractor's directions.
(3) Cooperating with the district STAR coordinator to provide the testing and
makeup testing days for the site within any required time periods.
(4) Maintaining security over the standards-based achievement tests, the primary
language test, if any, and test data. The STAR test site coordinator shall sign the
security agreement set forth in section 859 and submit it to the district STAR
coordinator prior to the receipt of the test materials.
(5) Arranging for and overseeing the administration of the standards-based
achievement tests and the primary language test, if any, to eligible pupils at the test
site.
(6) Overseeing the collection and return of all testing materials to the district STAR coordinator.

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

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

(9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing for the standards-based achievement tests and the primary language test, if any.

(10) Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades for which the contractor has designated the use of more than one answer document. An answer document for the STAR writing portion of the English-language arts tests administered pursuant to section 855(b) shall be submitted in addition to the answer document for the multiple choice items.

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

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

(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 29 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

(b) The CAASPP test site coordinator’s responsibilities shall be those defined in the
contractor's(s') and CDE's administrative manuals and documentation, and shall
include, but are not limited to, overseeing the test site's preparation, coordination,
training, registration, administration, security, and reporting of the CAASPP tests.

(c) The CAASPP test site coordinator shall be responsible for the training of test
examiners, translators, proctors, and scribes.

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education
Code.

§ 859. CAASPP STAR Test Security Agreement and Test Security Affidavit.

(a) All STAR district and test site coordinators (coordinators) shall sign the STAR
Test Security Agreement set forth in subdivision (b) before receiving any of the test
materials or tests administered pursuant to Education Code section 60640.

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

STAR TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that standards-based achievement
tests, including the CSTs, the California Alternate Performance Assessment, the CMA,
and the Standards-based Tests in Spanish, are secure tests and agree to each of the
following conditions to ensure test security:

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

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

(3) I will keep the CSTs, the California Alternate Performance Assessment, the
CMA, and the Standards-based Tests in Spanish and their test materials in a secure,
locked location and will deliver tests and test materials only to those persons who have
executed STAR Test Security Affidavits on actual testing dates as provided in section
859(d) with the exception of subdivision (4) below.

(4) I will keep the California Alternate Performance Assessment materials in a
secure locked location when not being used by examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to examiners.

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

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

(7) I will not develop scoring keys, review any pupil responses, or prepare answer documents except as required by the test administration manual(s) prepared by the testing contractor.

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

Signed: ________________________________
Print Name: ________________________________
Title: ________________________________
School District: ___________________________
Date: ___________________________

(c) All test examiners, proctors, translators, scribes, and any other persons having access to any of the test materials or tests administered pursuant to Education Code section 60640 shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in subdivision (d).

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

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to one or more of the standards-based achievement tests, including the CSTs, the California Alternative Performance Assessment, the CMA, and the Standards-based Tests in Spanish, and test materials, for the purpose of administering the test(s). I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the tests to any other person through verbal, written, or any other means of communication.
(2) I will not copy any part of the test(s) or test materials.

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

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

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

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

(7) I will not develop scoring keys, review any pupil responses, or prepare answer documents except as required by the test administration manual(s) prepared by the testing contractor.

(8) I will return all test materials for the CSTs, the CMA, and the Standards-based Tests in Spanish to the designated STAR test site coordinator daily upon completion of testing.

(9) I will keep all the California Alternate Performance Assessment materials in secure locked storage except when I am administering or observing the administration of the assessment to pupils.

(10) I will administer the test(s) in accordance with the directions for test administration and test administration manuals prepared by the testing contractor.

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

Signed: ____________________________________

Print Name: ________________________________

Position: __________________________________

School: ____________________________________

School District: ___________________________

Date: ______________________________________

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

(a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any of
the test materials or tests administered pursuant to Education Code section 60640.

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

CAASPP TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that the California Assessment of
Student Performance and Progress (CAASPP) tests pursuant to Education Code
section 60640 are secure tests and agree to each of the following conditions to ensure
test security:

(1) I will take all necessary precautions to safeguard all tests and test materials,
whether paper-based or computer-based assessments, by limiting access to only
persons within the LEA who are responsible for, and have professional interest in, the
tests' security.

(2) I will keep on file the names of all persons who have been trained in the
administration of CAASPP tests and all persons with access to tests and test materials,
whether paper-based or computer-based assessments. I have and shall have all other
persons having access to the tests and test materials read and sign the CAASPP Test
Security Affidavit that will be kept on file in the LEA office.

(3) Except during the administration of the tests, I will keep the paper-pencil tests,
and their test materials in a securely locked room that can be entered only with a key or
keycard and, when possible, in a locked storage cabinet within that room.

(4) I will securely destroy all print-on-demand papers, scratch paper, and other
documents as prescribed within the contractor's(s') or consortium's administrative
manuals and documentation.

(5) With the exception of subdivision (6) below, I will deliver tests and test materials
or allow electronic access thereto, only on actual testing dates and only to those
persons who have executed CAASPP Test Security Affidavits.

(6) For the CAPA test, I will keep all tests and testing materials in the manner set
forth above in subdivisions (3) and (5) except during actual testing administration or
when being used by test examiners to prepare for and to administer the assessment. I
will adhere to the contractor's directions for the distribution of the assessment materials
to test examiners.

By signing my name to this document, I am assuring that I have completely read
and will abide by the above conditions.

Signed: ________________________________
Print Name: ________________________________
Title: ________________________________
LEA: ________________________________
Date: ________________________________

(c) All test examiners, proctors, translators, scribes, and any other persons having access to any of the tests and test materials, assessment technology, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the tests by signing the CAASPP Test Security Affidavit set forth in subdivision (d).

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

CAASPP TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to one or more of the California Assessment of Student Performance and Progress (CAASPP) tests pursuant to Education Code section 60640, for the purpose of administering the test(s). I understand that these materials are highly secure and may be under copyright restrictions and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by email without the express written permission of the CDE.

(2) I will not copy or take a photo of any part of the test(s) or test materials. This includes, but is not limited to, photocopying (including enlarging) and recording without prior expressed written permission of the CDE.

(3) Except during the actual testing administrations or as otherwise provided for by law, I will keep the test(s) and test materials secure until the test(s) are actually distributed to pupils when tests and testing materials are checked in and out by the CAASPP test site coordinator. Keeping materials secure means that testing materials are required to be kept in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.
(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test security affidavit may be in the room when and where a test is being administered.

(A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone.

(B) I will not allow anyone other than the assigned pupils to log into their assigned test. I may assist a pupil with using their information to log into their assigned test.

(C) I will not use a pupil’s information to log in as a pupil or allow a pupil to log in using another pupil’s information.

(D) I will not include, nor will I display, a pupil’s name and Statewide Student Identifier (SSID) together in any written or electronic format.

(5) I will not allow pupils to access electronic devices that allow them to access outside information, communicate with other pupils, or photograph or copy test content. This includes, but is not limited to, cell phones, personal digital assistants (PDAs), tablets, laptops, cameras, and electronic translation devices.

(6) I will collect and account for all materials following each testing session and will not permit pupils to remove any test materials by any means from the room(s) where testing takes place. After each testing session, I will count all test booklets and answer documents before allowing any pupil to leave the testing room and/or ensure that all pupils have properly logged off the computer system.

(7) I will not review any achievement test questions, passages, performance tasks, or other test items independently or with pupils or any other person at any time, including before, during, or following testing. I understand that this includes any discussion between LEA staff for training or professional development whether one-on-one or in a staff meeting.

(8) I will not, for any achievement test, develop scoring keys, review any pupil responses, or prepare answer documents. I understand that this includes coaching pupils or providing any other type of assistance to pupils that may affect their responses. This includes, but is not limited to, both verbal cues (e.g., interpreting, explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice
inflection, pointing, or nodding head) to the correct answer (anything that may indicate
correct or incorrect answers), or completing or changing pupils' answers.

(9) I will return all test materials to the designated CAASPP test site coordinator
each day upon completion of testing. I understand that all test booklets, answer
documents, and scratch paper shall be returned to the CAASPP test site coordinator
each day immediately after testing has been completed for storage or confidential
destruction.

(10) If I will administer and/or observe the administration of CAPA, which means
that I am a certificated or a licensed LEA employee and a trained CAPA Examiner, I will
keep all the CAPA materials in a securely locked room, and, when possible, in a locked
storage cabinet within that room except when I am preparing for the administration,
administering or observing the administration of the assessment to pupils.

(11) I will actively supervise pupils throughout the testing session to make sure that
they are working on the correct test section or part, marking their answers in the correct
section of their answer documents, following instructions, and are accessing only
authorized materials (embedded and/or non-embedded universal tools, designated
supports, or accommodations) needed for the test being administered.

(12) I will administer the test(s) in accordance with the directions for test
administration and test administration manuals prepared by the CAASPP testing
contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I
understand that the unauthorized copying, sharing, or reusing of any test booklet, test
question, performance task, or answer document by any means is prohibited. This
includes, but is not limited to, photocopying, recording, emailing, messaging (instant,
text, or multimedia messaging service, or digital application), using a camera/camera
phone, and sharing or posting test content via the Internet without the express prior
written permission of the CDE.

(13) I have been trained to administer the tests. By signing my name to this
document, I am assuring that I have completely read this affidavit and will abide by the
above conditions.

Signed: _____________________________
Print Name: ___________________________
(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s).


§ 861. School-By-School Analysis Data Elements for Test Registration and State and Federal Reporting.

(a) Each school district shall provide the contractor for the standards-based achievement tests and the primary language test, excluding (6), (7), and (8), the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:

(1) Pupil's full name.

(2) Date of birth.

(3) Grade level.

(4) Gender.

(5) English proficiency.

(6) Primary language.

(7) Date of English proficiency reclassification.

(8) If reclassified to fluent English proficient (R-FEP) pupil scored proficient or above on the California English-Language Arts Standards Test any three years since reclassification.

(9) Program participation.

(10) Use of accommodations or modifications.
(11) Statewide Student Identifier.
(12) Parent or guardian education level.
(13) School and district California Basic Educational Data System (CBEDS) enrollment.
(14) For English learners, date first enrolled in school in the United States and if they have been enrolled in school less than 12 cumulative months at the time of testing.
(15) Documented eligibility to participate in the National School Lunch Program.
(16) Race/ethnicity.
(17) Primary disability code.
(18) Special Education Exit Date.
(19) County and District for pupils with IEPs if residence is other than where pupil attends school or receives services.
(20) Special testing conditions and/or reasons for not being tested.
(21) Pupil enrolled in NPS by district based on IEP.
(22) NPS school code.

(b) In addition to the demographic data required to be reported in section 861(a), school districts may report if an eligible pupil is not tested due to a significant medical emergency.
(c) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the standards-based achievement tests and the primary language test.
(d) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off-campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.
(e) If the information required by section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district’s student data file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor’s timeline. Any costs for correcting the student data shall be the district’s responsibility.

(a) In order to assess pupils pursuant to Education Code section 60640 and meet
state and federal accountability and reporting obligations, each LEA shall provide any
and all program and demographic pupil data requested by the CDE for inclusion in
California Longitudinal Pupil Achievement Data System (CALPADS).

(b) In addition to the demographic and program data required to be reported in
section 861(a), LEAs shall report to the CDE the following information:
(1) if an eligible pupil is not tested due to a significant medical emergency;
(2) if a pupil used an accommodation(s);
(3) if a pupil had special testing conditions and/or reasons for not being tested (e.g.,
parent or guardian exemption);
(4) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code;
and
(5) if a pupil in grade 2 was administered a diagnostic assessment pursuant to
Education Code section 60644.

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate
prior to LEA registration and throughout the testing window. The CDE shall provide
LEAs reasonable notification prior to pupil demographic and program data being
extracted from CALPADS for purposes of test registration, individual pupil reports and
reports aggregated to the LEA, and state and federal accountability reporting.
NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 49079.5, 52050 52052, 60605, 60630, 60640, 60641 and 60643,
Education Code; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

§ 862. Apportionment Information Report.
(a) Annually, the CDE shall make available electronically to each school district LEA
shall receive an apportionment information report with the following information
provided to the contractor by the LEA pursuant to sections 853 and 861 by grade level
for the standards-based achievement tests and the primary language test, if any:
(1) The number of pupils enrolled in each school and in the school district LEA on
the first day of testing as indicated by the number of alternate assessments and CSTs,
excluding the STAR writing portion of the English-language arts tests, answer
documents submitted to the test contractor for scoring.

36
(2) The number of pupils in each school and in the school district LEA tested with the alternate performance assessment.

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

(4) The number of pupils who were administered any portion of the CSTs or the modified assessment excluding the STAR writing portion of the English-language arts tests CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.

(5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.

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

(7) The number of English language learners who were administered each a designated primary language test aligned to the English language arts standards pursuant to Education Code section 60640(f)(b)(5)(B).

(8) The number of English language learners who were administered each primary language test pursuant to Education Code section 60640(g). Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.

(b) To be eligible for apportionment payment for the standards-based achievement tests and the primary language test, if any CAASPP assessments, school districts LEAs must meet the following conditions:

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

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

(A) postmarked transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or
(B) if postmarked transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports postmarked transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began.


§ 862.5. Apportionment to School Districts LEAs.

(a) The amount of funding to be apportioned to the school district LEA for the costs of administering the standards-based achievement tests and the primary language test, if any, shall be the amount established by the SBE to enable school district to meet the requirements of administering the tests, and the primary language test per the number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the number of answer documents returned with only demographic information for pupils enrolled on the first day of testing who were not tested in the school district LEA. The number of tests administered and the number of demographic answer documents pupils not tested shall be determined by the certification of the LEA CAASPP coordinator school district superintendent pursuant to section 862. For purposes of this portion of the apportionment, administration of the standards-based achievement tests and the primary language tests includes the following items:

1. All staffing costs, including the district STAR LEA CAASPP coordinator and the STAR CAASPP test site coordinators, staff training and other staff expenses related to testing.
2. All expenses incurred at the school district LEA and school/test site(s) level related to testing.
3. All transportation costs of delivering and retrieving tests and test materials within the school district LEA and to nonpublic schools NPSs.
4. All costs associated with mailing transmitting the STAR Student pupil Report(s) to parents/guardians.
(5) All costs associated with pre-identification of answer sheets and consumable test booklets, and other activities intended to provide the complete and accurate data required in section 861 of these regulations.

(b) This amount does not include any funding for the purposes of: reimbursing any LEA for primary language tests for non-eligible pupils.

(1) reimbursing the costs incurred by any school district pursuant to section 864.5(d) or (e); and

(2) reimbursing any school district for primary language tests for non-eligible pupils.

(c) If at the time a school district scannable documents are processed by the contractor a student data record is missing any of the data elements required in section 861 of these regulations for the standards-based achievement tests, the school district shall provide the missing data elements within the time required by the contractor to process the documents and meet the contractor’s schedule of deliverables under its contract with the CDE. The additional costs incurred by the school district to have the contractor reprocess the student information to acquire the data required by section 861 of these regulations shall be withheld from the school district apportionment.

NOTE: Authority cited: Sections 12001, 33031, and 60605 and 60640, Education Code.

Reference: Sections 60640 and 60643, Education Code.

§ 863. STAR CAASPP Student Pupil Reports and Cumulative Record Labels.

(a) The school district LEA shall forward or transmit the STAR Student Report pupil results for the designated achievement test and standards-based achievement tests conducted and the designated primary language test provided by the contractor(s) to each pupil’s test pursuant to Education Code section 60640 to the each pupil’s parent or guardian, within no more than 20 working days from receipt of the results report from the contractor.

(b) If the school district LEA receives the reports for the designated achievement test and standards-based tests, or the designated primary language tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the school district LEA shall send the pupil results to the parent or guardian by U.S. mail at the parent’s or guardian’s last known address. If the
report is non-deliverable, the school district shall make the report available to the parent or guardian during no later than the first 20 working days of the next school year.

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

NOTE: Authority cited: Sections 33031, and 60605 and 60640, Education Code.
Reference: Sections 49062, 49068, 60607, 60640, and 60641, and 60607, Education Code.

§ 864. Reporting Test Scores LEA Compliance with Contractor Requirements.

No aggregate or group scores or reports that are compiled pursuant to Education Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other media, to any party other than the school or school district where the pupils were tested, if the aggregate or group scores or reports are composed of ten or fewer individual pupil scores. In each instance in which no score is reported for this reason, the notation shall appear “The number of pupils in this category is too small for statistical accuracy or privacy protection.” In no case shall any group score be reported that would deliberately or inadvertently make the score or performance of any individual pupil identifiable within the meaning of the Family Educational Rights and Privacy Act.

(a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.

(b) In order for the state to meet its obligations in the development, administration, and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:

(1) comply with any and all requests from CAASPP contractor(s) in accordance with Education Code section 60641; and

(2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test.

§ 864.5. Test Order Information. [REPEALED]

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

(1) Valid county district school (CDS) codes.
(2) Number of tests.
(3) Numbers of special version tests including, but not limited to, Braille and large print.
(4) Number of Directions for Administration needed, by grade level.
(5) Number of pupils to be tested with the alternate assessments.
(6) Number of test examiners for the alternate assessments.
(7) The first and last date of instruction and all non-instructional days during the school year for each school in the district and all non-working days for the school district.

(b) The school district shall provide to the contractor for the primary language test the following data:

(1) Whether or not the district has eligible pupils for the tests.
(2) For all tests sites in the district with eligible pupils, by grade level, the information in subdivision (a)(1), (2), (3), and (4).
(3) First date of testing indicating the dates for each administration period.

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

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

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

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

§ 865. Transportation. [REPEALED]

(a) Upon arrival of the test materials at a single location designated by each school district, the district STAR coordinator shall provide the contractor with a signed receipt certifying that all cartons were received.

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

(c) Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools.

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

§ 866. School District Delivery. [REPEALED]

(a) No school district shall receive its standards-based achievement test or primary language test materials, if any, more than twenty or fewer than ten working days prior to the first day of testing in the school district. A school district that has not received test materials from the test contractor at least ten working days before the first date of testing in the school district shall notify the test contractor and the CDE on the tenth
working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of test materials to single school districts shall use the schedule in section 867.

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

(c) No school district shall receive its writing test materials more than ten or fewer than five working days before the day on which the writing portion of the English-language arts tests are to be administered.


§ 867. Test Site Delivery and Return. [REPEALED]

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

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

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

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


§ 867.5. Retrieval of Materials by Contractor. [REPEALED]

(a) The school district shall ensure that designated achievement test, standards-based tests, or designated primary language testing materials are inventoried, packaged, and labeled in accordance with instructions from the contractor, and
returned to a single school district location for pickup by the contractor within five
working days following completion of testing in the school district and in no event later
than five working days after each test administration period.

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

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

§ 868. Discrepancy Resolution for Standards-based Achievement Tests and Any
Primary Language Test. [REPEALED]

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

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

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

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

(2) The district STAR coordinator shall acknowledge the discrepancy notice via
electronic mail, if available in the school district, to the contractor and to the CDE within
24 hours of its receipt via electronic mail.

(b) The district STAR coordinator shall report any discrepancy in the total amount of
the shipment from the contractor within two working days of the receipt of the shipment.
If the contractor does not remedy the discrepancy within two working days of the school
district report, the school district shall notify the CDE within 24 hours.

(c) Any discrepancy in a shipment of standards-based achievement tests or test
materials or primary language test or test materials received by a test site from the
district STAR coordinator shall be reported to the district STAR coordinator immediately
but no later than two working days of the receipt of the shipment at the testing site. The
district STAR coordinator shall remedy the discrepancy within two working days.

(d) The district STAR coordinator shall report to the contractor any discrepancy reported by a STAR test site coordinator within three working days of receipt of materials at the test site. If the district STAR coordinator does not have a sufficient supply of tests or test materials to remedy any shortage, the contractor shall remedy the shortage by providing sufficient materials directly to the test site within two working days of the notification by the district STAR coordinator.

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

July 10, 2014

NOTICE OF PROPOSED EMERGENCY ACTION
California Assessment of Student Performance and Progress (CAASPP)
Readoption of Emergency Regulations, Title 5, Sections 850 - 858

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulations.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulations to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding “California Assessment of Student Performance and Progress” and address to both of the following:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Debra Thacker, Reg Coordinator
California Department of Education
Administrative Support & Regulations Adoption
1430 N Street, Suite 5319
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
Fax No.: 916-323-6826

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at http://www.oal.ca.gov under the heading “Emergency Regulations.”
ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME
California Department of Education

CONTACT PERSON
Amy Tang-Paterno

EMAIL ADDRESS
Atangpaterno@cte.ca

TELEPHONE NUMBER
916-322-6630

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400
California Assessment of Student Performance and Progress (Version dated 1-8-14)

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 business 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):

   The regulations would not impose any additional costs on the private sector.

If any box in Items 1 a through g is checked, complete this Economic Impact Statement. If box in Item 1 h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The __________________________ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:
   □ Below $10 million
   □ Between $10 and $25 million
   □ Between $25 and $50 million
   □ Over $50 million [If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]

3. 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:
   __________________________

4. Enter the number of businesses that will be created: __________________________ eliminated: __________________________
   Explain: __________________________

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

6. Enter the number of jobs created: __________________________ and eliminated: __________________________
   Describe the types of jobs or occupations impacted:
   __________________________

7. 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:
   __________________________

____________________________
PAGE 1
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: $ __________
     - 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 of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: __________________________________________

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? $ __________

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: __________________________________________

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.

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million?  

☐ YES  ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: __________________________

Alternative 2: __________________________

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

<table>
<thead>
<tr>
<th>Regulation:</th>
<th>Total Cost $</th>
<th>Cost-effectiveness ratio: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1:</td>
<td>Total Cost $</td>
<td>Cost-effectiveness ratio: $</td>
</tr>
<tr>
<td>Alternative 2:</td>
<td>Total Cost $</td>
<td>Cost-effectiveness ratio: $</td>
</tr>
</tbody>
</table>

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?  

☐ YES  ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State:

The incentive for innovation in products, materials or processes:

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency:  

PAGE 3
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 in the current State Fiscal Year which are reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

   $ __________________________

   ☐ a. Funding provided by

   ____________________________________________________ or Chapter ___________, Statutes of ________________________

   ☐ b. Funding will be requested in the Governor's Budget Act of

   ____________________________________________________ Fiscal Year: ________________________

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

   $ __________________________

   Check reason(s) this regulation is not reimbursable and provide the appropriate information:

   ☐ a. Implements the Federal mandate contained in

   ____________________________________________________

   ☐ b. Implements the court mandate set forth by the

   ____________________________________________________ Court.

   Case of: __________________________ vs. __________________________

   ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No.

   ____________________________________________________ Date of Election: ________________________

   ☐ d. Issued only in response to a specific request from affected local entity(s).

   Local entity(s) affected:

   ____________________________________________________

   ☐ e. Will be fully financed from the fees, revenue, etc. from:

   ____________________________________________________ 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;

   ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in

   ____________________________________________________

☐ 3. Annual Savings. (approximate)

   $ __________________________

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

☐ 6. Other. Explain

   ____________________________________________________

   ____________________________________________________
FISCAL IMPACT STATEMENT (CONTINUED)

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 in the current State Fiscal Year. (Approximate)

$ ________________________________

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the ________________________________ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ________________________________

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain ____________________________________________________________

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 in the current State Fiscal Year. (Approximate)

$ ________________________________

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ________________________________

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

☐ 4. Other. Explain ____________________________________________________________

FISCAL OFFICER SIGNATURE ______________________ DATE 1-13-14

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 departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY ______________________ DATE 1-13-14

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER ______________________ DATE
Economic and Fiscal Impact Statement


Department Name: California Department of Education

Contact Person: Amy Tang-Paterno

E-mail Address: atangpaterno@cde.ca.gov

Telephone Number: 916-322-6630

Descriptive Title From Notice Register Or From 400: California Assessment of Student Performance and Progress (Version dated January 8, 2014)

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.
- Option H explanation: The regulations would not impose any additional costs on the private sector.

If any box in Items 1a through g is checked, complete this Economic Impact Statement. If box in Item 1h is checked, complete the Fiscal Impact Statement as appropriate.

Fiscal Impact Statement

Section A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes1 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. 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. This regulation does not affect any State agency or program.

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1 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. This regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature: Signed by Amy Tang-Paterno dated January 13, 2014

The signature attests that the agency has completed the STD. 399 according to the instructions in the State Administrative Manual (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.

Agency Secretary: Signed by Jeannie Oropeza dated January 13, 2014
Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.

Department of Finance Program Budget Manager: No signature.
SUBJECT

Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Thrive Public School which was denied by the San Diego Unified School District and the San Diego County Office of Education.

SUMMARY OF THE ISSUE(S)

On January 7, 2014, the San Diego Unified School District (SDUSD) Board of Education voted to deny the petition to establish Thrive Public School (TPS) by a vote of three to two. The San Diego County Office of Education (SDCOE) voted to deny the petition on appeal by a vote of three to two on March 27, 2014. TPS submitted a petition on appeal to the California Department of Education (CDE) on April 2, 2014.

Pursuant to California Education Code (EC) Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the State Board of Education (SBE) for approval of the charter, subject to certain conditions.

RECOMMENDATION

The CDE recommends that the SBE hold a public hearing to approve, with technical amendments, as specified in Attachment 1 of Agenda Item 1, the petition to establish TPS for a five-year term effective July 1, 2014, through June 30, 2019, under the oversight of the SBE, based on the CDE’s findings pursuant to EC sections 47605(b)(1), 47605(b)(5), and California Code of Regulations, Title 5 (5 CCR) Section 11967.5. The Meeting Notice for the ACCS Web page is located at http://www.cde.ca.gov/be/cc/cs/accsnotice061114.asp (Item 1). The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date. Written authorization from the CDE would be required prior to the operation of any additional facility.

Advisory Commission on Charter Schools (ACCS) Recommendation

The ACCS considered the TPS petition at its June 11, 2014, meeting. By a vote of seven to zero, one person abstained, the ACCS recommends that the SBE approve the petition to establish TPS under the oversight of the SBE with a condition that includes
an allowance in the TPS admission policy for up to 10 percent of total student enrollment per year for a founder’s preference exemption, for the first three years of operation.

In addition, prior to the July 2014 SBE meeting, the petitioners must submit documentation that includes a clear definition of “founder” and a codified list of students who will be included in the founder’s preference exemption list.

**BRIEF HISTORY OF KEY ISSUES**

In their petition, TPS asserts the mission is to create a cost-effective new paradigm for public education to help all students meet high expectations for long-term growth and success. The TPS plan is to innovate, adapt and expand the concept of a 21st century school by leveraging technology and collaboration to provide a rigorous and highly individualized kindergarten through grade eight academic program for diverse students in the southwest area of San Diego Unified Sub-District B.

The petitioners propose to serve approximately 84 students in kindergarten and 84 students in grade six for a total of 168 students in the first year of operation, (2014–15). TPS plans to expand to 672 students in kindergarten through grade eight by year five as noted on p. 16 of Attachment 3 of Agenda Item 1 on the ACCS June 11, 2014, Meeting Notice for the ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun14item01a3.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun14item01a3.pdf).

On January 7, 2014, the SDUSD denied the petition based on the following finding:

- The Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

On March 27, 2014, the SDCOE denied the petition on appeal based on the following findings:

- The Petition presents an unsound educational program for the pupils to be enrolled in the charter school.

- The Petition does not contain reasonably comprehensive descriptions of some of the required charter elements.

In considering the TPS charter petition, the CDE staff reviewed the following:


• Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 1 on the ACCS June 11, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun14item01a2.xls.

• Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 1 on the ACCS June 11, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun14item01a6.pdf.

• Board agendas, minutes, and findings from the SDUSD and SDCOE regarding the denial of the TPS petition, along with the petitioner’s response to SDUSD and SDCOE, Attachment 7 of Agenda Item 1 on the ACCS June 11, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun14item01a7.pdf.

CDE has conducted a thorough analysis and does not concur with the findings of the SDUSD or the SDCOE. The CDE staff report is provided in Attachment 1.

CDE staff finds that the petition provides a reasonably comprehensive description of the educational program, including how TPS will meet the needs of all students. TPS plans to model the Common Core State Standards and Next Generation Science Standards through an authentic student-centered, mastery-based approach that integrates Project Based Learning, blended/targeted learning and a “whole child” approach via exploratory learning to ensure students gain “real world” understanding of content and learn how to learn.

The petition provides a thorough description of the proposed educational program, provides adequate descriptions of the 16 charter elements, and meets additional requirements for a charter petition under EC Section 47605. There are some elements for which CDE staff are recommending technical amendments as additional information would be needed if approved as an SBE-authorized charter school. These amendments are necessary to reflect SBE as the authorizer or to strengthen or clarify elements for monitoring and accountability purposes.

The TPS charter petition addresses the requirements of EC Section 47605(b)(ii), including a description of the school’s annual goals, for all pupils (i.e. schoolwide) and for each subgroup of pupils identified pursuant to EC Section 52052, for each of the applicable state priorities identified in EC Section 52060(d) and a description of the specific annual actions the school will take to achieve each of the identified annual goals.

The TPS budget and multi-year projections are reasonable, and the charter appears to be fiscally viable with the assumed enrollment growth and English learner, low income, and foster youth population projections.

Therefore, the CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition and that the petition contains reasonably
comprehensive descriptions of the 16 charter elements pursuant to EC Section 47605(b)(5).

The State Board of Education Standard Conditions on Opening and Operation are available as Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 19 charter schools operate under SBE authorization as follows:

- Two statewide benefit charters, operating a total of seven sites
- One countywide benefit charter
- Sixteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of TPS’s general purpose apportionment for CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

Attachment 1: State Board of Education Standard Conditions on Opening and Operation (3 pages)
STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Prior to opening, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the school will provide a document stating that the District will hold harmless, defend, and indemnify the State Board of Education (SBE) and the California Department of Education (CDE), their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

- **Memorandum of Understanding/Oversight Agreement.** Prior to opening, either (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California Education Code (EC) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school’s pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school’s written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum.
and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in EC Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.

- **Facilities Agreements.** Prior to opening, present written agreements (e.g., a lease or similar document) indicating the school’s right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school’s operation and evidence that the facilities will be adequate for the school’s needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Zoning and Occupancy.** Not less than 30 days prior to the school’s opening, present evidence that each school’s facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Final Charter.** Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.

- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees’ retirement contributions to the California Public Employees’ Retirement System (CALPERS) and the California State Teachers’ Retirement System (CALSTRS).
• **Operational Date**. If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2014, approval of the charter is terminated.
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

SUBJECT
Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Sections 15494–15498.

SUMMARY OF THE ISSUE(S)

In January, the State Board of Education (SBE) commenced the regular rulemaking process to adopt permanent regulations, as required by California Education Code (EC) sections 42238.07 and 52064. (See January 2014 Agenda Item 21 at http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item21.doc.) The proposed regulations govern the expenditure of Local Control Funding Formula (LCFF) supplemental and concentration grant funds. The proposed permanent regulations also include the Local Control and Accountability Plan (LCAP) template specified in EC Section 52064 for use by local educational agencies (LEAs) to support local adoption and annual review of the LCAP. The proposed permanent regulations were circulated for a 45-day written comment period, and a public hearing was held on March 17, 2014. At the public hearing, three participants provided written and oral statements on the proposed regulations. By the close of the public comment period on March 17, 2014, at 5 p.m., approximately 2,300 written public comment letters had been received.

At its January 2014 meeting, the SBE also adopted emergency regulations to govern the expenditure of LCFF supplemental and concentration funds and provide the LCAP template until the permanent rulemaking process is completed. (See January 2014 Agenda Item 20 at http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item20.doc.)

In addition to recommending that the SBE readopt the emergency regulations (see July 2014 Agenda Item 16), it is recommended that the SBE adopt changes to the proposed permanent regulations and direct the California Department of Education (CDE) to circulate the changes for a 15-day public comment period. Changes to the proposed permanent regulations are made in response to public comments received through the initial 45-day comment period and to clarify the regulations (Attachment 4). A draft summary of the public comments and proposed responses and changes is included in the chart incorporated in the Final Statement of Reasons (FSOR). (See Attachment 5.)

An additional public meeting on the proposed revisions to the LCAP template, as described in the “Critical Changes Made to the LCAP Template” below, will be held on Tuesday, July 22, 2014. At that time, CDE and SBE staff will hear public comment
regarding the proposed new Section 2 Goals, Actions, Expenditures, and Progress Indicators Table and the Annual Update Table. Members of the public may submit written comment regarding any of the proposed changes during this 15-day public comment period, as noticed in Attachment 1. A notice of the public meeting will be posted on the SBE Web site at: http://www.cde.ca.gov/be/pn/pn/.

If no comments relevant to these proposed changes to the permanent regulations are received, the CDE will complete the rulemaking package and send it to the Office of Administrative Law (OAL) for approval. If any relevant comments to these changes are received, the CDE will place an item on the SBE September 2014 agenda for action.

RECOMMENDATION

It is recommended the SBE take the following actions:

- Approve the proposed changes to the proposed regulations
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act
- Authorize the CDE, in consultation with SBE staff, to finalize the FSOR to reflect the SBE’s comments or considerations or make any necessary technical formatting edits or corrections
- Direct the CDE to convene a public meeting during the 15-day public comment period for the purpose of receiving input from practitioners and other interested groups regarding the proposed changes to the LCAP template
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the OAL for approval
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the September 2014 agenda for action
- Authorize the CDE, in consultation with SBE staff, to take any necessary action or make technical edits or corrections consistent with the SBE’s action, to respond to any direction or concern expressed by the OAL during its review of the rulemaking file

CRITICAL CHANGES MADE TO EXPENDITURE REGULATIONS

While there are several edits made to the Expenditure Regulations, the key changes are the addition of definitions in Title 5, California Code of Regulations (5 CCR), Section 15495. These definitions were added in response to multiple comments received regarding the need for better clarity around certain terms used in the statute or in the
LCAP template. Clarification was added to Section 15496 to require additional description from a school district, charter school, or county office of education that wishes to use supplemental and concentration grant funds on a districtwide, charterwide, countywide, or schoolwide basis. EC Section 15496(c) was deleted and a new EC Section 15497 was added to provide further clarity around county superintendents’ oversight responsibilities under EC Section 52070(d)(3) regarding the LCAP’s adherence to the expenditure regulations. The proposed change focuses on the use funds on a districtwide or schoolwide basis when the percentage of unduplicated pupils in the district or school is less than the respective threshold specified in the expenditure regulations.

CRITICAL CHANGES MADE TO LCAP TEMPLATE

The Local Control and Accountability Plan and Annual Update Template (previously 5 CCR, Section 15497) was redesigned and renumbered. The new regulation is 5 CCR Section 15498. The redesign is in response to public comment and in response to questions from the field as practitioners developed the 2014–15 LCAP. While the organization of the LCAP template has changed, the substance of the original template, including instructions and guiding questions, has not.

This redesign is proposed to enhance ease of reading and understanding for parents and stakeholders, and as such create greater transparency between LEAs, schools, advisory groups, parents or guardians, stakeholders, and the community. An overview of the changes is as follows:

- The new Section 2 Goal table in the proposed LCAP template unifies the presentation of goals and related actions, services, and budgeted expenditures. The previous Section 2 Goal and Section 3 Actions, Services, and Expenditures tables were changed to a horizontal orientation both for ease of entering information and for reading and understanding the content of the plan. This new Section 2 Goals, Actions, Expenditures, and Progress Indicators table encompasses both the previous Section 2 and the previous Section 3, parts A and B—Actions, Services, and Expenditures and Additional Actions, Services and Expenditures to meet the needs of unduplicated pupils, as well as, where applicable, the intended level of service (schoolwide, districtwide, countywide, or charterwide).

- An Annual Update table was developed to create a separation between the review of the effectiveness of the actions and services implemented in the previous year and the planned actions and services for the upcoming year. The annual update section will include any changes made to the goal or to the actions and services as a result of the annual review.

- Guiding Questions were divided into two sections, one section that guides the development of goals, and the other section that guides the review of goals in the Annual Update table.
The new Section 2 Goal table is closely aligned with the Goal table found in the Single Plan for Student Achievement template, which should help facilitate the review of school plans required by EC sections 52062 and 52068 to ensure strategies included in the plans submitted pursuant to EC Section 64001 are consistent with the goals and specific actions in the LCAP.

The proposed LCAP template in Attachment 2 is formatted to meet OAL submission requirements. For ease of reading and review, a proposed “final” or “clean” version that has no underline or strikethrough formatting is included as Attachment 3.

Any specific changes made to 5 CCR Section 15497 (now 5 CCR Section 15498 in the proposed draft), as well as other changes made in response to public comment, is reflected in the FSOR.

**BRIEF HISTORY OF KEY ISSUES**

For an overview and brief history of the LCFF legislation and key issues, please refer to Item 20 of the SBE meeting in January 2014, located on the SBE Web site: http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item20.doc

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

At its January 2014 board meeting, the SBE took the following actions:

- Approved the Notice of Proposed Rulemaking (Notice)
- Approved the Initial Statement of Reasons (ISOR)
- Approved the proposed regulations
- Directed the CDE to commence the rulemaking process
- Authorized the CDE, in consultation with SBE staff, to take any necessary action, consistent with SBE’s action, to respond to any direction or concern expressed by the OAL during its review of the Notice, ISOR, and proposed regulations.

**FISCAL ANALYSIS (AS APPROPRIATE)**

A Fiscal Impact Statement will be provided as an Item Addendum.

**ATTACHMENT(S)**

Attachment 1: 15-Day Notice of Modifications (3 Pages)

Attachment 2: Proposed Amended Regulations and LCAP Template (31 Pages)
Attachment 3: Proposed LCAP Template – no underline/strikethrough (13 Pages)

Attachment 4: Final Statement of Reasons (4 Pages)

Attachment 5: Final Statement of Reasons – Response to Comments in Chart Form (41 pages)

Attachment 6: The Economic and Fiscal Impact Statement (STD. 399) will be provided as an Item Addendum
July 11, 2014

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS REGARDING LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, title 1, section 44, the State Board of Education (SBE) is providing notice of changes made to the above-referenced proposed regulation text which was the subject of a regulatory hearing on March 17, 2014.

Changes to the text:

General changes were made to the regulations to include grammatical edits, and renumbering and/or relettering to reflect deletions or additions.

Proposed section 15495(a) has been added to define “Consult with pupils” in response to several comments received requesting addition of a definition of “student consultation.” Language submitted by commenters was partially rejected because the definition was too prescriptive for the engagement process and would create a new mandate. In addition, statute provides for LEA engagement with students regarding the development of the LCAP at the local level.

Proposed section 15495(b) has been added to define “English learner parent advisory committee” in response to comments received regarding committee composition. This addition is necessary for clarity.

Proposed section 15495(e) has been added to define “Parent advisory committee” in response to comments received regarding committee composition. This addition is necessary for clarity.

Proposed section 15495(g) has been added to define “Required metric” in response to several comments received. This addition is necessary for clarity.

Proposed section 15495(j) has been added to define “Subgroup” means pursuant to Education Code section 52052. This addition is necessary for clarity.
Proposed section 15496(b)(1) is amended to delete the words “in excess” and add “or more.” This amendment is necessary to ensure that the regulations are applicable to LEAs with exactly 55 percent enrollment.

Proposed sections 15496(b)(1)(A), (2)(A), (3)(A), (4)(A), and (5)(A) are amended to add the words “funded and.” This amendment was suggested by commenters and accepted by the CDE. This amendment is necessary for clarity.

Proposed sections 15496(b)(1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) are amended to add the word “principally” after the words “services are” and “and are effective in” after “directed towards.” These amendments were suggested by commenters and accepted by the CDE. The amendments are necessary for clarity.

Proposed section 15496(b)(2) is amended to delete the words “or in the prior year” and add “and concentration.” Deletion of “or in the prior year” is necessary to clarify that when prior year enrollment of unduplicated pupils at a school district or school site is below 55 percent or 40 percent, respectively, a school district does not need to provide additional justification for the expenditure of supplemental or concentration funds on a districtwide or schoolwide basis.

The amendment to add “concentration” is necessary to clarify that a school district must apply the standard of explanation specified in this section for the expenditure of both supplemental and concentration grant funds on a districtwide basis when enrollment of unduplicated pupils is below 55 percent. This amendment also conforms the section to the requirements applicable to school wide expenditures set forth in section 15496(b)(4).

Proposed sections 15496(b)(2)(C) and (4)(C) are amended to add the language “The description shall include the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.” These amendments are necessary in order to more fully state how a district should determine and describe how services are funded on a districtwide or schoolwide basis.

Proposed section 15496(b)(3) is amended to delete the words “in excess of “ and add “or more.” This amendment is necessary to ensure that the regulations are applicable to school districts with exactly 40 percent enrollment of unduplicated pupils.

Proposed section 15496(b)(4) is amended to delete the words “or in the prior year.” See necessity statement in section 15496(b)(2) above.

Proposed section 15496(c) is amended and renumbered to proposed section 15497.

Proposed section 15497 (formerly section 15496(c)) is renumbered and amended to ensure appropriate use of LEA, school district, charter school, and county office of
education throughout the regulations. In addition, “LEA” has been substituted with “school district.”

**Proposed section 15498 (LCAP Template)** is renumbered from section 15497 and amended. A revised template is necessary in order to clarify the requirements applicable for the completion of an LEAs LCAP and Annual Update.

**COMMENTS**

If you have any comments regarding the proposed changes that are the topic of this 15-Day Notice, the SBE will accept written comments between July 12, 2014, and July 28, 2014, inclusive. All written comments must be submitted to the Regulations Coordinator via facsimile at 916-319-0155; email at regcomments@cde.ca.gov or mailed and received at the following address by close of business at 5:00 p.m. on July xx, 2014 and addressed to:

Debra Thacker, Regulations Coordinator  
Legal, Audits and Compliance Branch  
Administrative Supports and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Suite 5319  
Sacramento, CA 95814

All written comments received by 5:00 p.m. on July 28, 2014, which pertain to the indicated changes will be reviewed and responded to by CDE staff as part of the compilation of the rulemaking file. Written comments received by the CDE staff during the public comment period are subject to viewing under the Public Records Act. Please limit your comments to the modifications to the 15-day text.
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.

The 15-day text proposed to be added is in "bold underline", deleted text is displayed in "bold strikeout".

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 14.5. Local Control Funding Formula
Subchapter 1. Local Control Funding Formula Spending Regulations for Supplemental and Concentration Grants and Local Control and Accountability Plan Template
Article 1. Local Control and Accountability Plan and Spending Requirements for Supplemental and Concentration Grants

§ 15494. Scope.
(a) This chapter applies to all local educational agencies (LEAs) as defined in section 15495(b)(d).
(b) Funding restrictions specified in Education Code section 42238.07 apply to local control funding formula (LCFF) funds apportioned on the basis of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.
(c) The local control and accountability plan (LCAP) shall demonstrate how services are provided according to this chapter to meet the needs of unduplicated pupils and improve the performance of all pupils in the state priority areas.


§ 15495. Definitions.
In addition to those found in Education Code sections 2574, 42238.01, and 42238.02, the following definitions are provided:
(a) “Consult with pupils,” as used in Education Code sections 52060, 52066,
and 47605.5, means a process for the presentation of the LCAP to pupils for review and comment. This process may include, but is not limited to, surveys of pupils, forums with pupils, or meetings with pupil government bodies or other groups representing pupils.

(b) “English learner parent advisory committee,” as used in Education Code sections 52063 and 52069 for those school districts or schools and programs operated by county superintendents of schools whose enrollment includes at least 15 percent English learners and at least 50 pupils who are English learners, shall be composed of a majority of parents or legal guardians of pupils to whom the definition of Education Code section 42238.01(c) apply. A governing board of a school district or a county superintendent of schools shall not be required to establish a new English learner parent advisory committee if a previously established committee meets these requirements.

(a)(c) “Local control and accountability plan (LCAP)” means the plan created by an LEA pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in conformance with the LCAP and annual update template found in section 45497.15498.

(b)(d) “Local educational agency (LEA)” means a school district, county office of education, or charter school.

(e) “Parent advisory committee,” as used in Education Code sections 52063 and 52069, shall be composed of a majority of parents or legal guardians of pupils and include parents or legal guardians of pupils to whom one or more of the definitions of Education Code section 42238.01 apply. A governing board of a school district or a county superintendent of schools shall not be required to establish a new parent advisory committee if a previously established committee meets these requirements, including any committee established to meet the requirements of the federal No Child Left Behind Act of 2001 (Public Law 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title I of that act.

(f)(e) “Prior year” means one fiscal year immediately preceding the fiscal year for which an LCAP is approved.
(g) “Required metric” means all of the specified measures and standards for each state priority as set forth in Education Code sections 52060(d) and 52066(d), as applicable.

(h) “Services” as used in Education Code section 42238.07 may include, but are not limited to, services associated with the delivery of instruction, administration, facilities, pupil support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services.

(i) “State priority areas” means the priorities identified in Education Code sections 52060 and 52066. For charter schools, “state priority areas” means the priorities identified in Education Code section 52060 that apply for the grade levels served or the nature of the program operated by the charter school.

(j) “Subgroup” means the numerically significant pupil subgroups identified pursuant to Education Code section 52052.

(k) “to improve services” means to grow services in quality.

(l) “to increase services” means to grow services in quantity.

(m) “unduplicated pupil” means any of those pupils to whom one or more of the definitions included in Education Code section 42238.01 apply, including pupils eligible for free or reduced price meals, foster youth, and English learners.


§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants.

(a) An LEA shall provide evidence in its LCAP to demonstrate how funding apportioned on the basis of the number and concentration of unduplicated pupils, pursuant to Education Code sections 2574, 2575, 42238.01, and 42238.03 is used to support such pupils. This funding shall be used to increase or improve services for unduplicated pupils as compared to the services provided to all pupils in proportion to
the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA shall include in its LCAP an explanation of how expenditures of such funding meet the LEA’s goals for its unduplicated pupils in the state priority areas. An LEA shall determine the percentage by which services for unduplicated pupils must be increased or improved above services provided to all pupils in the fiscal year as follows:

1. Estimate the amount of the LCFF target attributed to the supplemental and concentration grants for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

2. Estimate the amount of LCFF funds expended by the LEA on services for unduplicated pupils in the prior year that is in addition to what was expended on services provided for all pupils. The estimated amount of funds expended in 2013-14 shall be no less than the amount of Economic Impact Aid funds the LEA expended in the 2012-13 fiscal year.

3. Subtract subdivision (a)(2) from subdivision (a)(1).

4. Multiply the amount in subdivision (a)(3), by the most recent percentage calculated by the Department of Finance that represents how much of the statewide funding gap between current funding and full implementation of LCFF is eliminated in the fiscal year for which the LCAP is adopted.

5. Add subdivision (a)(4) to subdivision (a)(2).

6. Subtract subdivision (a)(5) from the LEA’s total amount of LCFF funding pursuant to Education Code sections 42238.02 and 2574, as implemented by Education Code sections 42238.03 and 2575 respectively, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program, in the fiscal year for which the LCAP is adopted.

7. Divide the amount in subdivision (a)(5) by the amount in subdivision (a)(6).

8. If the calculation in subdivision (a)(3) yields a number less than or equal to zero or when LCFF is fully implemented statewide, then an LEA shall determine its percentage for purposes of this section by dividing the amount of the LCFF target attributed to the supplemental and concentration grant for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.
adopted by the remainder of the LEA’s LCFF funding, excluding add-ons for the
Targeted Instructional Improvement Grant program and the Home to School
Transportation program.

(b) This subdivision identifies the conditions under which an LEA may use funds
apportioned on the basis of the number and concentration of unduplicated pupils for
districtwide, schoolwide, countywide, or charterwide purposes: Pursuant to Education
Code section 42238.07(a)(2), an LEA may demonstrate it has increased or improved
services for unduplicated pupils under subdivision (a) of this section by using funds to
upgrade the entire educational program of a school site, a school district, a charter
school, or a county office of education as follows:

(1) A school district that has an enrollment of unduplicated pupils in excess of 55
percent or more of the district’s total enrollment in the fiscal year for which an LCAP is
adopted or in the prior year may expend supplemental and concentration grant funds on
a districtwide basis. A school district expending funds on a districtwide basis shall do all
of the following:

(A) Identify in the LCAP those services that are being funded and provided on a
districtwide basis.

(B) Describe in the LCAP how such services are principally directed towards, and
are effective in, meeting the district’s goals for its unduplicated pupils in the state
priority areas.

(2) A school district that has an enrollment of unduplicated pupils less than 55
percent of the district’s total enrollment in the fiscal year for which an LCAP is adopted
or in the prior year may expend supplemental and concentration grant funds on a
districtwide basis. A school district expending funds on a districtwide basis shall do all of
the following:

(A) Identify in the LCAP those services that are being funded and provided on a
districtwide basis.

(B) Describe in the LCAP how such services are principally directed towards, and
are effective in, meeting the district’s goals for its unduplicated pupils in the state
priority areas.
(C) Describe how these services are the most effective use of the funds to meet the district’s goals for its unduplicated pupils in the state priority areas. The description shall include the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.

(3) A school district that has an enrollment of unduplicated pupils at a school that is in excess of 40 percent or more of the school’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being funded and provided on a schoolwide basis.

(B) Describe in the LCAP how such services are principally directed towards, and are effective in, meeting the district’s goals for its unduplicated pupils in the state priority areas.

(4) A school district that has an enrollment of unduplicated pupils that is less than 40 percent of the school site’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being funded and provided on a schoolwide basis.

(B) Describe in the LCAP how such services are principally directed towards, and are effective in, meeting the district’s goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district’s goals for its unduplicated pupils in the state priority areas. The description shall include the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.
(5) A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending supplemental and concentration grant funds on a charterwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being funded and provided on a countywide or charterwide basis.

(B) Describe in the LCAP how such services are principally directed towards, and are effective in, meeting the county office of education's or charter school's goals for its unduplicated pupils in the state and any local priority areas, as applicable.

(c) County superintendent of schools oversight of demonstration of proportionality: In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall review any descriptions provided under subdivisions (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when determining whether the LEA has fully demonstrated that it will increase or improve services for unduplicated pupils under subdivision (a). If a county superintendent of schools does not approve an LCAP because the LEA has failed to meet its proportionality requirement as specified in this section, it shall provide technical assistance to the LEA in meeting that requirement pursuant to Education Code section 52071.


§ 15497. County Superintendent of Schools Oversight of Demonstration of Proportionality.

In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall include review of any descriptions of districtwide services provided pursuant to section 15496(b)(2) or descriptions of schoolwide services provided pursuant to section 15496(b)(4) when determining whether the school district has fully demonstrated that it will increase or improve services for unduplicated pupils pursuant to section
15496(a). If a county superintendent of schools does not approve an LCAP because the school district has failed to meet its requirement to increase or improve services for unduplicated pupils as specified in this section, it shall provide technical assistance to the school district in meeting that requirement pursuant to Education Code section 52071.


6-25-14 [California Department of Education]
§ 15497. Local Control and Accountability Plan and Annual Update Template.

Introduction:

LEA: _________________________ Contact (Name, Title, Email, Phone Number):__________________________________ LCAP Year:_________

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and annual update template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.
For each section of the template, LEAs should comply with instructions and use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:

Basic: degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

Implementation of State Standards: implementation of academic content and performance standards adopted by the state board for all pupils, including English learners. (Priority 2)

Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)

Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

B. Pupil Outcomes:

Pupil achievement: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)
Other pupil outcomes: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)

C. Engagement:

Parent involvement: efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

Pupil engagement: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

School climate: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

Section 1: Stakeholder Engagement

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

Instructions: Describe the process used to engage parents, pupils, and the community and how this engagement contributed to development of the LCAP or annual update. Note that the LEA’s goals related to the state priority of parental involvement are to be described separately in Section 2, and the related actions and expenditures are to be described in Section 3.

Guiding Questions:

1) How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English learner parents, community organizations representing English learners, and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?
2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal-setting process?

4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?

5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representative parents of pupils identified in Education Code section 42238.01?

6) In the annual update, how has the involvement of these stakeholders supported improved outcomes for pupils related to the state priorities?

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<tr>
<th>Involvement Process</th>
<th>Impact on LCAP</th>
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Section 2: Goals and Progress Indicators

For school districts, Education Code sections 52060 and 52061; for county offices of education, Education Code sections 52066 and 52067; and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, for each state priority and any local priorities and require the annual update to include a review of progress towards the goals and describe any changes to the goals.

Instructions: Describe annual goals and expected and actual progress toward meeting goals. This section must include specifics projected for the applicable term of the LCAP, and in each annual update year, a review of progress made in the past fiscal year based on an identified metric. Charter schools may adjust the chart below to align with the term of the charter school’s budget that is submitted to the school’s...
authorizer pursuant to Education Code section 47604.33. The metrics may be quantitative or qualitative, although LEAs must, at minimum, use the specific metrics that statute explicitly references as required elements for measuring progress within a particular state priority area. Goals must address each of the state priorities and any additional local priorities; however, one goal may address multiple priorities. The LEA may identify which school sites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not applicable to a specific subgroup or school site. The goals must reflect outcomes for all pupils and include specific goals for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the school site level. To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Guiding Questions:

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to “Engagement” (e.g., pupil and parent)?
4) What are the LEA’s goal(s) to address locally-identified priorities?
5) How have the unique needs of individual school sites been evaluated to inform the development of meaningful district and/or individual school site goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for subgroups as defined in Education Code sections 42238.01 and 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific predicted outcomes/metrics/noticeable changes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority and/or to review progress toward goals in the annual update?
9) What information was considered/reviewed for individual school sites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) In the annual update, what changes/progress have been realized and how do these compare to changes/progress predicted? What modifications are being made to the LCAP as a result of this comparison?

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<tr>
<th>Identified Need and Metric</th>
<th>Goals</th>
<th>School(s) Affected</th>
<th>What will be different/improved for students? (based on identified metric)</th>
<th>Related State and Local Priorities</th>
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<tr>
<td>(What needs have been identified and what metrics are used to measure progress?)</td>
<td>Applicable Pupil Subgroup(s) (Identify applicable subgroups (as defined in EC 52052) or indicate “all” for all pupils.)</td>
<td>Annual Update: Analysis of Progress</td>
<td>(Identify specific state priority. For districts and COEs, all priorities in statute must be included and identified; each goal may be linked to more than one priority if appropriate.)</td>
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<td>Description of Goal</td>
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</table>
Section 3: Actions, Services, and Expenditures

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require the LCAP to include a description of the specific actions an LEA will take to meet the goals identified. Additionally Education Code section 52604 requires a listing and description of the expenditures required to implement the specific actions.

Instructions: Identify annual actions to be performed to meet the goals described in Section 2, and describe expenditures to implement each action, and where these expenditures can be found in the LEA’s budget. Actions may describe a group of services that are implemented to achieve identified goals. The actions and expenditures must reflect details within a goal for the specific subgroups identified in Education Code section 52052, including pupils with disabilities, and for specific school sites as applicable. In describing the actions and expenditures that will serve low income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01, the LEA must identify whether supplemental and concentration funds are used in a districtwide, schoolwide, countywide, or charterwide manner. In the annual update, the LEA must describe any changes to actions as a result of a review of progress. The LEA must reference all fund sources used to support actions and services. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Guiding Questions:

1) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?

2) How do these actions/services link to identified goals and performance indicators?

3) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?

4) In the annual update, how have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
5) In the annual update, how have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?

6) In the annual update, how have the actions/services addressed the identified needs and goals of specific school sites and did the provision of those actions/services result in the desired outcomes?

7) In the annual update, what changes in actions, services, and expenditures have been made as a result of reviewing past progress and/or changes to goals?

A. What annual actions, and the LEA may include any services that support these actions, are to be performed to meet the goals described in Section 2 for ALL pupils and the goals specifically for subgroups of pupils identified in Education Code section 52052 but not listed in Table 3B below (e.g., Ethnic subgroups and pupils with disabilities)? List and describe expenditures for each fiscal year implementing these actions, including where these expenditures can be found in the LEA’s budget.

<table>
<thead>
<tr>
<th>Goal (Include and identify all goals from Section 2)</th>
<th>Related State and Local Priorities (from Section 2)</th>
<th>Actions and Services</th>
<th>Level of Service (Indicate if school-wide or LEA-wide)</th>
<th>Annual Update: Review of actions/services</th>
<th>What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?</th>
</tr>
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<tbody>
<tr>
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<td>LCAP Year Year 1: 20XX-XX</td>
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B. Identify additional annual actions, and the LEA may include any services that support these actions, above what is provided for all pupils that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01 and
pupils redesignated as fluent English proficient. The identified actions must include, but are not limited to, those actions that are to be performed to meet the targeted goals described in Section 2 for low-income pupils, English learners, foster youth and/or pupils redesignated as fluent English proficient (e.g., not listed in Table 3A above). List and describe expenditures for each fiscal year implementing these actions, including where those expenditures can be found in the LEA’s budget.

<table>
<thead>
<tr>
<th>Goal (include and identify all goals from Section 2, if applicable)</th>
<th>Related State and Local Priorities (from Section 2)</th>
<th>Actions and Services</th>
<th>Level of Service (Indicate if school-wide or LEA-wide)</th>
<th>Annual Update: Review of actions/services</th>
<th>LCAP Year Year 1: 20XX-XX</th>
<th>Year 2: 20XX-XX</th>
<th>Year 3: 20XX-XX</th>
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<td>For low-income pupils:</td>
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<td>For English learners:</td>
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<td>For foster youth:</td>
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<td>For redesignated fluent English proficient pupils:</td>
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C. Describe the LEA’s increase in funds in the LCAP year calculated on the basis of the number and concentration of low-income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5). Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496. For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a school site in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district’s goals for unduplicated pupils in the state priority areas. (See 5 CCR 15496(b) for guidance.)
D. Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.
§ 15498. Local Control and Accountability Plan and Annual Update Template.

Introduction:

LEA: _________________________ Contact (Name, Title, Email, Phone Number): ____________________________________ LCAP Year: ___________

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and Annual Update Template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5. The LCAP and Annual Update Template must be completed by all LEAs each year.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual
update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.

For each section of the template, LEAs shall comply with instructions and should use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. However, the narrative response and goals and actions should demonstrate each guiding question was considered during the development of the plan. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:

Basic: degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

Implementation of State Standards: implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils, including English learners. (Priority 2)

Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)

Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)
**B. Pupil Outcomes:**

*Pupil achievement:* performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)

*Other pupil outcomes:* pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)

**C. Engagement:**

*Parental involvement:* efforts to seek parent input in decision making at the district and each school site, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

*Pupil engagement:* school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

*School climate:* pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

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**Section 1: Stakeholder Engagement**

*Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.*

**Instructions:** Describe the process used to consult with parents, pupils, school personnel, local bargaining units and the community and how this engagement contributed to development of the LCAP or annual update. Note that the LEA’s goals, actions, services and expenditures related to the state priority of parental involvement are to be described separately in Section 2. In the annual update boxes, describe the stakeholder involvement process for the review, and describe its impact on, the development of the annual update to LCAP goals, actions, services, and expenditures.
Guiding Questions:

1) How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English learners, English learner parents, community organizations representing English learners, low income youth, and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?

2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?

4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?

5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?

6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?

7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?

<table>
<thead>
<tr>
<th>Involvement Process</th>
<th>Impact on LCAP</th>
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<tbody>
<tr>
<td>Annual Update:</td>
<td>Annual Update:</td>
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</tbody>
</table>
Section 2: Goals, Actions, Expenditures, and Progress Indicators

Instructions:

All LEAs must complete the LCAP and Annual Update Template each year. The LCAP is a three-year plan for the upcoming school year and the two years that follow. In this way, the program and goals contained in the LCAP align with the term of a school district and county office of education budget and multiyear budget projections. The Annual Update section of the template reviews progress made for each stated goal in the school year that is coming to a close, assesses the effectiveness of actions and services provided, and describes the changes made in the LCAP for the next three years that are based on this review and assessment.

Charter schools may adjust the chart below to align with the term of the charter school’s budget that is submitted to the school’s authorizer pursuant to Education Code section 47604.33.

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, to be achieved for each state priority as defined in 5 CCR 15495(i) and any local priorities; a description of the specific actions an LEA will take to meet the identified goals; a description of the expenditures required to implement the specific actions; and an annual update to include a review of progress towards the goals and describe any changes to the goals.

To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups, as applicable (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Goals and Expected Annual Outcomes: Describe goals and expected annual outcomes toward meeting those goals. This section must include specific projected outcomes for the applicable term of the LCAP. Include goals for all pupils and specific goals for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the school site level. The LEA may identify which school sites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are
not applicable to a specific subgroup or school site. Describe expected outcomes for all pupils and where applicable include specific outcomes for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and at the school site level. The metrics used to describe the expected outcomes may be quantitative or qualitative, although LEAs must, at minimum, use the required metrics pursuant to 5 CCR 15495(g) for measuring progress within a particular state priority area each year. For the pupil engagement priority metrics, LEAs must calculate the rates specified in Education Code sections 52060(d)(5)(B), (C), (D) and (E) as described in the Local Control Accountability Plan and Annual Update Template Appendix described in the Appendix, sections (a) through (d).

Identified Need: Describe the need(s) identified, including a description of the supporting data, to develop each goal.

Applicable Pupil Subgroups: Identify the pupil subgroups as defined in Education Code section 52052 to which the goal applies, or indicate “all” for all pupils.

Schools Affected: Identify the schools sites to which the goal applies. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5).

Related State and/or Local Priorities: Identify the state and/or local priorities addressed by the goal. Section 2 must include goals that address each of the state priorities (as defined in 5 CCR 15495(i)) and any additional local priorities; however, one goal may address multiple priorities.

Actions/Services and Related Expenditures:

Left Column: Identify annual actions to be performed and services provided to all pupils or any subgroups other than low-income, English learner, foster youth pupils, and pupils redesignated English proficient to meet the described goal.

Right Column: Identify annual actions to be performed and services provided, to low-income, English learner and/or foster youth pupils as defined in Education Code section 42238.01 and pupils redesignated as fluent English proficient, above what is provided to all pupils, to meet the described goal.

For both columns: Actions may describe a group of services that are implemented to achieve the identified goal. List and describe budgeted expenditures for each school year to implement these actions, including where those expenditures can be found in the LEA’s budget. The actions and expenditures must reflect details for any identified subgroups, and for specific school sites. If supplemental and concentration funds are used, the LEA must identify if the level of service is districtwide, schoolwide, countywide, or charterwide. The LEA must reference
all fund sources for each proposed expenditure. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Guiding Questions:

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA’s goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual school sites been evaluated to inform the development of meaningful district and/or individual school site goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific predicted outcomes/metrics/noticeable changes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual school sites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and performance indicators?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?
GOAL:

Expected Annual Outcomes (In each year, must include all metrics as applicable, pursuant to Education Code sections 52060 and 52066):

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<thead>
<tr>
<th>LCAP Year 1: xxxx-xx</th>
<th>Year 2: xxxx-xx</th>
<th>Year 3: xxxx-xx</th>
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Describe the need(s) identified, including a description of the supporting data, to develop the goal:

Applicable Pupil Subgroups:

Schools Affected:

Related State and/or Local Priorities:

<table>
<thead>
<tr>
<th>Action/Services and Related Expenditures</th>
<th>Budgeted Expenditures</th>
<th>LCAP Year 1: xxxx-xx: Indicate schools or level of service</th>
<th>Budgeted Expenditures</th>
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<tbody>
<tr>
<td>Low Income pupils:</td>
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<td>English Learners:</td>
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<td>Foster Youth:</td>
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<tr>
<td>Redesignated fluent English proficient:</td>
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<tr>
<th>LCAP Year 2: xxxx-xx: Indicate any subgroups, schools, or level of service</th>
<th>Budgeted Expenditures</th>
<th>LCAP Year 2: xxxx-xx: Indicate schools or level of service</th>
<th>Budgeted Expenditures</th>
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<tr>
<td>Low Income pupils:</td>
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<td>English Learners:</td>
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<td>Foster Youth:</td>
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<tr>
<td>Redesignated fluent English proficient:</td>
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<tr>
<th>LCAP Year 3: xxxx-xx: Indicate any subgroups, schools, or level of service</th>
<th>Budgeted Expenditures</th>
<th>LCAP Year 3: xxxx-xx: Indicate schools or level of service</th>
<th>Budgeted Expenditures</th>
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<tbody>
<tr>
<td>Low Income pupils:</td>
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<td>English Learners:</td>
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<td>Foster Youth:</td>
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<tr>
<td>Redesignated fluent English proficient:</td>
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</table>
Complete a copy of this table for each of the LEA’s goals. Duplicate and expand the fields as necessary.

**Annual Update**

Annual Update Instructions: For each goal in the prior year LCAP, review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals the LEA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

Guiding Questions:

1) How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
3) How have the actions/services addressed the identified needs and goals of specific school sites and were these actions/services effective in achieving the desired outcomes?
4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?
5) What changes in actions, services, and expenditures will be made as a result of reviewing past progress and/or changes to goals? What changes/progress have been realized and how do these compare to changes/progress predicted? What modifications are being made to the LCAP as a result of this comparison?
### Original GOAL from prior year LCAP:

**Expected outcomes (Must include all metrics, as applicable, pursuant to Education Code sections 52060 and 52066):**

<table>
<thead>
<tr>
<th>Anticipated Outcomes</th>
<th>Actual Outcomes</th>
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<tbody>
<tr>
<td><strong>Planned Action/Services and Related Expenditures</strong></td>
<td><strong>Actual Action/Services and Related Expenditures</strong></td>
</tr>
<tr>
<td>LCAP Year xxxx-xx: Indicate any subgroups, schools, or level of service</td>
<td>Budgeted Expenditures</td>
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| LCAP Year xxxx-xx: Indicate schools or level of service | Budgeted Expenditures | LCAP Year xxxx-xx: Indicate schools or level of service | Actual Expenditures |
| Low Income pupils: | | Low Income pupils: | |
| English Learners: | | English Learners: | |
| Foster Youth: | | Foster Youth: | |
| Redesignated fluent English proficient: | | Redesignated fluent English proficient: | |

**What changes in actions, services, and expenditures will be made as a result of reviewing past progress and/or changes to goals?**

Complete a copy of this table for each of the LEA’s goals in the prior year LCAP. Duplicate and expand the fields as necessary.

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**Section 3: Use of Supplemental and Concentration Grant funds and Proportionality**
A. Identify the amount of funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5). Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496. For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a school site in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district’s goals for unduplicated pupils in the state priority areas. (See 5 CCR 15496(b) for guidance.)

B. Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

LOCAL CONTROL AND ACCOUNTABILITY PLAN AND ANNUAL UPDATE APPENDIX

For the purposes of completing the LCAP in reference to the state priorities under Education Code sections 52060 and 52066, the following shall apply:

(a) “Chronic absenteeism rate” shall be calculated as follows:

1. The number of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30) who are chronically absent where “chronic absentee” means a pupil who is absent 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

2. The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

3. Divide (1) by (2).

(b) “Middle School dropout rate” shall be calculated as set forth in California Code of Regulations, title 5, section 1039.1.

(c) “High school dropout rate” shall be calculated as follows:

1. The number of cohort members who dropout by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

2. The total number of cohort members.
(3) Divide (1) by (2).

(d) “High school graduation rate” shall be calculated as follows:

(1) The number of cohort members who earned a regular high school diploma [or earned an adult education high school diploma or passed the California High School Proficiency Exam] by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(e) “Suspension rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was suspended during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(f) “Expulsion rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was expelled during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).
§ 15498. Local Control and Accountability Plan and Annual Update Template.

Introduction:

LEA: _________________________ Contact (Name, Title, Email, Phone Number):__________________________________ LCAP Year:_______

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and Annual Update Template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5. The LCAP and Annual Update Template must be completed by all LEAs each year.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may
be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.

For each section of the template, LEAs shall comply with instructions and should use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. However, the narrative response and goals and actions should demonstrate each guiding question was considered during the development of the plan. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:

Basic: degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

Implementation of State Standards: implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils, including English learners. (Priority 2)

Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)

Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)
B. Pupil Outcomes:

**Pupil achievement:** performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)

**Other pupil outcomes:** pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)

C. Engagement:

**Parental involvement:** efforts to seek parent input in decision making at the district and each school site, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

**Pupil engagement:** school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

**School climate:** pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

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**Section 1: Stakeholder Engagement**

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

**Instructions:** Describe the process used to consult with parents, pupils, school personnel, local bargaining units and the community and how this engagement contributed to development of the LCAP or annual update. Note that the LEA’s goals, actions, services and expenditures related to the state priority of parental involvement are to be described separately in Section 2. In the annual update boxes, describe the stakeholder involvement process for the review, and describe its impact on, the development of the annual update to LCAP goals, actions, services, and expenditures.
Guiding Questions:

1) How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English learners, English learner parents, community organizations representing English learners, low income youth, and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?

2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?

4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?

5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?

6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?

7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?

<table>
<thead>
<tr>
<th>Involvement Process</th>
<th>Impact on LCAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Update:</td>
<td>Annual Update:</td>
</tr>
</tbody>
</table>
Section 2: Goals, Actions, Expenditures, and Progress Indicators

Instructions:

All LEAs must complete the LCAP and Annual Update Template each year. The LCAP is a three-year plan for the upcoming school year and the two years that follow. In this way, the program and goals contained in the LCAP align with the term of a school district and county office of education budget and multiyear budget projections. The Annual Update section of the template reviews progress made for each stated goal in the school year that is coming to a close, assesses the effectiveness of actions and services provided, and describes the changes made in the LCAP for the next three years that are based on this review and assessment.

Charter schools may adjust the chart below to align with the term of the charter school’s budget that is submitted to the school’s authorizer pursuant to Education Code section 47604.33.

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, to be achieved for each state priority as defined in 5 CCR 15495(i) and any local priorities; a description of the specific actions an LEA will take to meet the identified goals; a description of the expenditures required to implement the specific actions; and an annual update to include a review of progress towards the goals and describe any changes to the goals.

To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups, as applicable (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Goals and Expected Annual Outcomes: Describe goals and expected annual outcomes toward meeting those goals. This section must include specific projected outcomes for the applicable term of the LCAP. Include goals for all pupils and specific goals for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the school site level. The LEA may identify which school sites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not applicable to a specific subgroup or school site. Describe expected outcomes for all pupils and where applicable include specific outcomes for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and at the school site level. The metrics used to
describe the expected outcomes may be quantitative or qualitative, although LEAs must, at minimum, use the required metrics pursuant to 5 CCR 15495(g) for measuring progress within a particular state priority area each year. For the pupil engagement priority metrics, LEAs must calculate the rates specified in Education Code sections 52060(d)(5)(B), (C), (D) and (E) as described in the Local Control Accountability Plan and Annual Update Template Appendix described in the Appendix, sections (a) through (d).

Identified Need: Describe the need(s) identified, including a description of the supporting data, to develop each goal.

Applicable Pupil Subgroups: Identify the pupil subgroups as defined in Education Code section 52052 to which the goal applies, or indicate “all” for all pupils.

Schools Affected: Identify the schools sites to which the goal applies. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5).

Related State and/or Local Priorities: Identify the state and/or local priorities addressed by the goal. Section 2 must include goals that address each of the state priorities (as defined in 5 CCR 15495(i)) and any additional local priorities; however, one goal may address multiple priorities.

Actions/Services and Related Expenditures:

Left Column: Identify annual actions to be performed and services provided to all pupils or any subgroups other than low-income, English learner, foster youth pupils, and pupils redesignated English proficient to meet the described goal.

Right Column: Identify annual actions to be performed and services provided, to low-income, English learner and/or foster youth pupils as defined in Education Code section 42238.01 and pupils redesignated as fluent English proficient, above what is provided to all pupils, to meet the described goal.

For both columns: Actions may describe a group of services that are implemented to achieve the identified goal. List and describe budgeted expenditures for each school year to implement these actions, including where those expenditures can be found in the LEA’s budget. The actions and expenditures must reflect details for any identified subgroups, and for specific school sites. If supplemental and concentration funds are used, the LEA must identify if the level of service is districtwide, schoolwide, countywide, or charterwide. The LEA must reference all fund sources for each proposed expenditure. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.
Guiding Questions:

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA’s goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual school sites been evaluated to inform the development of meaningful district and/or individual school site goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific predicted outcomes/metrics/noticeable changes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual school sites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and performance indicators?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?
**GOAL:**

Expected Annual Outcomes (In each year, must include all metrics as applicable, pursuant to Education Code sections 52060 and 52066):

<table>
<thead>
<tr>
<th>Year 1: xxxx-xx</th>
<th>Year 2: xxxx-xx</th>
<th>Year 3: xxxx-xx</th>
</tr>
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</table>

Describe the need(s) identified, including a description of the supporting data, to develop the goal:

**Applicable Pupil Subgroups:**

**Schools Affected:**

**Related State and/or Local Priorities:**

<table>
<thead>
<tr>
<th>Action/Services and Related Expenditures</th>
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<tbody>
<tr>
<td>LCAP Year 1: xxxx-xx: Indicate any subgroups, schools, or level of service</td>
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<tr>
<td>Budgeted Expenditures</td>
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<tr>
<td>LCAP Year 1: xxxx-xx: Indicate schools or level of service</td>
</tr>
<tr>
<td>Budgeted Expenditures</td>
</tr>
<tr>
<td>Low Income pupils:</td>
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<tr>
<td>English Learners:</td>
</tr>
<tr>
<td>Foster Youth:</td>
</tr>
<tr>
<td>Redesignated fluent English proficient:</td>
</tr>
<tr>
<td>LCAP Year 2: xxxx-xx: Indicate any subgroups, schools, or level of service</td>
</tr>
<tr>
<td>Budgeted Expenditures</td>
</tr>
<tr>
<td>LCAP Year 2: xxxx-xx: Indicate schools or level of service</td>
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<tr>
<td>Foster Youth:</td>
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<tr>
<td>Redesignated fluent English proficient:</td>
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<tr>
<td>LCAP Year 3: xxxx-xx: Indicate any subgroups, schools, or level of service</td>
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<tr>
<td>Budgeted Expenditures</td>
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<td>LCAP Year 3: xxxx-xx: Indicate schools or level of service</td>
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<td>Budgeted Expenditures</td>
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<tr>
<td>Low Income pupils:</td>
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<tr>
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<tr>
<td>Foster Youth:</td>
</tr>
<tr>
<td>Redesignated fluent English proficient:</td>
</tr>
</tbody>
</table>
Complete a copy of this table for each of the LEA’s goals. Duplicate and expand the fields as necessary.

**Annual Update**

**Annual Update Instructions**: For each goal in the prior year LCAP, review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals the LEA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

**Guiding Questions**:

1) How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
3) How have the actions/services addressed the identified needs and goals of specific school sites and were these actions/services effective in achieving the desired outcomes?
4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?
5) What changes in actions, services, and expenditures will be made as a result of reviewing past progress and/or changes to goals? What changes/progress have been realized and how do these compare to changes/progress predicted? What modifications are being made to the LCAP as a result of this comparison?
Original GOAL from prior year LCAP:

Expected outcomes (Must include all metrics, as applicable, pursuant to Education Code sections 52060 and 52066):

<table>
<thead>
<tr>
<th>Anticipated Outcomes:</th>
<th>Actual Outcomes:</th>
</tr>
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<tbody>
<tr>
<td>Planned Action/Services and Related Expenditures</td>
<td>Actual Action/Services and Related Expenditures</td>
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<tr>
<td>LCAP Year xxxx-xx: Indicate any subgroups, schools, or level of service</td>
<td>Budgeted Expenditures</td>
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<td>Redesignated fluent English proficient:</td>
</tr>
</tbody>
</table>

What changes in actions, services, and expenditures will be made as a result of reviewing past progress and/or changes to goals?

Complete a copy of this table for each of the LEA’s goals in the prior year LCAP. Duplicate and expand the fields as necessary.

Section 3: Use of Supplemental and Concentration Grant funds and Proportionality

A. Identify the amount of funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5). Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as
specified in 5 CCR 15496. For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a school site in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district’s goals for unduplicated pupils in the state priority areas. (See 5 CCR 15496(b) for guidance.)

B. Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

LOCAL CONTROL AND ACCOUNTABILITY PLAN AND ANNUAL UPDATE APPENDIX

For the purposes of completing the LCAP in reference to the state priorities under Education Code sections 52060 and 52066, the following shall apply:

(a) “Chronic absenteeism rate” shall be calculated as follows:

(1) The number of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30) who are chronically absent where “chronic absentee” means a pupil who is absent 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(b) “Middle School dropout rate” shall be calculated as set forth in California Code of Regulations, title 5, section 1039.1.

(c) “High school dropout rate” shall be calculated as follows:

(1) The number of cohort members who dropout by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).
(d) “High school graduation rate” shall be calculated as follows:

(1) The number of cohort members who earned a regular high school diploma [or earned an adult education high school diploma or passed the California High School Proficiency Exam] by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(e) “Suspension rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was suspended during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(f) “Expulsion rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was expelled during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).
FINAL STATEMENT OF REASONS
LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from February 1, 2014 through March 17, 2014. Comments were received from over 2,200 commenters during the 45-day comment period.

A public hearing was held at 10:00 a.m. on March 17, 2014, at the California Department of Education. Two individuals provided comments at the public hearing.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 1, 2014 THROUGH MARCH 17, 2014.

NON-FORM LETTER COMMENTERS
1. Serge Bonte
2. David Kopperud, State SARB member
3. Marvin Andrade, Director of Leadership Development, Asian Americans Advancing Justice
4. Steve Ward, Legislative Analyst, California School Finance Reform Coalition
6. Jeff Frost, Legislative Advocate, California School Library Association
7. Ellen Wu, Executive Director, California Pan-Ethnic Health Network; Jamila Iris Edwards, Northern California Director, Children’s Defense Fund; Anne Kelsey Lamb, MPH, Director, Regional Asthma Management and Prevention
8. Carl Pinkston, Secretary, Black Parallel School Board
9. Colin Miller, Vice President of Policy, California Charter Schools Association
11. Laura Faer, Statewide Education Rights Director, Public Counsel
12. Eric Premack, Executive Director, Charter Schools Development Center, Inc.
13. Arun Ramanathan, Executive Director, Education Trust-West
14. Araceli Simeon-Luna, Project Director, Parent Organization Network
15. Carolyn Laub, Executive Director, Gay-Straight Alliance Network
16. Cynthia Rice, Director of Litigation, Advocacy & Training, CRLA; Shelly Spiegel Coleman, Executive Director, Californians Together, Jan Gustafson Corea, Executive Director, California Association of Bilingual Education
17. Philip Y. Ting, Assemblymember; Shirley Weber, Assemblymember (19 signatures)
18. Zoe Rawson
19. Taryn Ishida, Executive Director, Californians for Justice (36 signatures from other community-based and civil rights organizations)
20. Bill Lucia, President, EdVoice
21. John Affeldt, Letter from coalition of advocates and grassroots, community-based organizations (appears to be same letter)
22. John Affeldt, Public Advocates; David Sapp, ACLU
23. Oscar Cruz, Families in School
24. Dean Vogel, President, California Teachers Association
25. Roberta Furger, Director of Policy and Research, PICO CA
26. Andrea Ball, Legislative Advocate, California School Boards Association
27. Debra Brown, Associate Director, CHILDREN NOW
28. Melia Franklin, Executive Director, Bay Area Parent Leadership Action Network (PLAN)
29. Shydae Garcia, Edison High School (29, 30, 31, and 32 – all same issues)
30. Citlali Hernandez, Woodrow Wilson High School
31. Tony Bui, James Lick High School
32. Naudika Williams, Oakland High School

FORM LETTER #1 – 2,221 COMMENTERS
See comments and responses in attached chart.

FORM LETTER #2 - 177 COMMENTERS
See comments and responses in attached chart.

FORM LETTER #3 - 16 COMMENTERS
See comments and responses in attached chart.

FORM LETTER #4 – 102 COMMENTERS
See comments and responses in attached chart.

FORM LETTER #5 – 16 COMMENTERS
See comments and responses in attached chart.

FORM LETTER #6 – 18 COMMENTERS
See comments and responses in attached chart.

Public Hearing – March 17, 2014

CDE staff conducted a public hearing on March 17, 2014.

Two individuals presented oral and written comments: Martha Zaragoza-Diaz (on behalf of CABE, Californians Together, and CRLA) and Cynthia Rice. See responses in attached chart.

After the 45-day comment period, changes were made to the proposed text of the regulations as described in the attached chart and sent out for a 15-Day comment period. These changes are itemized below:
General changes were made to the regulations to include grammatical edits, and renumbering and/or relettering to reflect deletions or additions.

Proposed section 15495(a) has been added to define “Consult with pupils.” This addition is necessary for reasons set forth in response to comment #1.

Proposed section 15495(b) has been added to define “English learner parent advisory committee.” This addition is necessary for reasons set forth in response to comment #31.

Proposed section 15495(e) has been added to define “Parent advisory committee.” This addition is necessary for reasons set forth in response to comment #31.

Proposed section 15495(g) has been added to define “Required metric.” This addition is necessary for reasons set forth in response to comment #43.

Proposed section 15495(j) has been added to define “Subgroup.” This addition is necessary for reasons set forth in response to comment #41.

Proposed section 15496(b)(1) is amended to delete the words “in excess” and add “or more.” This amendment is necessary for reasons set forth in response to comment #12.

Proposed sections 15496(b)(1)(A), (2)(A), (3)(A), (4)(A), and (5)(A) are amended to add the words “funded and.” This amendment is necessary for reasons set forth in response to comment #12.

Proposed sections 15496(b)(1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) are amended to add the word “principally” after the words “services are” and “and are effective in” after “directed towards.” These amendments are necessary for reasons set forth in response to comment #8.

Proposed section 15496(b)(2) is amended to delete the words “or in the prior year” and add “and concentration.” Deletion of “or in the prior year” is necessary to clarify that when prior year enrollment of unduplicated pupils at a school district or school site is below 55 percent or 40 percent, respectively, a school district does not need to provide additional justification for the expenditure of supplemental or concentration funds on a districtwide or schoolwide basis.

The amendment to add “concentration” is necessary to clarify that a school district must apply the standard of explanation specified in this section for the expenditure of both supplemental and concentration grant funds on a districtwide basis when enrollment of unduplicated pupils is below 55 percent. This amendment also conforms the section to the requirements applicable to school wide expenditures set forth in section 15496(b)(4).
Proposed sections 15496(b)(2)(C) and (4)(C) are amended to add the language “The description shall include the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.” These amendments are necessary for reasons set forth in response to comment #13.

Proposed section 15496(b)(3) is amended to delete the words “in excess of “ and add “or more.” This amendment is necessary to ensure that the regulations are applicable to school districts with exactly 40 percent enrollment of unduplicated pupils, and is edited as follows:

(3) A school district that has an enrollment of unduplicated pupils at a school that is in excess of 40 percent or more of the school’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following

Proposed section 15496(b)(4) is amended to delete the words “or in the prior year.” See necessity statement in section 15496(b)(2) above.

Proposed section 15496(c) is amended and renumbered to proposed section 15497. This amendment is necessary for reasons set forth in response to comments #3 and #20. The amendment is identified at comment #3.

Proposed section 15498 (LCAP Template)(formerly proposed section 15497) is renumbered to section 15498 and amended. A revised template is necessary in order to clarify the requirements applicable for the completion of an LEAs LCAP and Annual Update. See comments #57 and #60.

ALTERNATIVES DETERMINATION

The State Board of Education has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

6-26-14 [California Department of Education]
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<td>John Affeldt, Managing Attorney and Education Program Director - Public Advocates, Inc. John Affeldt, et.al. - Civil Rights Coalition David Sapp, Director of Education Advocacy/Legal Counsel – ACLU of Southern California Roberta Furger, Director of Public Policy and Research - PICO Shydae Garcia, Edison High School; Citlali Hernandez, Woodrow Wilson High School; Tony Bui, James Lick High School; Naudika Williams, Oakland High School - Student Voice Coalition Taryn Ishida, Executive Director, Californians for Justice – Student Rights Coalition</td>
<td>15495(f): Add a definition of student consultation: Student consultation with respect to the LCAP as meeting at least one of the following actions: (1) An annual survey of students that assesses needs and obtains student input with respect to development and implementation of the LCAP and the annual updates and that includes meaningful samples of the LEA’s low-income, English learner, and foster youth populations; (2) An annual forum with the LEA’s low income, English learner, and foster youth students to assess their needs and obtain student input with respect to development and implementation of the LCAP and the annual updates; (3) Annual focus groups with the LEA’s low income, English learner, and foster youth populations that assess needs and obtain student input with respect to development and implementation of the LCAP and the annual updates; or (4) Use of the “participatory budget” process to get input from the LEAs low income, English Learner, foster care students to assess their needs and obtain student input with respect to development, implementation, and evaluation of the LCAP and the annual updates (including all 8 state priority areas and any local priorities). (5) Representation of students on all high school and middle school site councils, ensuring that that such representation includes low-income students, English learners, or foster youth on each site council where such students attend the school, and preparation of those students so as to support their ability to provide input on the development and implementation of the LCAP and the annual updates at a site-level</td>
<td>Partially Accept: Proposed section 15495 is edited to include subdivision (a), as follows: “(a) Consult with pupils,’ as used in Education Code sections 52060, 52066, and 47605.5, means a process for the presentation of the LCAP to pupils for review and comment. This process may include, but is not limited to, surveys of pupils, forums with pupils, or meetings with pupil government bodies or other groups representing pupils.” In addition, the LCAP Template set forth in section 15497 is edited and replaced with a new LCAP Template in proposed Section 15498. “Section 1: Stakeholder Engagement” of the revised template is edited to add a guiding question, as follows: “What specific actions were taken to consult with pupils to meet the requirements of Section 15495(a)?” Partially Reject: Suggested definition is too prescriptive for engagement process and would create a new mandate. Statute provides for LEA engagement with students regarding the development of the LCAP at the local level.</td>
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| 2 Araceli Simeon-Luna, Project Director – Parent Organization Network Marvin Andrade, Director of Leadership Development - Asian Americans Advancing Justice | **15495:** Add the following definitions:  
(i) “Authentic engagement” means providing full information to stakeholders via several media and events; listening to stakeholders’ ideas, priorities and concerns; and addressing the community’s priorities or concerns in the schools’ and districts’ plans and budgets.  
(j) “Transparency” means being open and honest with the public; establishing ongoing communication with stakeholders; making data and plans available to the public; and making public the processes used and persons involved in producing guidelines, deciding plans and budgets, or selecting representatives to be part of any school committee.  
(k) “Timely” in the context of the LCAP process means soliciting input from the stakeholders at least three weeks before the plan and budget are developed and presenting the LCAP and budget for public review at least three weeks before it is decided by a board of education, or the body overseeing the LEA.  
(l) “Stakeholder” refers but is not limited to, parents, community members, pupils, local bargaining units, LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English leaner parents, community organizations, representing English learners, and others as appropriate. | Reject:  
Suggested terms are not used in statute or in the proposed regulations. Statute identifies stakeholder groups for consultation and identifies the engagement process for development of the LCAP. |
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| Eric Premack, Executive Director – Charter Schools Development Center (CSDC) | **15495:** Problem use of the term LEA where it is not applicable to charter schools: Delete the term LEA from the definitions and clearly identify when in a given section of the regulations are and are not applicable to a school district, COE, or charter school. | Partially reject: The definition of LEA set forth is consistent with statute and use is appropriate in some contexts. Partially accept: Ensure appropriate use of LEA, school district, charter school, and county office of education throughout regulations. Proposed section 15946 is edited to deleted subsection (c) and is reincorporated into a new proposed section 15497. The proposed section 15497 is also edited to delete “LEA” and substitute “school district,” as follows:  
“County Superintendent of Schools Oversight Demonstration of Proportionality.  
In making the determinations required under Education Code section 52070(d)(3), the county superintendent of school shall include review of any descriptions of districtwide services provided pursuant to section 15496(b)(2) or descriptions of schoolwide services provided pursuant to section 15496(b)(4) when determining whether the LEA school district has fully demonstrated that it will increase or improve services for unduplicated pupils under, pursuant to subdivision (a) section 15496(a). If a county superintendent of schools does not approve an LCAP because the LEA school district has failed to meet its proportionality...
### TITLE 5 LOCAL CONTROL FUNDING FORMULA AND TEMPLATE REGULATIONS
#### COMMENTS AND RESPONSES TO THE 45-DAY COMMENT PERIOD

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<td><strong>requirement to increase or improve services for unduplicated pupils</strong> as specified in this section, it shall provide technical assistance to the LEA school district in meeting that requirement pursuant to Education Code section 52071.</td>
<td>Reject: Citations refer to the authority of referenced plans in statute and proposed regulations.</td>
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<td>CSDC</td>
<td>15495: Education Code 64001 and 20 USC 6312 are not relevant to this section and should be deleted</td>
<td>Reject: Statute dictates that expenditure regulations require LEAs to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils. It is consistent with statute to require increase or improvement when compared to all students.</td>
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<td>Bill Lucia, President - EdVoice</td>
<td>15496: Supplemental grants only for schoolwide and districtwide expenditures: Board should include only supplemental grants in the flexibility allowed for districtwide or schoolwide expenditures</td>
<td>Reject: Education Code (EC) section 42238.07 authorizes the board to adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to EC sections 2574, 2575, 42238.02, and 42238.03, which shall include but not be limited to the two provisions set forth in the statute. Thus, EC Section 42238.07(b) does not preclude the board from adopting regulations to authorize schoolwide and districtwide expenditures for supplemental and concentration grant funds.</td>
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<td>CSDC</td>
<td>15496(a): Delete 2nd sentence that specifies that funding apportioned “shall be used to increase or improve services for unduplicated pupils as compared to services provided to all pupils.” Statute does not require funding to be used exclusively for unduplicated pupils and language that requires distinguishing the increase relative to other pupils exceeds the scope of the statute.</td>
<td>Reject: Education Code (EC) section 42238.07 authorizes the board to adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils. It is consistent with statute to require increase or improvement when compared to all students.</td>
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<td>7 CSDC</td>
<td>15496(a)(2): Inclusion of prior year expenditures should be revised to funding apportioned and should not confuse funding with prior-year expenditures.</td>
<td>Reject: LEAs have carryover Economic Impact Aid funds and also may have been using other general fund sources to provide services to unduplicated students prior to the adoption of the Local Control Funding Formula (LCFF). The use of prior year expenditures allows an LEA to estimate the services actually provided.</td>
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<td>8 Civil Rights Coalition, ACLU/Public Advocates, Arun Ramanathan, Executive Director - EdTrust West, Oscar Cruz, President - Families in Schools, Debra Brown, Associate Director, Education Policy - Children Now, Ellen Wu, Executive Director – California Pan-Ethnic Health Network (CPEHN), Jamila Iris Edwards, Northern California Director - Children’s Defense Fund (CDF), Anne Kelsey Lamb, MPH, Director - Regional Asthma Management and Prevention (RAMP), Asian Americans Advancing Justice</td>
<td>15496(b)(1)(B), (b)(2)(B), (b)(3)(B), (b)(4)(B): To help ensure funds for high-need students are targeted at those student, eight bolded words should be added to the regulations, as follows: Describe in the LCAP how such services are <strong>principally</strong> directed towards <strong>serving unduplicated pupils and are effective in</strong> meeting the district’s goals for its unduplicated pupils in the state priority areas.</td>
<td>Partially accept: Edit proposed regulations sections, as follows: Proposed sections 15496(b)(1)(B), 15496(b)(2)(B), 15496(b)(3)(B), and 15496 (b)(4)(B) are edited to state: “Describe in the LCAP how such services are <strong>principally</strong> directed towards <strong>and are effective in</strong> meeting the district’s goals for its unduplicated pupils in the state priority areas.” Partially reject: Additional words will not be bolded in the regulations. The phrase “serving unduplicated pupils” is redundant with the rest of the sentence and not included.</td>
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<td>PICO</td>
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<td>Reject: Statute does not specify a minimum threshold for districtwide, charterwide, countywide or schoolwide use of funds. The commenters suggested thresholds would limit LEAs’ ability to locally determine use of supplemental and concentration funds; proposed regulations require additional description of funded services when district or school enrollment of unduplicated pupils is below levels specified in the proposed regulations.</td>
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<td>Cynthia Rice, Director of Litigation, Advocacy &amp; Training – California Rural Legal Assistance (CRLA) Shelly Spiegel Coleman, Executive Director - Californians Together Jan Gustafson Corea, Executive Director - California Association for Bilingual Education (CABE)</td>
<td>15496(b)(2) A school district that has an enrollment of unduplicated pupils that is <strong>at least 40 percent but less than 55 percent</strong> of the school site’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental grant funds on a districtwide basis. 15496(b)(3) (3) A school district that has an enrollment of unduplicated pupils at a school that is in excess of <strong>40 55 percent or more</strong> of the school’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. 15496(b)(4) A school district that has an enrollment of unduplicated pupils that is <strong>less than 40 at least 40 percent but less than 55</strong> percent of the school site’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis.</td>
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<td>Philip Y. Ting, Assemblymember, 19th District and Shirley N. Weber, Ph.D., Assemblymember, 19th District - Assembly Members</td>
<td><strong>No specific sections or language suggested</strong> A requirement on school districts, county offices of education, and charter schools to show how supplemental and concentration funds principally serve high-need students and are effective in meeting the local education agency’s goals for these students in state priority areas.</td>
<td>Accept: As stated in response to comment #8, language is added to proposed section 15496(b)(1)(B),15496(b)(2)(B),15496(b)(3)(B), 15496(b)(4)(B) as follows: “Describe in the LCAP how such services are <strong>principally directed towards, and effective in</strong>, meeting the district’s goals for its unduplicated pupils in the state priority areas.”</td>
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<td>A requirement that the Local Control Accountability Plan templates include transparent and standard data and expenditure reporting, strong school site council engagement, and alignment between state priorities, goals, and specific expenditures at the district and school level.</td>
<td>Partially accept: The proposed spending regulations and the revised LCAP Template, set forth in proposed section 15498, including annual update, provide for transparent and standard data and expenditure reporting. Partially reject: Statute does not require school site council participation. Note, however, that the instructions in Section 2: [Goals, Actions, Expenditures, and Progress Indicators] of the revised LCAP Template state that the “...LCAP should be shared with, and input requested from, school site-level advisory groups, as applicable (e.g., school site councils, etc.) to facilitate alignment between school-site and district level goals and actions.”</td>
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<td>11 ACLU/Public Advocates</td>
<td>15496(b)(1): If requested amendment to add the eight bolded words to section 15496(b)(1)(B) is not accepted, thus keeping the showing the same for above-threshold districts, then increase the threshold to 65%.</td>
<td>Partially accept: The suggested eight bolded words were partially accepted as reflected above in the response to comment # 8. Partially reject: The amendment to move the threshold to 65 percent was requested as an alternate if the suggested eight bolded words were not accepted. Since a version of the suggested wording was accepted the requested threshold percentage change is not needed.</td>
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<td>12 CRLA/CABE/Californians Together</td>
<td>15496(b)(1): Modify (b)(1) to include those districts that are at 55%: (b)(1) A school district that has an enrollment of unduplicated pupils in excess of 55 percent or more of the district's enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend funds on a districtwide basis. 15496(b)(1)(A), (b)(2)(A), (b)(3)(A), (b)(4)(A) (b)(5)(A): (A) Identify in the LCAP those services that are being funded and provided on a districtwide basis. 15496(b)(1)(B), (b)(2)(B), (b)(3)(B), (b)(4)(B) (b)(5)(B): (B) Describe in the LCAP how such services are principally directed towards meeting the district’s goals for its unduplicated pupils in the state priority areas.</td>
<td>Accept: This change ensures that the regulations are applicable to LEAs with exactly 55 percent enrollment. Section 15496(b)(1) is edited as follows: “A school district that has an enrollment of unduplicated pupils in excess of 55 percent or more…” Accept addition of “funded.” Proposed sections 15496(b)(1)(A), 15496(b)(2)(A), 15496(b)(3)(A), 15496(b)(4)(A), and 15496(b)(5)(A), are edited as follows: “Identify in the LCAP those services that are being funded and provided on a districtwide basis.” Addition of “principally” was accepted for addition to sections 15496(b)(1)(B), 15496(b)(2)(B), 15496(b)(3)(B), 15496(b)(4)(B), and 15496(b)(5)(B), as described in comment #8.</td>
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<td>13 CRLA/CABE/Californians Together</td>
<td>15496(b)(1)(C), 15496(b)(2)(C), 15496(b)(3)(C), 15496(b)(4)(C) And countywide 15496(b)(5) – see below: Establish criteria for determining whether a service meets the standards for “most effective use of funds” in all cases, whether a school or district enrollment percentage is above or below the stated thresholds. These criteria should track the requirements of</td>
<td>Reject: The proposed amendments would impose a similar standard on LEAs with at least 55 percent enrollment of unduplicated pupils as is imposed when such enrollment is less than 55 percent. This standard is not necessary when enrollment of unduplicated pupils is 55 percent or more.</td>
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### Title 5 Local Control Funding Formula and Template Regulations

#### Comments and Responses to the 45-Day Comment Period

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<td>the Title I regulations, as anticipated by the statute, and require that expenditures be based on strategies that specifically address the purpose of the supplemental and concentration grant funding as well as the eight state priorities.</td>
<td>Reject: County offices of education serve unique populations of pupils. The needs of those pupils and programs operated by county offices of education to serve those pupils necessarily vary significantly within and across county offices of education. Thus, it is not appropriate to prescribe a particular threshold and higher standard of effectiveness for county offices of education.</td>
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<td>Add new section 15496(b)(1)(C) and (b)(3)(C)): “Describe how the services are an effective use of funds that will increase or improve services for English learners, low income students and foster youth through identified methods such as research-based programs or allocation of staffing or services that address those students’ needs and are designed to meet the districts’ goals for its unduplicated pupils in the state priority areas.”</td>
<td>Partially accept: Language was added to more fully state how a district should describe the basis for its determination that services funded by districtwide or schoolwide expenditures of supplemental and concentration funds are the most effective use of such funds to meet the district’s goals for its unduplicated pupils in the state priority areas where the percentage of unduplicated pupils in the district or school is under the respective threshold specified in the expenditure regulations.</td>
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<td>New section 15496(b)(5)(C) “Describe in the LCAP how these services are the most effective use of the funds and will increase or improve services for English learners, low income students and foster youth through identified methods such as research-based programs or allocation of staffing or services that address those students’ needs and are designed to meet the county office of education’s goals for its unduplicated pupils in the state priority areas.”</td>
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<td>Modify sections 15496(b)(2)(C) and (b)(4)(C): Describe how these services are the most effective use of the funds and will increase or improve services for English learners, low income students and foster youth through identified methods such as research-based programs or allocation of staffing or services that address those students’ needs and are designed to meet the district’s goals for its unduplicated pupils in the state priority areas.</td>
<td>Proposed sections 15496(b)(2)(C) and 15496(b)(4)(C) are edited as follows: “Describe how these services are the most effective use of the funds to meet the district’s goals for its unduplicated pupils in the state priority areas. The description shall include the basis for this determination, including,</td>
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<td>goals for its unduplicated pupils in the state priority areas.</td>
<td>but not limited to, any alternatives considered and any supporting research, experience, or educational theory.</td>
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<td>EdVoice</td>
<td>15496 (b)(1), (b)(2), (b)(3), and (b)(5): Modify these sections to add the following language:</td>
<td>Partially reject: Proposed additional language is redundant, and “allocation of staffing” is unclear.</td>
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<td>&quot;(C) Explain in the LCAP how those services will provide a higher level of service to support unduplicated pupils meeting, at a minimum, the pupil achievement goals and specific actions necessary to correct deficiencies, if any, and help unduplicated pupils achieve the goals in the other statewide priorities, as applicable.&quot;</td>
<td>Reject: This comment imposes a similar standard on LEAs with at least 55 percent enrollment to the standard for less than 55 percent to provide services districtwide, and a similar standard of at least, or below 40 percent enrollment to provide services schoolwide. This standard is not necessary when enrollment of unduplicated pupils is 55 percent or more districtwide or 40 percent or more schoolwide.</td>
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|                        | 15496(b)(4): Delete 15496(b)(4). Because EC 422380.07 references 20 USC 6314 the flexibility authorized by the Legislature acknowledges the eligibility standard of 40% and 20 USC 6314(b)(1)(A)-(J) is the limit to the restrictions that can be imposed on the use of supplemental grants for schoolwide purposes. | Reject: EC section 422380.07 authorizes the board to adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03, which shall include but not be limited to the two provisions set forth in the statute. Thus, EC section 422380.07(b) does not preclude the board from adopting regulations that authorize schoolwide and districtwide expenditures for supplemental and concentration grant funds. Statute refers to ESEA and provides for spending regulations.
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| **15** CRLA/CABE Californians Together | **15496(b)(5):** Modify to require countywide only when in excess of 55% of unduplicated pupils. Delete authorization for charterwide: 
(b)(5) A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending supplemental and concentration grant funds on a charterwide basis may only do so if it has an enrollment of 55% or more unduplicated students and shall do all of the following: | Reject: Reject changing the threshold for countywide to 55 percent, for the reasons indicated in above comment # 13. |
| **16** CRLA/CABE Californians Together | **15496(b)(5)(A)(B)(C):** Delete charter schools authorization to use funds on a charterwide basis. Also add same changes to (1)-(2) and add new (3) that were added for districtwide schoolwide. 
(A) Identify in the LCAP those services that are being funded and provided on a countywide or charterwide basis. 
(B) Describe in the LCAP how such services are principally directed towards meeting the county office of education’s or charter school’s goals for its unduplicated pupils in the state priority areas. | Partially accept: Section 15496(b)(5)(A) is edited to add “funded and,” as follows: 
“Identify in the LCAP those services that are being funded and provided on a charterwide or countywide basis.” 
Partially reject: By law, charter schools are authorized to operate with flexibility. The regulations give school districts flexibility and charter school flexibility should not be limited by eliminating authorization for charter schools to spend on a charterwide basis. |
<p>| <strong>17</strong> CSDEC | <strong>15496(b)(5)(B):</strong> Delete the verbiage requiring charters “to describe how charter wide expenditures meet the goals in the state priority areas.” This language is unnecessarily restrictive and should be deleted | Partially accept: Addition of local priorities is consistent with statute. Section 15496(b)(5)(B) is edited to state as... |</p>
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<td>or expanded to include local priorities</td>
<td>Partially reject: Retain requirement to describe of expenditures. This requirement implements expenditure of funds on a charterwide basis to increase or improve services for unduplicated pupils consistent with statutory purpose and requirements.</td>
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<td>Civil Rights Coalition</td>
<td>15496(c):</td>
<td>Reject: The suggested changes exceed the scope of county superintendent authority in approving an LCAP as specified in EC section 52070. A county superintendent is not authorized or required to conduct a noticed public hearing.</td>
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<td>ACLU/Public Advocates</td>
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<td>(suggest same language</td>
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<td>by repealing 15496(c)</td>
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<td>and add new section</td>
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<td>for district or schoolwide use of those funds pursuant to Section 15496(b)</td>
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<td>Add new subsection (d) to 15496</td>
<td>Partially accept: Proposed section 15496 is edited to delete subdivision (c). A new proposed section 15497 is added. This new section includes most of the language of the previously proposed section 15496(c), with changes indicated as set forth in above comment #3.</td>
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<td>(d) The determinations required under Education Code Section 52070(d)(3) shall be made by the county superintendent of schools in a public hearing. The county superintendent of schools shall only approve a local control and accountability plan if the local education agency has accurately computed the funds and percentage it must expend to increase or improve services for unduplicated pupils pursuant to Section 15496(a), and where applicable, has met the standards for districtwide or schoolwide use of those funds pursuant to Section 15496(b)</td>
<td>Partially reject: Do not incorporate the language in the commenters proposed subsection (c). Proposed section 15497 requires county superintendents to review the descriptions in section 15496(b). In addition, the phrase “particularly review” is ambiguous and does not add clarity.</td>
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<td>19 CRLA/CABE/Californians Together</td>
<td>In addition to the Language above suggested by the coalition, these commenters suggest also adding the following to new separate 15497: (b) The county superintendent shall particularly review any descriptions provided in Section 15496(b) when determining whether the LEA has fully demonstrated that it will increase or improve services for unduplicated pupils under subdivision (a). (c) COES are authorized to review LCAPS and aligned budgets to determine whether federal funds were appropriately used. (d) If a county superintendent of schools does not approve an LCAP because the LEA has failed to meet its proportionality requirement as specified in the section, it shall provide technical assistance to the LEA in meeting that requirement pursuant to Education Code section 52071.</td>
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<td><strong>20</strong> EdVoice</td>
<td>15496(c): In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall review LCAPs including any descriptions provided under (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) or (b)(4)(C) when determining whether the LEA has fully demonstrated that it will increase or improve services for unduplicated pupils as specified in this section, it shall provide technical assistance to the LEA in meeting that requirement pursuant to Education Code 52071.</td>
<td>Partially accept; proportionality. The new proposed section 15497, set forth above at comment #3, includes the clarifying language “...requirement to increase or improve services for unduplicated pupils...” Partially reject: Do not include “LCAPs including” language because it is redundant; or (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) or (b)(4)(C) when would exclude charter schools.</td>
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<td><strong>21</strong> Civil Rights Coalition ACLU/Public Advocates</td>
<td>15496(c): In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall particularly review any descriptions provided...</td>
<td>Reject: The proposed language requiring a county superintendent to “particularly review” is ambiguous and does not provide clarity.</td>
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<td><strong>22</strong> Colin Miller, Vice President of Policy – California Charter Schools Association (CCSA)</td>
<td>15496(c): Delete “LEA” and replace with “school district” In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall review any descriptions provided under (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when determining whether the LEA school district has fully demonstrated that it will increase or improve services for unduplicated pupils under subdivision (a). If a county superintendent of schools does not approve an LCAP because the LEA school district has failed to meet its proportionality requirement as specified in this section, it shall provide technical assistance to the LEA school district in meeting that requirement pursuant to Education Code 52071.</td>
<td>Accept: The new proposed section 15497, set forth above in comment #3, replaces “LEA” with “school district.”</td>
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<td>23 CRLA/CABE/ Californians Together</td>
<td>15496: Add reference to Title III ESEA statute.</td>
<td>Reject: ESEA Title III is not a source of rulemaking authority</td>
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<td>24 CCSA CSDC</td>
<td>Local Control and Accountability Plan and Annual Update Template: Clarify that compliance with the guiding questions is optional: In 6th paragraph, 1st sentence: For each section of the template, LEAs should comply with instructions and may use the guiding questions as prompts (but not limits) for completing the information as required by statute. Delete reference to EC 47605 since that reference is to charter petitions not the charter annual update template.</td>
<td>Partially accept: Proposed section 15947 (Local Control and Accountability Plan and Annual Update [&quot;LCAP Template&quot;] is edited; with the addition of a new proposed section 15947 (described above at comment #3), the LCAP template is now set forth in proposed section 15948. The first sentence in the sixth paragraph of the introductory section the sentence is edited as follows: “For each section of the template, LEAs should comply with instructions and should use the guiding questions as prompts (but not limits) for completing the LCAP….” These edits are necessary and appropriate to clarify the sentence to assist LEAs in developing and completing the LCAP. Partially reject: The reference is appropriate because EC section 47605 references requirements to address state priorities identified in EC section 52060(d).</td>
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<td>25 CRLA/CABE Californians Together</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: In A, Conditions of Learning, Implementation of State Standards: Add reference to ELD standards since those are part of common core.</td>
<td>Partially Accept: The LCAP Template [proposed section 15948] is edited to add: “….and English language development standards…” to State Priorities, Section A. Conditions of Learning: Implementation of State Standards.</td>
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<td><strong>Implementation of State Standards:</strong> implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils including English learners.</td>
<td>In B, Pupil Outcomes, Pupil Achievement, add “disaggregated by unduplicated pupils”, as follows: <strong>Pupil achievement:</strong> performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, shard of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advance Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program, disaggregated by unduplicated pupils.</td>
<td>Partially reject: Proposed section 15948 is not edited to add “disaggregated by unduplicated pupils”. Such a requirement is beyond the scope of statute.</td>
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<td>26 Janice Gilmore-See (Frost), President - California School Library Association</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: In Section A Conditions of Learning, add a new bullet as follows: <strong>Libraries, Literacy and Research:</strong> Ensure that all students have access to instruction in high quality literacy, information content and digital learning skills, a quality school library, online student safety, and professional development for teachers in using 21st Century technology as it allies to learning and teaching.</td>
<td>Reject: Section A reflects the state priorities as listed in EC sections 52060 and 52066. This requirement is not listed in statute.</td>
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<td>27 Civil Rights Coalition PICO ACLU/Public Advocates Student Rights Coalition</td>
<td>15497: [Local Control and Accountability Plan and Annual Update Template]: LCAP Template Section 1, Stakeholder Engagement, Guiding Question 1: Add low-income youth and English learners to the examples.</td>
<td>Accept: The LCAP Template [proposed section 15948] is edited to add the suggested language to LCAP Template Section 1, Stakeholder Engagement, as follows: “How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of...”</td>
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| Civil Rights Coalition  | 15497: [Local Control and Accountability Plan and Annual Update Template]:  
LCAP Template, Section 1: Add Guiding Question: What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with pupils identified by Education Code section 42238.01  
LCAP Template, Section 1: Add Guiding Question: What specific actions were taken to ensure engagement of pupils meet statutory requirements for stakeholder engagement? | Accept: The LCAP Template Section 1 Stakeholder Engagement [proposed section 15948] is edited to add a guiding question #6, as follows:  
"What specific actions were taken to consult with pupils to meet the requirements of Section 15495(a)?"  
In addition, proposed section 15495(a) was edited to add a definition of "consult with pupils" as described in comment #1:  
Reject: EC sections 52062 and 52068 do not reference consulting with students. EC section 47606.5 refers to consulting with students in developing the annual update of the LCAP for charters. EC sections 52060 and 52066 are the sections requiring consulting with students. |
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<td><strong>29</strong> CRLA/CABE</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: LCAP Section 1 Stakeholder Engagement: Modify Guiding Question #3 to clarify that data must be disaggregated. (3) What information (e.g. quantitative and qualitative data/metrics of pupils disaggregated by unduplicated pupils) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? Modify Guiding Question #3 to increase transparency: What information (e.g. quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? <strong>How was the information made available and where was the information posted?</strong></td>
<td>Partially reject: Requirements to provide disaggregated data and the place where information was posted are beyond the scope of statute. Partially accept: The LCAP Template, Section 1, Stakeholder Engagement [proposed section 15948] is edited to add a sentence to guiding question #3, as follows: “How was the information made available?”</td>
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<td>Californians Together</td>
<td>Parent Organization Network Asian Americans Advancing Justice Student Rights Coalition</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: LCAP Section 1 Stakeholder Engagement: Modify Guiding Question #4 to clarify which recommendations were rejected and why: 4) What changes, if any were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes? <strong>What recommendations, if any, were rejected and reasons for rejection?</strong></td>
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<td><strong>30</strong> CRLA/CABE</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: LCAP Section 1 Stakeholder Engagement: Modify Guiding Question #5 [LCAP Template Section 1] are proposed,</td>
<td>Partially accept: Two separate questions are created one for parent engagement, one for pupil engagement: Edits to Guiding Question #5 [LCAP Template Section 1] are proposed,</td>
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<td>Ed-Trust West</td>
<td>Question #5 to better articulate student role: (5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including identifying clearly which committees are being used to meet the minimum requirements and the composition of the committees with a focus on the representation of engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?</td>
<td>as follows: “What specific action were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?”</td>
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<td>PICO</td>
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A Guiding Question #6 [LCAP Template Section 1] is proposed, as follows: **“What specific actions were taken to consult with pupils to meet the requirements of Section 15495(a)”**

Edits to section 15495(a) to define “consult with pupils” are proposed as described above in comment #1.

Committee composition requirements are addressed by proposed edits as follow:

Proposed section 15496, subdivision (b) is edited to state:

"""English learner parent advisory committee," as used in Education Code sections 52063 and 52069 for those school districts or schools and programs operated by county superintendents of schools whose enrollment includes at least 15 percent English learners and at
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<td>least 50 percent pupils who are English learners, shall be composed of a majority of parents or legal guardians of pupils to whom the definition of Education Code section 42238.01(c) apply. A governing board of a school district or a county superintendent of schools shall not be required to establish a new English learner parent advisory committee if a previously established committee meets these requirements.</td>
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<td>Proposed section 15496(e) is edited to state:</td>
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<td>“&quot;Parent advisory committee,&quot; as used in Education Code sections 52063 and 52069, shall be composed of a majority of parents or legal guardians of pupils and include parents or legal guardians of pupils to whom one or more of the definitions of Education Code section 42238.01 apply. A governing board of a school district or a county superintendent of schools shall not be required to establish a new parent advisory committee if a previously established committee meets these requirements, including any committee established to meet the requirements of the federal No Child Left Behind Act of 2001 (Public Law 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title I of that act.</td>
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<td>Partially reject: “…identifying clearly which committees are being used to meet the minimum requirements and the composition of the committees with a focus on the representation of ….”</td>
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<td>The proposed edits above related to committee composition address this comment.</td>
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<td>32 CRLA/CABE</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: LCAP Section 1 Stakeholder Engagement: Modify Guiding Question #6 to add reference to unduplicated pupils: 6) In the annual update, describe how stakeholder involvement has been maintained and supported. How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?</td>
<td>Partially accept: Guiding Question #6 [LCAP Template section 1] is edited to become Guiding Question #7 due to the addition described above (at comment #20). In addition the content was edited to state: <strong>“7) In the annual update, how has the involvement of these stakeholders continued and supported?”</strong> Also, <strong>“How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils related to the state priorities?”</strong> Partially reject: As presented, “Describe…” is not a question, and reads as instructions.</td>
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<td>33 CRLA/CABE</td>
<td>15497 [Local Control and Accountability Plan and Annual Update Template]: Engagement: LCAP Section 1 Stakeholder Engagement. Add new Guiding Question #7:</td>
<td>Reject: The suggested addition is not a question. As instructions, the directive is beyond the scope of statute.</td>
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| **34** Parent Organization Network  
Asian Americans Advancing Justice | 7) Stakeholders should be given information as to current programs and/or services to unduplicated pupils and whether these programs or services were increased or improved or replaced with other programs and services as a result of the stakeholder engagement. | Partially accept: Definitions of English learner parent advisory committee and parent advisory committee were added to section 15945(b)(3), as described at above comment #31.  
Partially reject: The information included in the suggested Guiding Question 8 is within proposed Guiding Questions #5 and #7. |
| **35** CPHEN/CDF/RAMP | 15497 [Local Control and Accountability Plan and Annual Update]:  
Engagement: LCAP Section 1 Stakeholder Engagement. Add new Guiding Question #7:  
7) What information (quantitative and qualitative data/metrics) was considered in the engagement process that seeks to meet the health needs of unduplicated students; e.g., access to | Reject: Student health needs is not one of the state priorities identified in EC sections 52060 or 52066. It is impractical to list all possible considerations to meet each state priority from the point-of-view of all potential organizations or individual interests. |
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| **36** CRLA/CABE       | **15497 [Local Control and Accountability Plan and Annual Update]**:  
Introduction/Instruction/Guiding Questions:  
Amend reference to “subgroup” to “subgroup (unduplicated pupils)”. Somewhere in this document a statement should be made that “subgroup” includes English learners, economically disadvantaged pupils and foster youth otherwise one may think unduplicated pupils are ignored. | Reject: The statute requires goals for each subgroup identified in *EC section 52052* which includes, but is not limited to, the unduplicated pupils specified in *EC section 42238.01*. In addition, *EC* specifies, and the LCAP instructions reflect, when sections apply to subgroups in *EC section 52052* and when they apply only to unduplicated students identified in *EC section 42238.01*. |
| **37** CCSA            | **15497**:  
Introduction, First Sentence  
Clarify that the application of state priorities is different for charter schools:  
For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code 47606.5 require(s) the LCAP to include a description of the annual goals for all pupils and each subgroup of pupils, for each state priority *as defined in Section 15495(e)*, and any local priorities and require the annual update to include a review or progress towards the goals and describe any changes to the goals.  
Instructions, 5th sentence: Goals must address each of the state priorities *as defined in Section 15495(e)* and any additional local priorities; however, one goal may address multiple priorities. | Partially accept: The introduction to the LCAP Template states that “For charter schools, the inclusion and description of goals for state in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.”  
“...as defined in Section 15495(i)...”  
Note: Subdivision (e) of 15495 is edited to become subdivision (i) due to the addition of other definitions |
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<td>Clarify that LEA in this reference does not apply to charter schools: Instructions, 7th sentence: To facilitate alignment between the LCAP and school plans, the school district LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code 64001. LCAP Template, Section 2: Instructions 8th Sentence: Two changes. First, to reflect the concern regarding school district LCAP. Second to clarify whether an action is required (shall) or a best practice (should). Furthermore, the school district LCAP should may be shared with, and input requested from, school site-level advisory groups (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions.</td>
<td>Partially reject: should may Some charter schools may have school plans pursuant to EC section 64001 and as such may have a required school site council. LCAP Template, Section 2: Instructions edited to clarify that sharing and receipt of input is as applies to a particular type of LEA - “…shared with, and input requested from, school site-level advisory groups as applicable”</td>
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<td>38 CSDC</td>
<td>15497: In the Instructions, 3rd sentence: Charter schools may adjust the charter below to align with the terms of the budget. delete Year 2 and 3 budget columns. In the Instructions, 8th sentence, clarify process-related requirements not applicable to charter schools e.g., school site councils, English Learner Advisory Councils, etc.)</td>
<td>Partially reject: delete Year 2 and 3 budget columns. EC section 47605 requires charter petitioners proposing to open a new charter school provide financial projections for the first three years of operation. The Section 2 instructions specify that charters schools may adjust the chart to align to the terms of the charter school’s budget. Partially accept: “Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups, as applicable …”</td>
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<td>Civil Rights Coalition</td>
<td>15497 [Local Control and Accountability Plan and Annual Update]:</td>
<td>Reject: The sentence, LCAP development and consultation is captured in Section 1 of the LCAP “Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.)...” is retained in the revised LCAP without change (proposed section 15498).</td>
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<td>CRLA/CABE/Californians Together</td>
<td>15497 [Local Control and Accountability Plan and Annual Update]: LCAP Section 2: Goals and Progress Indicators: Change Guiding Question #3 as follows: 3) What are the LEA’s goal(s) to address state priorities related to “Engagement” (e.g., pupil and parent, school climate, attendance and dropout rates)?</td>
<td>Partially reject: Edits do not include attendance and dropout rates because these are included with “pupil engagement” as stated in EC sections 52060(d)(5) and 52066(d)(5). Partially accept: Guiding Question #3 [Section 2] is edited as follows, “What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)”</td>
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<td>Laura Faer, Statewide Education Rights Director - Public Counsel</td>
<td>15497 [Local Control and Accountability Plan and Annual Update]: LCAP Section 2: Goals and Progress Indicators: Change Guiding Question #6 as follows: 6) What are the unique goals for subgroups (unduplicated pupils) as defined in Education Code sections 42238.01 and 52052 that are different from the LEA’s goals for all pupils? Describe the</td>
<td>Partially reject: Reject the parenthetical. Suggested language limits the goals to only goals for unduplicated pupils. However, statute requires the district to include unique goals for all subgroups; subgroups are defined by EC section 52052 which is broader than just the three subgroups for unduplicated pupils, defined by EC section 42238.01.</td>
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<td>Carl Pinkston, Secretary - Black Parallel School Board</td>
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<td>improved or increased services for each unduplicated pupil</td>
<td>Partially accept: Proposed section 15495, is edited to add subdivision (j) to provide a definition of subgroup, as follows: “(j) “Subgroup” means the numerically significant pupil subgroups identified pursuant to Education Code section 52052.”</td>
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<td>15497 [Local Control and Accountability Plan and Annual Update]:</td>
<td>Reject: Student health needs is not one of the state priorities identified in EC 52060 or 52066. It is impractical to list all possible considerations to meet each state priority from the point-of-view of all potential organizations or individual interests.</td>
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<td>LCAP Section 2: Goals and Progress Indicators: Add a new Guiding Question #12: 12) What information (quantitative/qualitative data/metrics) was considered/reviewed to develop health-specific goals to address each state or local priority; e.g., access to physical, social, and emotional health services, improved school facilities and infrastructure, improved access to healthy meals, and equitable access to quality academic instruction?</td>
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<td>15497: 15497 [Local Control and Accountability Plan and Annual Update]:</td>
<td>Partially accept: The LCAP Template set forth in section 15497 is edited and replaced with a proposed LCAP Template in section 15498. The prior Section 2 Table is replaced with a revised table, in Section 2, titled as follows: “Section 2. Goals, Actions, Expenditures, and Progress Indicators”</td>
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<td>LCAP Section 2: Goals and Progress Indicators:</td>
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<td>In the Section 2, Table in the last column, “Related State and Local Priorities,” change the first sentence in the parenthetical as follows: (Identify specific state priority and, as applicable, statutorily-required element.”</td>
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<td>Fight Crime: Invest in Kids California</td>
<td>In the Section 2 Table, add new 1\textsuperscript{st} column to identify each state priority area and each of the 23 statutorily-defined measures within each priority area.</td>
<td>The edited Section 2 Table includes columns, as follows: &quot;GOAL: Expected Annual Outcomes (In each year, must include all metrics as applicable, pursuant to Education Code sections 52060 and 52066): LCAP Year 1: xxxx-xx Year 2: xxxx-xx Year 3:xxxx-xx&quot; The Instructions for completing the edited Section 2 Table are set forth in section 15498. Section 15495 was edited to add subdivision (g), which adds a definition as follows: &quot;Required metric&quot; means all of the specified measures and standards for each state priority as set forth in Education Code section 52060(d) and 52066(d), as applicable”</td>
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<td>Black Parallel School Board CCSA</td>
<td>Clarify applicability of state priorities to charter schools. In the Table, last column, entitled “Related State and Local Priorities,” parenthetical: (Identify specific state priority. For districts and COEs, all priorities, as defined in Section 15496(e), in statute must be included and identified; each goal may be linked to more than one priority, if appropriate.</td>
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<tr>
<td>CRLA/CABE Californians Together</td>
<td>15497 [Local Control and Accountability Plan and Annual Update]: Section 3: Actions, Services, and Expenditures. In order to ensure the appropriate uses of the LCFF funds and federal funds, this section requires language in the instructions section clearly stating supplemental or concentration funds used for districtwide, schoolwide, or countywide purposes must not supplant Title I or Title III funds.</td>
<td>Reject: Supplanting of Federal funds is addressed from the perspective of, and requirements specific to, federal programs. The proposed addition is beyond the scope of the LCFF statute</td>
</tr>
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<td>CSDC</td>
<td>15497 [Local Control and Accountability Plan and Annual Update]:</td>
<td>Reject: As described above, the LCAP Template previously set forth in section</td>
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<td>Section 3: Actions, Services, and Expenditures. Guiding Question #3 and #5 Where can these expenditures be found in the LEA budget? Subgroup data in question 5. Not required in statutes and are too complex</td>
<td>15947 has been edited and is now section 15498. Guiding Question #3 in former section 15497, Section 2, is now Guiding Question #13 in Section 2 of 15498, without change; Guiding Question #5 in former section 159497, Section 2, is now Guiding Questions #2 in the Annual Update Instructions, section 2. The guiding questions are consistent with statute that requires the LCAP to include a listing and description of expenditures. As specified in the Introduction to the LCAP Template. Guiding questions are prompts (but not limits), and not requirements.</td>
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<tr>
<td>46 CPEHN/CDF/RAMP</td>
<td><strong>15497:</strong> [Local Control and Accountability Plan and Annual Update]: Section 3: Actions, Services, and Expenditures. Guiding Questions: Add new Guiding Question #8: 8) What health specific actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to achieve the goals identified in the LCAP? Reject: Guiding questions are prompts not limits and each LEA may add Guiding Questions as deemed appropriate for community circumstances. It is impractical to list all possible considerations to meet each state priority from the point-of-view of all potential organizations or individual interests.</td>
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<td>47 Dale Shimasaki, Ph.D., AAP CA Advocate - Association of American Publishers, Inc.</td>
<td><strong>15497</strong> [Local Control and Accountability Plan and Annual Update]: Section 3: Actions, Services, and Expenditures: Require districts to list the title, subject and date of publication of those instructional materials used to implement the academic standards (priority 2), including the common core math and the common core reading adoption. Reject: This is beyond the scope of the LCAP. This information is already included in the School Accountability and Report Card and there is legislative intent to minimize duplication of reporting requirements. Adding this requirement would be counter to that intent.</td>
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<tr>
<td>48 Civil Rights Coalition ACLU/Public Advocates</td>
<td><strong>15497</strong> [Local Control and Accountability Plan and Annual Update]: Reject: Calculation results and process is captured in Section 3: Use of Supplemental and Concentration Grant funds and</td>
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<td>Ed-Trust West</td>
<td>Section 3: Actions, Services, and Expenditures.: Transparency on Prior Year Expenditures: Add a space in the LCAP to describe how the LEA calculated the prior year expenditures in Step 2 (15496(a)(2)) Create a space in the LCAP template where LEAs must identify the dollar amount and methodology used to estimate “the amount of LCFF funds expended by the LEA on services for unduplicated pupils in the prior year that is in addition to what was expended on services provided for all pupils” as described in steps 2 of the 7 step “proportionality” calculation outlined in CCR Section 15496(a)</td>
<td>Proportionality, of the LCAP Template [Section 15498]. Review process required by EC sections 52070(d)(3), 52070.5(d)(3), and Section 15497 will verify the expenditure requirements for meeting the proportionality requirements, including the accuracy of calculations.</td>
</tr>
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<td>49 CSDC</td>
<td><strong>15497 [Local Control and Accountability Plan and Annual Update]:</strong> No requirement in statute for charter schools to provide the detailed description of and/or justification for the use of funds. Instead have charter-specific template to as charter of identify the percentage increase in funding generated by unduplicated low income, foster youth, and English learner students.</td>
<td>Reject: One template has been developed for use by all LEAs; the proposed regulations were purposefully developed to capture the description and/or justification of use of funds and are consistent with statute.</td>
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<td>50 CRLA/CABE/ Californians Together</td>
<td><strong>15497: [Local Control and Accountability Plan and Annual Update]:</strong> Revise the instruction to delete reference to districts and schools below specified thresholds. <strong>Guiding Questions:</strong> #7C This instruction refers to districts and schools below specified thresholds. Districts and schools should not be able to expend their supplemental and concentration funds for districtwide or schoolwide purposes when this is not the intent of the LCFF statute</td>
<td>See response to comment #9 above.</td>
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## Title 5 Local Control Funding Formula and Template Regulations
### Comments and Responses to the 45-Day Comment Period

<table>
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<td>Civil Rights Coalition</td>
<td><strong>New Regulation/No specific language suggested:</strong> Direct CDE to create and districts to use distinct SACS codes so that districts differentially track LCFF base funding and LCFF supplemental and concentration funding. Utilize SACS structure to track the use of supplemental and concentration funding separate from base funding to ensure a district’s expenditures align with its LCAP. Include transparent and standard data and expenditure reporting.</td>
<td>Reject: Use of distinct SACS codes to track funding as described by commenters will not typically provide the desired outcome suggested in comment because SACS codes track to an LEA general ledger. The proposed spending regulations and the revised LCAP Template set forth in proposed section 15498, including the annual update, provide for transparent and standard data and expenditure reporting.</td>
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<td>ACLU/Public Advocates</td>
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<td>EdVoice</td>
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<td>Children Now</td>
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<td>Assembly Members</td>
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<td>Asian Americans Advancing Justice</td>
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<td>PICO</td>
<td><strong>New Regulation/No specific language suggested:</strong> Issue a regulation mandating a formal process for districts to consult students such as creating a student advisory council which includes representation of unduplicated students and ensuring selection criteria and composition is reflected in Section 1 of the LCAP. Require districts to employ at least one of the following strategies to satisfy the requirement for student consultation for the purposes of the LCAP: annual survey, quarterly focus groups, semi-annual town hall or forum, participatory budget process, and/or representation of county s students on school site councils.</td>
<td>Partially accept: Proposed section 15495 is edited to include subdivision (a), as set forth in comment #1. Partially Reject: Specific training requirements exceed the scope of the statute and are not included.</td>
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<td>Student Voice Coalition</td>
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<td>Student Rights Coalition</td>
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<td>PLAN</td>
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<td>Dean Vogel, President – California Teachers Association (CTA)</td>
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<td>Asian Americans</td>
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<td>Advancing Justice</td>
<td>Strengthen requirements for seeking student input in developing, reviewing, and updating the LCAP.</td>
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<td>Form Letter #1</td>
<td>Adhere to the statute by requiring that districts seek meaningful student input in developing, reviewing and updating the LCAP.</td>
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<td>Form Letter #3</td>
<td>Students are the primary stakeholders in education and their input should matter to the Local Control Accountability process. Update the regulations to include a process for capturing what students think; create a Student Advisory Committee; and ask districts what specific actions were taken to engage with students.</td>
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<td>Form Letter #6</td>
<td>Provide adequate training to students serving in committees.</td>
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<td>Children Now</td>
<td>New Regulation/No specific language suggested:</td>
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<td>Asian Americans Advancing Justice</td>
<td>Clarify that parent engagement requires access to information on strategies according to state priorities that serve high needs students currently being used in the district, the effectiveness of those strategies, and the costs of services provided to accomplish each strategy.</td>
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<td>Improving transparency and standardization around parent selection process and data and expenditure reporting.</td>
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<td>Setting an accountability process that rewards districts and schools for engaging stakeholders authentically; collaborating with them throughout the LCAP process, and for being responsive to their community’s priorities in education by integrating stakeholders’ input in the LCAP and the budget.</td>
<td>Partially accept: Definitions of English learner parent advisory committee and parent advisory committee were added to section 15945(b)(3), as described at above comment #31.</td>
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<td>Partially reject: Comments regarding setting an accountability process do not suggest any specific language or edits.</td>
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<td>54 Civil Rights Coalition, ACLU/Public Advocates, Children Now, GSA Network, Public Counsel, Fight Crime: Invest in Kids California, Black Parallel School Board, Andrea Ball, J.D., Legislative Advocate – California School Boards Association (CSBA), PICO, Children Now</td>
<td>New Regulation/No specific language suggested: Provide an electronic needs-assessment connected to the LCAP, with certain fields pre-populated with data that is already submitted to CDE. The LCAP template format should be modified so that the metrics and goals are aligned, in a single section, with the specific action and expenditure information. Establish common definitions of indicators that are consistent with state law, such as chronic absenteeism Create electronic template and provide access to electronic links to state data sets that can be used to define and measure progress in the state priorities.</td>
<td>Partially accept: The LCAP template, Section 2 and Section 3 tables have been combined so that the goals and actions, services, and expenditures related to that goal are on a single page. This should help ensure greater alignment between goals and expenditures. An Appendix has been added that includes definitions for indicators that have a statutory definition, including chronic absenteeism. Partially reject: Comments regarding the electronic template do not suggest any specific language or edits. However, the CDE has developed a timeline for an electronic template as outlined in the SBE’s May 2014 agenda item.</td>
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<td>55 ACLU/Public Advocates</td>
<td>New Regulation/No specific language suggested: Add requirement that the SBE conduct an annual review of the template each fall and a standing board meeting whether to commence rulemaking to modify the LCAP template in response to the past year’s implementation experiences. For the next few years, SBE conduct an annual substantive review of the LCAP template, with an eye toward January adoption of a revised template as appropriate.</td>
<td>Reject: Statute does not require modification of the LCAP template on a particular or prescribed schedule.</td>
</tr>
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<td>56 Zoe Rawson - Labor/Community Strategy Center’s Community Rights</td>
<td>New Regulation/No specific language suggested: Template should require districts to account for the impact of police presence in schools, report data on the use of law</td>
<td>Reject: No specific language or comment is suggested. Each LEA has the discretion to report data or to develop alternative programs based on the discussion in the community</td>
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| Campaign                | **Campaign**  
|                         | enforcement in handling student behaviors, and encourage the use of alternatives to school police.  
|                         | Template should ensure that LCFF funds are directed to school sites with the highest rates of criminalization and school pushout, as evidenced by discipline and law enforcement data and discriminatory outcomes.  
|                         | Template should make explicit that LCFF funds are not to be used for school police. | and the goals, actions, services and expenditures developed by the LEA. |
| 57                      | **New Regulation/No specific language suggested:**  
| Parent Leadership Action Network |  
| Form Letter #3           | Improve assurances that districts are strengthening site council engagement in school level site plan development that is aligned to LCAP development by requiring greater transparency and reporting from the districts around how the specific expenditures in district and site plans align with state priorities and goals. | Partially accept: The Section 2 and Section 3 tables have been combined so that the goals and actions, services, and expenditures related to that goal are on a single page. This should help ensure greater alignments between goals and expenditures. |
| Assembly Members         | Improve assurances that districts are creating the conditions necessary for authentic partnership in development of the LCAP through improving transparency and standardization around dollars and data, strengthening site council engagement, and requiring greater alignment between state priorities, goals and specific expenditures at the district and school level  
| Asian Americans Advancing Justice | Ensure consultation with school site councils and alignment between LCAPS and school site plans and priorities.  
|                         | Ensure strong site council engagement.  
|                         | Strengthening parent engagement at the local level (i.e., DELAC, ... | Partially reject: The comment is unclear and no specific edit to the proposed regulations is included.  
|                         | For site councils, please see response to comments #10.  
<p>|                         | Specific training requirements are beyond the scope of the statute. |</p>
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<td>Parent Advisory Committees) by clarifying the purpose and rules for any advisory committee, providing recommendations on LCFF; by providing training for school staff and parents on laws, data analysis, budgeting, goal and timeline setting, and about effective program and strategies to support English learners, low-income students; and students in foster care; and by encouraging LEA’s to partner or hire organizations that specialize in parent engagement to increase school staff capacity to work with parents.</td>
<td>Partially accept: Partially accept as to parent advisory committee selection process. A definition has been added in section 15495(e) clarifying that the parent advisory committee shall be composed of a majority of parents. Please see response to comment #31. Partially reject: Partially reject as to annual reporting. The statute does not require annual reporting and such language would create a mandate.</td>
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<td>PLAN Education Trust-West Children Now</td>
<td><strong>New Regulation/No specific language suggested:</strong> Parent Advisory Councils: Require greater transparency in the form of annual reporting from the districts on what processes are being utilized to ensure that Parent Advisory Councils are engaging the parents of high needs students. Modify the LCAP guidance around parent advisory committees to add transparency to the parent advisory committee selection process.</td>
<td>Reject: Translation requirements are set forth in EC section 48985 and requiring an annual report is beyond the scope of the statute.</td>
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<td>Parent Leadership Action Network</td>
<td><strong>New Regulation/No specific language suggested:</strong> Access to Interpretation and Translation: Require districts to report annually on how they are providing legally mandated access to interpretation and translation of all information provided to parents in their primary native language, especially if the information translated was the same provided in English on student data, proposed district level strategies and funds principally intended to serve unduplicated pupils.</td>
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<td>60 Asian Americans Advancing Justice Form letter #1</td>
<td><strong>New Regulation/No specific language suggested:</strong> Ensure alignment between state priorities, goals, and specific expenditures. Require greater alignment between state priorities, goals and specific expenditures at the district and school level, including clarifying the role of the district and local school site councils in this process. Modify the LCAP template to ensure greater alignment between state priorities, goals and specific expenditures at the district and school level, so that parents, students and the public can understand the district’s plan.</td>
<td>Partially accept: The Section 2 and Section 3 tables have been combined so that the goals and actions, services, and expenditures related to that goal are on a single page. This should help ensure greater alignments between goals and expenditures. Partially reject: The comment is unclear and no specific edit to the proposed regulations is included.</td>
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<td>61 California School Library Association</td>
<td><strong>New Regulation/No specific language suggested:</strong> Reference requirement in the regulations to provide school library services pursuant to Education Code section 18100</td>
<td>Reject: School library services are not one of the state priorities identified in EC sections 52060 or 52066.</td>
</tr>
<tr>
<td>62 Serge Bonte - Mountain View, CA</td>
<td><strong>New Regulation/No specific language suggested:</strong> CMOs charging management/ facilities/business fees will result in supplemental funds moving away from target students for non-education purposes. COEs and districts charge business fees also: Regulations to exclude LCFF supplemental funds from such management/facilities or business fees.</td>
<td>Reject: Edits to the proposed regulations are not required. The proposed regulations require all LEAs to identify goals, actions, services, and expenditures being provided to all students. The proposed regulations are consistent with statutory requirements for all LEAs, including...</td>
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<td><strong>Concerned that the proposed regulations will not be applied equally between charter and public schools.</strong></td>
<td>charter schools.</td>
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<td>Fight Crime: Invest in Kids California Black Parallel School Board</td>
<td>descriptions of (a) identified needs (b) goals (c) actions and (d) expenditures for each priority area and each measure.</td>
<td>Actions, Expenditures and Progress Indicators includes a revised chart that includes a description of the goals, need(s) identified, expected annual outcomes, related state and/or local priorities, actions/services and related expenditures.</td>
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<td>CSDC</td>
<td><strong>New Regulation/No specific language suggested:</strong> Many of the requirements in the template (e.g., state priorities do not apply to charter schools and the reference to state priorities that are not applicable) is confusing. Therefore, separate charter template. If not separate template, then better call out the differences for charters – EC 44258.9, 48296, 51210, 51220 not applicable to charter schools.</td>
<td>Reject: The comment is unclear and no specific edit to the proposed regulations is included. The LCAP Template introduction also states “For charter schools, the inclusions and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the program provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code Development of an electronic template is under consideration, and it may be better customized to each LEA type.</td>
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<td>Public Counsel GSA Network</td>
<td><strong>New Regulation/No specific language suggested:</strong> Current guiding questions should incorporate several examples, so as to avoid confusion regarding the priority area requirements</td>
<td>Reject: The comment is unclear and no specific edit to the proposed regulations is included. State priority areas are set forth in EC sections 52060(d) and 52066(d) as identified in the proposed regulations. Planned goals, actions, services and expenditures are locally determined.</td>
</tr>
<tr>
<td>Steven Ward, Legislative Analyst and Government Relations</td>
<td><strong>New Regulation/No specific language suggested:</strong> Support Letter</td>
<td>This commenter does not suggest any changes to the proposed regulations; therefore no response is necessary</td>
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| California School Finance Reform Coalition | **New Regulation/No specific language suggested:**  
Support  
Provide additional clarification or FAQs how LEAs may attribute prior year districtwide or schoolwide expenditures in making the proportionality calculation  
Support Template |  
This commenter does not suggest any changes to the proposed regulations; therefore no response is necessary. |
| CSBA |  
**New Regulation/No specific language suggested:**  
Provide specific uniform definitions for attendance rates and chronic absenteeism.  
Attendance rate be calculated as the ADA divided by the average daily enrollment for a given period of school days  
Chronic absenteeism rate use the definition in EC 60901(c)(1)  
Attendance rate and chronic absentee rates be calculated for pupil subgroups.  
Template include space for goals in reducing the chronic absenteeism rates for different subgroups as well as space for specifying interventions and expenditures at both the district and school levels  
Provide specific definitions for LCAP measures of school climate. |  
Partially Accept/Partially Reject: The revised LCAP Template includes an Appendix with definitions that are identified in the School Accountability and Report Card. |
| David Kopperud, Chairperson - State School Attendance Review Board | **15495:**  
**New Regulation/No specific language suggested:**  
Provide specific uniform definitions for attendance rates and chronic absenteeism.  
Attendance rate be calculated as the ADA divided by the average daily enrollment for a given period of school days  
Chronic absenteeism rate use the definition in EC 60901(c)(1)  
Attendance rate and chronic absentee rates be calculated for pupil subgroups.  
Template include space for goals in reducing the chronic absenteeism rates for different subgroups as well as space for specifying interventions and expenditures at both the district and school levels  
Provide specific definitions for LCAP measures of school climate. |  
Partially Accept/Partially Reject: The revised LCAP Template includes an Appendix with definitions that are identified in the School Accountability and Report Card. |
### Title 5 Local Control Funding Formula and Template Regulations

#### Comments and Responses to the 45-Day Comment Period

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<td>In-school and out-of-school suspension rates should be calculated separately and should be reported by the subpopulations identified in the LCFF/LCAP legislation.</td>
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<td>Match LCAP priorities to LEA budget reviews Regulations be drafted that enable county superintendents and the SSPI to review prevention/invention efforts (including staffing) to determine if adequate resources are being provided and funded to achieve progress, especially in the area of pupil engagement and school climate.</td>
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<td>The LCAP template should include provisions for the LCAPs to clearly state how additional funding will be used to meet the special needs of these subpopulations, especially in the priority areas for pupil engagement and school climate.</td>
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<td><strong>New Regulation/No specific language suggested:</strong></td>
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<td>Provide a standard by which districts must, at a minimum, explicitly demonstrate that the districtwide or schoolwide services will actually improve the academic achievement of low income students, English learners, and foster youth or close persistent achievement gaps.</td>
<td>Partially Accept: See response to comment #74 below.</td>
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<td><strong>New Regulation/No specific language suggested:</strong></td>
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<td>Eliminate the allowance for flexibility on the use of “concentration” grant funds for districtwide, schoolwide, or countywide purposes, as it is not authorized by law.</td>
<td>Reject: Use of supplemental and concentration funds on a schoolwide, districtwide, or countywide is authorized by statute. EC section 42238.07 authorizes the board to adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to EC sections 2574, 2575, 42238.02, and 42238.03, which shall include but not be limited to two</td>
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<td>provisions set forth in statute. Thus, EC 42238.07(b) does not preclude the board from adopting regulations that authorize schoolwide and districtwide expenditures for supplemental and concentration grant funds.</td>
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</tbody>
</table>
| 73 Form Letter #5      | New Regulation/No specific language suggested:  
County offices of education must review and approve Local Control and Accountability Plans (LCAP).  
Given this important responsibility, we must strengthen and clarify this oversight role.  
Oversight should be done in a public hearing. | Please see response to comments #18 and #19. |
| 74 CRLA/CABE/Californians Together | New Regulation/No specific language suggested:  
Establish stronger provisions stating that supplemental and concentration funds can be used for district-wide and school-wide services only if the service demonstrably provides a differential benefit to unduplicated pupils by showing an actual increase or improvement of services to unduplicated pupils that promotes priority goals for those subgroups, also benefiting the general student population. This is necessary to ensure use of the funds in a manner that addresses unduplicated pupil achievement, goals and priorities as required by EC Sections 52052, 52060, and 52066. | Partially Accept: Edit proposed regulations sections, as follows: 15496(b)(1)(B), 15496(b)(2)(B), 15496(b)(3)(B), 15496(b)(4)(B), and 15496(5)(B) to state: “Describe in the LCAP how such services are principally directed towards, and are effective in, meeting the district’s goals for its unduplicated pupils in the state priority areas.” |
| 75 Children Now        | 15497 [Local Control and Accountability Plan and Annual Update]:  
Section 3: Actions, Services, and Expenditures. Require the LCAP template to include information specific to foster youth. The | Reject: The LCAP Template is designed for all LEAs. An LEA can identify specific goals and actions for specific subgroups, including foster youth. The edited LCAP Template, Section 2: Goals Actions, Expenditures, and |
<table>
<thead>
<tr>
<th>Name/Agency (Commenter)</th>
<th>Title 5 Regulation Section and Public Comment</th>
<th>Agency Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>draft LCAP template can be improved by dividing the “goal chart” in section 2 into two goal charts, one containing goals for all students, the other containing goals for at-risk subgroups, similar to the structure of the charts in section 3.</td>
<td>Progress Indicators [section 15498] instructions and chart require an LEA to identify the applicable pupil subgroup for a goal, and any actions, services and related expenditures applicable to a subgroup.</td>
</tr>
</tbody>
</table>
## SUMMARY OF THE ISSUE(S)

1. State Board of Education (SBE) Draft Preliminary Report of Actions/Minutes for the May 7-8, 2014 SBE Meeting

2. Board member liaison reports

## RECOMMENDATIONS

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the May 7-8, 2014 SBE meeting. (Attachment 1)

## 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 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the May 2014 SBE meeting (29 Pages) may be viewed at the following link: Preliminary Report of Actions for May 7-8, 2014 (http://www.cde.ca.gov/be/mt/ms/documents/pra0708may2014.doc)
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2014 AGENDA

General Waiver

SUBJECT
Request by four school districts 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 Numbers:
- El Centro Elementary School District 8-3-2014
- Mariposa County Office of Education 10-3-2014
- Oceanside Unified School District 121-2-2014
- Shasta Union High School District 11-4-2014

SUMMARY OF THE ISSUES
The local educational agencies (LEAs) request to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). Each LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

Authority for Waiver: California Education Code (EC) Section 33050

RECOMMENDATION
☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education recommends that the State Board of Education (SBE) approve the request from four LEAs to provide 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 KEY/issues
The El Centro Elementary School District proposes to operate ESY services utilizing a program of four days per week, 5.0 hours per day (16 days x 5.0 hours = 80 hours). Therefore, the district will be providing the minimum required number of instructional hours. The proposed ESY will operate Monday–Thursday from June 16, 2014, through
July 11, 2014. The El Centro Elementary School District will provide and extend student learning by modifying the ESY schedule to four days per week, allowing for alignment with the district summer hours and providing facility and transportation cost savings to the district.

The Mariposa County Office of Education proposes to provide ESY services utilizing a 16-day model of five hours of instruction per day. This proposal provides the same number of instructional hours as the traditional 20-day calendar and an opportunity for special education staff to participate in staff development which occurs during the summer.

The Oceanside Unified School District proposes to modify the current ESY of 20 days of four hours each to a model of 16 days of five hours each, equaling 80 hours of ESY instructional services. This proposal provides the same number of instructional hours as the traditional 20-day calendar. This modified ESY schedule will allow the district to extend the instructional blocks of time available on the days that students attend ESY.

The Shasta Union High School District proposes to provide ESY services to identified special education students utilizing a 15-day, 5.5-hours instruction model rather than a traditional 20-day, 4-hours of instruction model. Students would receive a greater number of instructional minutes under the proposed model. Shasta County has many geographical challenges that require students to spend significant amounts of time on school buses. The county is also well known for its extreme heat during the summer season with temperatures often reaching triple digits. Students will benefit from reducing the number of days they spend traveling and increasing the number of minutes they spend in instructional settings.

Shasta Union High School District meets the criteria for the State Board of Education (SBE) Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. The Shasta Union High School District has a 2013 Growth API of 824. Therefore, this waiver has been scheduled for the consent calendar.

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 individualized education program (IEP) to meet a pupil’s unique needs.

- 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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

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.

ESY 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 IEP requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional model.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1:       Summary Table (2 pages)
Attachment 2:       El Centro Elementary School District General Waiver Request 8-3-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 3:       Mariposa County Office of Education General Waiver Request 10-3-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 4:       Oceanside Unified School District General Waiver Request 121-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 5:       Shasta Union High School District General Waiver Request 11-4-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Demographics</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative Consulted, Date, and Position</th>
<th>Public Hearing Advertised</th>
<th>Advisory Committee or Site Council Consulted/Date/Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-3-2014</td>
<td>Mariposa County Office of Education</td>
<td>Requested: 6/1/14 to 5/31/15</td>
<td>Student population: 56 Area: rural County: Mariposa</td>
<td>2/20/14</td>
<td>California School Employees Association Ken Price, President 2/3/14 Neutral</td>
<td>Posting at each school, the county courthouse, and the district Web site</td>
<td>Schoolsite Council and Board of Education 1/23/14 No objection</td>
</tr>
<tr>
<td>121-2-2014</td>
<td>Oceanside Unified School District</td>
<td>Requested: 2/25/14 to 2/24/16</td>
<td>Student population: 20281 Area: suburban County: San Diego</td>
<td>12/10/13</td>
<td>California School Employee Association, Deborah Kelly, President 12/19/13 Support Oceanside Teachers Association, Terrance Hart, President 12/19/13 Neutral</td>
<td>Posting at each school, district Web site, all district buildings, and local public libraries</td>
<td>Extended Cabinet 11/18/13 No objection</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
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</table>

Created by California Department of Education
May 2, 2014
Ed Code or CCR to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil’s educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who:
   (1) Are placed in special classes or centers; or
   (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.

(c) The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

[(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: ECESD is proposing to operate a four week Extended School Year program for four days per week, 4.75 hours per day (16 days x 4.75 hours = 76 hours). The
District will be providing the same number of instructional hours (76 hours) as provided within the 20 instructional day calendar, including holidays (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period. This will help to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction during the final week of the ESY program. We believe we will be able to support and extend student learning by modifying the ESY schedule to four days per week with extended daily time. Our proposed ESY will operate Monday-Thursday during the weeks of 6/16/14 to 7/11/14.

Student Population: 5996

City Type: Rural

Public Hearing Date: 3/11/2014
Public Hearing Advertised: Notice in the Newspaper

Local Board Approval Date: 3/11/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 3/4/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janice Lau
Position: Director, Special Education & Student Support Serv
E-mail: jlau@ecesd.org
Telephone: 760-352-5712 x534
Fax: 760-370-3221

Bargaining Unit Date: 02/04/2014
Name: El Centro Elementary Teacher Association
Representative: Shealynn Smith-Barker
Title: ECETA President
Position: Support
Comments:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 2210223  Waiver Number: 10-3-2014  Active Year: 2014

Date In: 3/12/2014 11:33:08 AM

Local Education Agency: Mariposa County Office of Education
Address: 5082 Old Highway North
Mariposa, CA 95338

Start: 6/1/2014  End: 5/31/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or CCR to Waive: California code of Regulation (CCR), Title 5, Section 3043 - Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected I view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year I the individualized education program pursuant to subsection(f). [(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: The Mariposa county Office of Education, special Services Department, is requesting a waiver to allow the county run Extended School Year (ESY) program to run fro 16 days, including holidays, instead of 20 days. The program will run for 5 hours for the period of June 16, 2014 through July 7, 2014. The longer ESY school day will align better with a typical school day.

Given the current fiscal crisis in California, fewer ESY days will result in substantial savings in transportation, utilities, janitorial and food service costs.

Student Population: 56

City Type: Rural

Public Hearing Date: 2/20/2014
Public Hearing Advertised: Posted at each school site and the county courthouse, and posted on the district website.

Local Board Approval Date: 2/20/2014

Community Council Reviewed By: Schoolsite Council and Board of Education
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cheri Ridenhour
Position: Administrative Secretary
E-mail: cridenhour@mariposa.k12.ca.us
Telephone: 209-742-0231
Fax: 209-742-0237
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3773569   Waiver Number: 121-2-2014   Active Year: 2014

Date In: 2/27/2014 9:45:16 AM

Local Education Agency: Oceanside Unified School District
Address: 2111 Mission Ave.
Oceanside, CA 92058


Waiver Renewal: N   Previous Waiver Number:   Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CCR, Title 5, Section 3043(d) - To waive the minimum 20 days for an extended school year (ESY) for special education students

Outcome Rationale: The District is interested in modifying the current model of 20 days of 4 hours each, equaling 80 hours of Extended School Year instruction to a model of 16 days of 5 hours each, equaling 80 hours of instruction. The District is committed to providing rigorous, high quality instruction and integrated service delivery for the identified special education students to meet their IEP goals.

Student Population: 20281

City Type: Suburban

Public Hearing Date: 12/10/2013
Public Hearing Advertised: Notice posted at each school, District Website, All District Buildings, Local Public Libraries

Local Board Approval Date: 12/10/2013

Community Council Reviewed By: Extended Cabinet
Community Council Reviewed Date: 11/18/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Courtney Cook
Position: Director of Special Education
E-mail: courtney.cook@oside.us
Telephone: 760-966-7864
Fax:

Bargaining Unit Date: 12/19/2013
Name: California School Employee Association
Representative: Deborah Kelly
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/19/2013
Name: Oceanside Teachers Association
Representative: Terrance Hart
Title: President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4570136    Waiver Number: 11-4-2014    Active Year: 2014

Date In: 4/10/2014 3:50:49 PM

Local Education Agency: Shasta Union High School District
Address: 2200 Eureka Way, Ste. B
Redding, CA 96001


Waiver Renewal: N    Previous Waiver Number:    Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or CCR to Waive: California Code of Regulations, Title 5, Section 3043(d), requires a minimum of [20] 15 school days of attendance of four hours each for an extended school year (summer) for special education students.

Outcome Rationale: Shasta Union High School District is requesting to reduce the number of ESY days from 20 days at 4 hours per day to 15 days at 5.5 hours per day. Shasta County has many geographical challenges that require students to spend significant amounts of time on school buses. The county is also well known for its extreme heat during the summer season with temperatures often reaching triple digits. Reducing the number of days students spend traveling and increasing the number of hours spent in instructional settings is beneficial twofold: 1. medically fragile students will spend less overall time being transported. 2. students will receive increased instructional minutes.

Student Population: 4500

City Type: Small

Public Hearing Date: 4/7/2014
Public Hearing Advertised: District/ School web site/ e-mail. Agenda posting.

Local Board Approval Date: 2/11/2014

Community Council Reviewed By: Enterprise High Schoolsite Council
Community Council Reviewed Date: 4/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Revised: 7/2/2014 9:16 AM
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Timothy Calkins
Position: Director of Special Education
E-mail: tcalkins@suhsd.net
Telephone: 530-241-3261 x10540
Fax: 530-245-2631

Bargaining Unit Date: 02/11/2014
Name: Shasta Secondary Education Association
Representative: Tom Roberts
Title: President
Position: Support
Comments:
## General Waiver

### SUBJECT
Request by **Shasta County Office of Education** 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 Brian Martin and Shannon DeGeorge to continue to provide services to students until June 30, 2015, under a remediation plan to complete those minimum requirements.

Waiver Numbers: 15-4-2014  
16-4-2014

### SUMMARY OF THE ISSUES
The SBE must determine if Brian Martin and Shannon DeGeorge, interpreters for the Shasta County Office of Education, qualify for educational interpreter waivers, to provide educational interpreter services until June 30, 2015.

**Authority for Waiver:** *Education Code (EC) Section 33050*

### RECOMMENDATION

- Approval  
- Approval with conditions  
- Denial

The California Department of Education (CDE) recommends approval of the waiver requests for Brian Martin and Shannon DeGeorge with the individual conditions noted in Attachment 1.

### SUMMARY OF KEY ISSUES
The Individual 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, 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*, Section 3051.16(b)(3) require the following:
By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at** [http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051).

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

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the RID, or equivalent, or to have achieved a score of 4.0 or better on specified assessments.

In November, 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE Web site at [http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc](http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc)

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions (1 page)

Attachment 2: Shasta County Office of Education General Waiver Request 15-4-2014 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Shasta County Office of Education General Waiver Request 16-4-2014 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
## List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>Period of Request</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative(s) Consulted, Date and Position</th>
<th>Advisory Committee Consulted, Date and Position</th>
<th>Previous Waivers (Yes/No)</th>
<th>Date of Most Recent Evaluation</th>
<th>Name, Dates, and Scores of Previous Evaluations</th>
<th>Date of Hire</th>
</tr>
</thead>
</table>

### Conditions:

1. The Shasta County Office of Education must provide Mr. Martin with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.

2. By June 2015, the Shasta County Office of Education must provide CDE with new assessment scores for Mr. Martin.

3. If Mr. Martin does not achieve a score of 4.0 or better by June 2015, the Shasta County Office of Education will no longer employ him as an educational interpreter.

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<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
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<th>Date of Hire</th>
</tr>
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</table>

### Conditions:

1. The Shasta County Office of Education must provide Ms. DeGeorge with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.

2. By June 2015, the Shasta County Office of Education must provide CDE with new assessment scores for Ms. DeGeorge.
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 4510454  Waiver Number: 15-4-2014  Active Year: 2014

Date In: 4/12/2014 1:34:28 PM

Local Education Agency: Shasta County Office of Education
Address: 1644 Magnolia Ave.
Redding, CA 96001

Start: 7/1/2014  End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 13-5-2013-W-03  Previous SBE Approval Date: 9/25/2013

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

Ed Code or CCR to Waive: CA Code of Regulations, Title 5 (5CCR) Section 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:  On behalf of Brian Martin, the SCOE is requesting a waiver to allow him to interpret in the K-12 classroom during the 2014-15 year. This will benefit Shasta County's DHH program by helping to provide another deaf and hard of hearing student access to the academic and social content of the classroom.

Student Population: 220

City Type: Rural

Public Hearing Date: 4/9/2014
Public Hearing Advertised: Legal notice in the local newspaper (The Redding Record Searchlight)

Local Board Approval Date: 4/9/2014

Community Council Reviewed By: Community Advisory Committee
Community Council Reviewed Date: 4/4/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Yvette Marley
Position: SCOE Lead Educational Interpreter
E-mail: ymarley@shastacoe.org
Telephone: 530-242-2298
Fax:

Bargaining Unit Date: 03/18/2014
Name: California School Employees Association #642
Representative: Daniel Coyne
Title: Chapter #642 President
Position: Support
Comments:
To: Brian Martin  
From: Allison Rideout 
RE: Educational Interpreter Remediation Plan through June 30, 2014 
Date: March 17, 2014 

July 1, 2009, the Title 5 EDUCATION regulation 5CCR3051.16(b)(3) required the following: 

...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), [or] the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R)... 

Your assessment history consists of an EIPA score of 3.3 taken on March 10, 2012, an EIPA score of 3.4 taken on October 13, 2012, and an EIPA score of 3.2 taken on September 30, 2013. Despite your recent EIPA score of 3.2, the Shasta County Office of Education (SCOE) will submit a request to the CA Department of Education (CDE) that the education regulation listed above be waived to allow you to interpret in the K-12 classroom for the 2014-15 school year. 

One component of the waiver request is this "Remediation Plan" that the SCOE will submit to CDE showing what resources SCOE has provided in order to help you meet the CDE's minimum requirement. This year the SCOE-provided professional development opportunities include (but are not limited to) regular access to a Lead Educational Interpreter (LEI) who is RID-certified holding both NIC and Ed:K-12 certifications. The LEI provides regular training in the form of: 

- upper division ASL classes during fall and spring semesters (in lieu of class enrollment and attendance, five typed transcripts of interpreting work, self-analysis and accompanying video documentation will be accepted to satisfy the weekly eight hour commitment)
weekly mentoring sessions for mentees to dialogue with their mentor on pertinent topics such as interpreting, self-assessment, transcripts, and analyses. (Mentor feedback is provided on transcripts that are completed and submitted by established due dates)
monthly educational interpreter meetings (conducted in sign language) where resources, training opportunities, and knowledge specific to the SCOE educational environment are provided
maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities
maintaining the SELPA: Interpreter Professional Development Lab to provide access to an extensive ASL/Interpreting media library available for use by SCOE interpreters

In addition to the training provided by the LEI, SCOE is also assisting your efforts to meet the state's requirements by:
- paying your EIPA assessment fees
- reimbursing registration fees for a local Trix Bruce workshop
- providing to you the necessary equipment and additional training to videotape and transcribe your interpreting work in order to facilitate your self-assessment process.

SCOE fully supports your efforts. By offering this professional development, SCOE is providing you eight training opportunities during the 2013-14 school year.

Participating in the opportunities listed in this remediation plan is a vital component of the waiver request paperwork. If your renewal waiver is granted by the CDE it will only remain valid for a limited time. Therefore, it is important that you take advantage of these SCOE-offered professional development opportunities to help you demonstrate interpreter skill growth on your subsequent EIPA or ESSE assessments. Failure to meet the CDE's minimum qualification score of 4.0 or above on the EIPA or ESSE before the expiration date of your waiver, without a CDE-approved renewal waiver, may result in your dismissal from SCOE employment and placement on a thirty-nine month reemployment list. However, it is possible to be reemployed in a vacant "educational interpreter" position if your later meet--and provide documentation of meeting--the CDE's Educational Interpreter Regulations' requirement.

"Daniel Coyne"       "Yvette Marley"       "Jodie VanOrnum"
"Brian Martin"
Daniel Coyne           Yvette Marley            Jodie VanOrnum
Brian Martin          CSEA Chapter President    SCOE LEI
Educational Interpreter RID Certified       SCOE Special Education Director
NIC & Ed:K-1

Revised: 7/2/2014 9:16 AM
On behalf of Shannon DeGeorge, the Shasta County Office of Education (SCOE) is requesting a first-time waiver to allow her to interpret in the K-12 classroom from November 2013 (date of hire) until June 2015. Shannon recently received a score of 3.7 on the EIPA. With her high level of dedication to her professional development and her attention to the responsibilities of her work, she continually strives to meet the CDE’s requirements. Allowing her to continue to interpret in the classroom during this process will benefit Shannon as well as the DHH students. Having an additional educational interpreter on staff will allow SCOE to provide consistent opportunities for more DHH students to receive communication support and experience academic instruction with their hearing peers while in the mainstream classrooms.

Student Population: 220

City Type: Rural

Public Hearing Date: 4/9/2014
Public Hearing Advertised: Legal notice in the local newspaper (The Redding Record Searchlight)

Local Board Approval Date: 4/9/2014
Community Council Reviewed By: Community Advisory Committee
Community Council Reviewed Date: 4/4/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Yvette Marley
Position: SCOE Lead Educational Interpreter
E-mail: ymarley@shastacoe.org
Telephone: 530-242-2298
Fax:

Bargaining Unit Date: 03/18/2014
Name: California School Employees Association #642
Representative: Daniel Coyne
Title: Chapter #642 President
Position: Support
Comments:
To: Shannon DeGeorge  
From: Allison Rideout  
RE: Educational Interpreter Remediation Plan through June 30, 2014  
Date: March 17, 2014

July 1, 2009, the Title 5 EDUCATION regulation 5CCR3051.16(b)(3) required the following:

...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), [or] the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R)... 

Your assessment history consists of an EIPA pre-hire screening recommendation of "OK to Hire" taken on October 14, 2013, and an EIPA score of 3.7 taken on November 18, 2013. As a result of your November 18, 2013 assessment score, the Shasta County Office of Education (SCOE) will submit a request to the CA Department of Education (CDE) that the education regulation listed above be waived to allow you to interpret in the K-12 classroom for the 2014-15 school year.

One component of the waiver request is this "Remediation Plan" that the SCOE will submit to CDE showing what resources SCOE has provided in order to help you meet the CDE's minimum requirement. This year the SCOE-provided professional development opportunities include (but are not limited to) regular access to a Lead Educational Interpreter (LEI) who is RID-certified holding both NIC and Ed:K-12 certifications. The LEI provides regular training in the form of:

- upper division ASL college classes during the fall and spring semesters (in lieu of class enrollment and attendance, four typed transcripts of interpreting work, self analysis and accompanying video documentation will be accepted to satisfy the weekly eight hour commitment)
- weekly mentoring sessions for mentees to dialogue with their mentor on pertinent topics such as interpreting, self-assessment, transcripts, and analyses. (Mentor feedback is provided on transcripts that are completed and submitted by established due dates)
monthly educational interpreter meetings (conducted in sign language) where resources, training opportunities, and knowledge specific to the SCOE educational interpreting environment are discussed

- maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities

- manning and maintaining the SELPA: Interpreter Professional Development Lab to provide access to an extensive ASL/Interpreting media library available for use by SCOE interpreters

In addition to the training provided by the LEI, the SCOE is also assisting your efforts to meet the state's requirements by:

- paying your EIPA assessment fees
- reimbursing registration fees for a local Trix Bruce workshop
- providing you the necessary equipment and further training in order to videotape, and transcribe your interpreting work to facilitate your self-assessment process.

SCOE fully supports your efforts. By offering this professional development, SCOE is providing you with eight training opportunities during the 2013-14 school year.

Participating in the opportunities listed in this remediation plan is a vital component of the waiver request paperwork. If your first-time waiver is granted by the CDE it will only remain valid for a limited time. Therefore, it is important that you take advantage of these SCOE-offered professional development opportunities to help you continue to demonstrate interpreter skill growth on your subsequent EIPA or ESSE assessments. Failure to meet the CDE's minimum qualification score of 4.0 or above on the EIPA or ESSE before the expiration date of your waiver, without a CDE-approved renewal waiver, may result in your dismissal from SCOE employment and placement on a thirty-nine month reemployment list. However, it is possible to be reemployed in a vacant "educational interpreter" position if your later meet CDE's Educational Interpreter Regulation's requirements.

"Daniel Coyne"       "Yvette Marley"       "Jodie VanOrnum"
"Shannon DeGeorge"     Daniel Coyne           Yvette Marley       Jodie VanOrnum
Shannon DeGeorge           CSEA Chapter President       SCOE LEI
Daniel Coyne        Shannon DeGeorge           CSEA Chapter President
Educational Interpreter  Educational Interpreter

"Daniel Coyne"
"Shannon DeGeorge"
Daniel Coyne
Shannon DeGeorge
CSEA Chapter President
Educational Interpreter

"Yvette Marley"
SCOE LEI

"Jodie VanOrnum"
SCOE Special Education Director

RID Certified
NIC & Ed:K-12
Specific Waiver

SUBJECT
Request by *Pacifica School District* to waive *Education Code Section 56362(c)*, allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Michael Bobrowicz is the resource specialist assigned at Vallemar School.

Waiver Number: 9-4-2014

SUMMARY OF THE ISSUE(S)

The district requests to increase the caseload of a resource specialist from the required maximum caseload of 28 students to 32 students.

**Authority for Waiver: Education Code (EC) Section 56101**

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following condition: the district must provide instructional aide time of at least five hours daily whenever the resource specialist’s caseload exceeds the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver’s effective period, per *California Code of Regulations, Title 5 (5 CCR), Section 3100(d)(2)*.

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs (IEPs) that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for any 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.
There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program (RSP) caseload of 28 students. This RSP teacher had a waiver last school year (March 18, 2013, to June 12, 2013) and agreed to the increased caseload this year as well. This teacher will not be eligible for a waiver next year.

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](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. The Pacifica School District has a 2013 Growth API of 853. Therefore, this waiver has been scheduled for the consent calendar.

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

*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 IEP. *5 CCR* 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 IEPs.

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.

**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–Vallemar School Specific Waiver Request 9-4-2014 (4 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/ Agrees to Excess Caseload?</th>
<th>Over Statutory Caseload for More Than Two Years?</th>
<th>Current Aide Time/ Aide Time With Approved Waiver?</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Date/Name Bargaining Unit Consulted/ Position</th>
</tr>
</thead>
</table>
| 9-4-2014      | Pacifica School District/ Vallemar School | Michael Bobrowicz/ Yes | No | **Current:** 5.5 hours  
**If Approved:** 8 | Student Population: 3262  
Area: Small  
County: San Mateo | **Requested:** 3/21/14 to 6/18/14  
**Recommended:** 3/21/14 to 6/18/14 | 4/9/14 | 3/27/14  
Laguna Salada Education Association, Debbie Skiles, Bargaining Member |

Neutral
<table>
<thead>
<tr>
<th>California Department of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>WAIVER SUBMISSION - Specific</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>CD Code: 4168932</th>
<th>Waiver Number: 9-4-2014</th>
<th>Active Year: 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date In: 4/10/2014 2:24:48 PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Pacifica School District</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Address: 375 Reina del Mar Ave.  
Pacifica, CA 94044 |
| Start: 3/21/2014 | End: 6/18/2014 |
| Waiver Renewal: Y |
| Previous Waiver Number: 30-4-2013 | Previous SBE Approval Date: 7/11/2013 |
| 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 Specialists caseload will increase to over 28 during the school year. |
| Student Population: 3262 |
| City Type: Small |
| Local Board Approval Date: 4/9/2014 |
| Audit Penalty YN: N |
| Categorical Program Monitoring: N |
| Submitted by: Dr. Ray Avila |
| Position: Associate Superintendent |
| E-mail: ravila@pacificasd.org |
| Telephone: 650-738-6627 |
| Fax: |
| Bargaining Unit Date: 03/27/2014 |
| Name: Laguna Salada Education Association |
| Representative: Debbie Skiles |
| Title: LSEA Bargaining Member |
| Position: Neutral |
| Comments: |
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: San Mateo County/Pacifica School District
2. Name of Resource Specialist*: Michael Bobrowicz
3. School / District Assignment: Vallemar
4. Status: Permanent X Probation ____ Temporary ___
5. Number of students 32 (Caseload) proposed number of students 32
6. Full time Equivalent (FTE%): 1.0 FTE
7. Number of periods or hours taught by Resource Specialist:
   Periods ____ Hours 6.5
8. Average number of students per hour taught: 6-10 per hour
9. Indicate amount of Instructional Aide time: 8 (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 3100(d)(2).
10. 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):

    Allocation of staff and resources are sufficient to meet the IEP needs.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

    Unexpected caseload exceeding 28 at this time of the school year

12. 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):

    If RSP caseload exceeds 28 by the time waiver expires, there will be an increase of RSP support allocated to this specific school site.

Administrator/Designee Name and Title: Ray S. Avila
Telephone number (and extension): 650-738-6627
Date: March 21, 2014

*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: Michael Bobrowicz
Assigned at: Vallemar School

1. Is the information in Items 1 – 12 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?
   X ___ Yes  _____ No
   If not, please state where you believe these facts or numbers differ:

2. 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. Please explain:

   Delivery of services, caseload management, etc. with expanded caseload will be accomplished by realigned scheduling, one student increases in group size (e.g. from three to four students in a group), adjustments to instructional strategies. Curriculum levels taught during any one session are not increasing, nor is age span.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes. Other assigned duties decreased to allow sufficient student contact time. Additions to caseload fit into existing groups based on age, academic situation, IEP goals so there is no incremental preparation time involved. Classroom has sufficient materials/supplies (books, technology access, etc.) to accommodate caseload increase.

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? Yes X__ No ___

(b) Specify which months / weeks you were over caseload: From 03-2013 to 06-2013

______ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 5.5 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? ____ total hours after increase.

s/Michael Bobrowicz I hereby certify that the information provided on this application is true and correct.

Date: 3/21/2014

Telephone number (and extension): 650-738-6655
General Waiver

SUBJECT

Request by five school districts 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:
- Dehesa Elementary School District 18-4-2014
- Plumas County Office of Education 22-3-2014
- Plumas Unified School District 23-3-2014
- Rio Bravo-Greeley Union Elementary School District 3-3-2014
- Twin Rivers Unified School District 1-4-2014

SUMMARY OF THE ISSUES

Regulations for the State Testing Apportionment Information Report, amended in 2005, include an annual deadline of December 31 for the return of the State Testing Apportionment Information Report for prior year testing. 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 December 31 deadline for requesting reimbursement for the 2012–13 school year. The CDE recommends approval of these waiver requests in order to reimburse these LEAs for prior year state testing costs.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

The CDE recommends that the December 31 deadline for submission of the State
Testing Apportionment Information Reports be waived for the districts shown on Attachment 1.

**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 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 December 31 deadline for requesting reimbursement for the 2012–13 school year. CDE staff verified that these 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.

**Demographic Information:**

Dehesa Elementary School District is requesting reimbursement for The Heights Charter School which serves a student population of 122 and is located in a rural area of San Diego County.

Plumas County Office of Education serves a student population of 1,708 and is located in rural Plumas County.

Plumas Unified School District serves a student population of 1953 and is located in a rural area of Plumas County.

Rio Bravo-Greeley Union Elementary School District has a student population of 751 and is located in a rural area of Kern County.

Twin Rivers Unified School District has a student population of 26,000 students and is located in an urban area of Sacramento County.

Plumas Unified School District meets the criteria for the 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), achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. The Plumas Unified School District has a 2013 Growth API of 829. Therefore, this waiver has been scheduled for the consent calendar.
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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

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).

FISCAL ANALYSIS (AS APPROPRIATE)

If these waivers are approved, these five LEAs will be reimbursed for the costs of the CELDT, CAHSEE, or the STAR for the 2012–13 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2, 3, 4, and 5.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — July 2014 (1 Page)

Attachment 2: Dehesa Elementary School District General Waiver Request 18-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: Plumas County Office of Education General Waiver Request 22-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 4: Plumas Unified School District General Waiver Request 23-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 5: Rio Bravo-Greeley Union Elementary School District General Waiver Request 3-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 6: Twin Rivers Unified School District General Waiver Request 1-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Period of Request</th>
<th>Test Report(s) Missing</th>
<th>Report(s) Submitted</th>
<th>School Year(s)</th>
<th>Reimbursement Amount</th>
<th>Union Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-4-2014</td>
<td>Dehesa Elementary School District (for The Heights Charter School)</td>
<td>Requested: July 1, 2013 to December 31, 2013</td>
<td>Standardized Testing and Reporting Program (STAR)</td>
<td>Yes</td>
<td>2012-13</td>
<td>$158.64</td>
<td>No bargaining unit</td>
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<tr>
<td>22-3-2014</td>
<td>Plumas County Office of Education</td>
<td>Requested: July 1, 2013 to December 31, 2013</td>
<td>California High School Exit Examination (CAHSEE)</td>
<td>Yes</td>
<td>2012-13</td>
<td>$18.00</td>
<td>Support</td>
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<tr>
<td>23-3-2014</td>
<td>Plumas Unified School District</td>
<td>Requested: July 1, 2013 to December 31, 2013</td>
<td>CAHSEE</td>
<td>Yes</td>
<td>2012-13</td>
<td>$807.64</td>
<td>Support</td>
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<tr>
<td>3-3-2014</td>
<td>Rio Bravo-Greeley Union Elementary School</td>
<td>Requested: January 1, 2013 to December 31, 2013</td>
<td>STAR</td>
<td>Yes</td>
<td>2012-13</td>
<td>$1,909.92</td>
<td>No bargaining unit</td>
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<tr>
<td>1-4-2014</td>
<td>Twin Rivers Unified School District</td>
<td>Requested: July 1, 2013 to December 31, 2013</td>
<td>STAR</td>
<td>Yes</td>
<td>2012-13</td>
<td>$58,565.80</td>
<td>Support</td>
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</table>

Created by the California Department of Education 5/5/2014

Revised: 7/2/2014 9:17 AM
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768049    Waiver Number: 18-4-2014    Active Year: 2014

Date In: 4/15/2014 12:59:40 PM

Local Education Agency: Dehesa Elementary School District
Address: 4612 Dehesa Rd.
El Cajon, CA 92019

Start: 7/1/2013    End: 12/31/2013

Waiver Renewal: N    Previous Waiver Number:    Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR
Ed Code Section: CCR, Title 5, Section 862(c)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: STAR – CCR, Title 5, Section 862(c)(2)(A) …postmarked by December 31...

Outcome Rationale: The reason The Heights Charter needs to file a General Waiver is that, unfortunately, the letter dated October 28, 2013 which provided the 2013 STAR Program Apportionment Information Report was misplaced. The letter was discovered, reviewed, and certified for accuracy on February 18, 2014. As the Heights Charter is a new school (opened in September 2012) and had a very successful first year, along with increased enrollment and continued student successful achievement in its second year, every area of funding the school is eligible for is much appreciated and valued.

Student Population: 122

City Type: Rural

Public Hearing Date: 3/13/2014
Public Hearing Advertised: The public hearing notice was posted at the Dehesa District Office, The Heights Charter School, the Sycuan Learning Center, and on the Dehesa District website.

Local Board Approval Date: 3/13/2014

Community Council Reviewed By: The Heights is a charter school and the subject of the waiver was reviewed by The Heights Board
Community Council Reviewed Date: 2/18/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Debra Cramsie
Position: Coordinator, Office/Business Services
E-mail: dweitl@yahoo.com
Telephone: 619-920-4874
Fax: 619-444-2105
CD Code: 3210322  Waiver Number: 22-3-2014  Active Year: 2014

Date In: 3/27/2014 11:24:36 AM

Local Education Agency: Plumas County Office of Education
Address: 50 Church St., Ste. B
Quincy, CA 95971

Start: 7/1/2013  End: 12/31/2013

Waiver Renewal: N
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAHSEE
Ed Code Section: Title 5 1225(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CAHSEE - CCR, TITLE 5, [Section 1225(b)(2)(A) ...postmarked by December 31...]

Outcome Rationale: Missed 12/31-2013 deadline for submission.

Student Population: 1708

City Type: Rural

Public Hearing Date: 2/13/2014
Public Hearing Advertised: Posted on the Plumas County School District website and email distribution list

Local Board Approval Date: 2/13/2014

Community Council Reviewed By: Plumas Unified School District Board of Education
Community Council Reviewed Date: 2/13/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Edward Thompson
Position: Director
E-mail: ethompson@pcoe.k12.ca.us
Telephone: 530-283-6500 x336
Fax: 530-283-6509
Bargaining Unit Date: 03/11/2014
Name: Plumas County Teacher Association
Representative: Shawn Mahaffey
Title: PCTA Lead Negotiator
Position: Support
Comments:
CD Code: 3266969   Waiver Number: 23-3-2014   Active Year: 2014

Date In: 3/27/2014 11:38:57 AM

Local Education Agency: Plumas Unified
Address: 50 Church St.
Quincy, CA 95971

Start: 7/1/2013   End: 12/31/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAHSEE
Ed Code Section: Title 5 1225(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…

Outcome Rationale: Missed 12-31-2013 deadline for submission

Student Population: 1953

City Type: Rural

Public Hearing Date: 2/13/2014
Public Hearing Advertised: Posted on the Plumas Unified School District website and email distribution list

Local Board Approval Date: 2/13/2013

Community Council Reviewed By: Plumas Unified School District Board of Education
Community Council Reviewed Date: 2/13/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Edward Thompson
Position: Director
E-mail: ethompson@pcoe.k12.ca.us
Telephone: 530-283-6500 x336
Fax: 530-283-6509
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1573544  Waiver Number: 3-3-2014  Active Year: 2014

Date In: 3/4/2014 1:57:56 PM

Local Education Agency: Rio Bravo-Greeley Union Elementary School District
Address: 6521 Enos Ln.
Bakersfield, CA 93314

Start: 1/1/2013  End: 12/31/2013

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR
Ed Code Section: CCR, Title 5, Section 862(c)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: STAR – CCR, Title 5, Section 862(c)(2)(A) …postmarked by December 31…

Outcome Rationale: The district administered the STAR in Spring 2013. Data is used to analyze strengths and weaknesses of the instructional program. The Star apportionment offset allows the district to use funds in other academic areas for improved student achievement. The district simply missed returning the STAR apportionment Information Report Spring 2013 by the due date of December 31, 2013. The district has small office staff and is overburdened with growing Local, State and Federal requirements, while maintaining current office staffing. District office staff has an excellent record of timely reporting; however in this instance, the district simply missed reporting on time.

Student Population: 751

City Type: Rural

Public Hearing Date: 2/11/2014
Public Hearing Advertised: The hearing was advertised on the school webpage and the board agenda.

Local Board Approval Date: 2/11/2014

Community Council Reviewed By: The Rio Bravo-Greeley Union School District School Board
Community Council Reviewed Date: 2/11/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Joost DeMoes
Position: Chief Financial Officer
E-mail: jdemoes@rbgusd.k12.ca.us
Telephone: 661-598-2696
Fax:
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 3476505  
Waiver Number: 1-4-2014  
Active Year: 2014

Date In: 4/2/2014 3:07:06 PM

Local Education Agency: Twin Rivers Unified School District  
Address: 5115 Dudley Blvd.  
McClellan, CA 95652

Start: 7/1/2013  
End: 12/31/2013

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report  
Ed Code Title: STAR  
Ed Code Section: CCR, Title 5, Section 862(c)(2)(A)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: STAR – CCR, Title 5, Section 862(c)(2)(A) …postmarked by December 31…

Outcome Rationale: Each year, the STAR Apportionment Report is received by the office of the superintendent then forwarded to the assessment and accountability department to proof for accuracy. Once certified as accurate the report is then return to the superintendent’s office for signature of accuracy. This year the report was not received by the superintendent’s office or the assessment and accountability department. Because of the holidays we believed the report may have been caught up in the mail or perhaps a different district department. That not being the case, a duplicate report was requested after the December 31st deadline had passed. We are now aware of the effects of failure to meet the reporting deadline and will therefore implement the following:

The assessment and accountability department shall create a State Testing Apportionment Information Report timeline for receipt and return of the Apportionment Information Report for prior year testing for STAR, CAHSEE and CELDT. The timeline will then be distributed to all department involved with certifying the report.  
Granting of the Waiver by the State Board of Education will allow Twin Rivers Unified School District to receive Assessment Apportionment funds for STAR testing and will not have a negative impact on the District.

Student Population: 26000

City Type: Urban

Public Hearing Date: 4/1/2014  
Public Hearing Advertised: Notice of the scheduled hearing was posted at all District sites including the district office.

Local Board Approval Date: 4/1/2014

Community Council Reviewed By: District Advisory Committee (DAC)
Community Council Reviewed Date: 3/20/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Uve Dahmen
Position: Director of Assessment and Accountability
E-mail: uve.dahmen@twinriversusd.org
Telephone: 916-566-1600 x50205
Fax: 916-566-3596

Bargaining Unit Date: 03/18/2014
Name: CSEA
Representative: Wendi Cowan
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 03/24/2014
Name: Twin Rivers Police Officers Association
Representative: Brian Rahlf
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/20/2014
Name: Twin Rivers United Educators (TRUE)
Representative: Chris Moran
Title: Chief Negotiator
Position: Support
Comments:
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2014 AGENDA

☐ General Waiver

SUBJECT
Request by two school districts to waive California *Education Code* Section 37202, the equity length of time requirement for transitional kindergartens and kindergarten programs at the districts’ elementary schools.

Waiver Numbers: Poway Unified School District 31-4-2014
Waugh Elementary School District 13-5-2014

SUMMARY OF THE ISSUES
Poway Unified School District (PUSD) and Waugh Elementary School District (Waugh ESD) seek to waive California *Education Code* (EC) section 37202(a), the equity length of time requirement for kindergarten and transitional Kindergarten (TK). The California Department of Education (CDE) recommends approval of the waivers with conditions.

Authority for Waiver: EC Section 33050

RECOMMENDATION
☐ Approval ☒ Approval with conditions ☐ Denial

The CDE recommends approval of the waivers with conditions. The PUSD and Waugh ESD will provide updates to PUSD and Waugh ESD families by August 19, 2014, explaining the waiving of EC Section 37202(a) allowing TK students to attend school for fewer minutes than kindergarten students.

SUMMARY OF KEY ISSUES
PUSD and Waugh ESD are requesting to waive *EC* Section 37202(a), the equity length of time requirement for kindergarten programs. Pursuant to *EC* Section 37202 any TK program operated by a district must be of equal length to any kindergarten program operated by the same district. PUSD and Waugh ESD currently offer extended-day (full day) kindergarten programs which exceeds the maximum four-hour school day (*EC* 46110). PUSD and Waugh ESD are requesting flexibility in determining the length of
their TK programs (3 - 4 hours) pursuant to EC 48911, in order to provide a modified instructional day, curricula, and developmentally appropriate instructional practices.

**Demographic Information:**

PUSD has a student population of 35,635 and is located in a suburban area in San Diego County.

Waugh ESD has a student population of 920 and is located in a rural area in Sonoma County.

**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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.**

Poway Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, due to an individual school achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting API growth targets for all subgroups. Therefore, this waiver has been scheduled for the consent calendar. The Poway Unified School District has a 2013 Growth API of 894.

Waugh Elementary School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, due to an individual school achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting API growth targets for all subgroups. Therefore, this waiver has been scheduled for the consent calendar. The Poway Unified School District has a 2013 Growth API of 923.

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

In January 2014, the State Board of Education (SBE) approved, with conditions, a waiver request by Escalon Unified School District and Douglas City Elementary School District to waive EC Section 37202, the equity length of time requirement for TK and kindergarten programs.

In 2013, the SBE approved, with conditions, waiver requests by Forestville Union Elementary School District (FUESD) and Harmony Union Elementary School District (HUESD) to waive EC Section 37202, the equity length of time requirement for TK and kindergarten programs. The conditions of the waivers were as follows: the local school boards provided an update to all families of FUESD and HUESD explaining the waiving of EC Section 37202(a) allowing TK students to attend school for fewer minutes than kindergarten students.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of this waiver would have no known fiscal impact.
ATTACHMENT(S)

Attachment 1: Districts requesting a waiver for transitional kindergarten (1 page).

Attachment 2: Poway Unified School District General Waiver Request 31-4-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: Waugh Elementary School District General Waiver Request 13-5-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)
Information from District Requesting Waivers of Equity Length of Time for Transitional Kindergarten
Portions of California *Education Code* Section 37202(b)

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
</tr>
</thead>
</table>
| 116-2-2014    | Poway Unified School District    |                              | Poway Federation of Teachers  
Candy Smiley, President  
April 9, 2014 Support | April 23, 2014              | Published in local newspaper, front lobby in district office, and all 38 schools. | Reviewed by the District Advisory Committee on April 17, 2014  
**No objection** |
| 13-5-2014     | Waugh Elementary School District |                              | Waugh Teacher's Association (WTA)  
Suzie Howell-Olsen, President  
May 2, 2014 Support | May 6, 2014                | Posted at both school sites in the district with the regular board agenda | Reviewed by the District Advisory Committee on April 7, 2014  
**No objection** |

Created by California Department of Education May 30, 2014
Ed Code or CCR to Waive: Poway Unified School District would like to request a waiver to the California Board of Education of *EC 37202*, specifically highlighted below:

(a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the governing board of a school district shall maintain all of the (elementary day schools established by it for an equal length of time during the school year) and all of the day high schools established by it for an equal length of time during the school year. (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Outcome Rationale: See Attachment.

Student Population: 35635

City Type: Suburban

Public Hearing Date: 4/23/2014
Public Hearing Advertised: Published in local newspaper, front lobby in district office, and all 38 schools.

Local Board Approval Date: 4/23/2014
Community Council Reviewed By: Poway Unified District Advisory Committee
Community Council Reviewed Date: 4/17/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cindy De Clercq
Position: Executive Director II
E-mail: cdeclercq@powayusd.com
Telephone: 858-521-2735 x2735
Fax: 858-485-1322

Bargaining Unit Date: 04/09/2014
Name: Poway Federation of Teachers
Representative: Candy Smiley
Title: President
Position: Support
Comments:
ATTACHMENT

Poway Unified School District would like to request a waiver to the California Board of Education of EC 37202, specifically highlighted below:

(a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the governing board of a school district shall maintain all of the (elementary day schools established by it for an equal length of time during the school year) and all of the day high schools established by it for an equal length of time during the school year.  (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Background - The Kindergarten Readiness Act of 2010 established Transitional Kindergarten (TK), the first of a two year Kindergarten Program across the state of California for those students turning 5 years old after September 1 of the current school year.  Poway Unified modeled its TK program off a previously successful program known as Poway Extended Primary Program, or PEPP, which was a half day program.  The traditional Kindergarten Program in Poway Unified School District meets for a full day program equivalent in length to grades one through five requirements.

The rationale behind this request rests on several points:

- Given that Transitional Kindergarten is intended to be the first year of a two year Kindergarten experience, the district believes it is in the best interest of TK students to attend school within the required number of instructional minutes for Kindergarten, which is 180 minutes per day, pursuant to Education Code 48911.

- Within the current structure of the TK program in PUSD, our students participate in an intensive language arts and math curricula aligned to California Common Core State Standards in ELA and Mathematics.  They also experience instruction in other core areas during this time, as well as support for behavioral, social and emotional development.  This structure ensures that our TK students are fully prepared to meet the academic rigor in the second year of the Kindergarten sequence.

- TK teachers in PUSD are fully credentialed educators who provide intervention and enrichment support to other primary classrooms in the afternoon portion of their daily schedule.  This structure collectively reduces class size for our primary students in grades K-2, and ensures high quality teachers are working with students needing additional supports or enrichment.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4970995 Waiver Number: 13-5-2014 Active Year: 2014

Date In: 5/15/2014 2:02:12 PM

Local Education Agency: Waugh Elementary School District
Address: 1851 Hartman Ln.
Petaluma, CA 94954

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202
Ed Code Authority: 33050

Ed Code or CCR to Waive: "...the governing board of a school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year and all of the day high schools established by it for an equal length of time during the year."

Outcome Rationale: We have a small rural school district that serves 920 students in pre K through 6th grade. We only have less than two full classes of students eligible for transitional kindergarten (TK) each year. Our regular kindergarten class is from 8:15 to 2:00 four days a week and 8:15 to 1:30 on Wednesdays. We would like to have our TK program run from 8:15 to 11:45 each day. We have offered a partial day 195 minute program for TK students this year and did not know the program was supposed to be the same length of day as our regular K program. We will provide developmentally appropriate curriculum and activities for the TK students in the regular K classes each day. We are currently studying TK and would like to have next year to fine-tune the program.

Student Population: 920

City Type: Rural

Public Hearing Date: 5/6/2014
Public Hearing Advertised: Posted at both school sites in the district with the regular board agenda

Local Board Approval Date: 5/6/2014

Community Council Reviewed By: District Advisory Committee (which also serves as SSC)
Community Council Reviewed Date: 4/7/2014
Community Council Objection: N

Revised: 7/2/2014 9:17 AM
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Cmelak
Position: Superintendent
E-mail: rcmelak@waugh.k12.ca.us
Telephone: 707-765-3331
Fax: 707-782-9666

Bargaining Unit Date: 05/02/2014
Name: Waugh Teacher's Association (WTA)
Representative: Suzie Howell-Olsen
Title: WTA President
Position: Support
Comments
### Specific Waiver

**SUBJECT**

Request from **El Rancho Unified School District** under the authority of California *Education Code* Section 46206(a) to waive *Education Code* Section 46201(d), the audit penalty for offering less instructional time in the 2012–2013 fiscal year for students in grades nine through eleven (shortfall of 1,168 minutes per grade) and grade twelve (shortfall of 1,948) at El Rancho High School.

Waiver Number: 42-1-2014

### SUMMARY OF THE ISSUE(S)

The El Rancho Unified School District (USD) is requesting that the California State Board of Education (SBE) waive the Instructional Time Requirement Audit Penalty for El Rancho High School. El Rancho High School was short instructional minutes for the 2012–2013 school year. Per *Education Code (EC)* Section 46206(a) the SBE may waive the fiscal penalties set forth in this article for a school district or county office of education that fails to maintain the prescribed minimum length of time for the instructional school year, minimum number of instructional days for the school year, or both.

**Authority for Waiver:** *EC Section 46206(a)*

### RECOMMENDATION

- Approval
- Approval with conditions
- Denial

The California Department of Education recommends that the SBE approve this waiver on the condition that the El Rancho USD maintains increased instructional minutes for grades nine through eleven of at least the amount required by law plus 1,168 minutes and maintains increased instructional minutes for grade twelve of at least the amount required by law plus 1,948 minutes at El Rancho High School for a period of two years beginning in 2013–14 through 2014–15. As an additional condition of the waiver approval, the district must report the annual instructional minutes offered in grades nine through twelve at El Rancho High School in its annual audit report.
SUMMARY OF KEY ISSUES

During an audit of instructional minutes for 2012–13 it was discovered that the El Rancho USD failed to offer the required number of minutes for grades nine through twelve at El Rancho High School. The shortage occurred because zero period had been counted as part of the instructional minutes offered, but did not meet state regulations. In addition, seniors were allowed to begin school at a later start time during state testing week, leading to an increase in deficit minutes for the seniors.

The El Rancho USD is using school years 2013–14 and 2014–15 to make up the shortfall of instructional minutes at El Rancho High School. Due to the flexibility offered by EC Section 46201.2, the minimum number of required annual instructional minutes for most high schools, including El Rancho High School, are 63,000 in grades nine through twelve in 2013–14 and 63,000 in 2014–15.

The waiver request was approved at the El Rancho USD board meeting on July 11, 2013.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC Section 46206 authorizes waivers to be granted for fiscal penalties due to a shortfall in instructional time. A waiver may be granted upon the condition that the school or schools, in which the minutes were lost, maintain minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.

Demographic Information: The El Rancho USD has a student population of 9,366 and is located in a suburban area in Los Angeles County.

FISCAL ANALYSIS (AS APPROPRIATE)

2012–13 penalty amount of $301,244.41 is calculated as follows (some differences due to rounding):

2,059.66 Average Daily Attendance (ADA) for affected students in grades nine through eleven multiplied by $6,716.29 (base revenue limit) is equal to $13,833,273.86.

$13,833,273.86 multiplied by the deficit factor of 0.77728 is equal to $10,752,327.11.

A shortfall of 1,168 instructional minutes divided by the 63,000 minute requirement is equal to 1.85 percent of minutes not offered.

$10,752,327.11 multiplied by 1.85 percent is equal to a $198,918.05 penalty for grades nine through eleven.
634.34 ADA for affected students in grade twelve multiplied by $6,716.29 is equal to $4,260,411.40.

$4,260,411.40 multiplied by the deficit factor of 0.77728 is equal to $3,311,532.57.

A shortfall of 1,948 instructional minutes divided by the 63,000 minute requirement is equal to 3.09 percent of minutes not offered.

$3,311,532.57 multiplied by 3.09 percent is equal to a $102,326.36 penalty for grade twelve.

The penalty of $102,326.36 for grade twelve added to the penalty of $198,918.05 for grades nine through eleven equals a $301,244.41 penalty if this waiver is not approved.

**ATTACHMENT(S)**

Attachment 1: Information from Districts Requesting Waiver of the Instructional Time Requirement Audit Penalty (1 page)

Attachment 2: El Rancho Unified School District Specific Waiver Request 42-1-2014 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
### Information from Districts Requesting Waivers of Instructional Time Requirement Audit Penalty

**California Education Code (EC) Section 46201(a)**

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>District's Request</th>
<th>CDE Recommendation</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>
</tr>
</thead>
</table>
| 42-1-2014     | El Rancho Unified School District (USD) | Requested: 7/1/13 to 7/1/15, Recommended: 7/1/13 to 6/30/15 | District requests waiving EC Section 46201(d) to avoid the audit penalty in exchange for offering increased instructional minutes in 2013–14 and 2014–15, consistent with EC Section 46206. | **Approval** of waiver, consistent with EC Section 46206 with the following conditions:  
El Rancho USD: (1) maintains increased instructional minutes for grades nine through eleven of at least the amount required by law plus 1,168 minutes, (2) maintains increased instructional minutes for grade twelve of at least the amount required by law plus 1,948 minutes at El Rancho High School for a period of two years beginning in 2013–14 through 2014–15, and (3) reports the annual instructional minutes offered in grades nine through twelve at El Rancho High School in its annual audit report. | El Rancho Federation of Teachers (ERFT)  
Rico Tamayo, President of ERFT  
Consulted on May 22, 2013. Mr. Tamayo held a **support** position regarding the waiver. | July 11, 2013 | $301,244.41 |

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Created by California Department of Education  
May 29, 2014
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 1964527  Waiver Number: 42-1-2014  Active Year: 2014

Date In: 1/27/2014 2:11:32 PM

Local Education Agency: El Rancho Unified School District  
Address: 9333 Loch Lomond Dr.  
Pico Rivera, CA 90660

Start: 7/1/2013  End: 7/1/2015

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Below 1982-83 Base Minimum Minutes
Ed Code Section: 46201(d)
Ed Code Authority: 46206(a)

Ed Code or CCR to Waive: EC 46201(d) Penalty - required number of minutes
(a) In each of the 1984-85, 1985-86, and 1986-87 fiscal years, for each school district that certifies to the Superintendent of Public Instruction that it offers at least the amount of instructional time specified in this subdivision at a grade level or levels, the Superintendent of Public Instruction shall determine an amount equal to twenty dollars ($20) per unit of current year second principal apportionment regular average daily attendance in kindergarten and grades 1 to 8, inclusive, and forty dollars ($40) per unit of current year second principal apportionment regular average daily attendance in grades 9 to 12, inclusive. This section shall not apply to adult average daily attendance, the average daily attendance for pupils attending summer schools, alternative schools, regional occupational centers and programs, continuation high schools, or opportunity schools, and the attendance of pupils while participating in community college or independent study programs. (1) In the 1984-85 fiscal year, for kindergarten and each of grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B): (A) The number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (B) One-third of the difference between the number of minutes specified for that grade level in paragraph (3) and the number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (2) In the 1985-86 fiscal year, for kindergarten and each of grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B): (A) The number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (B) Two-thirds of the difference between the number of minutes specified for that grade level in paragraph (3) and the number of instructional minutes offered at that grade level in the 1982-83 fiscal year. (3) In the 1986-87 fiscal year: (A) Thirty-six thousand minutes in kindergarten. (B) Fifty thousand four hundred minutes in grades 1 to 3, inclusive. (C) Fifty-four thousand minutes in grades 4 to 8, inclusive. (D) Sixty-four thousand eight hundred minutes in grades 9 to 12, inclusive. (4) In any fiscal year, each school district that receives an apportionment pursuant to subdivision (a) for average daily attendance in grades 9 to 12, inclusive, shall offer a program of instruction that allows each student to receive at least 24 course years of instruction, or the equivalent, during grades 9 to 12, inclusive. (5) For any schoolsite at which programs are operated in more than one of the grade levels enumerated in subparagraph (B) or (C) of paragraph (3), the school district may calculate a weighted average

Revised: 7/2/2014 9:18 AM
of minutes for those grade levels at that schoolsite for purposes of making the certification authorized by this subdivision. (b) (1) If any of the amounts of instructional time specified in paragraph (3) of subdivision (a) is a lesser number of minutes for that grade level than actually provided by the district in the same grade in the 1982-83 fiscal year, the 1982-83 fiscal year number of minutes for that grade level, adjusted to comply with Section 46111, shall instead be the requirement for the purposes of paragraphs (1), (2), and (3) of subdivision (a). Commencing with the 1990-91 fiscal year, and each fiscal year through the 1995-96 fiscal year, any school district subject to this subdivision that does not maintain the number of instructional minutes for a particular grade level that the school district maintained for the 1982-83 fiscal year, adjusted to comply with Section 46111, shall not be subject to paragraphs (1) to (3), inclusive, of subdivision (c) if that school district maintains at least the minimum number of instructional minutes to reach grade level set forth in paragraph (3) of subdivision (a) in the 1990-91 fiscal year and each fiscal year through the 1994-95 fiscal year or the 1995-96 fiscal year for districts whose instructional minutes were adjusted to comply with Section 46111, and thereafter returns to the number of instructional minutes maintained for each grade level in the 1982-83 fiscal year. (2) The Legislature finds and declares that the school districts to which paragraph (1) is applicable have not offered any less instructional time than is required of all other school districts and therefore should not be forced to pay any penalty. (c) (1) For any school district that receives an apportionment pursuant to subdivision (a) in the 1984-85 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (1) of subdivision (a) in the 1985-86 fiscal year or any fiscal year thereafter, up to and including the 2000-01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1985-86 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1985-86 fiscal year and fiscal years thereafter. (2) For each school district that receives an apportionment pursuant to subdivision (a) in the 1985-86 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (2) of subdivision (a) in the 1986-87 fiscal year or any fiscal year thereafter, up to and including the 2000-01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1986-87 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1986-87 fiscal year and fiscal years thereafter. (3) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986-87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (3) of subdivision (a) in the 1987-88 fiscal year or any fiscal year thereafter, up to and including the 2000-01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1987-88 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1987-88 fiscal year and fiscal years thereafter. (d) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986-87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in either paragraph (3) of subdivision (a) or paragraph (1) of subdivision (b), whichever is applicable, in the 2001-02 fiscal year, or any fiscal year thereafter, the Superintendent of Public Instruction shall withhold from the district's revenue limit apportionment for the average daily attendance of each affected grade level, the sum of that apportionment multiplied by the percentage of the minimum offered minutes at that grade level that the district failed to offer.
Outcome Rationale: Through the district’s 2013 spring fiscal audit conducted by Vavrinek, Trine, Day and Company, it was brought to our attention that El Rancho High School was short instructional minutes for the 2012-2013 school year based on the following issues:

1.) Zero period did not meet state regulations and had been counted as part of the instructional schedule. There was only one period being offered for 11th grade English Honors.
2.) During state testing week, the seniors do not attend school until 10:05 a.m. This late start is reflected in an increase in deficit minutes for the seniors.

As a result of these findings, several district actions were taken. They are addressed in the superintendent’s memo provided to the El Rancho School Board in May, 2013. It is attached for your information. El Rancho Unified cabinet was swift in making the appropriate changes and have developed procedures to ensure there is proper oversight of the instructional minutes at all of our schools and there is no repeat of this incident. The protocol developed is as follows:

- The responsibility of collecting, reviewing and monitoring instructional minutes will be delegated to the Educational Services Department.
- A uniform instructional minutes template, provided by the auditor, will be implemented for site administrators to complete.
- All instructional schedule proposals will be submitted to the auditor for pre-approval.
- Once instructional minutes have been verified by the auditor, Assistant Superintendent of Educational Services, and the Chief Business Officer, the instructional minutes will be submitted for school board approval.

Instructional minutes schedules that reflect an increase in minutes (1,168+) for the next two school years were successfully developed with the high school staff and their bargaining unit, El Rancho Federation of Teachers (ERFT). They are also provided to you for review with the additional supporting documents required.

Therefore, we respectfully request a waiver for the Instructional Time Requirement Audit Penalty, which will allow us to provide the additional minutes our high school students are required to receive. The waiver will also provide us the ability to utilize funds, otherwise used as a fine, to go back to our students’ instructional program, given our district is currently facing an $8,000,000 deficit for the 2014-2015 school year.

Student Population: 9366

City Type: Suburban

Local Board Approval Date: 7/11/2013

Audit Penalty YN: Y

Categorical Program Monitoring: N
Submitted by: Ms. Roxane Fuentes
Position: Assistant Superintendent, Educational Services
E-mail: rfuentes@erusd.org
Telephone: 562-801-5208
Fax: 562-942-1598

Bargaining Unit Date: 05/22/2013
Name: El Rancho Federation of Teachers (ERFT)
Representative: Rico Tamayo
Title: ERFT President
Position: Support
Comments:
Subject
Request by two school districts to waive a portion of California Education Code Section 35330(b)(3), to authorize expenditure of school district funds for students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.

Waiver Number: Junction Elementary School District 33-4-2014
Seiad Elementary School District 131-2-2014

Summary of the Issues
Junction Elementary School District (JESD) and Seiad Elementary School District (SESD) request a waiver of California Education Code (EC) Section 35330(b)(3) to allow students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve these waiver requests.

Authority for Waiver: EC Section 33050

Recommendation
Approval ☑ Approval with conditions ☐ Denial ☐

The CDE recommends approval to waive a portion of EC Section 35330(b)(3) to authorize expenditures of school district funds for JESD and SESD students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.

EC Section 33051(b) will apply, and the district is not required to reapply annually if the information contained on the request remains current.
SUMMARY OF KEY ISSUES

EC Section 35330(b)(3) states, “…no expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.”

The JESD requests a waiver of EC Section 35330(b)(3). The JESD is located in the far northern part of California, approximately 60 miles from the Oregon border, and is a geographically rural and isolated area.

The JESD would like to take their students in fifth through eighth grades on a field trip to Ashland, Oregon to see the play, A Wrinkle in Time, at the Oregon Shakespeare Festival. The students have read the book this school year and without financial help from the district, the trip would not be possible.

The SESD requests a waiver of EC Section 35330(b)(3). The SESD is located in the far northern part of California, approximately 60 miles from the Oregon border, and is a geographically rural and isolated area.

The SESD would like to go on field trips to Ashland, Oregon, which is the closest city to the district. Field trips to Ashland would allow students the opportunity to visit museums, attend plays and partake in additional enriching activities. Without financial assistance from the district, these trips would not be possible.

Based on the reasons provided by the JESD and the SESD for traveling to Oregon, the CDE recommends approval of this waiver request to attend economically prudent curricular and extracurricular trips/events in Oregon.

Demographic Information: The JESD has a student population of 31 and is located in the town of Somes Bar in rural Siskiyou County.

The SESD has a student population of 32 and is located in the town of Seiad Valley in rural Siskiyou County.

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), http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all similar waivers in the past. Most recently, at the May 2014 SBE meeting, Waiver 4-2-2014 for the Butteville Union Elementary School District for out-of-state travel to Oregon was approved.
FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Information for Districts Requesting Out-of-State Use of Funds and Transportation Allowances (1 page)

Attachment 2: Junction Elementary School District General Waiver Request 33-4-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Seiad Elementary School District General Waiver Request 131-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
# Districts Requesting Out-of-State Use of Funds and Transportation Allowances

*Education Code Section 35330(b)(3)*

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District/County and District Code</th>
<th>Period of Request</th>
<th>District’s Request</th>
<th>CDE Recommended Action</th>
<th>Local Board Approval Date</th>
<th><em>Bargaining Unit, Representative(s) Consulted, Date, and Position</em></th>
<th>Schoolsite Council Advisory Committee Position</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
<th>Previous Waivers</th>
</tr>
</thead>
</table>
Recommended: May 29, 2014 to May 30, 2016 | To allow its students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions. | Approval | 04/24/2014 | No Bargaining Unit | School Advisory Board 4/24/2014  
No objection | No statewide fiscal impact of waiver approval or denial. | Positive | No |
Recommended: January 22, 2014 to January 22, 2016 | To allow its students to travel to Oregon to attend curricular and extracurricular trips/events and competitions. | Approval | 02/11/2014 | No Bargaining Unit | Schoolsite Council 1/23/2014  
No objection | No statewide fiscal impact of waiver approval or denial. | Positive | No |
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4770367  Waiver Number: 33-4-2014  Active Year: 2014

Date In: 4/29/2014 2:42:39 PM

Local Education Agency: Junction Elementary School District
Address: 98821 Highway 96
Somes Bar, CA 95568


Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: 35330(b)(3)
Ed Code Authority: 33050

Ed Code or CCR to Waive: "No expenses of pupils participating in a field trip or excursion to other State, D. of C. or a foreign country authorized by this section shall be paid with school district funds. Expenses of instructors, chaperones and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds. All incidental expenses for use of school district equipment during a field trip or excursion authorized by this section.

Outcome Rationale: We would like to take the Upper grades (5th - 8th grades) on a Field trip to Ashland, Oregon, about 2 hours North of us, to see a play, "Wrinkle in Time." the children have read the book this year.

Student Population: 31

City Type: Rural

Public Hearing Date: 4/24/2014
Public Hearing Advertised: Posted signs, Letters home.

Local Board Approval Date: 4/24/2014

Community Council Reviewed By: School Advisory Board
Community Council Reviewed Date: 4/24/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4770458  Waiver Number: 131-2-2014  Active Year: 2014

Date In: 2/28/2014 3:56:58 PM

Local Education Agency: Seiad Elementary School District
Address: 44539 Highway 96
Seiad Valley, CA 96086

Start: 1/22/2014  End: 1/22/2015

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: EC35330
Ed Code Authority: 33050

Ed Code or CCR to Waive: EC35330

35330.(a) The governing board of a school district or the county superintendent of schools of a county may: (1) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for pupils. (2) Engage instructors, supervisors, and other personnel to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion. (3) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, another state, the District of Columbia, or a foreign country where those excursions and field trips are being conducted, provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country. (4) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district. (b) (1) No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need. (2) No group shall be authorized to take a field trip or excursion authorized by this section if a pupil who is a member of an identifiable group will be excluded from participation in the fieldtrip or excursion because of lack of sufficient funds. (3) No expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds. Expenses of instructors, chaperones, and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds, and the school district may pay from school district funds all incidental expenses for the use of school

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district equipment during a field trip or excursion authorized by this section. (c) (1) The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from a field trip or excursion shall be limited to the amount of attendance that would have accrued had the pupils not been engaged in the field trip or excursion. (2) Credited attendance shall not exceed 10 schooldays except in the case of pupils participating in a field trip or excursion in connection with courses of instruction, or school-related educational activities, and which are not social, cultural, athletic, or school band activities. (d) All persons making the field trip or excursion shall be deemed to have waived all claims against the district, a charter school, or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving all claims. No transportation allowances shall be made by the Superintendent for expenses incurred with respect to field trips or excursions that have an out-of-state destination. A school district that transports pupils, teachers, or other employees of the district in school buses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent on forms prescribed by him or her the total mileage of school buses used in connection with educational excursions. In computing the allowance to a school district for regular transportation there shall be deducted from that allowance an amount equal to the depreciation of school buses used for the transportation in accordance with rules and regulations adopted by the Superintendent.

Outcome Rationale: All students have the opportunity to attend museums, caves, parks, plays, etc. in Oregon as we are located near the border. Ashland, Oregon is the closest city to our rural area with the above said resources.

Student Population: 32
City Type: Rural
Public Hearing Date: 2/11/2014
Public Hearing Advertised: notice posted at school, local post office, local store, and fire dept. bulletin board
Local Board Approval Date: 2/11/2014
Community Council Reviewed By: site council com.
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Ms. De Kelner
Position: administrator
E-mail: dkelner@sisnet.ssku.k12.ca.us
Telephone: 530-496-3429
Fax: 530-496-3310

Revised: 7/2/2014 9:18 AM
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

General Waiver

SUBJECT
Request by Fremont Unified School District to waive portions of the California Education Code Section 60800(a), relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31 for grade nine students.

Waiver Number: 130-2-2014

SUMMARY OF THE ISSUES

Kennedy High School in the Fremont Unified School District cannot test all of its grade nine students during the mandated Physical Fitness Testing (PFT) window of February 1 through May 31. This school has a block schedule which prevents grade nine students who are not enrolled in the second semester of physical education (P.E.) from participating in the mandated PFT during this window.

RECOMMENDATION

Approval  Approval with conditions  Denial

The California Department of Education (CDE) recommends approval that the PFT window will open on January 1 and close on May 31 for Kennedy High School each school year. California Education Code (EC) Section 33051(b) will apply, and the district will not be required to reapply if the information contained in this request remains current.

SUMMARY OF KEY ISSUES

The Fremont Unified School District, on behalf of Kennedy High School, requests that the annual assessment window for the PFT begin on January 1 and end on May 31, 2015. The statutory window for administering the PFT is February 1 through May 31.

The Fremont Unified School District's Kennedy High School changed its traditional schedule to a block schedule over ten years ago. Because not all grade nine students are enrolled in the second semester of P.E., P.E. teachers at Kennedy High School have been administering the State’s required PFT in January of each school year to grade nine students who are not enrolled in the second semester of P.E. and reporting data during the official testing window. The previous waiver was granted in May 2012.
Kennedy High School will continue to assess grade nine students enrolled in the first semester of P.E. but not the second semester of P.E. Kennedy High School will administer the PFT in January to grade nine students who are not enrolled in the second semester of P.E., and submit the PFT data to the District for submission to the state during the normal testing window (February 1 through May 31).

Demographic Information: Kennedy High School has a student population of 1,370 and is in an urban area in Alameda County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2012, the State Board of Education (SBE) approved a previous waiver for increasing the PFT window for this district to accommodate their high school on a block schedule.

The Fremont USD meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, this waiver has been scheduled for the consent calendar. The Fremont USD has a 2013 Growth API of 891.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide impact in granting this waiver.

ATTACHMENT(S)

Attachment 1: Summary Table of Physical Fitness Testing Window Waiver for July 2014 (1 page)

Attachment 2: Fremont Unified School District General Waiver Request 130-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table of Physical Fitness Testing Window Waiver for July 2014

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District Name, Period of Request</th>
<th>Renewal Waiver?</th>
<th>Local Board and Public Hearing Date</th>
<th>Certificated Bargaining Unit Name and Representative, Date of Action, and Position</th>
<th>Advisory Committee/School Site Council Name, Date of Review, and any Objections</th>
</tr>
</thead>
</table>
| 130-2-2014    | Fremont Unified School District  | **Requested:** June 6, 2014 through December 31, 2015  | Yes                      | Sherea Westra, President, Fremont Unified District Teachers Association 2/26/2014 | Kennedy High Schoolsite Council  
|               |                                  | **Recommended:** June 1, 2014 through May 31, 2016     | February 26, 2014         | Support                                                                         | February 17, 2014  
|               |                                  |                                                            |                       | No objections                                                                  |                                                                                  |

Created by the California Department of Education  
April 9, 2014
CD Code: 0161176       Waiver Number: 130-2-2014       Active Year: 2014

Date In: 2/28/2014 3:27:49 PM

Local Education Agency: Fremont Unified School District
Address: 4210 Technology Dr.
Fremont, CA 94537

Start: 6/1/2014       End: 12/31/2015

Waiver Renewal: Y
Previous Waiver Number: 67-2-2012-W-6       Previous SBE Approval Date: 5/9/2012

Waiver Topic: Physical Fitness Testing
Ed Code Title: Physical Fitness Testing
Ed Code Section: portions of 60800(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code Section 60800(a)
During the month of [February, March, April, or May], the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board. Each pupil with a physical disability and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

Outcome Rationale: Fremont Unified School District’s Kennedy High School changed its traditional schedule to the block schedule model over ten years ago. Because not all 9th grade students are enrolled in second semester Physical Education, PE teachers at Kennedy High School have been administering the State’s required 9th grade Physical Fitness Testing in January of each year (to 9th grade students not enrolled in 2nd semester PE) and reporting the data during the official testing window. The preliminary waiver was granted in May 2012.

Student Population: 1370

City Type: Urban

Public Hearing Date: 2/26/2014
Public Hearing Advertised: newspaper, website, public notice posting

Local Board Approval Date: 2/26/2014

Community Council Reviewed By: Kennedy High Schoolsite Council
Community Council Reviewed Date: 2/17/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Dr. Jan March
Position: Director of Assessment and Instruction
E-mail: jmarch@fremont.k12.ca.us
Telephone: 510-659-2517 x12200
Fax:

Bargaining Unit Date: 02/06/2014
Name: Fremont Unified District Teachers Assoc
Representative: Sherea Westra
Title: president
Position: Support
Comments:
California Department of Education
Executive Office
SBE-005 General (REV. 04/2014)

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

General Waiver

SUBJECT
Request by South Whittier Elementary School District to waive portions of California Education Code sections 17466, 17472, and 17475 and all of 17473 and 17474 specific statutory provisions for the lease of surplus property, the Carmela Elementary School site.

Waiver Number: 3-4-2014

SUMMARY OF THE ISSUES

The South Whittier Elementary School District is requesting a waiver of portions of Education Code (EC) sections 17466, 17472, and 17475 and all of 17473 and 17474 which will allow the district to lease a piece of property using a “request for proposal” process, that will provide the most benefit to the district.

Authority for Waiver: EC Section 33050

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following condition: that the proposal the South Whittier Elementary School District governing board determines to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for those determinations shall be discussed in public session and included in the minutes of the meeting.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the district is requesting that specific portions of the EC relating to the lease of surplus property be waived.

The South Whittier Elementary School District states that the waiver will allow the district the flexibility needed to consider a wide range of potential terms and conditions maximizing the benefit to the district and will allow the district to continue to provide a high-quality educational experience for its students. 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 surplus property. The district is requesting the lease of one piece of real property located in Whittier, California. This piece of property is 5.1 acres of vacant land adjacent to the Carmela Elementary School site. The school will be separated from the leased property by chain link and wrought iron fences.

**Demographic Information:** South Whittier Elementary School District has a student population of 3,216 and is located in a suburban area of Los Angeles County.

**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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051).**

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

The SBE has approved all previous waivers regarding the bidding process and the lease of surplus property. The district is requesting to waive the same or similar provisions for the lease of surplus property.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The flexibility in property disposition requested herein will allow the South Whittier Elementary School District to maximize revenue. The applicant district will financially benefit from the lease of the property.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: South Whittier Elementary School District General Waiver Request 3-4-2014 (4 pages) (Original waiver request is signed and on file in the Waiver 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</th>
<th>Streamlined Waiver Policy</th>
</tr>
</thead>
</table>

**Recommended:** April 4, 2014, April 4, 2015

Created by the California Department of Education
May 1, 2014
EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of Education Code and use an alternative procedure for the lease of the Carmela Elementary School site (the “Property”). Specifically, the District desires to lease the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a lease agreement that provides the most benefit to the District. The deleted language indicates that the District must pass a resolution setting a time by which the District will open all sealed bids for the Property. Since the District will not be conducted a bid process, and cannot predict the timing of the RFP process and its subsequent negotiations with proposers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. After passing a resolution that authorizes the District to go forward with the RFP process, the District intends to solicit proposals for the Property and bring proposals to the governing board to consider the approval of a sale.
conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

**Rationale:** The purpose of this request is to allow the District to waive the sealed proposal requirement of Education Code and use an alternative procedure for the lease of the Carmela Elementary School site (the “Property”). Specifically, the District desires to lease the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a lease agreement that provides the most benefit to the District. The deleted language requires the District to obtain sealed bids and select the highest bid. The District is seeking a waiver to allow it to seek proposals and negotiate with interested parties to select the proposal that best meets the needs of the District. The District may select a proposal that offers a lower price but agrees to lease terms that are more beneficial to the District. Thus, the District seeks to eliminate the language which requires it to lease to the highest bidder.

EC 17473. WAIVE ENTIRE SECTION [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.]

**Rationale:** The purpose of this request is to allow the District to waive the sealed proposal requirement of Education Code and use an alternative procedure for the lease of the Carmela Elementary School site (the “Property”). Specifically, the District desires to lease the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a lease agreement that provides the most benefit to the District. The deleted language relates to the bid process and allows school districts to accept oral bids at the bid hearing. The District will not be accepting bids or conducting a bid hearing but instead will accept proposals and negotiate with interested parties. Thus, the District will not need or accept oral bids.

EC 17474. WAIVE ENTIRE SECTION [In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

**Rationale:** The purpose of this request is to allow the District to waive the sealed proposal requirement of Education Code and use an alternative procedure for the lease of the Carmela Elementary School site (the “Property”). Specifically, the District desires to lease the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals
and negotiates with selected proposers to enter into a lease agreement that provides the most benefit to the District. The deleted language relates to the bid process and allows school districts to accept oral bids at the bid hearing. The District will not be accepting bids or conducting a bid hearing but instead will accept proposals and negotiate with interested parties. Thus, the District will not need or accept oral bids.

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] meeting [held within the 10 days [next] following].

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of Education Code and use an alternative procedure for the lease of the Carmela Elementary School site (the “Property”). Specifically, the District desires to lease the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a lease agreement that provides the most benefit to the District. The deleted language indicates that a school district’s governing board shall accept the highest bid at the bid hearing or within the next 10 days. The District will not conduct a bid hearing but instead will engage in negotiations with any party submitting a proposal in response to the RFP. Once the negotiations end, and the District identifies the best proposal, the District’s Board will accept the proposal. Thus, the language in this Section requiring the board to accept a bid on the bid date or within 10 days does not apply to the RFP process.

Outcome Rationale: The South Whittier School District ("District") owns approximately 5.10 acres of land located at 13300 Lakeland Road, Whittier, California 90605, which property is known generally as the District’s Carmela Elementary School site ("Property"). The District’s governing Board declared the Property surplus and decided to lease the Property pursuant to Education Code section 17466 et seq.

The District seeks a waiver of certain portions of the lease procedure set forth in Education Code section 17466 et seq. In summary, the District seeks to waive the provisions requiring the District to conduct a formal bid hearing process in which the District solicits bids and then enters into a lease agreement with the winning bidder. Instead, the District desires to lease the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a lease agreement that provides the most benefit to the District. This RFP process 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 through the RFP process.

In the current real estate market climate, a bid auction scenario is unlikely 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. A waiver from the surplus property 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.

The lease of the Property with the RFP process 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: 3216

City Type: Suburban

Public Hearing Date: 11/12/2013

Local Board Approval Date: 11/12/2013

Community Council Reviewed By: 7/11 Committee: Ken Arnold, Joe Durado, Adrian Romero, Gabriel Trinidad, Melody Gonzalez Jose Perez
Community Council Reviewed Date: 10/28/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Stephen McLoughlin
Position: Attorney for District
E-mail: smcloughlin@aalrr.com
Telephone: 562-562-3821
Fax:

Bargaining Unit Date: 10/28/2013
Name: (CSEA) Classified School Employees Association
Representative: Laura Bribiescas
Title: President
Position: Neutral
Comments:
General Waiver

SUBJECT
Request by Death Valley Unified School District to waive California Education Code Section 35780(a), which requires lapsation of a district with an average daily attendance of less than 11 in the ninth through twelfth grades.

Waiver Number: 25-4-2014

SUMMARY OF THE ISSUES

At the time this waiver request was submitted, the Death Valley Unified School District (USD) in Inyo County reported that it had eight students enrolled in the ninth through twelfth grades. Education Code (EC) Section 35780(a) requires the Inyo County Committee on School District Organization (County Committee) to lapse the district if its average daily attendance (ADA) in these grade levels is below 11 at the close of the 2013–14 school year. The Death Valley USD governing board is requesting that the California State Board of Education (SBE) approve a permanent waiver of EC Section 35780(a) in order to allow the district to continue operating during the current slow economic recovery in the area and to provide stability for the district during future economic downturns. The Inyo County Superintendent of Schools supports the Death Valley USD waiver request.

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval with conditions

The California Department of Education (CDE) recommends that the SBE not approve the request by the Death Valley USD for a permanent waiver of EC 35780(a)—the CDE instead recommends that the SBE approve the request for one year.

SUMMARY OF KEY ISSUES

EC Section 35780 establishes the conditions necessary for a county committee to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of a unified school district when the district’s ninth through twelfth grade ADA falls below 11. Under conditions of lapsation, the county committee is required to annex the territory of the lapsed district to one or more adjoining districts.
The Death Valley USD reports that the ninth through twelfth grade ADA of the district likely will be below 11 at the end of the 2013–14 school year—the current high school enrollment for the district is eight, while the total enrollment in the district is 26.

The Death Valley USD primarily serves students of miners, park service families, and resort employees. Prior to recent statewide economic problems, total student enrollment in the district averaged almost 85 (between 2000–01 and 2006–07). Enrollment declined significantly in response to the subsequent economic downturn and, beginning with the 2012–13 school year, was dramatically reduced due to a change in policy by the Death Valley National Park’s concessioner, Xanterra. Previously, Xanterra housed its employees within park boundaries, with students attending Death Valley USD. Beginning with the 2012–13 school year, Xanterra began bussing its employees from Pahrump, Nevada—thus those students now attend schools in Nevada.

### Death Valley USD Enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>9-12</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009–10</td>
<td>22</td>
<td>67</td>
</tr>
<tr>
<td>2010–11</td>
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<td>51</td>
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<td>24</td>
<td>63</td>
</tr>
<tr>
<td>2012–13</td>
<td>11</td>
<td>28</td>
</tr>
<tr>
<td>2013–14</td>
<td>7</td>
<td>25</td>
</tr>
</tbody>
</table>

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

Death Valley USD is a geographically large district at over 5,000 square miles (about the size of the state of Connecticut). Over 90 percent of the district’s territory is owned by state or federal agencies, which has resulted in a sparse population with great distances between residential areas. The Death Valley USD operates three elementary schools that are spread over a 75 mile distance—according to 2013-14 CALPADS data, these three elementary schools had a total of 13 kindergarten through sixth grade students enrolled. The high school (Death Valley High Academy) also houses the district’s seventh and eighth grade students.

Because of the sparse population and distances between communities, all students are bussed to school with some students spending up to two hours a day on the bus round-trip. The district recognizes the challenges to student academic performance due to the current unavoidable bus transportation and notes that transporting the students to schools in other districts could double the travel time for students. Due to the geographic circumstances surrounding Death Valley USD, the adjacent districts to which students could be transported also are relatively small: Lone Pine USD (385 students), Owens Valley USD (71 students), and Baker Valley USD in San Bernardino County (191 students).

The Death Valley USD is requesting that the SBE approve a permanent waiver of EC Section 35780. The district believes that the slow economic recovery around the district will eventually stabilize enrollment and that a permanent waiver will allow the district to operate during that slow recovery and will provide stability for the district during any future economic downturns.
The Inyo County Superintendent of Schools supports the district’s request to waive SEC Section 35780, noting that his office “provides a variety of support services to the Death Valley USD and will continue to support their efforts to provide vital public education to the students of that area.”

The California Department of Education (CDE) finds that none of the grounds specified in SEC Section 33051, which authorize denial of a waiver, exist. However, the CDE has concerns about the stability of future enrollment in the Death Valley USD due to the overall long-term enrollment declines the district has experienced and the decision of the Death Valley National Park’s concessioner to relocate park employees outside of the school district’s boundaries. Because of these concerns, the CDE recommends that the SBE not approve a permanent waiver of subdivision (a) of SEC Section 35780. Instead, the CDE recommends that the SBE approve the waiver request for one year and reassess the Death Valley USD enrollment circumstances should the district need to request another waiver of the lapsation conditions for the 2015–16 school year.

**Demographic Information:** The Death Valley USD has a kindergarten through twelfth grade student population of 26 and is located in a rural area of Inyo County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in SEC 33051(a), available at [http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051).**

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

The SBE has approved several similar requests in the past few years by elementary school districts (the most recent was for the Green Point Elementary School District in Humboldt County at the March 2014 SBE meeting). However, this is the first request in recent history from a unified school district and due to high school ADA falling below the required level.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver request will not have negative fiscal effects on any local or state agency.

**ATTACHMENT(S)**

Attachment 1: Information from Districts Requesting Waiver of Lapsation Requirement (1 page)

Attachment 2: Death Valley Unified School District General Waiver Request 25-4-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
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</table>

Created by California Department of Education
May 2, 2014
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1463271 Waiver Number: 25-4-2014 Active Year: 2014

Date In: 4/22/2014 1:09:26 PM

Local Education Agency: Death Valley Unified School District
Address: Old State Highway 127
Shoshone, CA 92384

Start: 6/30/2014 End: 6/30/2017

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(a)
Ed Code Authority: 33050

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.

Outcome Rationale: The total number of students in grades 9-12 is less than the amount required to avoid lapsation as stated in EC35780(a).

Please see the following attached documents for more information:
Addendum A: Background & Overview of Death Valley Unified School District
Addendum B: Letter of support from Inyo County Superintendent
Addendum C: Letter of support from DVUSD teacher
Addendum D: DVUSD Board Resolution regarding waiver of EC 35780

Student Population: 26

City Type: Rural

Public Hearing Date: 4/8/2014
Public Hearing Advertised: Posted to website and at ICSOS offices and school sites

Local Board Approval Date: 4/8/2014
Community Council Reviewed By: Inyo County Committee on School District Organization
Community Council Reviewed Date: 4/8/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Ilissa Twomey
Position: Coordinator
E-mail: ilissa_twomey@inyo.k12.ca.us
Telephone: 760-873-3262 x429
Fax:
Background and Overview of Death Valley Unified School District

March 2014

Death Valley Unified School District is a large rural district with 5 schools housed on 3 sites located some 75 miles apart. The district encompasses the entire southeastern quarter of Inyo County, covering some 5000 square miles of mountain, desert and national park. With a population of approximately 1,000 people, the District serves (and has served) miners, park service families, resort employees, and some who just choose to live in "America's Outback". Such has been the case for well over 75 years!

All towns in the District are privately owned with very few families living on their own land. Some 90 plus percent is owned by state and federal agencies. This helps explain the distances between settlements and the reason so few are able to live in this vast area.

Several communities - the Timbisha Shoshone Homeland, Furnace Creek Ranch, Cow Creek and Stovepipe Wells are located in Death Valley National Park.

The communities of Shoshone, Tecopa, Charleston View and Stewart Valley are located outside of the Park and are home to more than 75% of the district's students. Owing to the distances, students are bused to school. No students drive to school and none walk. School buses are not a luxury, they are a necessity!

Student and family support services are scant in the eastern Mojave. Child Protective Services is located over 200 miles away. There are no psychological or rehab services nor are there opportunities for higher education or job training within the District's boundaries.

Additionally, there are no recreational centers, no movie theatres, no shopping centers and no places for young people to gather and interact. What does exist are the schools which for the last 70 years have provided a safe haven, a welcoming environment and an education that has led students to colleges and universities throughout the United States.

It is the hope of our communities that what has been so carefully crafted and nurtured can continue to serve future generations. The economic storm that hit our corner of the Southwest certainly threatened our district but we are seeing a recovery slowly materializing. A long term waiver of Education Code Section 35780 will help set us on the path to a long and successful future.

James M. Copeland
Superintendent
Specific Waiver

SUBJECT
Request by six school districts, under the authority of California Education Code Section 52863 for waivers of Education Code Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver Numbers:  Los Angeles Unified School District 5-3-2014  
Lost Hills Union Elementary School District 10-4-2014  
Mariposa County Unified School District 21-4-2014  
Mariposa County Unified School District 22-4-2014  
Southern Trinity Joint Unified School District 30-4-2014  
Travis Unified School District 7-4-2014  
Tulelake Basin Joint Unified School District 24-3-2014

SUMMARY OF THE ISSUE(S)

Specific authority is provided in California Education Code (EC) Section 52863 to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements contained in EC 52852 of the School-Based Coordination Program (SBCP) Act that would hinder the success of the program implementation. These waivers must be renewed every two years.

Authority for Waiver: EC Section 52863

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: See Attachment 1.

SUMMARY OF KEY ISSUES

Los Angeles Unified School District is requesting an SSC composition change for a small school: Metro Charter School (5 teachers serving 80 students in kindergarten through grade five). The school is located in an urban area.

Lost Hills Union Elementary School District is requesting a shared SSC for two schools: Lost Hills Elementary School (14 teachers serving 404 students in transitional
kindergarten through grade five) and A. M. Thomas Middle School (7 teachers serving 149 students in grades six through eight). The two schools share a principal, the attendance area, and are also located on the same campus in a rural area.

Mariposa County Unified School District is requesting a shared SSC with composition change for two small schools: Yosemite National Park El Portal Elementary School (5 teachers serving 83 students in kindergarten through grade eight) and Yosemite Park High School (2 teachers serving 10 students in grades nine through twelve). The two schools share a principal and are located on the same campus in a rural area.

Mariposa County Unified School District is requesting a shared SSC with composition change for two small schools: Lake Don Pedro Elementary School (10 teachers serving 200 students in kindergarten through grade eight) and Coulterville High School (1 teacher serving 1 to 10 students in grades nine through twelve). The two schools share a principal and are located in the same rural community area.

Southern Trinity Joint Unified School District is requesting the renewal of a shared SSC with composition change for three small schools: Van Duzen Elementary School (4 teachers serving 57 students in kindergarten through grade eight), Southern Trinity High School (4 teachers serving 17 students in grades nine through twelve), and Mt. Lassic Continuation High School (1 teacher serving 1 student in grades nine through twelve). The schools are located next to one another in the same rural area.

Travis Unified School District is requesting a shared SSC for three small schools: Travis Community Day School (3 teachers serving 11 students in grades seven through twelve), Travis Education Center (5 teachers serving 76 students in grades nine through twelve), and Travis Independent Study Program (1 teacher serving 3 students in grades nine through twelve). The three schools have combined programs and are located in close proximity in a suburban area.

Tulelake Basin Joint Unified School District is requesting the renewal of a shared SSC for two small schools: Tulelake Basin Elementary School (13 teachers serving 263 students in kindergarten through grade six) and Tulelake High School (18 teachers serving 225 students in grades seven through twelve). The schools are located in a remote rural area.

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

The CDE has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in EC 52863 or to allow one shared schoolsite council for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.
ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (4 pages)

Attachment 2: Los Angeles Unified School District Specific Waiver Request 5-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lost Hills Union Elementary School District Specific Waiver Request 10-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Mariposa County Unified School District Specific Waiver Request 21-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Mariposa County Unified School District Specific Waiver Request 22-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Southern Trinity Joint Unified School District Specific Waiver Request 30-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Travis Unified School District Specific Waiver Request 7-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Tulelake Basin Joint Unified School District Specific Waiver Request 24-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
## Local Educational Agencies Requesting a Schoolsite Council Waiver

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<tr>
<th>Waiver Number</th>
<th>LEA for School(s) (CDS Code[s])</th>
<th>LEAs Request</th>
<th>CDE Recommendation</th>
<th>Previous Waiver Yes or No Period of Request/Period Recommended</th>
<th>Collective Bargaining Unit Position/Current Agreement</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
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<td>5-3-2014</td>
<td>Los Angeles Unified School District for Metro Charter School (1964733 0127977)</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 parents).</td>
<td>Yes</td>
<td>Recommended: 09/03/2013 To 09/02/2015</td>
<td>None indicated</td>
<td>Metro Charter School SSC and ELAC 02/13/2014 Approve</td>
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<td>10-4-2014</td>
<td>Lost Hills Union Elementary School District for Lost Hills Elementary School (1563594 6060420) and A. M. Thomas Middle School (1563594 6102792)</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), three parents/community members (selected by parents), and two students (selected by peers).</td>
<td>No</td>
<td>Recommended: 03/31/2014 To 03/30/2016</td>
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<td>Previous Waiver Yes or No</td>
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<td>Mariposa County Unified School District for Yosemite National Park El Portal Elementary School (2265532 6025001) and Yosemite Park High School (2265532 2230084)</td>
<td>Shared SSC and Composition Change</td>
<td>Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one other school representative (selected by peers), two parents/community members (selected by parents), and one student (selected by peers).</td>
<td>No</td>
<td>California School Employees Association Ken Price, President 04/07/2014</td>
<td>Yosemite National Park El Portal Elementary School SSC and Yosemite Park High School SSC 11/08/2013</td>
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<td>Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and one student (selected by peers).</td>
<td>No</td>
<td>California School Employees Association Ken Price, President 04/07/2014</td>
<td>Lake Don Pedro Elementary School SSC and Coulterville High School SSC 02/05/2014</td>
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<td>Period of Request/Period Recommended</td>
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<td>30-4-2014</td>
<td>Southern Trinity Joint Unified School District for Van Duzen Elementary School (5373833 6053805), Southern Trinity High School (5373833 5337423), and Mt. Lassic Continuation High School (5373833 5330030)</td>
<td>Shared SSC and Composition Change</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), three parents/community members (selected by parents), and two students (selected by peers).</td>
<td>Yes</td>
<td>Requested: 07/01/2014 To 06/30/2016</td>
<td>Southern Trinity Teachers Association Maria Block, President 03/10/2014</td>
<td>Van Duzen Elementary School/ Southern Trinity High School/Mt. Lassic Continuation High School SSC 03/17/2014</td>
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<td>7-4-2014</td>
<td>Travis Unified School District for Travis Community Day School (4870565 4830154), Travis Education Center (4870565 4830022), and Travis Independent Study (4870565 4830162)</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 parents), and three students (selected by peers).</td>
<td>No</td>
<td>Requested: 07/01/2014 To 06/30/2016</td>
<td>Travis Unified Teachers Association Jeanette Wiley, President 03/18/2014</td>
<td>Travis Education Center SSC 03/05/2014</td>
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<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 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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<td>24-3-2014</td>
<td>Tulelake Basin Joint Unified School District for Tulelake Basin Elementary School (2573593 6025894) and Tulelake High School (2573593 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 parents), and three students (selected by peers).</td>
<td>Yes Requested: 07/01/2014 To 07/01/2016</td>
<td>Tulelake Basin Teachers Association Lisa Butler, President 03/10/2014</td>
<td>SSC 03/12/2014</td>
<td>03/20/2014</td>
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</table>

Created by California Department of Education
March 10, 2014
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964733  Waiver Number: 5-3-2014  Active Year: 2014

Date In: 3/9/2014 10:50:31 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017


Waiver Renewal: Y  Previous Waiver Number: 0  Previous SBE Approval Date: 2/13/2014

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: 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.

Outcome Rationale: Metro Charter School is a small public elementary school in the Downtown Los Angeles area. Currently the school has enrolled 80 students in grades Kindergarten through second grade. There are 5 teachers, a business manager, a categorical projects assistant, and a principal.

Due to the small size of the staff and parent population, the school wishes to form a site council composed of the school principal and two teachers, and three parents or community members. Even though the composition of the council is reduced, the council will take an active role in reviewing student data, writing the single plan, and building a budget that is centered on student achievement.

We currently have the principal, three teachers, one other personnel member and four parents as elected members of SSC.

Student Population: 80

City Type: Urban

Local Board Approval Date: 2/13/2014

Council Reviewed By: Schoolsite Council and ELAC
Council Reviewed Date: 2/3/2014
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maricela Barragan
Position: Principal
E-mail: mbarragan@metrocharter.org
Telephone: 213-377-5708 x100
Fax: 213-985-7313
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 1563594  
Waiver Number: 10-4-2014  
Active Year: 2014

Date In: 4/10/2014 3:05:57 PM

Local Education Agency: Lost Hills Union Elementary School District
Address: 20951 Pavilion Way
Lost Hills, CA 93249

Start: 3/31/2014  
End: 3/31/2016

Waiver Renewal: N  
Previous Waiver Number:   
Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive:
Lost Hills Union School District request a waiver of Education Code Section 52852, allowing one joint school site council to function for two schools, Lost Hills Elementary School and A.M. Thomas Middle School.

Outcome Rationale: Lost Hills Elementary School enrolls 404 students in grades Transitional Kindergarten through fifth grade. The school employs 14 teachers and shares a Principal, Psychologist, Speech Therapist, RSP Teacher, and an SDC Teacher, with A.M. Thomas Middle School. A.M. Thomas Middle School enrolls 149 students in grades sixth through eighth grade, and employs 7 teachers. Both schools also share a common attendance area and are located on the same campus.

The combined SSC will address items pertaining to common curriculum, staff development, and instructional improvement. The joint school site council will elect its parents-community, students, and staff members from both schools and will maintain the parity requirements of EC 56852. The joint SSC will be composed of the following ten members: one shared principal, three classroom teachers, one other staff (classified staff serve both schools), and five parents/students.

Student Population: 553

City Type: Rural

Local Board Approval Date: 3/10/2014

Council Reviewed By: Lost Hills Elementary Schoolsite Council
Council Reviewed Date: 3/6/2014
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Fidelina Saso
Position: Assistant Superintendent
E-mail: fisaso@zeus.kern.org
Telephone: 661-797-2941 x135
Fax: 661-797-2580

Bargaining Unit Date: 03/06/2014
Name: California School Employees Association
Representative: Rosario Velasquez
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/06/2014
Name: Lost Hills Teachers Association, CTA/NEA
Representative: Maria Avila
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2265532  Waiver Number: 21-4-2014  Active Year: 2014

Date In: 4/18/2014 10:56:22 AM

Local Education Agency: Mariposa County Unified School District
Address: 5082 Old Highway North
Mariposa, CA 95338

Start: 7/1/2013  End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 163-12-2010-w-16  Previous SBE Approval Date: 5/12/2011

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 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: Due to the size and location of the 2 schools optimal school site councils for each school is not realistic. Both schools share the same principal. Yosemite Park High School has traditionally had small enrolments of less than 10 students with 2 teachers, while El Portal Elementary School has 83 students and 5 teachers. Both schools are located at the same site in the rural town of El Portal. As such we seek to combine the required SSC into one council. By reducing the size from 12 to 6 keeps the SSC practical in size but yet maintains the role and integrity of a functional SSC. The SSC will consist of 1 principal, 1 teacher, 1 other personnel, 2 parents and 1 student.

Student Population: 87

City Type: Rural

Local Board Approval Date: 2/20/2014

Council Reviewed By: School Board, El Portal Elementary SSC and Yosemite Park High School SSC.
Council Reviewed Date: 11/8/2013
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Christopher Busch
Position: State and Federal Programs Director
E-mail: cbusch@mariposa.k12.ca.us
Telephone: 209-742-0203
Fax: 209-742-0212

Bargaining Unit Date: 04/07/2014
Name: California School Employees Association
Representative: Ken Price
Title: CSEA Chapter President
Position: Support
Comments:

Bargaining Unit Date: 04/07/2014
Name: California Teachers Association
Representative: Lynda Dougherty-Kelley
Title: CTA President
Position: Support
Comments:
Attachment 5
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2265532 Waiver Number: 22-4-2014 Active Year: 2014

Date In: 4/18/2014 12:39:52 PM

Local Education Agency: Mariposa County Unified School District
Address: 5082 Old Highway North
Mariposa, CA 95338

Start: 7/1/2013 End: 6/30/2015

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 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: Due to the past economic calamity and our continual declining enrollment, Mariposa County USD has closed some schools. Previously Coulterville High School and Coulterville Greely Elementary School had a waiver, which combined their school site councils. Coulterville Greely Elementary School has been closed. As a result we wish to combine Coulterville High School and Lake Don Pedro Elementary School site councils. The campuses are located 14 miles apart; however, they have the same principal and share the same community. Coulterville High School has traditionally had small enrollments of less than 10 students and currently has 1 student. Coulterville High School is a necessary small high school located in the rural town of Coulterville. It consists of 1 full-time teacher, 1 secretary and principal that is shared with Lake Don Pedro Elementary School. Lake Don Pedro Elementary school serves kindergarten -8th grade with enrollment of less than 200 students. Lake Don Pedro began as a necessary small school in the foothills of Northwestern Mariposa County and has a total of 10 teachers.

The goal of this request is to provide a composition that is practical and possible enabling a combined and smaller schoolsite council to fulfill its role and responsibility. Specifically we are requesting to combine Coulterville High School and Lake Don Pedro Elementary into one schoolsite council and reduce the number council members. The proposed composition is 1 principal, 2 teachers, 1 other school personnel, 3 parents, and 1 student, which reduce the number of schoolsite council members from 12-8. The reduction in size will not affect the functionality or outcomes of the schoolsite council and will optimize parental involvement.
Student Population: 204
City Type: Rural
Local Board Approval Date: 2/20/2014
Council Reviewed By: School Board, Lake Don Pedro SSC and Coulterville High School SSC
Council Reviewed Date: 2/5/2014
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N
Categorical Program Monitoring: N
Submitted by: Dr. Christopher Busch
Position: State and Federal Programs Director
E-mail: cbusch@mariposa.k12.ca.us
Telephone: 209-742-0203
Fax: 209-742-0212
Bargaining Unit Date: 04/07/2014
Name: California School Employees Association
Representative: Ken Price
Title: CSEA Chapter President
Position: Support
Comments:

Bargaining Unit Date: 04/07/2014
Name: California Teachers Association
Representative: Lynda Dougherty-Kelley
Title: CTA President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5373833    Waiver Number: 30-4-2014    Active Year: 2014

Date In: 4/24/2014 12:27:54 PM

Local Education Agency: Southern Trinity Joint Unified School District
Address: 680 Van Duzen Road
Bridgeville, CA 95526


Waiver Renewal: Y
Previous Waiver Number: 24-4-2012-W-20    Previous SBE Approval Date: 7/18/2012

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: 52852 to allow one joint school site council to function for three small schools

Outcome Rationale: Request: Schoolsite council waiver allowing one joint school site council with a reduced number and composition to function for three small schools in the district: Van Duzen, Southern Trinity High, and Mt. Lassic continuation.

Composition:
The joint SSC will be composed of the following 10 members: one shared administrator, three classroom teachers- one from each school, one other school representative, three parents/community members and two students (all selected by peers).

Student Population: 75

City Type: Rural

Local Board Approval Date: 4/23/2014

Council Reviewed By: Van Duzen/Southern Trinity/Mt. Lassic Schoolsite council
Council Reviewed Date: 3/17/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Revised: 7/2/2014 9:19 AM
Submitted by: Ms. Peggy Canale
Position: Superintendent/Principal
E-mail: pcanale@tcoek12.org
Telephone: 707-574-6237 x223
Fax: 707-574-6538

Bargaining Unit Date: 03/10/2014
Name: Southern Trinity Teachers’ Association
Representative: Marie Block
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4870565    Waiver Number: 7-4-2014    Active Year: 2014

Date In: 4/9/2014 10:49:52 AM

Local Education Agency: Travis Unified School District
Address: 2751 De Ronde Dr.
Fairfield, CA 94533


Waiver Renewal: N
Previous Waiver Number:    Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: 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 teacher shall comprise
the majority of persons represented under category(a). Existing schoolwide advisory groups or
school support groups maybe utilized as the schoolsite council if those groups conform to this
section. The Superintendent of Public Instruction shall provide several examples of selection
and replacement procedures that may be considered by schoolsite councils. An employee of a
school, who is also a parent or guardian of a pupil who attends a school other than the school of
the parent's or guardian's employment, is not disqualified by virtue of this employment from
serving as a parent representative on the schoolsite council established for the school that his
or her child or ward attends.

Outcome Rationale: We have three alternative education programs with enrollment as follows:
Travis Education Center (continuation) = 76
Travis Independent Study = 3
Travis Community Day School = 11

There are currently 90 students enrolled in the three combined programs. We occasionally get
up to 15 more total between the three programs. Our request is to have a single School Site
Council to serve these three programs, which are located adjacent to each other, and share a
principal. The waiver will streamline operations by reducing meeting time and increasing
efficiency, and students will be well served because the needs of the students in the three schools are similar. We are not requesting a waiver of SSC composition: when we combine the three schools, there are enough people for a regular secondary School Site Council. We are only requesting a waiver of the requirement to have a separate SSC at each school, which is not practical at the two smaller schools.

Student Population: 5500

City Type: Suburban

Local Board Approval Date: 4/8/2014

Council Reviewed By: Travis Education Center Schoolsite Council
Council Reviewed Date: 3/5/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Susan Brothers
Position: Director of Curriculum, Instruction, & Assessment
E-mail: sbrothers@travisusd.k12.ca.us
Telephone: 707-437-8223
Fax:

Bargaining Unit Date: 03/18/2014
Name: Travis Unified Teachers Association
Representative: Jeanette Wiley
Title: President, TUTA
Position: Support
Comments:
CD Code: 2573593  Waiver Number: 24-3-2014  Active Year: 2014

Date In: 3/31/2014 4:04:07 PM

Local Education Agency: Tulelake Basin Joint Unified School District
Address: 400 G St.
Tulelake, CA 96134

Start: 7/1/2014  End: 7/1/2016

Waiver Renewal: Y
Previous Waiver Number: 3-11-2012  Previous SBE Approval Date: 3/1/2013

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.
EC 52863 Any governing board, on behalf of a schoolsite council, may request the State Board of Education (SBE) 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: Due to the small size of the Tulelake Basin Joint Unified School District (enrollment 488), this waiver will permit us to continue with a single schoolsite council for our two schools: Tulelake Elementary School K-6 (1 principal 13 teachers 263 enrollment); Tulelake High School 7-12 (1 principal 18 teachers 225 enrollment) 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 Common Core Standards.

Tulelake Basin Joint Unified School District has a student population of 488 and is located in a rural area in Siskiyou/Modoc Counties.
Student Population: 488

City Type: Rural

Local Board Approval Date: 3/20/2014

Council Reviewed By: Classified Bargaining Unit, Certificated Bargaining Unit, Schoolsite Council
Council Reviewed Date: 3/12/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Vanessa Jones
Position: Superintendent
E-mail: vjones@tbjusd.org
Telephone: 530-667-2295
Fax: 530-667-4298

Bargaining Unit Date: 03/10/2014
Name: Tulelake Basin Teachers Association
Representative: Liza Butler
Title: Unit President
Position: Support
Comments:
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

☐ Specific Waiver

SUBJECT

Request by two school 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: Inglewood Unified School District  37-4-2014
Paramount Unified School District  5-4-2014

☐ Action

☐ Consent

SUMMARY OF THE ISSUE(S)

Request by two school 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. The California Department of Education (CDE) recommends that the class size penalty for grades one through three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size for the period noted on Attachment 1. Should the district exceed these conditions, the class size penalty will be applied per statute.

Authority for Waiver: EC Section 41382

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The CDE recommends that the class size penalties for grades one through three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size for the period noted on Attachment 1. Should the district exceed this new limit, the class size penalty would be applied per statute.

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’ application.
SUMMARY OF KEY ISSUES

Statutes Related to Kindergarten Through Grade Three Class Size
There are two different statutes regarding kindergarten through grade three (K–3) class sizes under the Local Control Funding Formula (LCFF).

The first requirement has been in law since the mid-1960s and is the subject of this waiver. This law requires the CDE to apply a financial penalty to a school district’s funding (class size penalties) if any of the following occur:

- A single kindergarten class exceeds an average enrollment of 33.
- The average enrollment of all kindergarten classes exceeds 31.
- A single class in grades one through three exceeds an average enrollment of 32.
- The average enrollment of all grades one through three classes exceeds 30.

School districts report their average class enrollment information to the CDE in the spring of the applicable year. If a school district does not meet the requirements, the CDE reduces the district’s final payment for the year. Generally, the penalty is equal to a loss of all funding for enrollment above 31 in kindergarten classes or 30 in grades one through three classes. EC Section 41382 allows the SBE to waive this penalty if the associated class size requirements prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics.

The second requirement, which is a new beginning in fiscal year 2013–14, is related to the K–3 grade-span adjustment (GSA) that increases the LCFF target funding for the K–3 grade span by 10.4 percent. The LCFF target represents what a school district would receive if the state had the resources to fully fund LCFF. As a condition of receiving this adjustment, school districts must meet one of the following conditions at each school site:

- If a school site’s average class enrollment in K–3 was more than 24 pupils in the prior year, make progress toward maintaining, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- If a school site’s average class enrollment in K–3 was 24 pupils or less in the prior year, maintain, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- Agree to a collectively bargained alternative to the statutory K–3 GSA requirements.

If an independent auditor finds that a school district did not meet one of the conditions, the CDE must retroactively remove the K–3 GSA from the district’s funding. EC Section 42238.02(d)(3)(E) does not allow the SBE to waive the adjustment.

These two statutes operate independently. It is possible that a district could comply with the ostensibly more restrictive conditions for the K–3 GSA and be out of compliance with the K–3 class size penalty statutes for several reasons. For instance, the district could have negotiated an alternative to the K–3 GSA class size average that exceeds the class size penalty levels. Similarly, districts could be meeting the conditions for the K–3 GSA by making progress towards achieving an average class size of 24 at a school site, but still exceed the levels that trigger a class size penalty.
Districts’ Request
The districts are requesting, under the authority of EC Section 41382, that the SBE waive subdivisions (a) through (e) of EC Section 41378 and/or subdivisions (a), (c), and (d) of EC Section 41376, which provide a penalty when a school district exceeds the class sizes noted above and on Attachment 1. The districts state that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The actual and/or estimated annual penalties, should the districts increase the class size averages without a waiver are provided on Attachment 1.

School districts have absorbed significant funding cuts since 2008–09 and have had to take cost-cutting measures, which include increasing class sizes, in order to remain solvent. While the outlook for school funding is better than it has been in many years, it could take several years for districts to have the resources necessary to fully restore their prior service levels. Therefore, consideration of this and similar waivers is warranted.

CDE Recommendation
The CDE recommends that the class size penalties for kindergarten and/or grades one through three be waived, for the recommended period shown on Attachment 1, provided the overall average and individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should the district exceed these conditions, the class size penalty will be applied per statute.

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 the CDE through fiscal year 2013–14. Before the September 2009 board meeting, no waivers had been submitted since 1999.

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:  Inglewood Unified School District Specific Waiver 37-4-2014 (2 pages)  (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3:  Paramount Unified School District Specific Waiver 5-4-2014 (2 pages)  (Original waiver request is signed and on file in the Waiver Office.)
District(s) Requesting Kindergarten Through Grade Three Class Size Penalty Waiver(s)

_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/County and District Code</th>
<th>Period of Request/CDE Recommendation</th>
<th>District's Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>Local Board Approval Date</th>
<th>*Bargaining Unit, Representative(s) Consulted, Date, and Position</th>
<th>Potential Annual Penalty Without Waiver</th>
<th>Previous Waivers</th>
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<tr>
<td>37-4-2014</td>
<td>Inglewood Unified School District 19-64634</td>
<td><strong>Requested:</strong> July 1, 2013 to June 30, 2014</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>4/29/14</td>
<td>Not Required</td>
<td>$597,569 FY 2013–14</td>
<td>No</td>
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<td>5-4-2014</td>
<td>Paramount Unified School District 19-64873</td>
<td><strong>Requested:</strong> July 1, 2012 to June 30, 2013</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>2/12/14</td>
<td>Not Required</td>
<td>Actual $316,575 FY 2012–13</td>
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*For specific waivers bargaining unit consultation is not required.*

Created by California Department of Education
April 29, 2014
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964634 Waiver Number: 37-4-2014 Active Year: 2014

Date In: 4/30/2014 11:07:29 AM

Local Education Agency: Inglewood Unified School District
Address: 401 South Inglewood Ave.
Inglewood, CA 90301

Start: 7/1/2013 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 4137 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or CCR to Waive: 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.]

Outcome Rationale: The district has been under state receivership since September 2012 and has been able to maintain all class sizes district wide below the maximum statutory requirements. The district has 96 classes in grades 1-3 in Fiscal Year 2013-14. The average number of pupils per class in grades 1-3 was 29.9. The class size penalty arose from a single class with 33 student which will result in a penalty of approximately $597,569. The 33rd student enrolled in the class was homeless, and the school where the student enrolled accommodated the needs of the student and family. The district is requesting the class size average be waived and allow the individual class size maximum be increased from 32 to 33 in grades 1-3.

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 $597,569 could be incurred by the district without this waiver.
Student Population: 10283

City Type: Urban

Local Board Approval Date: 4/29/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Joe Dominguez
Position: Chief Operations Officer
E-mail: jdominguez@inglewood.k12.ca.us
Telephone: 310-419-2792
Fax: 310-677-0685
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or CCR to Waive: Ed Code 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 in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total 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 classes is more than 30, the excess shall be the total 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 ration 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 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: In fiscal year 2012-13, the District had two third-grade classes with enrollment of 33 students. The District is requesting the class size limit be waived and allow the individual class size maximum be increased from 32 in grades 1-3 to 33, with respect to such core classes, on the basis that such provisions prevent the school and school district from developing more effective programs to improve instruction in reading and mathematics. The district exceeded the class size average in two classes due to the following:

- The students were not removed from the classes in order to avoid interruption in instruction, the teachers were supportive and agreed that they did not want to disrupt the educational program of the students.
- We were not able to consider combination classes, since it was only one student at two different sites.
- The district needed to minimize transportation cost; these two students would have had to been bussed to other schools within the district. When enrollment declined, no new students were enrolled in either class.

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 $315,158 could be incurred by the district without this waiver.

Student Population: 15864

City Type: Urban

Local Board Approval Date: 2/12/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Ranita Browning
Position: Director-Fiscal Services
E-mail: rbrowning@paramount.k12.ca.us
Telephone: 562-602-6021
Fax:

Bargaining Unit Date: 03/31/2014
Name: Teachers Association of Paramount
Representative: Deb Myers
Title: President
Position: Neutral
Comments:
## General Waiver

### SUBJECT

Request by eight school districts to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

<table>
<thead>
<tr>
<th>Waiver Numbers</th>
<th>Action</th>
<th>Consent</th>
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<tr>
<td>Alum Rock Union Elementary School District 12-3-2014</td>
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<tr>
<td>Meadows Union Elementary School District 32-4-2014</td>
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<td>Montebello Unified School District 17-3-2014</td>
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<td>Placentia-Yorba Linda Unified School District 14-3-2014</td>
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<td>Planada Elementary School District 17-4-2014</td>
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<td>San Jose Unified School District 26-4-2014</td>
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### SUMMARY OF THE ISSUES

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 for details.

### Authority for Waiver: *Education Code (EC)* Section 33050

### RECOMMENDATION

- Approval
- Approval with conditions
- Denial

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 for details.

### SUMMARY OF KEY ISSUES

#### Class Size Reduction

Schools participating in the Quality Education Investment Act (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 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 class size reduction (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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by 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.

The Placentia-Yorba Linda Unified School District (USD) and the Yuba City USD meet the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, these waivers have been scheduled for the consent calendar. The 2013 Growth API scores for these districts are 873 for the Placentia-Yorba Linda USD and 806 for Yuba City USD.
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: Alum Rock Union Elementary School District Request 12-3-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Alum Rock Union Elementary School District General Waiver Request 12-3-2014 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Meadows Union Elementary School District Request 32-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Meadows Union Elementary School District General Waiver Request 32-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Montebello Unified School District Request 17-3-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Montebello Unified School District General Waiver Request 17-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Montebello Unified School District Request 18-3-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 8: Montebello Unified School District General Waiver Request 18-3-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Pasadena Unified School District Request 34-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 10: Pasadena Unified School District General Waiver Request 34-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 11: Pasadena Unified School District Request 35-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 12: Pasadena Unified School District General Waiver Request 35-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)


Attachment 14: Placentia-Yorba Linda Unified School District General Waiver Request 14-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Planada Elementary School District Request 17-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 16: Planada Elementary School District General Waiver Request 17-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: San Jose Unified School District Request 26-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 18: San Jose Unified School District General Waiver Request 26-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: Yuba City Unified School District Request 12-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 20: Yuba City Unified School District General Waiver Request 12-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 21: Yuba City Unified School District Request 13-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 22: Yuba City Unified School District General Waiver Request 13-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 23: Yuba City Unified School District Request 14-4-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 24: Yuba City Unified School District General Waiver Request 14-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Joseph George Middle School  
Alum Rock Union Elementary School District

Local Educational Agency Request:

Alum Rock Union Elementary School District (UESD) is an urban district located in Santa Clara County with a student population of approximately 11,800 students. Joseph George Middle School (MS) serves 632 students in grades six through eight. 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 Joseph George MS in one grade eight class that exceeded the QEIA 27-student cap per classroom requirement for 11 days in school year 2012–13. The school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 25.0 in grades six through eight.

Alum Rock UESD states that through short-cycle assessments, Joseph George MS strategically groups and regroups students to provide differentiated instruction and intervention based upon a student’s current specific academic need. Further, the district states that this initiative, diligently implemented, has resulted in significant improvement in academic achievement for all students. However, the district states that these best practices of flexible grouping and regrouping students that are based on instructional need, have caused regular and ongoing difficulty in complying with the QEIA 27-student cap per classroom requirement. In addition, the district states that grouping at-risk students for effective intervention may require smaller class sizes, but this creates pressure for larger class sizes elsewhere. Lastly, the district states that even with this difficulty, there was only one class that exceeded 27 by one grade eight student for 11 days.

Alum Rock UESD requests a waiver of the QEIA 27-student cap per core classroom requirement for one grade eight class at Joseph George MS for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Alum Rock UESD’s request to waive the QEIA 27-student cap per core classroom requirement for grade eight at Joseph George MS for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to one grade eight class at Joseph George MS for school year 2012–13; and (2) Within 30 days of approval of this waiver, Alum Rock UESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Alum Rock Educators Association, March 13, 2014.

Local Board Approval: March 13, 2014.
California Department of Education  
WAIVER SUBMISSION - General

<table>
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<th>CD Code: 4369369</th>
<th>Waiver Number: 12-3-2014</th>
<th>Active Year: 2014</th>
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**Date In:** 3/17/2014 10:30:57 AM

**Local Education Agency:** Alum Rock Union Elementary School District  
**Address:** 2930 Gay Ave.  
**San Jose, CA 95127**

**Start:** 7/1/2012  
**End:** 6/30/2013

**Waiver Renewal:** N  
**Previous Waiver Number:**

**Waiver Topic:** Quality Education Investment Act  
**Ed Code Title:** Rule of 27  
**Ed Code Section:** 52055.740(a)  
**Ed Code Authority:** 33050

**Ed Code or CCR to Waive:** [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 grades 4th - 12th, inclusive, with more than 27 pupils regardless of its average classroom size.]

**Outcome Rationale:** Please see Attachment to Waiver: Question #7, Desired outcome/rationale

**Student Population:** 632

**City Type:** Urban

**Public Hearing Date:** 3/13/2014  
**Public Hearing Advertised:** posted per requirements

**Local Board Approval Date:** 3/13/2014

**Community Council Reviewed By:** Joseph George Middle Schoolsite Council  
**Community Council Reviewed Date:** 3/13/2014  
**Community Council Objection:** N  
**Community Council Objection Explanation:**

**Audit Penalty YN:** N

**Categorical Program Monitoring:** N

**Submitted by:** Dr. Thomas Green  
**Position:** Chief School Transformation Officer  
**E-mail:** thomas.green@arusd.org  
**Telephone:** 408-928-6526 x6526  
**Fax:**
Bargaining Unit Date: 03/13/2014
Name: Alum Rock Educators Association (AREA)
Representative: Jocelyn Merz
Title: President
Position: Support
Comments:
George Middle School

Attachment to Waiver: Question #7, Desired outcome/rationale

Alum Rock Union Elementary School District (ARUESD) is located in San Jose, CA and has a population of approximately 11,800 students in grades K-8 in 25 schools. George Middle School is one of six comprehensive middle schools in ARUESD serving 632 students in grades 6-8. The student population includes 494 (80%) Socioeconomically Disadvantaged students and 220 (35%) English Language Learners. A waiver of one QEIA requirement, the Rule of 27, is requested from July 1, 2012 through June 30, 2013. The Rule of 27 requires that all sections of the core instructional program (language arts, math, science and social studies) have no more than 27 students in any given section.

In 2012-2013, George offered a total of 126 core classes. In one core class, the number of students exceeded the Rule of 27 by one student for 11 days; however, it is important to note that the school has met or exceeded all other requirements of the statute and demonstrated significant academic achievement overall and for all numerically significant subgroups. Specifically, George’s school-wide Academic Performance Index (API) increased by 30 points between 2012 and 2013. QEIA funds have played an important role in this academic achievement data.

Justification and Rationale for Total Core Sections above 27

There are several reasons that George exceeded the Rule of 27 in Core classes:

- George strategically regroups students to provide differentiated instruction, support and intervention based upon student achievement data. George uses assessment practices such as the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) and standards-based benchmark and short cycle assessments to flexibly and regularly group and regroup students based upon current specific academic need. George has fully implemented alternative core and support curricula such as Language! to align instruction with identified instructional need.

- George works closely with highly effective external support providers to restructure its assessment, placement, scheduling, grouping, instruction, and progress monitoring practices to accelerate achievement for at-risk students. Partners in School Innovation, Pivot Learning Partners, the Santa Clara County Office of Education, and the New Teacher Center have all provided support and training in meaningful use of data to inform instructional practices, and in best instructional practices.

All of these initiatives and efforts, diligently implemented, have resulted in significant improvement in academic achievement for all students, including numerically significant subgroups. However, these best practices in grouping and regrouping students based upon instructional need have caused regular and ongoing difficulty in complying with the Rule of 27. Grouping at-risk students for effective intervention and support may require smaller class sizes, which then create pressure for larger class sizes for students currently meeting or exceeding grade level standards. This practice within the context of a departmentalized program with a
master schedule of 126 core sections has caused the previously identified class to exceed the QEIA Rule of 27.

**Steps Implemented to Ensure Total Core Section Compliance with the Rule of 27**

In close consultation with the Santa Clara County Office of Education QEIA monitor, the District monitors compliance with QEIA requirements.

1. The local monitoring plan includes monthly meetings with the site principals of the QEIA schools to ensure understanding of the compliance requirements and daily monitoring of school compliance with all QEIA Class Size Reduction requirements.
2. To ensure internal monitoring, George administrators and administrative support staff directly accesses the student database to determine the projected impact on the entire school year, if a new student is enrolled.
3. The District also provides assistance to George Middle School in navigating the complexities of master scheduling and appropriate instructional grouping.
4. Upon enrollment, the school verifies that space is available and notifies parents if their student must be placed at another school. If a transfer is necessary, staff works with parents on transportation options such as busing or carpool availability. George also maintains a database of students wanting to return when an opening occurs.

**George Middle School is fully compliant with QEIA requirements at this time.** We expect compliance to be maintained for 2013-14.

In 2012-2013, George received $556,200 QEIA funding which supports six teaching positions to lower class size, one Visual and Performing Arts (VAPA) Coach, technology integration, professional development, and parent engagement activities. The VAPA program includes elective courses in dance, art, drama, choir, drum corps, and band. QEIA funding has created opportunities for all students to experience the integration of the arts into the curriculum, which provides enrichment and motivation directly impacting student achievement. The students, parents and teachers of George Middle School and the Santa Clara County Office of Education acknowledge and support the continuation of QEIA funding as vital to the continued success of the under-served students in this large comprehensive middle school.
Local Educational Agency Request:

Meadows Union Elementary School District (UESD) is a rural district located in Imperial County with a student population of approximately 472 students. Meadows Elementary School (ES) serves 472 students in kindergarten and grades one through eight. Monitoring performed by the Imperial County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Meadows ES in school year 2012–13. 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 21.5, 18.5, 25.0, 25.0, and 25.0 in grades four through eight, respectively.

Meadows UESD states that as a single school district located 10 miles from the Mexican border, average daily attendance (ADA) varies throughout the year because many students are from migrant families that live in Mexico and in the United States. The district states that it is, therefore, difficult to maintain stable enrollment numbers in the classes. In addition, as these students move in or out of the district, attempts are made to fill classes at “one less” to maintain the class size reduction requirements while making sure that ADA numbers do not drop to lower funding levels. Finally, the district states that in 2012–13, more students came than left, which resulted in grade one exceeding its CSR target by 1.56.

Meadows UESD requests a waiver of the QEIA CSR target for grade one at Meadows ES for school year 2012–13 and the establishment of an alternate CSR target of 22.0 students per class in core classes in grade one.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Meadows UESD’s request to increase its QEIA CSR target for grade one at Meadows ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to grade one at Meadows ES for school year 2012–13; (2) Meadows ES increases enrollment to 22.0 students per class in core classes in grade one for school year 2012–13; (3) No core class in grades four through eight may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Meadows UESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Meadows ES Schoolsite Council, English Language Advisory Committee, and the District Language Acquisition Committee on November 13, 2013.

Supported by Meadows Union Teachers Association, November 13, 2013.
Local Board Approval: March 25, 2014.
California Department of Education

WAIVER SUBMISSION - General

CD Code: 1363198 Waiver Number: 32-4-2014 Active Year: 2014

Date In: 4/29/2014 11:24:33 AM

Local Education Agency: Meadows Union Elementary School District
Address: 2059 Bowker Rd.
El Centro, CA 92243

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: Class Size Reduction Requirements
Ed Code Section: 52055.740
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.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: Meadows School District is a single school district located ten miles from the US-Mexico border. The average ADA for Meadows varies throughout the year from 448 to 463 depending on attendance issues. Many of our students are migrant, with families living in Mexicali and support families living in the US. As these families are transient it makes it difficult to maintain stable enrollment numbers in our classes. As these students move in or out of the district we try to fill our classes at "one less" to maintain the class size reduction requirements and still maintain a high enough enrollment to ensure that ADA numbers don't drop to lower funding levels. However, there are times when a greater number than normal of students suddenly come into the district and usually this doesn't have an impact due to the transient nature of our students. In this instance the district did not have as many students leave as
came in. Unfortunately the district enrollment came in at .8 over in our first grade classes. We are also struggling with a budget deficit and rely heavily on any and all funding sources to ensure quality services to all students in the district. Our request is to allow for 22 students in the first grade.

Student Population: 472

City Type: Rural

Public Hearing Date: 12/17/2013
Public Hearing Advertised: Notices posted on site and on website.

Local Board Approval Date: 3/25/2014

Community Council Reviewed By: School site Council; ELAC/DLAC committees
Community Council Reviewed Date: 11/13/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sharon Theis
Position: Superintendent
E-mail: stheis@ivnet.org
Telephone: 760-352-7512 x2299
Fax: 760-337-1275

Bargaining Unit Date: 11/13/2013
Name: Meadows Union Teachers Association (MUTA)
Representative: Denise Studer
Title: Union President
Position: Support
Comments:
Waiver Number: 17-3-2014  
Period of Request: July 1, 2014, to June 30, 2015  
Period Recommended: July 1, 2014, to June 30, 2015  
CDS Code: 19 64808 6020689

Winter Gardens Elementary School  
Montebello Unified School District

Local Educational Agency Request:

Montebello Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 31,316 students. Winter Gardens Elementary School (ES) serves 669 students in 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 Winter Gardens ES in school year 2012–13 through a two-year waiver granted in May 2013 for kindergarten and grades one through three. Based on the previous waiver, the school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four and five.

Montebello USD states that since the implementation of the QEIA program, it has lost approximately 11 percent, or $19 million in annual revenue limit funding. Further, the district states that due to the ongoing and severe fiscal crisis in the state, cuts to revenue limit funding have resulted in an increase of the student-to-teacher ratio in all schools, and in order to stabilize the budget, it will be necessary to reduce spending. Lastly, the district states that a waiver would keep the class sizes lower than the rest of the schools, as well as keep students from being turned away and reduce the need for multiple combination grade settings.

Montebello USD requests a continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three at Winter Gardens ES for school year 2014–15.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Montebello USD’s request to increase its QEIA CSR targets for kindergarten and grades one through three at Winter Gardens ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Winter Gardens ES for school year 2014–15; (2) Winter Gardens ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three; (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, Montebello USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.


Supported by Montebello Teachers Association, March 5, 2014.
Local Board Approval: March 20, 2014.
CD Code: 1964808  Waiver Number: 17-3-2014  Active Year: 2014

Date In: 3/24/2014 2:37:24 PM

Local Education Agency: Montebello Unified School District
Address: 123 South Montebello Blvd.
Montebello, CA 90640

Start: 7/1/2014  End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 84-1-2013  Previous SBE Approval Date: 5/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050-33053

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] 25 pupils per class. [, as set forth in the Class Size Reduction Program] (Chapter 6.10 (commencing with Section 52120)).
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) At least five pupils fewer per classroom than was the average in 2006-07.
      (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: The Montebello Unified School District (MUSD) on behalf of Winter Gardens Elementary School requests a permanent single QEIA baseline target of 25:1 for grades Kindergarten to third to fiscally support and meet all the QEIA required mandates for the time period of July 1, 2014 to June 30, 2015.

Since the implementation of the QEIA Program, MUSD has lost approximately 11%, or $19 million in annual Revenue Limit funding. Due to the ongoing and severe fiscal crisis in the State of California, cuts to revenue limit funding have resulted in an increase of the student to
teacher ratio in all schools in the district. In order to stabilize the district’s budget for 2012-2015, it will be necessary to reduce spending.

All Montebello Unified School District QEIA classes grades four through twelve have a CSR target in student to teacher ratio of 25. Currently, Winter Gardens Elementary School has a required class size ratio of 20.0 for grades Kindergarten to three. The average teacher to student ratio for all other non-QEIA elementary school classes, grades Kindergarten to three in MUSD, is 32.0.

This waiver would allow the district to have class sizes at QEIA schools remain substantially lower than the non-QEIA schools. Each year, Winter Gardens have a small number of students per grade level that are turned away. With the new proposed class size in Kindergarten through third grade, Winter Gardens will have fewer students if any, excluded from their program. They will be better able to continue providing a high quality education with continuous support for the families. There will also be a reduced need for multiple combination grade settings. (i.e.: K-1, 1-2, 2-3 etc.) Students would remain in their home school, and in a class with their grade level peers. Student achievement on the 2012-2013 CST has improved at this school.

Student Population: 669

City Type: Urban

Public Hearing Date: 3/20/2014
Public Hearing Advertised: Notice posted at Winter Gardens Elementary School, Public Library, and District Office Lobby

Local Board Approval Date: 3/20/2014

Community Council Reviewed By: Winter Gardens Schoolsite Council
Community Council Reviewed Date: 1/31/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Arthur P Revueltas
Position: Deputy Superintendent
E-mail: revueltas_art@montebello.k12.ca.us
Telephone: 323-887-7900 x7922
Fax: 323-887-5893

Bargaining Unit Date: 03/05/2014
Name: Montebello Teachers Association
Representative: Lorraine Richards
Title: MTA President
Position: Support
Comments:
Waiver Number: 18-3-2014

Period of Request: July 1, 2014, to June 30, 2015

Period Recommended: July 1, 2014, to June 30, 2015

CDS Code: 19 64808 6020408

Bell Gardens Intermediate School
Montebello Unified School District

Local Educational Agency Request:

Montebello Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 31,316 students. Bell Gardens Intermediate School (IS) serves 1,247 students in grades six through eight. 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 Bell Gardens IS in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 25.0 in grades six through eight.

Montebello USD states that since the implementation of the QEIA program, it has lost approximately 11 percent, or $19 million in annual Revenue Limit funding. Further, the district states that due to the ongoing and severe fiscal crisis in the state, cuts to revenue limit funding have resulted in an increase of the student-to-teacher ratio in all schools, and in order to stabilize the budget, it will be necessary to reduce spending. Lastly, the district states that a waiver would keep the class sizes lower than the rest of the schools, as well as keep students from being turned away and reduce the need for multiple combination grade settings.

Montebello USD requests a waiver of the QEIA CSR targets for grades six through eight at Bell Gardens IS for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students on average in core classes in grades six through eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Montebello USD’s request to increase its QEIA CSR targets for grades six through eight at Bell Gardens IS for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight at Bell Gardens IS for school year 2014–15; (2) Bell Gardens IS continues its enrollment of 25.0 students on average in core classes in grades six through eight; (3) No core class in grades six through eight may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Montebello 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 Bell Gardens IS Schoolsite Council on December 19, 2013.

Supported by Montebello Teachers Association, March 5, 2014.

Local Board Approval: March 20, 2014.
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:
   (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
   [(i) At least five pupils fewer per classroom than was the average in 2006-07.]
   (ii) An average of 25 pupils per classroom.
   (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the “average in 2006-07” for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(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 Montebello Unified School District (MUSD) on behalf of Bell Gardens Intermediate School requests the establishment of an alternative permanent CSR target of 25.0 on average in core classes in grades six through eight to fiscally support and meet all the QEIA required mandates for the time period of July 1, 2014 to June 30, 2015.

Since the implementation of the QEIA Program, MUSD has lost approximately 11%, or
$19 million in annual Revenue Limit funding. Due to the ongoing and severe fiscal crisis in the State of California, cuts to revenue limit funding have resulted in an increase of the student to teacher ratio in all schools in the district. In order to stabilize the district’s budget for 2012-2015, it will be necessary to reduce spending.

All Montebello Unified School District QEIA classes grades four through twelve have a CSR target in student to teacher ratio of 25. Bell Gardens Intermediate School’s current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 23.7 in grade six, 24.6 in grade seven, and 22.2 in grade eight. The average teacher to student ratio for all other non-QEIA intermediate school core classes, grades six through eight in MUSD, is 34.0.

This waiver would allow the district to have class sizes at QEIA schools remain substantially lower than the non-QEIA intermediate schools. With the new proposed class size in sixth through eighth grade, Bell Gardens Intermediate will be better able to continue to provide a high quality education with continuous support for their families.

Bell Gardens Intermediate has met all funding requirements during the first five years, including teacher qualifications, class size, and API growth. Student achievement on the CST has improved at this school. In fact, Bell Gardens Intermediate has far exceeded the API Growth targets. See the table below:

<table>
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<tr>
<th></th>
<th>2008-2009</th>
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Student Population: 1247

City Type: Urban

Public Hearing Date: 3/20/2014
Public Hearing Advertised: Notice posted at Bell Gardens Intermediate, Public Library, and District Office Front Lobby

Local Board Approval Date: 3/20/2014

Community Council Reviewed By: Bell Gardens Intermediate Schoolsite Council
Community Council Reviewed Date: 12/19/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Arthur P Revueltas
Position: Deputy Superintendent
E-mail: revueltas_art@montebello.k12.ca.us
Telephone: 323-887-7900 x7922
Fax: 323-887-5893
Bargaining Unit Date: 03/05/2014
Name: Montebello Teachers Association
Representative: Lorraine Richards
Title: MTA President
Position: Support
Comments:
Local Educational Agency Request:

Pasadena Unified School District (USD) is a suburban district located in Los Angeles County with a student population of approximately 19,540 students. Altadena Elementary School (ES) serves 269 students in 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 Altadena ES in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four and five.

Pasadena USD states that 2014–15 will be the first full implementation of the Local Control and Accountability Plan and, therefore, it is important to continue the previous waiver in order to maintain class size flexibility and develop the most efficient and comprehensive programs.

Pasadena USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Altadena ES for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pasadena USD’s request to increase its QEIA CSR targets for kindergarten and grades one through three at Altadena ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Altadena ES for school year 2014–15; (2) Altadena ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three; (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, Pasadena 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 United Teachers of Pasadena, California Teachers Association, and the National Education Association, January 31, 2014.

Local Board Approval: April 24, 2014.
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<th>California Department of Education</th>
<th>WAIVER SUBMISSION - General</th>
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<td>CD Code: 1964881</td>
<td>Waiver Number: 34-4-2014</td>
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Date In: 4/29/2014 3:07:36 PM

Local Education Agency: Pasadena Unified School District
Address: 351 South Hudson Ave.
Pasadena, CA 91101

Start: 7/1/2014 | End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 47-4-2012-W-34 | Previous SBE Approval Date: 7/18/2012

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: [(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)).]
[(i) At least five pupils fewer per classroom than was the average in 2006-07.]

Outcome Rationale: in 2014-15, the Pasadena Unified School District (PUSD) will implement the Local Control and Accountability Plan (LCAP) the first time. It is important for PUSD to maintain class size flexibility in order to develop the most efficient and comprehensive programs for Altadena to close the student achievement gap that is the requirement of both LCAP and QEIA as well as the strategic goal of PUSD. From 2012 to 2014 with the first approved waiver being implemented, Altadena Elementary School still maintained a fairly small class size of 21.10 but was able to avoid many grade combination classes.

Student Population: 173

City Type: Suburban

Public Hearing Date: 4/24/2014
Public Hearing Advertised: Pasadena Star-News on 4/14/2014

Local Board Approval Date: 4/24/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 3/26/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Revised: 7/2/2014 9:20 AM
Categorical Program Monitoring: N

Submitted by: Ms. Joyce Yeh
Position: Director of Budget
E-mail: yeh.joyce@pusd.us
Telephone: 626-396-3602
Fax: 626-796-8613

Bargaining Unit Date: 01/31/2014
Name: United Teachers of Pasadena/CTA/NEA
Representative: Alvin Nash
Title: President
Position: Oppose
Comments: Increasing class size will not help close student achievement gap
Waiver Number: 35-4-2014  
Period of Request: July 1, 2014, to June 30, 2015  
Period Recommended: July 1, 2014, to June 30, 2015  
CDS Code: 19 64881 6021752

Washington Middle School  
Pasadena Unified School District

Local Educational Agency Request:

Pasadena Unified School District (USD) is a suburban district located in Los Angeles County with a student population of approximately 19,540 students. Washington Middle School (MS) serves 542 students in grades six through eight. 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 Washington MS in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 25.0 in grades six through eight.

Pasadena USD states that the original required class size ratios for Washington MS are 22.5, 18.6, and 19.1 for grades six through eight, respectively, while classes of other middle schools in the district are 30.0. As 2014–15 will be the first year of full implementation of the Local Control and Accountability Plan, it is important to continue the previous waiver in order to maintain class size flexibility and develop the most efficient and comprehensive programs.

Pasadena USD requests a waiver of the QEIA CSR targets for grades six through eight at Washington MS for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students on average in core classes in grades six through eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pasadena USD’s request to increase its QEIA CSR targets for grades six through eight at Washington MS for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight at Washington MS for school year 2014–15; (2) Washington MS continues its enrollment of 25.0 students on average in core classes in grades six through eight; (3) No core class in grades six through eight may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Pasadena 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 United Teachers of Pasadena, California Teachers Association, and the National Education Association, January 31, 2014.

Local Board Approval: April 24, 2014.
Ed Code or CCR to Waive: (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.]

(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.]

Outcome Rationale: Under QEIA regulation, Washington Middle School is required class size ratios of 22.5 for sixth grade, 18.6 for seventh grade, and 19.1 for eighth grade. The average teacher to student ratio for all other middle school classes, grades six to eight, in PUSD, is 30. In 2014-15, the Pasadena Unified School District (PUSD) will implement Local Control and Accountability Plan (LCAP) the first time. The PUSD needs to maintain flexibility in order to develop the most efficient and comprehensive programs for Washington Middle School to close the student achievement gap that is the requirement of both LCAP and QEIA as well as the strategic goal of PUSD.

Student Population: 542

City Type: Suburban

Public Hearing Date: 4/24/2014
Public Hearing Advertised: Pasadena Star-News on 4/14/2014

Local Board Approval Date: 4/24/2014
Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 3/5/2014
Community Council Objection: Y
Community Council Objection Explanation: General objection to larger class size

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Joyce Yeh
Position: Director of Budget
E-mail: yeh.joyce@pusd.us
Telephone: 626-396-3602
Fax: 626-796-8613

Bargaining Unit Date: 01/31/2014
Name: United Teachers of Pasadena/CTA/NEA
Representative: Alvin Nash
Title: President
Position: Oppose
Comments: Increasing class size will not help close the student achievement gap
Waiver Number: 14-3-2014  
Period of Request: July 1, 2014, to June 30, 2015  
Period Recommended: July 1, 2014, to June 30, 2015  
CDS Code: 30 66647 0102897

Melrose Elementary School  
Placentia-Yorba Linda Unified School District

Local Educational Agency Request:

Placentia-Yorba Linda Unified School District (USD) is an urban district located in Orange County with a student population of approximately 25,500 students. Melrose Elementary School (ES) serves 647 students in kindergarten and grades one through five. Monitoring performed by the Orange County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Melrose ES in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four and five. Placentia-Yorba Linda USD states that due to the ongoing and severe fiscal crisis, it can no longer reasonably continue to fund the extremely low class sizes required by QEIA at Melrose ES. In fact, the district states, since the implementation of the QEIA program in school year 2007–08, it has experienced a cumulative loss of $93 million in general fund revenue. Lastly, the district states that Melrose ES was able to meet the QEIA CSR requirements for school year 2013–14 only because the previously approved waiver allowed the school to raise its CSR targets.

Placentia-Yorba Linda USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Melrose ES for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Placentia-Yorba Linda USD’s request to increase its QEIA CSR targets for kindergarten and grades one through three at Melrose ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Melrose ES for school year 2014–15; (2) Melrose ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three; (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, Placentia-Yorba Linda USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Supported by Association of Placentia Linda Educators, February 8, 2014.

Local Board Approval: March 11, 2014.
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.
      (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: Melrose Elementary School has a Transitional K-5 student population of 647 students and is located in a small city in Orange County. Students are 99% Hispanic/Latino, 81.3% socioeconomically disadvantaged, and 67.6% English learners. The Placentia-Yorba Linda Unified School District (PYLUSD) requests the State Board of Education to renew the waiver of Education Code Sections listed above that have been crossed out. During the 2013-14 school year, Melrose was approved to increase class size to 25:1 in grades kindergarten through 3rd. Due to the ongoing and severe fiscal crisis that the State of California has been suffering, PYLUSD could no longer reasonably continue to fund the extremely low class sizes required by the Quality Education Investment Act (QEIA). Since the implementation of the QEIA Program in the 2007-08 school year, PYLUSD has experienced a cumulative loss in
revenue of $93 million in general fund revenue. Currently, Melrose Elementary School has required class size ratios of 25.0 for grades Transitional Kindergarten to five. The average teacher to student ratio for all elementary school classes in PYLUSD grades K-3 is 29.29 and for grades 3-5 is 29.66. Melrose Elementary School has met all funding requirements under QEIA including teacher qualifications, class size, and API growth. In fact, Melrose has far exceeded the API Growth targets. See Table 1 below:

Table 1 – Melrose API Growth

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We anticipate the school will once again meet all requirements for the 2013-14 school year. Since the inception of the Melrose QEIA program, the school has made significant progress. The progress has been steady across the years demonstrating that the staff has internalized the instructional processes they have implemented and continues to build upon the success of each prior year.

Student Population: 647

City Type: Suburban

Public Hearing Date: 3/11/2014
Public Hearing Advertised: Notices of Public Hearing were posted at all PYLUSD schools as well as the PYLUSD Professional Development Academy, Yorba Linda and the PYLUSD District Office, Placentia, CA 92870

Local Board Approval Date: 3/11/2014

Community Council Reviewed By: Melrose Elementary Schoolsite Council
Community Council Reviewed Date: 2/20/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Dorie Staack
Position: Director, Educational Services
E-mail: dstaack@pylusd.org
Telephone: 714-985-8654
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Bargaining Unit Date: 02/08/2014
Name: Association of Placentia Linda Educators (APLE)
Representative: Linda Manion
Title: President
Position: Support
Comments:
Waiver Number: 17-4-2014  Period of Request: July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
CDS Code: 24 65821 6025787

Planada Elementary School
Planada Elementary School District

Local Educational Agency Request:

Planada Elementary School District (ESD) is a rural district located in Merced County with a student population of approximately 764 students. Planada Elementary School (ES) serves 514 students in kindergarten and grades one through five. Monitoring performed by the Merced County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Planada ES in school year 2012–13. 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 17.5 and 20.3 in grades four and five, respectively.

Planada ESD states that based on student enrollment in kindergarten and grade one, and the impact it could have on the district's budget, it was not able to hire additional teaching staff to reduce the number of students in those classes. In addition, the district states that all attempts were made annually to meet the required CSR targets in kindergarten and grades one, two, four, and five, but in this particular year, it had just enough students to go over the mandated CSR target by 1.23 in kindergarten and by .39, .6, .98, and 1.93 in grades one, two, four, and five, respectively.

Planada ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one, two, four, and five at Planada ES for school year 2012–13, and the establishment of alternative CSR targets of 21.67, 20.83, and 21.04 students per class in core classes in kindergarten and grades one and two, respectively; and 18.48 and 22.23 students on average in core classes in grades four and five, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Planada ESD’s request to increase its QEIA CSR targets for kindergarten and grades one, two, four, and five at Planada ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one, two, four, and five at Planada ES for school year 2012–13; (2) Planada ES increases enrollment to 21.67, 20.83, and 21.04 students per class in core classes in kindergarten and grades one and two, respectively; and 18.48 and 22.23 students on average in core classes in grades four and five, respectively, for school year 2012–13; (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, Planada 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 Planada Teachers Union, April 11, 2014.

**Local Board Approval:** April 11, 2014.
CD Code: 2465821  Waiver Number: 17-4-2014  Active Year: 2014

Date In: 4/15/2014 10:24:42 AM

Local Education Agency: Planada Elementary School District
Address: 9525 East Brodrick St.
Planada, CA 95365

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: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

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 Planada Elementary School be waived for the following grade levels:
Kindergarten, 1st Grade, 4th Grade and 5th Grade. Under the QEIA requirements for grades K-
3, the school had to maintain the CSR of 20.44. In Kindergarten, we had a CSR average of
21.41 exceeding the target by .97. In 1st Grade the average was 20.82 exceeding the target by
.38. In Grades 2 and 3, we were able to meet the CSR targets. In Grade 4, the QEIA CSR target
was 17.5, but our average for that grade level was 18.75, exceeding the target by .125. In
Grade 5, the QEIA CSR target was 20.3, but our average was 22.25 exceeding the target by 1.9.

The school has made a good-faith effort to stay within QEIA class size targets for all grade levels. We feel that due to the QEIA funding, Planada Elementary School has been able to make sufficient academic progress these past years. In 2012-2013, Planada Elementary School exceeded the State's API goal of 800 by achieving an API of 813. Planada Elementary School also achieved the AYP requirements in 2012-2013. This was the second consecutive year the school met the AYP requirements and thus was removed from Program Improvement. We believe that due to the smaller class sizes, our teachers are able to provide students with the needed support to help our school reach academic success which have led to our recent accomplishments.

Student Population: 514

City Type: Rural

Public Hearing Date: 4/11/2014
Public Hearing Advertised: Posted throughout various community locations and via email to all staff

Local Board Approval Date: 4/11/2014

Community Council Reviewed By: Schoolsite Council/Planada Teacher Union
Community Council Reviewed Date: 4/11/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Richard Lopez
Position: Principal
E-mail: rlopez@planada.k12.ca.us
Telephone: 209-382-0272 x104
Fax: 209-382-0113
Waiver Number: 26-4-2014  
Period of Request: August 13, 2014, to June 4, 2015
Period Recommended: July 1, 2014, to June 30, 2015

Walter L. Bachrodt Elementary School
San Jose Unified School District

CDS Code: 43 69666 6048730

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 6,163 students. Walter L. Bachrodt Elementary School (ES) serves 668 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 fully met by Walter L. Bachrodt ES in school year 2012–13, but the district is asking for an alternative QEIA CSR target for school year 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 22.0 and 21.0 in grades four and five, respectively.

San Jose USD states that the projected 2014–15 enrollment for Walter L. Bachrodt ES is 732 students, however, based on that projection and QEIA CSR targets, the school would need to have 37 classrooms available for instruction. In addition, the district states that the school only has 34 classrooms available for instruction, falling short by two rooms. Further, the district states that the projection would have included 46 more students, however, they were transferred to other schools because there was no space available at the time of their registration.

San Jose USD requests a waiver of the QEIA CSR targets for grades four and five at Walter L. Bachrodt ES for school year 2014–15, and the establishment of an alternative CSR target of 25.0 students on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Jose USD’s request to increase its QEIA CSR targets for grades four and five at Walter L. Bachrodt ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to grades four and five at Walter L. Bachrodt ES for school year 2014–15; (2) Walter L. Bachrodt ES increases enrollment to 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, 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.


Supported by San Jose Teachers Association, April 22, 2014.
Local Board Approval: April 10, 2014.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369666  Waiver Number: 26-4-2014  Active Year: 2014

Date In: 4/23/2014 8:26:39 AM

Local Education Agency: San Jose Unified School District
Address: 855 Lenzen Ave.
San Jose, CA 95126


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

Ed Code or CCR to Waive: (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 2014-15 enrollment projections for Bachrodt School is for 732 students. Based on that projection and QEIA class caps the school would need to have 36 classrooms available for instruction. The school only has 34 classrooms available for instruction, two short of what is needed. The projection includes 46 students who were over loaded to other schools because there was no space at Bachrodt at the time of their registration. SJUSD is requesting this waiver to be allowed to increase the class caps at the 4th and 5th grade level to 25 students for the 14-15 school year. Currently, the 4th grade level cap is 22 students and 21 students for 5th grade. This would allow neighborhood students to return and keep the school open to new enrollment.

Student Population: 668

City Type: Urban

Public Hearing Date: 4/10/2014
Public Hearing Advertised: Public Notice posted on the District Office Door, District Website, and on Board Agenda

Local Board Approval Date: 4/10/2014
Community Council Reviewed By: Bachrodt Elementary School - Schoolsite Council
Community Council Reviewed Date: 4/1/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janice Samuels
Position: Categorical Programs Manager
E-mail: jsamuels@sjusd.org
Telephone: 408-535-6602 x14314
Fax: 408-535-6489

Bargaining Unit Date: 04/22/2014
Name: San Jose Teachers Association
Representative: Jennifer Thomas
Title: President
Position: Support
Comments:
Waiver Number: 12-4-2014
Period of Request: July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
CDS Code: 51 71464 6053425

Park Avenue Elementary School
Yuba City Unified School District

Local Educational Agency Request:

Yuba City Unified School District (USD) is a suburban district located in Sutter County with a student population of approximately 13,298 students. Park Avenue Elementary School (ES) serves 570 students in kindergarten and grades one through five. Monitoring performed by the Sutter County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Park Avenue ES in school year 2012–13. 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 22.3 and 25.0 in grades four and five, respectively.

Yuba City USD states that the site administrator thought that the requirement had been met, but in fact, grade two had a year-to-date average of 20.48, missing the requirement by .04.

Yuba City USD requests a waiver of the QEIA CSR target for grade two at Park Avenue ES for school year 2012–13, and the establishment of an alternative CSR target of 20.48 students per class in core classes in grade two.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Yuba City USD’s request to increase its QEIA CSR targets for grade two at Park Avenue ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to grade two at Park Avenue ES for school year 2012–13; (2) Park Avenue ES increases enrollment to 20.48 students per class in core classes in grade two for school year 2012–13; (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, Yuba City 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 Park Avenue ES Schoolsite Council on March 27, 2014.

Neutral position by Yuba City Teachers Association, April 3, 2014.

Local Board Approval: April 8, 2014.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 5171464  Waiver Number: 12-4-2014  Active Year: 2014

Date In: 4/11/2014 10:55:06 AM

Local Education Agency: Yuba City Unified School District
Address: 750 Palora Ave.
Yuba City, CA 95991

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: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code 52055.740 (a)
(1) Meet all of the following 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.

Outcome Rationale: Park Avenue missed the 2012-2013 K-3 Class Size Reduction requirement by .02 in one second grade classroom. The second classroom had a Year to Date Average of 20.479 and the Site Administrator thought that the requirement had been met.

Park Avenue students have benefitted from the QEIA program. Funding has provided Park Avenue the opportunity to reduce class sizes, provide high quality professional development, and hire innovative, experienced staff who have been instrumental in developing a strong academic program.

Student Population: 570

City Type: Suburban

Public Hearing Date: 4/8/2014
Public Hearing Advertised: Notice posted at all school sites; Notice posted on the District Website; Notice distributed to local newspaper and radio stations

Local Board Approval Date: 4/8/2014

Community Council Reviewed By: Park Avenue Schoolsite Council
Community Council Reviewed Date: 3/27/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Doreen Osumi
Position: Assistant Superintendent
E-mail: dosumi@ycusd.k12.ca.us
Telephone: 530-822-7611
Fax: 530-671-2454

Bargaining Unit Date: 04/03/2014
Name: Yuba City Teachers Association
Representative: Dina Luetgens
Title: President
Position: Neutral
Comments:
Local Educational Agency Request:

Yuba City Unified School District (USD) is a suburban district located in Sutter County with a student population of approximately 13,298 students. Park Avenue Elementary School (ES) serves 570 students in kindergarten and grades one through five. Monitoring performed by the Sutter County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Park Avenue ES in school year 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 22.3 and 25.0 in grades four and five, respectively.

Yuba City USD states that due to the time of year, it was not in the educational best interest of Park Avenue ES’s students to form a new classroom or to try to rectify the problem through the formation of combination classes. In addition, the district states that grade four exceeded its target by .67, while grade five exceeded its target by 1.07.

Yuba City USD requests a waiver of the QEIA CSR targets for grades four and five at Park Avenue ES for school year 2013–14, and the establishment of alternative CSR targets of 22.97 and 26.07 students on average in core classes in grades four and five, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Yuba City USD’s request to increase its QEIA CSR targets for grades four and five at Park Avenue ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grades four and five at Park Avenue ES for school year 2013–14; (2) Park Avenue ES increases enrollment to 22.97 and 26.07 students on average in core classes in grades four and five, respectively, for school year 2013–14; (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, Yuba City 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 Park Avenue ES Schoolsite Council on March 27, 2014.

Neutral position by Yuba City Teachers Association, April 3, 2014.

Local Board Approval: April 8, 2014.
CD Code: 5171464       Waiver Number: 13-4-2014       Active Year: 2014

Date In: 4/11/2014 11:19:21 AM

Local Education Agency: Yuba City Unified School District
Address: 750 Palora Ave.
Yuba City, CA 95991

Start: 7/1/2013       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)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code 52055.740(a)
(1) Meet all of the following 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.
   (b) For self-contained classrooms in grades 4-8, inclusive, an average classroom size that is
       the lesser of clause (i) or (ii), as follows:
           (i) [At least five pupils fewer per classroom that was the average in 2006-2007]
           (ii) [An average of 25 pupils per classroom]

Outcome Rationale: Park Avenue Elementary School is requesting a waiver for the Class Size Reduction (CSR) Requirement for the 2013-2014 school year for grades 4 and 5. Currently Park Avenue Elementary School has a 4th grade target of 22.3 and current CSR average is 22.97. In 5th grade, the target is 25 and the current CSR average is 26.07. Due to the time of the year, it is not in the educational best interest of Park Avenue's students to form a new classroom or try to rectify through the formation of combination classes.

Student Population: 570

City Type: Suburban

Public Hearing Date: 4/8/2014
Public Hearing Advertised: Notice posted at each school site; Notice posted on District Website;
Notice distributed to local newspaper and radio stations

Local Board Approval Date: 4/8/2014

Community Council Reviewed By: Park Avenue Schoolsite Council
Community Council Reviewed Date: 3/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Doreen Osumi
Position: Assistant Superintendent
E-mail: dosumi@ycusd.k12.ca.us
Telephone: 530-822-7611
Fax: 530-671-2454

Bargaining Unit Date: 04/03/2014
Name: Yuba City Teachers Association
Representative: Dina Luetgens
Title: President
Position: Neutral
Comments:
Waiver Number: 14-4-2014  Period of Request: July 1, 2013, to June 30, 2014  Period Recommended: July 1, 2013, to June 30, 2014  CDS Code: 51 71464 6053425

Bridge Street Elementary School  Yuba City Unified School District

Local Educational Agency Request:

Yuba City Unified School District (USD) is a suburban district located in Sutter County with a student population of approximately 13,298 students. Bridge Street Elementary School (ES) serves 480 students in kindergarten and grades one through five. Monitoring performed by the Sutter County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Bridge Street ES in school year 2012–13, but the district is asking for an alternative QEIA CSR target for school year 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 25.0 and 18.3 in grades four and five, respectively.

Yuba City USD states that Bridge Street ES had an increase in enrollment in grade five after the winter break; however, it would not have been in the best interest of the students to be removed from their classroom, teacher, and peers mid-year. Additionally, the district states that as a result the school exceeded grade five CSR target of 18.3 by 1.83.

Yuba City USD requests a waiver of the QEIA CSR target for grade five at Bridge Street ES for school year 2013–14, and the establishment of an alternate CSR target of 20.13 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Yuba City USD’s request to increase its QEIA CSR target for grade five at Bridge Street ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grade five at Bridge Street ES for school year 2013–14; (2) Bridge Street ES increases enrollment to 20.13 students on average in core classes in grade five for school year 2013–14; (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, Yuba City 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 by Yuba City Teachers Association, April 3, 2014.

Local Board Approval: April 8, 2014.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 5171464 Waiver Number: 14-4-2014 Active Year: 2014

Date In: 4/11/2014 3:59:12 PM

Local Education Agency: Yuba City Unified School District
Address: 750 Palora Ave.
Yuba City, CA 95991

Start: 7/1/2013 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)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code 52055.740(a)
(1) Meet all of the following 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
   (b) For self-contained classrooms in grades 4-8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
      (i) [At least five pupils fewer that was the average in 2006-2007]
      (ii) An average of 25 pupils per classroom

Outcome Rationale: Bridge Street Elementary School is requesting a waiver for the Class Size Reduction (CSR) requirement for the 2013-2014 school year for grade 5. Currently Bridge Street Elementary School has a 5th grade CSR QEIA target of 18.1 but has a current CSR average of 20.13. Bridge Street Elementary School is requesting their target be adjusted to meet the 25 pupils per classroom target.

Due to the time of the year, it is not in the best educational interest of Bridge Street students to form a new classroom or try to rectify through the formation of combination classes.

Student Population: 480

City Type: Suburban

Public Hearing Date: 4/8/2014
Public Hearing Advertised: Notice posted at each school site; Notice posted on the District Website; Notice distributed to local newspaper and radio stations

Local Board Approval Date: 4/8/2014
Community Council Reviewed By: Bridge Street Schoolsite Council
Community Council Reviewed Date: 4/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Doreen Osumi
Position: Assistant Superintendent
E-mail: dosumi@ycusd.k12.ca.us
Telephone: 530-822-7611
Fax: 530-671-2454

Bargaining Unit Date: 04/03/2014
Name: Yuba City Teachers Association
Representative: Dina Luetgens
Title: President
Position: Neutral
Comments:
General Waiver

SUBJECT
Request by Lodi 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: 20-4-2014

SUMMARY OF THE ISSUES
See Attachment 1 for details.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION
☐ Approval  ☒ Approval with conditions  ☐ Denial

See Attachment 1 for details.

SUMMARY OF KEY ISSUES

Quality Education Investment Act

Per California EC Section 52055.710(c) and (d), it is the intent of the Legislature that the Quality Education Investment Act (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 Highly Qualified Teachers (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 California Department of Education (CDE) reviews a range of information regarding the unique circumstances of the school and the district to formulate a recommendation to the State Board of Education (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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051).**

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

The CDE has previously presented requests to waive the HQT target and the Williams case settlement requirements as defined by QEIA to the SBE. All HQT and Williams case settlement requirement waivers previously presented have been approved by the SBE.

**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 or the Williams case settlement 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: Lodi Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 20-4-2014 (1 Page)

Attachment 2: Lodi Unified School District General Waiver Request 20-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Local Educational Agency Request:

Lodi Unified School District (USD) is an urban district located in San Joaquin County with a student population of approximately 30,222 students. Delta Sierra Middle School (MS) serves 410 students in grades seven and eight. Monitoring performed by the San Joaquin County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Delta Sierra MS in school year 2012–13.

Lodi USD states that Delta Sierra MS had two teachers that were found not to be highly qualified because they had been teaching on a Supplemental Authorization, one in math and the other in English. In addition, the district states that the teachers moved to Delta Sierra MS during the layoffs so they would not lose their jobs. The district explains that per California Education Code Section 44949(c)(3), a judge made the decision that the district had to allow them to teach under their supplemental authorizations rather than lose their jobs. The district added that Delta Sierra MS was the only option for the teachers at the time. Lastly, the district states it was able to transfer the teachers to other schools before school year 2013–14 began so that all teachers at Delta Sierra are highly qualified teachers.

Lodi USD is requesting that the HQT requirement for teachers at Delta Sierra MS be waived for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lodi USD’s request that HQT requirements for teachers at Delta Sierra MS be waived for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Delta Sierra MS for school year 2012–13; (2) Delta Sierra MS meets the HQT requirements in school year 2013–14 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Lodi 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 HQT requirements.

Reviewed by Delta Sierra MS Schoolsite Council on April 7, 2014.

Supported by Lodi Education Association, April 1, 2014.

Local Board Approval: April 15, 2014.
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 3968585  Waiver Number: 20-4-2014  Active Year: 2014

Date In: 4/16/2014 9:30:09 AM

Local Education Agency: Lodi Unified School District  
Address: 1305 East Vine St.  
Lodi, CA 95240

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: Highly Qualified Teachers  
Ed Code Section: portions of 52055.740(a)(3)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding.  
[(3) 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: Three teachers at Delta Sierra Middle School were found not to be highly qualified in 2012-13. These teachers were transferred to other schools at the beginning of 2013-14.

If approved, the waiver would allow Delta Sierra Middle School to receive funding to keep class size at the QEIA level for the 2014-15 school year. Boundaries have been changed and the school will be adding 120 7th graders this year and an additional 120 students the following year. Lower class size would assist staff in providing greater support to their new students.

Student Population: 410

City Type: Urban

Public Hearing Date: 4/15/2014  
Public Hearing Advertised: LUSD Website and at the LUSD District Office

Local Board Approval Date: 4/15/2014

Community Council Reviewed By: Delta Sierra Middle Schoolsite Council  
Community Council Reviewed Date: 4/7/2014  
Community Council Objection: N  
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Catherine Pennington
Position: Assistant Superintendent
E-mail: cpennington@lodiusd.net
Telephone: 209-331-7257
Fax:

Bargaining Unit Date: 04/01/2014
Name: Lodi Education Association
Representative: Jeff Johnston
Title: President
Position: Support
Comments:
## CALIFORNIA STATE BOARD OF EDUCATION

### JULY 2014 AGENDA

### General Waiver

**SUBJECT**

Request by three school districts to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

Waiver Numbers: Cutler-Orosi Joint Unified School District 1-3-2014  
Madera Unified School District 8-4-2014  
Planada Elementary School District 19-4-2014

### SUMMARY OF THE ISSUES

See Attachments 1, 3, and 5 for details.

**Authority for Waiver:** *Education Code (EC) Section 33050*

### RECOMMENDATION

- **Approval**  
- **Approval with conditions**  
- **Denial**

See Attachments 1, 3, and 5 for details.

### SUMMARY OF KEY ISSUES

**Teacher Experience Index**

Schools participating in the Quality Education Investment Act (QEIA) program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to include an index based on the 2005–06 California Basic Educational Data System Professional Assignment Information Form as the base-reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. Approved by the district superintendent, the index is an...
aggregate indicator of the teaching experience on a scale of one to ten. QEIA schools are required to have a Teacher Experience Index (TEI) equal to or exceeding the average for the school district for this type of school and maintain or exceed this experience level for the duration of funding.

If an LEA requests a waiver of the TEI, the California Department of Education (CDE) reviews a range of information regarding the unique circumstances of the school and the LEA when formulating a recommendation to the State Board of Education (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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051).**

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

The CDE has previously presented requests to waive the TEI target as defined by QEIA to the SBE. All TEI waivers previously presented have been approved by the SBE.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the TEI targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

**ATTACHMENT(S)**

Attachment 1: Cutler-Orosi Joint Unified School District Request 1-3-2014 for a Quality Education Investment Act Teacher Experience Index Waiver (2 Pages)

Attachment 2: Cutler-Orosi Joint Unified School District General Waiver Request 1-3-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Madera Unified School District Request 8-4-2014 for a Quality Education Investment Act Teacher Experience Index Waiver (2 Pages)

Attachment 4: Madera Unified School District General Waiver Request 8-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Planada Elementary School District Request 19-4-2014 for a Quality Education Investment Act Teacher Experience Index Waiver (2 Pages)
Attachment 6: Planada Elementary School District General Waiver Request 19-4-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Local Educational Agency Request:

Cutler-Orosi Joint Unified School District (JUSD) is a rural district located in Tulare County with a student population of approximately 3,984 students. El Monte Middle School (MS) serves 927 students in grades six through eight. Cutler-Orosi JUSD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Cutler-Orosi JUSD middle school TEI is 7.2. Cutler-Orosi JUSD’s average TEI for 2012–13 for this type of school is 6.0.

Cutler-Orosi JUSD states that it is a small, isolated, rural district with El Monte MS as the only school for grades six through eight, making it difficult to recruit experienced teachers who would lose salary advantages by changing districts. In addition, the district states that there are six other reasons why obtaining a TEI of 7.2 has been impossible.

1. El Monte MS recently changed from a junior high to a middle school and, with the addition of grade six students, came the requirement of hiring new teachers.

2. El Monte MS changed from a departmentalized instructional setting to a core-subject instructional setting that required many new teachers to be hired.

3. As the state’s fiscal crisis impacted the district, it took steps to reduce expenditures, which included a retirement incentive program to the senior teachers.

4. When the district entered in the District Assistance and Intervention Team (DAIT) program, the evaluation process led to a number of experienced teachers being non-reeelected.

5. As the district continues to replace teachers who are not able to increase the rigor of instruction needed to raise student achievement, TEI is negatively impacted.

6. As part of the DAIT program, the district’s outside evaluators had the district pull talented teachers from each school to act as academic coaches for newer core teachers, which had the net effect of lowering the TEI.

Cutler-Orosi JUSD requests a waiver of the QEIA TEI target for El Monte MS and a continuance of the alternative TEI target of 6.0, established by a previous waiver granted in May 2013, for school years 2013–14 and 2014–15.
### Additional Local Educational Agency and School Information for Consideration:

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<tr>
<td>Total Number Of Schools With Similar Grade Span</td>
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<td>2005–06 TEI (Baseline Calculation)</td>
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<tr>
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*Rural, Distant:* More than 5 miles but less than or equal to 25 miles from an urbanized area, as well as rural territory that is more than 2.5 miles but less than or equal to 10 miles from an urban cluster.

### California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Cutler-Orosi JUSD’s request to reduce its TEI target for El Monte MS for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at El Monte MS; (2) For the period of July 1, 2013, through June 30, 2014, the alternate TEI target of 6.0 shall be established at El Monte MS; and (3) Within 30 days of approval of this waiver, Cutler-Orosi 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 TEI requirement.


**Local Board Approval:** February 6, 2014.
<table>
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<th>California Department of Education</th>
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<td>WAIVER SUBMISSION - General</td>
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Local Education Agency: Cutler-Orosi Joint Unified School District  
Address: 12623 Avenue 416  
Orosi, CA 93647  
Start: 7/1/2013  
End: 6/30/2015  
Waiver Renewal: Y  
Previous Waiver Number: 16-2-213-W-28  
Previous SBE Approval Date: 5/28/2013  
Waiver Topic: Quality Education Investment Act  
Ed Code Title: Teacher Experience Index  
Ed Code Section: 52055.740 (a)  
Ed Code Authority: 33050 - 33053  

| Ed Code or CCR to Waive: | Education Code 52055.740 (a) [(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.] |

Outcome Rationale: El Monte Middle School is part of the Cutler-Orosi Joint Unified School District, which is a small, isolated, rural district on the northernmost edge of Tulare County. El Monte Middle School is the only school in the District that houses the 6th through 8th grade student population. Aside from its alternative education schools, the District consists of three elementary schools, one middle school and one high school. With the exception of one elementary school, all of the schools are in Program Improvement (PI). The middle school is in the QEIA program; as well as two of the three elementary schools.

The County QEIA Monitor takes the calculation of the Teacher Experience Index (TEI) from the District using the QEIA Tech Center worksheet. The TEI was set by the state from CBEDS information in the 05-06 school year. At this time the financial condition of the state and schools was still fairly good and major reductions had not take place. The TEI for El Monte Middle School came out to be 7.2 on a scale with 10 as the maximum. This was also the TEI for the other schools in the District who are in the QEIA program. It should be noted that the school had recently converted from a junior high to a middle school. All 6th grade students now attend the middle school, bringing with them a core of relatively new teachers. In addition, the instructional delivery method for the entire 7th grade, as well as some of the 8th grade, changed from a departmentalized instructional setting into a core subject instructional setting. This required that many new teachers be hired to staff the school.

As the state’s fiscal crisis impacted the District, the District took steps to reduce expenditures. One method that was utilized was to offer a retirement incentive program to its senior teaching staff. Sixteen teachers took advantage of the offer and left the District. Four of these teachers left El Monte Middle School; each had more than twenty years of experience. Each year the middle school has lost senior teachers to retirement. In addition to the retirees an additional six
teachers, some with the maximum experience level available, resigned from El Monte Middle School/District for various personal reasons, including taking positions closer to their homes, thus avoiding the commute to our rural district.

During this same period, the District entered into the DAIT program. The District took its obligations under DAIT, to work diligently to improve student achievement, very seriously. An improved system of teacher evaluations was implemented. The evaluation process led to a number of teachers, who had several years of experience, being non-reelected to the District in its efforts to strengthen its instructional program. The District and the school principal continue to monitor student progress and assess teacher effectiveness. As we continue to replace teachers who are not effective in the classroom, our TEI continues to drop. The reason for this is the way in which the TEI is calculated. For example, if a first year teacher is released and a new first year teacher is hired to be the replacement, the TEI drops. The released teacher would have been a 2 while the replacement is only a 1. The drop is even more dramatic when the teacher has multiple years of experience. The District hired several teachers with several years of experience last year in an effort to help meet the TEI goal. Unfortunately, several were not able to increase the rigor of instruction needed to raise our student achievement and thus were not reelected. This also dropped our TEI but is in keeping with the goal of QEIA, which is increased student achievement.

As part of the DAIT program, the District’s outside evaluators had the District add intervention teachers to strengthen student achievement. Additionally, the District pulled talented experienced teachers from each school to act as academic coaches in the areas of mathematics, language arts and English language development. These coaches worked directly with teachers to reinforce the implementation of proven research based instructional strategies. Following these DAIT plan recommendations had the net effect of helping to lower the TEI.

In order to maintain a TEI, teachers who retire must be replaced by teachers with the same or greater level of experience. Mathematically, when additional teaching staff is hired, that new staff member would have to have an experience level that is equal to or greater than the school’s TEI. As more teachers are hired to meet DAIT goals and student needs, the negative impact on the TEI is increased.

<table>
<thead>
<tr>
<th>Base Year Experience &amp; TEI</th>
<th>Additional Staff with Same Experience</th>
<th>Additional Staff with Less Experience</th>
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<tbody>
<tr>
<td>Teacher A</td>
<td>10</td>
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<td>Teacher B</td>
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<tr>
<td>Teacher C</td>
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<tr>
<td>TEI</td>
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Revised: 7/2/2014 9:21 AM
Being a small, isolated, rural district makes it difficult to recruit experienced teachers who often lose salary advantages when they change districts. Layoffs by other districts during this financial crisis have resulted in an increase in the number of candidates available. However, due to the seniority rule in layoffs, these teachers do not have high experience levels. Being a small district, with all but one of its schools in Program Improvement (PI), there is no source of senior teachers to transfer, that would not harm the improvement needs of the individual schools.

The District believes that the TEI should be waived at El Monte Middle School. The school has made gains in its test scores over the last three years, which have included reaching “safe harbor”. The District has brought in a new principal for the middle school, hired academic coaches to assist staff in instructional methodology and used QEIA and Title I funds to provide significant targeted professional development. The District continues to aggressively evaluate its teachers and uses data to support its instructional program. The loss of QEIA funds would significantly reduce the resources available to continue the school on its upward trend. Loss of funding would mean an increase in class size and loss of professional development and instructional improvement resources for teachers, which would severely effect student achievement. This is becoming a critical problem as we move into Common Core.

The Cutler-Orosi Joint Unified School District respectfully requests that the Teacher Experience Index (TEI) for El Monte Middle School remain 6.0 for the 2013-14 and 2014-15 school years.

Student Population: 927

City Type: Rural

Public Hearing Date: 2/6/2014
Public Hearing Advertised: Agenda postings

Local Board Approval Date: 2/6/2014

Community Council Reviewed By: El Monte Middle Schoolsite Council
Community Council Reviewed Date: 2/19/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Craig Drennan
Position: Assistant Superintendent
E-mail: galice@cojusd.org
Telephone: 559-528-4763 x1006
Fax: 559-528-3132

Bargaining Unit Date: 01/31/2014
Name: Cutler-Orosi Unified Teachers Association (COUTA)
Representative: Jeff White
Title: President
Position: Support
Comments:
Waiver Number: 8-4-2014  
Period of Request: July 1, 2012, to June 30, 2013  
Period Recommended: July 1, 2012, to June 30, 2013  
CDS Code: 20 65243 6112973

Martin Luther King, Jr. Middle School  
Madera Unified School District

Local Educational Agency Request:

Madera Unified School District (USD) is a small urban district located in Madera County with a student population of approximately 19,984 students. Martin Luther King, Jr. Middle School (MS) serves 736 students in grades seven and eight. Madera USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Madera USD middle school TEI is 6.9. Madera USD’s average TEI for 2012–13 for this type of school is 6.1.

Madera USD states that even though site administration actively recruited staff that met the credential requirements of No Child Left Behind (NCLB), Martin Luther King, Jr. MS experienced a loss of teachers. The district states that the reason is because the funding source for teacher salaries is temporary due to the QEIA program ending in 2014–15.

Madera USD requests a waiver of the QEIA TEI target for Martin Luther King, Jr. MS and establishment of an alternative TEI target of 6.1 for school year 2012–13.

Additional Local Educational Agency and School Information for Consideration:

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<tr>
<th>School Locale Code</th>
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<td>School ADA</td>
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<td>Grade Span</td>
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<td>Total Number Of Schools With Similar Grade Span</td>
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<td>2005–06 TEI (Baseline Calculation)</td>
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<td>2010–11 QEIA School TEI</td>
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*City, Small: Territory inside an urbanized area and inside a principal city with population less than 100,000.
California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Madera USD’s request to reduce its TEI target for Martin Luther King, Jr. MS for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Martin Luther King, Jr. MS; (2) For the period of July 1, 2012, through June 30, 2013, the alternate TEI target of 6.1 shall be established at Martin Luther King, Jr. MS; and (3) Within 30 days of approval of this waiver, Madera 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 TEI requirement.

Reviewed by District English Learner Advisory Committee on April 3, 2014.

Supported by Madera Unified Teachers Association, April 3, 2014.

Local Board Approval: April 8, 2014.
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<tr>
<td>Address: 1902 Howard Rd.</td>
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<tr>
<td>Madera, CA 93637</td>
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<td>Start: 7/1/2012</td>
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<td>Ed Code Authority: 33050</td>
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Ed Code or CCR to Waive: *Education Code 52055.740 (a)*. For each funded school, the county superintendent of schools for the country is 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.

Outcome Rationale: Site administration actively recruited staff that met the credential requirements of NCLB. However, the school experienced a loss of teachers due to the temporary nature of the QEIA funding source.

Martin Luther King School is seeking a waiver of this requirement for the 2012/13 school year.

Student Population: 19401

City Type: Urban

Public Hearing Date: 4/8/2014
Public Hearing Advertised: Public notices were posted at each school and at the district office.

Local Board Approval Date: 4/8/2014

Community Council Reviewed By: District English Learner Advisory Committee (DELAC)
Community Council Reviewed Date: 4/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
**Waiver Number:** 19-4-2014  
**Period of Request:** July 1, 2012, to June 30, 2013  
**Period Recommended:** July 1, 2012, to June 30, 2013  
**CDS Code:** 24 65821 6025787

**Planada Elementary School**  
**Planada Elementary School District**

**Local Educational Agency Request:**

Planada Elementary School District (ESD) is a rural district located in Merced County with a student population of approximately 764 students. Planada Elementary School (ES) serves 514 students in kindergarten and grades one through five. Planada ESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Planada ESD elementary school TEI is 9.4. Planada ESD’s average TEI for 2012–13 for this type of school is 8.7.

Planada ESD states that subsequent to a previous waiver, Planada ES made progress toward its TEI target of 9.4, but fell short by .7 due to losing two teachers to interdistrict transfers. In addition, the district states that Planada ES continues to do its best to keep the current teachers on staff in order to continue to make progress towards the QEIA target and provide them with professional development to best meet the needs of the district’s diverse student population. Lastly, the district believes that TEI has been a key factor in exceeding the State Academic Performance Index of 800 and achieving Adequate Yearly Progress for two consecutive years so that the school is no longer in Program Improvement.

Planada ESD requests a waiver of the QEIA TEI target for Planada ES and establishment of an alternative TEI target of 8.7 for school year 2012–13. A previous waiver was granted in September 2011 to Planada ES that established an alternative TEI target of 7.8.

**Additional Local Educational Agency and School Information for Consideration:**

<table>
<thead>
<tr>
<th>School Locale Code</th>
<th>31*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA Average Daily Attendance (ADA)</td>
<td>764</td>
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<tr>
<td>School ADA</td>
<td>514</td>
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<tr>
<td>Grade Span</td>
<td>K–5</td>
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<td>Total Number Of Schools With Similar Grade Span</td>
<td>Only School</td>
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<td>2005–06 TEI (Baseline Calculation)</td>
<td>9.4</td>
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<td>2010–11 QEIA School TEI</td>
<td>7.8</td>
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<td>2011–12 QEIA School TEI</td>
<td>8.1</td>
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<tr>
<td>2012–13 QEIA School TEI</td>
<td>8.7</td>
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<tr>
<td>2013–14 QEIA School TEI</td>
<td>8.8</td>
</tr>
<tr>
<td>2014–15 QEIA School TEI (Projected)</td>
<td>8.9</td>
</tr>
<tr>
<td>2010–11 Similar Type School TEI</td>
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</tr>
<tr>
<td>2011–12 Similar Type School TEI</td>
<td>N/A</td>
</tr>
<tr>
<td>2012–13 Similar Type School TEI</td>
<td>N/A</td>
</tr>
<tr>
<td>2013–14 Similar Type School TEI</td>
<td>N/A</td>
</tr>
<tr>
<td>2014–15 Similar Type School TEI (Projected)</td>
<td>N/A</td>
</tr>
<tr>
<td>Percent Of Similar Type School (2012–13 Data)</td>
<td>N/A</td>
</tr>
<tr>
<td>Made API Growth Target 2012–13?</td>
<td>Yes</td>
</tr>
<tr>
<td>Made AYP 2012–13?</td>
<td>Yes</td>
</tr>
</tbody>
</table>
*Town, Fringe*: Territory inside an urban cluster that is less than or equal to 10 miles from an urbanized area.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Planada ESD’s request to reduce its TEI target for Planada ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Planada ES; (2) For the period of July 1, 2012, through June 30, 2013, the alternate TEI target of 8.7 shall be established at Planada ES; and (3) Within 30 days of approval of this waiver, Planada ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Planada ES Schoolsite Council and Planada Teachers Union on April 11, 2014.

Supported by Planada Teachers Association, April 11, 2014.

**Local Board Approval:** April 11, 2014.
California Department of Education
WAIVER SUBMISSION - General

CD Code: 2465821 Waiver Number: 19-4-2014 Active Year: 2014

Date In: 4/15/2014 1:16:56 PM

Local Education Agency: Planada Elementary School District
Address: 9525 East Brodrick St.
Planada, CA 95365

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: Y
Previous Waiver Number: 61-2-2011-W-19 Previous SBE Approval Date: 9/8/2011

Waiver Topic: Quality Education Investment Act
Ed Code Title: Teacher Experience Index
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 52055.740(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(4) Using the index established under section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

Outcome Rationale: The QEIA requirement from 2005-2006 mandated that Planada Elementary School attain a target of 9.4 years of teaching experience to be compliant with the requirements through the 2013/14 school year. In 2011-2012, Planada Elementary School submitted a waiver because we were not able to attain that specific TEI target. This occurred due to either teacher retirements or early retirement incentives (golden handshakes). At that time, the school was unable to replace those vacancies with teachers that had equal years of experience to that of the retirees’ average.

The waiver was granted and also contained specific criteria that Planada Elementary needed to meet. One of the conditions was that we needed to meet or exceed the district TEI average of 9.4. Although we have not been able to reach that target, we have made progress towards that target. In 2011-2012, the TEI was 8.1 based on 27 full time teachers. In 2012-2013 the TEI was 8.7 based on 25 teachers. We lost 2 teachers from the previous year due to inter-district transfers. Planada Elementary School will continue to do its best to keep the current teachers on staff in order to continue to make progress towards the QEIA TEI of 9.4.

Our school demographics are composed of approximately 98% Hispanic and 2% Asian and Caucasian. Our English Learner population is approximately 60%. Additionally, nearly 60% of the Planada residents earn less than $30,000 per year. Our low-socioeconomic percentage is also high. Because of the TEI mandates, we have been able to maintain our teachers and
provide them with professional development to best meet the needs of all of our student population.

We believe that Teacher Experience plays a key role in the overall academic program that is delivered to our students daily. The TEI has been one of the key factors in the school’s most recent academic achievements in exceeding the State API of 800 and also meeting the State requirements for the AYP. We have been successful in achieving the AYP for 2 consecutive years and are no longer a Program Improvement school.

Student Population: 514

City Type: Rural

Public Hearing Date: 4/11/2014
Public Hearing Advertised: Poested throughout various locations and also via email to all staff

Local Board Approval Date: 4/11/2014

Community Council Reviewed By: Schoolsite Council and Planada Teacher Union
Community Council Reviewed Date: 4/11/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Richard Lopez
Position: Principal
E-mail: rlopez@planada.k12.ca.us
Telephone: 209-382-0272 x104
Fax: 209-382-0113

Bargaining Unit Date: 04/11/2014
Name: Planada Teacher’s Association (PTA)
Representative: Ben Pino
Title: President
Representative: Ron Martinelli
Title: PTA Member and Site Representaive
Position: Support
Comments: None
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2014 AGENDA

General Waiver

SUBJECT
Request by Stockton Unified School District to waive a portion of California Code of Regulations, Title 5, Section 1032(d)(5): the 85 percent requirement of test takers in Life Science to allow Health Careers Academy to be given a valid 2013 Growth Academic Performance Index.

Waiver Number: 6-3-2014

SUMMARY OF THE ISSUES

Stockton Unified School District (Stockton USD) requests to waive California Code of Regulations, Title 5, (5 CCR), Section 1032(d)(5), which was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils by ensuring the validity of the Academic Performance Index (API).

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

Approval with conditions is recommended. The California Department of Education (CDE) is recommending producing a 2013 Growth API by assigning 200 API points (far below basic) to all grade ten students that did not participate in the Life Science test with an assigned weight of .05.

SUMMARY OF KEY ISSUES

The Public Schools Accountability Act (PSAA) was based on the educational needs of students; particularly, improving student achievement. Increases or decreases in student achievement at a school are measured through the API. The 5 CCR that the Stockton USD is requesting to waive was specifically adopted by the SBE in 2011 to protect the educational needs of the pupils by ensuring the validity of the API. 5 CCR Section 1032(d)(5) specifies a minimum level of testing participation, which not only ensures the API is a valid measure for the school, but also ensures that the comparison of the same school type (i.e., elementary, middle or high) across the state is valid. The regulation states:
In 2001 and subsequent years, a school's API shall be considered invalid under any of the following circumstances:

(5) In any content area tested pursuant to California Education Code (EC) sections 60642 and 60642.5 and included in the API, the school's proportion of the number of test-takers in that content area compared with the total number of test-takers is less than 85 percent. There shall be no rounding in determining the proportion of test-takers in each content area (i.e., 84.99 percent is not 85 percent).

The Health Careers Academy is a start-up charter high school that opened in August 2011. In the school's first year of operation (2011–12), only grade nine students were enrolled and in 2012–13, the school added grade 10. The spring of 2013 was the first time the school had to assess grade 10 students, which is the only grade with a double testing requirement in science. Grade 10 students are required to take the California Standards Test (CST) in Life Science under the Elementary and Secondary Education Act (ESEA), and an end-of-course CST in science if they are enrolled in a science course. For example, if a grade 10 student is enrolled in a Biology course, that student is required to take both the end-of-course Biology test and the Life Science test.

In the spring of 2013, the school was unaware that all students in the Biology course were required to take the Life Science test and did not administer the Life Science test to those students. Most of the grade ten students participated in the Biology end-of-course test, which is based entirely on high school content standards, whereas the Life Science test assesses both middle and high school content standards. The CDE believes the school did address the education needs of their students by providing most of their grade ten students with access to a rigorous high school science curriculum.

Stockton USD acknowledges that Health Careers Academy failed to follow the testing rules but is requesting that Health Careers Academy be granted relief from offering the required CST grade ten Life Science test and be allowed to receive a 2013 Growth API.

In spring of 2014, all California students participated in the Smarter Balanced field test, limiting the assessment results that will be available for high schools. As a result, the SBE approved the State Superintendent of Public Instruction’s recommendation to not calculate a 2014 and 2015 Growth API for high schools. Thus, if this waiver if denied, Health Careers Academy will not receive a Growth API for three years (2013, 2014, and 2015). In addition, this is the last year that the CDE will produce statewide and similar schools ranks. Since the school currently has an invalid API, it did not receive ranks. If the waiver is not granted, the school will be at a disadvantage when the charter comes up for renewal as rank data is one of the criteria.

Nevertheless, the school did not meet the testing requirements as established by the 5 CCR and the exclusion of the results of Life Science test jeopardizes the ability to compare the Health Careers Academy’s API score to other high schools throughout the state. Therefore, the CDE cannot recommend approval of the waiver without conditions.
The CDE is proposing to produce a 2013 Growth API by incorporating a score of 200 API points (far below basic) for all grade 10 students who did not participate in the Life Science Exam. There are two weights that are applied in the API for the Life Science test:

1. A weight of .10 is applied to valid assessment results included in the API
2. A weight of .05 is applied when a student did not take a science test and the CDE assigns a score of 200

The CDE is recommending applying a weight of .05; the weight applied to non-science test takers (see effect of assigning 200 API points in Attachment 1).

**Demographic Information:** Health Careers Academy charter school has a student population of 227 and is located in an urban area in San Joaquin County.

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

In March 2012, the SBE heard a similar waiver submitted by the Stockton USD for the Early College Academy charter school. That general waiver request also addressed the 5 CCR, Section 1032(d)(5); 85 percent requirement of test-takers for the CST in Life Science to grade ten students to allow Stockton Unified Early College Academy to be given a valid Growth API for 2010–11. The school administered the Life Science test to seven students, the end-of course Biology test to four students, and the end-of-course Chemistry test to 108 grade ten students. This waiver was approved by the SBE.

In January 2011, the SBE heard a waiver request by Winters Joint Unified School District to waive a portion of 5 CCR, Section 1032(d)(5); the 85 percent requirement of test takers for the CST in U.S. History to allow Winters Middle School to be given a valid 2010 Growth API. The SBE approved the waiver request to allow Winters Middle School to be given a valid 2010 Growth API with the condition that Winters Middle School allows all students for the 2011 school year to take the core curriculum.

In May 2009, the SBE heard a waiver request by Taft Union High School District. That general waiver request addressed the 5 CCR, Section 1032(d)(5); the 85 percent requirement of test takers for the CSTs in Life Science for grade ten to allow Taft Union High School to be given a valid 2008 Base and Growth API. This waiver was denied by the SBE.

In May 2008, the SBE heard a waiver request by Bassett Unified School District. That general waiver request addressed the 5 CCR, Section 1032(d)(5); the 85 percent requirement of test takers for the CST in Life Science for grade ten students to allow Bassett Senior High School to be given a valid 2007 Base and Growth API. This waiver was denied by the SBE.
FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving this waiver.

ATTACHMENT(S)

Attachment 1:  Effect of Assigning 200 Points for the Life Science Test to the 2013 Growth Academic Performance Index (API) (1 Page)

Attachment 2:  Stockton Unified School District Waiver Request 6-3-14 (3 Pages) (Original waiver request is signed and on file at the Waiver Office)
Effect of Assigning 200 Points for the Life Science Test to the 2013 Growth Academic Performance Index (API)

School: Health Careers Academy  
LEA: Stockton Unified

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<th></th>
<th>Number of Students Included in the 2013 Growth API</th>
<th>Numerically Significant Both Years</th>
<th>2012 Base API</th>
<th>2013 Growth Target</th>
<th>2013 Invalid Growth API*</th>
<th>Revised 2013 Growth API with Conditions Applied (200 Points Assigned for Grade 10 Life Science @ .05 Weight)</th>
<th>Improvement from 2012 Base to Revised 2013 Growth API</th>
<th>2013 Growth Target Status if Waiver is Approved</th>
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</tbody>
</table>

*The 2013 Invalid Growth API is not currently displayed on the API Web page
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 3968676  Waiver Number: 6-3-2014  Active Year: 2014

Date In: 3/10/2014 9:34:49 AM

Local Education Agency: Stockton Unified School District
Address: 701 North Madison St.
Stockton, CA 95202

Start: 7/1/2012  End: 6/30/2013

Waiver Renewal: N  Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Academic Performance Index (API) Score Waiver
Ed Code Title: Test Takers Less Than 85 Percent
Ed Code Section: CCR Title 5 Section 1032(d)(5), EC Sections 60642 and 60642.5
Ed Code Authority: 33050

Ed Code or CCR to Waive: [In any content area tested pursuant to Education Code sections 60642 and 60642.5 and included in the API, the school's proportion of the number of test takers in that content area compared with the total numbers of test takers is less than 85%. There shall be no rounding in determining the proportion of test takers in each content area (i.e., 84.9 percent is not 85 percent).]

Outcome Rationale: Since its inception, Health Careers Academy (HCA) Charter has strived to provide both a rigorous and relevant curriculum to their students. HCA Charter was created to address the critical shortage of health care workers both in the region and throughout the state. In 2012-13, a total of 227 students, of which approximately 91% were non-Caucasian and 76% were socio-economically disadvantaged. With this said, 91.5% of our students will be the first in their family to graduate from college.

Analyzing API data showed that our largest subgroup (Hispanic – 68%) would have increased 110 API points from 2011-12 to 2012-13, using the CDE preliminary API calculation spreadsheet which are based on STAR and CAHSEE results. Additionally, school wide there was an anticipated 100 API point growth (682 to 782) while still doubling its population. With this said, HCA would have had the largest growth by a Stockton Unified School District (SUSD) school in 2012-13. Nonetheless, our inexperience with testing 10th grade students resulted in an unintentional error that has overshadowed our efforts to provide high quality education for our students.

The Stockton USD asserts that because all 10th grade students at the HCA Charter (CDS 39-68676-0123802) took the End-of-Course science test in Biology, the school site overlooked the need to also have the these students take the separate CST Grade 10 Life Science test. This oversight was unintentional as the site’s STAR Coordinator was new in the position and was unaware of the need to have students take both science tests. Additionally, this was the first year that the school served 10th grade students.
HCA Charter had a total of 123 students in 10th grade on the first day of testing. These students...
did not take the CST Grade 10 Life Science test. Instead, they took the End-of-Course science test in Biology. Failure to administer this one exam resulted in the failure to meet required 85 percent participation rate necessary for an API score. The Stockton USD is requesting that HCA Charter be allowed to utilize the end of course Biology test scores that were administered in lieu of the required CST Grade 10 Life Science test or that a 2012-13 growth API be prepared for HCA Charter based on the allowable tests submitted.

HCA Charter had 88% of its students scoring basic or above on the Biology CST as compared with the county average of 75% basic or above and statewide average of 78% basic or above. HCA Charter is working towards meeting the educational needs of its students as evidenced by exceeding local and state scores on the Biology CST and CAHSEE. HCA Charter is a brand new high school in which the first CAHSEE was administered to its 10th grade students during the school year in question regarding the testing error. HCA Charter’s passage rate for 10th grade students was 92% on the ELA portion of the exam and 91% on the Math portion compared with the county average of 80% of the ELA exam and 82% of the Math exam and the statewide average of 84% of ELA exam and 83% of Math exam.

As a newly created school, having a current API score will positively affect the educational programs at HCA Charter as they continue to attract more students into the health career fields of study. As the CST Grade 10 Life Science test was not intentionally excluded from the administration of the 2012-13 STAR programs, we respectfully request that the State Board of Education give our petition full consideration and grant our waiver.

Student Population: 227

City Type: Urban

Public Hearing Date: 10/8/2013
Public Hearing Advertised: Notice was posted at school and online in the SUSD Board Agenda website

Local Board Approval Date: 10/8/2013

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 10/3/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Steven Lowder
Position: Superintendent
E-mail: slowder@stockton.k12.ca.us
Telephone: 209-933-7070
Fax: 209-933-7071
Bargaining Unit Date: 10/21/2013
Name: California School Employees Association Chapter 821
Representative: Claudia Moreno
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/21/2013
Name: Stockton's Teachers Association
Representative: Ellen Olds
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/21/2013
Name: United Stockton Administrators
Representative: Gina Hall
Title: President
Position: Support
Comments:
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

Specific Waiver

SUBJECT
Request by two school districts to waive California Education Code Section 56195.1(a), regarding size and scope requirements of a special education local plan area.

Waiver Numbers: ABC Unified School District 28-5-2014
Norwalk-La Mirada Unified School District 16-3-2014

SUMMARY OF THE ISSUE(S)

ABC Unified School District (ABCUSD) and Norwalk-La Mirada Unified School District (NLMUSD) comprise the Norwalk-La Mirada/ABC USD special education local plan area (SELPAs). Amended local plans from each of these local educational agencies (LEAs) were received by the California Department of Education (CDE) on December 3, 2013, indicating their respective intention to separate and form two single district SELPAs. Staff of the Special Education Division reviewed the requests and determined that neither of the single district applications meets the size and scope requirement for a SELPA set forth by the State Board of Education (SBE). This item is being brought before the SBE to determine whether to waive the size and scope requirements and allow the ABCUSD and NLMUSD to operate as single district SELPAs.

Authority for Waiver: California Education Code (EC) Section 33050

RECOMMENDATION

Approval  Approval with conditions  Denial

The CDE recommends that the SBE deny the requests by ABCUSD and NLMUSD to waive the size and scope requirement to qualify as single district SELPAs, pursuant to EC Section 56195.1.

SUMMARY OF KEY ISSUES

Background

The California Master Plan for Special Education is designed to ensure that SELPAs are of sufficient size and scope in order to adequately fulfill the array of responsibilities that each SELPA carries. This is known as the continuum of placement options. Pursuant to governing statutes, these responsibilities include: the development and
maintenance of a coordinated identification, referral, and placement system for all students with disabilities in their respective region; providing regionalized services to local programs (e.g. program specialist services, personnel development, data collection, curriculum development, etc.); and the ongoing review of programs conducted, or procedures utilized, under the local plan.

The development of the California Master Plan for Special Education is outlined below:

- Developed in the 1970s
- Adopted by the SBE (1974)
- Assembly Bill (AB) 4040, (Chapter 1532, Statutes of 1974) implemented a pilot project of the Master Plan in no more than 10 local comprehensive plan areas during fiscal years 1975–76, 1976–77, and 1977–78. The pilot regions included single district schools, multiple district schools, and the county office of education (COE).
- AB 1250 (Chapter 1247, Statutes of 1977), was refined, based on the results obtained through the pilot program, and called for a systematic phase-in of the Master Plan statewide.
- Senate Bill (SB) 1870 (Chapter 797, Statutes of 1980):
  - Implemented the Master Plan statewide
  - Brought California into compliance with Public Law (P.L.) 94–142 (eligibility for federal funding)
  - Required special education service regions (SESRs) to develop a local plan
  - Revised the role of the COE so that all local comprehensive plans within the county go through the COE to either approve or disapprove based on the described ability of the plan to ensure that special education services are provided to all individuals with exceptional needs
- SB 1345 (Chapter 1201, Statutes of 1982), revised SB 1870 to rename SESRs to SELPAs
- The SBE adopted size and scope requirements for SELPAs (1983)

Individuals with Disabilities Education Act (IDEA) 1997 Reauthorization (P.L. 105–17)

- New federal regulations changed the required components of the special education local plans and submission requirements as originally outlined in California’s Master Plan. It is now required that all local educational agencies have on file with the state educational agency a document that contains policies
and procedures that meet federal statutes and regulations. These documents are reviewed and approved by the CDE prior to release of federal Part B funding to SELPAs.

AB 602 (Chapter 854, Statutes of 1997)

- Established annual budget and service plans that are adopted at SELPA public hearings. These plans must identify expected expenditures and include a description of services, the physical location of the services, and must demonstrate that all individuals with exceptional needs have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

Analysis

The CDE relies heavily on each SELPA to monitor and hold accountable each of their member districts for compliance with all provisions of state and federal special education law. Small, single district SELPAs present unique challenges in this regard, as the intermediary administrative body and the intermediary level of accountability does not exist. Instead, the CDE deals directly with the district as its own SELPA. It has been the experience of the CDE staff that small SELPAs—particularly those that do not meet size and scope requirements—generally have more compliance violations and fiscal challenges than their counterparts. This is likely due to the limited resources, infrastructure, and personnel available to small SELPAs. Dividing the finite amount of resources available to NLM/ABC SELPA between the two districts, per their request, threatens their ability to maintain an infrastructure capable of adequately carrying out the responsibilities of a SELPA and to appropriately serve all students in the region.

The ABCUSD and NLMUSD are currently members of the NLM/ABC SELPA, located in Los Angeles County. In letters dated June 10, 2013, and June 18, 2013, the ABCUSD and NLMUSD, respectively, advised the CDE of their intent to withdraw from the NLM/ABC SELPA and explore the possibility of ABCUSD and NLMUSD each becoming single district SELPAs. In subsequent letters, each dated November 26, 2013, ABCUSD and NLMUSD submitted revised special education local plans that were received by the CDE on December 3, 2013.

The revised local plans were reviewed in January of 2014 by CDE staff. Upon review of the revised local plans, it was determined that:

- The ABCUSD has 20,846 students across 14.97 square miles. The ABCUSD therefore has a student population density of 1,393 students per square mile, defining it as a metropolitan area. The ABCUSD does not meet the SBE’s size and scope requirements (adopted in November 1983) for a metropolitan area single district SELPA (kindergarten–12 and 30,000 or more pupils).

- The ABCUSD has an average decline in enrollment of 183 students per year from 2002 to 2011. Although the district has not had a decline since 2011, ABCUSD has 1,486 fewer students enrolled since 2002. (See the CDE Web page:
- The NLMUSD has 19,370 students across 15.52 square miles. The NLMUSD therefore has a student population density of 1,248 students per square mile, defining it as a metropolitan area. The NLMUSD does not meet the SBE’s size and scope requirements for a metropolitan area single district SELPA.

- The NLMUSD has an average decline in enrollment of 473 students per year since the 2003–04 school year. (See the CDE Web page: http://dq.cde.ca.gov/dataquest/DQ/EnrTimeRpt.aspx?Level=District&cYear=2013-14&cname=NORWALK-LA%20MIRADA%20UNIFIED&cCode=1964840.)

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

The SBE is authorized under *EC* Section 56100(b) to adopt criteria and procedures for the review and approval of the special education local plans. In 1983, the SBE adopted size and scope requirements for determining the efficacy of local plans submitted by SELPAs to the CDE, pursuant to *EC* Section 56195.1(a). (See the CDE Web page for Size and Scope Requirements: http://www.cde.ca.gov/sp/se/lr/szscpselpa.asp.)

Special education local plans are submitted for approval to the CDE. The State Superintendent of Public Instruction (SSPI) reviews the plans and recommends approval or disapproval to the SBE. In January 2000, the SBE voted to approve the criteria for the development and approval (*EC* Section 56100[b]) of the local plans, and delegate the actual approval of SELPA local plans to the SSPI.

A similar item was presented to the SBE in May of 2011. The Compton Unified School District (CUSD) requested to become a single district SELPA by separating from the Mid-Cities SELPA, located in Los Angeles County. The CUSD did not meet the SBE’s size and scope requirements. Additionally, the Los Angeles County Interim Superintendent expressed concerns that CUSD’s enrollment had declined by nearly 2,000 students.

A motion made by a member of the SBE to deny the request of CUSD to become a single district SELPA failed, 3–7. Another motion was made to allow CUSD to become a single district SELPA waiving the size and scope requirements that was approved by a vote of 7–3.

**Demographic Information:**

ABCUSD has a student population of 20,845 students and is located in an urban area in Los Angeles County.

NLMUSD has a student population of 19,770 students and is located in an urban area in Los Angeles County.
FISCAL ANALYSIS (AS APPROPRIATE)

Currently, the multi-district SELPA receives a base rate of $25,000 to have one LEA function as the administrative unit for the SELPA. If the ABCUSD and NLMUSD were to split into two independent SELPAs, the state will be impacted by paying for two administrative units instead of one.

The NLMUSD/ABC SELPA currently receives one standard base funding for Part C of IDEA. If the ABCUSD and NLMUSD were to split into two independent SELPAs, each new SELPA will receive an adjusted standard base funding for Part C of IDEA. The result of the new standard base funding would be that each SELPA would receive less funding per individualized education program than they are currently receiving. The impact to any future allocations is not known at this time.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: ABC Unified School District Waiver Request 28-5-2014 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 3: Norwalk-La Mirada Unified School District Waiver Request 16-3-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative Consulted, Date, and Position</th>
<th>Public Hearing Advertised</th>
<th>Advisory Committee or Site Council Consulted/ Date</th>
</tr>
</thead>
</table>
| 28-5-2014     | ABC Unified School District | Student population: 20,846  
Area: metropolitan  
County: Los Angeles | Requested: 7/1/14 to 6/30/16 | 3/19/14 | ABC Federation of Teachers, Ray Gaer, President 3/17/14 Support  
Teachers Association of the Norwalk La Mirada Area, Kelley Rush, President 3/17/14 Support | Posted at each school district office and on each school district Web site | Norwalk-La Mirada/ABC SELPA Community Advisory Committee 3/11/14 |
| 16-3-2014     | Norwalk-La Mirada Unified School District | Student population: 19,370  
Area: metropolitan  
County: Los Angeles | Requested: 7/1/14 to 6/30/16 | 3/19/14 | ABC Federation of Teachers, Ray Gaer, President 3/17/14 Support  
Teachers Association of the Norwalk La Mirada Area, Kelley Rush, President 3/17/14 Support | Posted at each school district office and on each school district Web site | Norwalk-La Mirada/ABC SELPA Community Advisory Committee 3/11/14 |
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964212 Waiver Number: 28-5-2014 Active Year: 2014

Date In: 5/23/2014 7:29:15 PM

Local Education Agency: ABC Unified School District
Address: 16700 Norwalk Blvd.
Cerritos, CA 90703


Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: One Year Notice to Change SELPA
Ed Code Section: 56195.1(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 56195.1. The governing board of a district shall elect to do one of the following:
(a) [If of sufficient size and scope, under standards adopted by the board,] submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56205).

Outcome Rationale: See attached - Benefits of becoming single-district SELPAs.

Student Population: 42708

City Type: Urban

Public Hearing Date: 3/19/2014
Public Hearing Advertised: Posted at each school district office and posted on each school district's websites.

Local Board Approval Date: 3/19/2014

Community Council Reviewed By: Norwalk-La Mirada/ABC SELPA Community Advisory Committee
Community Council Reviewed Date: 3/11/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Dr. John Hess
Position: Acting SELPA Director/Consultant
E-mail: abc-nlmseipa@nlmusd.org
Telephone: 562-868-0431 x2062
Fax: 562-404-1092

Bargaining Unit Date: 03/17/2014
Name: ABC Federation of Teachers
Representative: Ray Gaer
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/17/2014
Name: Teachers Association of the Norwalk La Mirada Area
Representative: Kelley Rush
Title: President
Position: Support
Comments:
Benefits of becoming single-district SELPAs [as argued by ABC Unified School District]

The most significant reason for the change in configuration is that each District already serves 98% of their students assuring all resident students with disabilities receive an appropriate special education program within their home district. There is no reason to be a member of a two-district SELPA to assure that all special education services needs are met because it is being done within each district. This reconfiguration also assures that students with disabilities are taught using the same district curriculum and instructional strategies as their general education peers.

Both ABC Unified School District and Norwalk-La Mirada School District serve over 98% of their own students. The approval of this waiver will enable the two Districts to streamline their operations. Rather than submitting and receiving all information through a multi-district SELPA Director, this can be done by the individual districts. Currently each district has program staff members who complete all state required reports; these reports are then submitted to the SELPA Director, who then is required to combine their data into a single report. Each district has fiscal staffs who must also follow this submission process. Norwalk-La Mirada serves as the administrative unit and receives all revenues for the SELPA and then must work with the SELPA office to distribute the funds to the districts. This is all a duplication of services that could be reduced by allowing each district to be a single-district SELPA.

Each district has a full-time Director who is able to assume the functions of a single-district SELPA administrator. This shift will eliminate an extra tier of administration and allow the funds to be directed to programs for students with disabilities. The funds that are required for the multi-district SELPA expenses (Director’s salary/benefits, clerical salary/benefits, and office operations) would be used by the individual districts to enhance services to students. The more funds that can be shifted to direct student services should help in the improvement of student outcomes.

03/24/2014
CD Code: 1964840          Waiver Number: 16-3-2014          Active Year: 2014

Date In: 3/24/2014 11:30:46 AM

Local Education Agency: Norwalk-La Mirada Unified School District  
Address: 12820 Pioneer Blvd.  
Norwalk, CA 90650


Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:  

Waiver Topic: Special Education Program  
Ed Code Title: Size and Scope Requirements  
Ed Code Section: 56195.1(a)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: 56195.1. The governing board of a district shall elect to do one of the following:
(a) [ If of sufficient size and scope, under standards adopted by the board, ] submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56205).

Outcome Rationale: See attached - Benefits of becoming single-district SELPAs.

Student Population: 42708

City Type: Urban

Public Hearing Date: 3/19/2014  
Public Hearing Advertised: Posted at each school district office and posted on each school district's websites.

Local Board Approval Date: 3/19/2014

Community Council Reviewed By: Norwalk-La Mirada/ABC SELPA Community Advisory Committee  
Community Council Reviewed Date: 3/11/2014  
Community Council Objection: N  
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Dr. John Hess  
Position: Acting SELPA Director/Consultant  
E-mail: abc-nlmseelpa@nlmusd.org  
Telephone: 562-868-0431 x2062  
Fax: 562-929-4478

Bargaining Unit Date: 03/17/2014
Name: ABC Federation of Teachers
Representative: Ray Gaer  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 03/17/2014
Name: Teachers Association of the Norwalk La Mirada Area
Representative: Kelley Rush  
Title: President  
Position: Support  
Comments:
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The most significant reason for the change in configuration is that each District already serves 98% of their students assuring all resident students with disabilities receive an appropriate special education program within their home district. There is no reason to be a member of a two-district SELPA to assure that all special education services needs are met because it is being done within each district. This reconfiguration also assures that students with disabilities are taught using the same district curriculum and instructional strategies as their general education peers.

Both ABC Unified School District and Norwalk-La Mirada School District serve over 98% of their own students. The approval of this waiver will enable the two Districts to streamline their operations. Rather than submitting and receiving all information through a multi-district SELPA Director, this can be done by the individual districts. Currently each district has program staff members who complete all state required reports; these reports are then submitted to the SELPA Director, who then is required to combine their data into a single report. Each district has fiscal staffs who must also follow this submission process. Norwalk-La Mirada serves as the administrative unit and receives all revenues for the SELPA and then must work with the SELPA office to distribute the funds to the districts. This is all a duplication of services that could be reduced by allowing each district to be a single-district SELPA.

Each district has a full-time Director who is able to assume the functions of a single-district SELPA administrator. This shift will eliminate an extra tier of administration and allow the funds to be directed to programs for students with disabilities. The funds that are required for the multi-district SELPA expenses (Director’s salary/benefits, clerical salary/benefits, and office operations) would be used by the individual districts to enhance services to students. The more funds that can be shifted to direct student services should help in the improvement of student outcomes.
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

❖ General Waiver

SUBJECT
Request by Los Nietos 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: 125-2-2014

SUMMARY OF THE ISSUES
See Attachment 1 for details.

Authority for Waiver: Education Code (EC) Section 33050

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 EC Section 33051(a)(1). If approved, termination is effective as of June 30, 2014. The school is receiving Quality Education Investment Act (QEIA) funds for 2013–14 and is not obligated to return 2013–14 funds if the funds are expended by June 30, 2014.

This waiver was heard at the May 8, 2014, SBE meeting. There was a motion to approve the district’s waiver request. The motion tied with a vote of 4-4. If the SBE fails to take action on this waiver request at this July 2014 meeting, the request is deemed approved for one year pursuant to EC Section 33052 and there will be no conditions on the approval.

See Attachment 1 for details.

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 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 class size reduction (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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

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

The CDE has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by 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.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There are no statewide costs as a result of waiver approval because Aeolian Elementary School (ES) was one of 500 schools selected to receive funds from a specific program as a result of a lawsuit settlement (California Teachers Association v. Governor Schwarzenegger) and Senate Bill 1133 (Torlakson, 2006), which provided the method of using the settlement funds. If the waiver is denied, the school will be terminated from the program and lose future funding due to not meeting the statute requirements to stay in the program. 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 Nietos School District Request 125-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Class Size Reduction Summary Report (Elementary) for Year 2013–14, provided by the Los Angeles County Office of Education (1 Page)

Attachment 3: Los Nietos School District General Waiver Request 125-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Waiver Number: 125-2-2014

Period of Request: July 1, 2012, to June 30, 2013

Period Recommended: July 1, 2012, to June 30, 2013

CDS Code: 19 64758 6020085

Aeolian Elementary School
Los Nietos School District

Local Educational Agency Request:

Los Nietos School District (SD) is an urban district located in Los Angeles County with a student population of approximately 1,899 students. Aeolian Elementary School (ES) serves 558 students in kindergarten and grades one through six. Monitoring performed by the Los Angeles County Office of Education (LACOE) indicated on September 27, 2013, that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Aeolian ES in school year 2012–13. LACOE also indicated on June 20, 2014, that the CSR requirements of QEIA were not fully met by Aeolian ES in school year 2013–14 (see Attachment 2). Listed below are the school’s current QEIA CSR targets for core classes of English, mathematics, history-social science, and science in kindergarten and grades one through three, and averages in grades four through six.

### QEIA CSR Targets, Actuals, and Projections for Core Classes

<table>
<thead>
<tr>
<th>Year</th>
<th>K</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSR Target</td>
<td>20.44</td>
<td>20.44</td>
<td>20.44</td>
<td>20.44</td>
<td>22.0</td>
<td>22.7</td>
<td>20.2</td>
</tr>
<tr>
<td>2012–13 (Actual)</td>
<td>29.7</td>
<td>28.1</td>
<td>25.9</td>
<td>27.7</td>
<td>32.0</td>
<td>32.3</td>
<td>25.3</td>
</tr>
<tr>
<td>2013–14 (Actual)</td>
<td>27.0</td>
<td>26.5</td>
<td>27.9</td>
<td>27.8</td>
<td>28.6</td>
<td>26.8</td>
<td>22.3</td>
</tr>
</tbody>
</table>

Los Nietos SD states that two primary factors caused the inability to maintain the QEIA CSR targets. The first was an unexpected growth in enrollment of nearly 10 percent from 2011–12; this was due to the success of the school and the smaller classes. Secondly, the district states its overall enrollment declined so the revenues from the State declined. In addition, the district states that with the reduction of average daily attendance, the State continued to reduce funds so that it was impossible to move certificated personnel from other school sites without disruption and there were no additional funds to hire more certificated staff to lower the class sizes. However, the district states that strides were made at lowering the targeted grade six critical needs students.

For school year 2013–14, the district states it chose to increase the number of instructional days but were unable to reduce class sizes enough to meet the CSR requirements despite increased revenues, due to the State’s new funding model.

Los Nietos SD requests a waiver of the QEIA CSR targets for kindergarten and grades one through six at Aeolian ES for school year 2012–13, and the establishment of alternative CSR targets of students per class in core classes in kindergarten and grades one through three, and students on average in core classes in grades four through six.
QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size. The numbers provided by the district indicate that Aeolian ES will not meet QEIA class size targets for three years: 2012–13, 2013–14, and 2014–15, which could potentially impact academic performance in the near future, causing student performance to suffer.

Los Nietos Waiver Request of Alternative CSR Targets

<table>
<thead>
<tr>
<th>Year</th>
<th>Grades</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012–13</td>
<td></td>
</tr>
<tr>
<td>Alternative CSR Target</td>
<td>K</td>
</tr>
<tr>
<td>2012–13</td>
<td>29.7</td>
</tr>
</tbody>
</table>

California Department of Education Recommendation and Conditions:

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).

CDE recommends denial of this waiver based on four factors: (1) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (2) Significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; (3) The class size numbers provided by the district indicate that Aeolian ES will not meet QEIA class size targets for three years: 2012–13, 2013–14, and 2014–15; and (4) Approximately 70 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.


Supported by Los Nietos Teachers Association, February 24, 2014.

Local Board Approval: February 27, 2014.
## Class Size Reduction Summary Report (Elementary)

**Year:** 2013-14

### Class Size Summary: Kindergarten – Grade 3

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>CSR Targets (2010-15)</th>
<th>Total Classes</th>
<th>Total Classes Meeting 20.44 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td>20.44</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Grade 1</td>
<td>20.44</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Grade 2</td>
<td>20.44</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.44</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

### Class Size Summary: Grades 4-8

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>CSR Targets (2010-15)</th>
<th>Grade Level Average (ADE Report)</th>
<th>Total # of Core Classes</th>
<th>Total # of Core Sections Above 27</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 4</td>
<td>22.0</td>
<td>28.61</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Grade 5</td>
<td>22.7</td>
<td>26.88</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Grade 6</td>
<td>20.2</td>
<td>22.33</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

Average Daily Enrollment was calculated using:

- **Method A:** Average Daily Enrollment calculated from the first day of instruction to April 15. Kindergarten-Gr 3 must use Method A.
- **Method B:** Average Daily Enrollment calculated from enrollments on the last instructional day of each month in which classes were held. Method B may be used by grades 4-8.

### Non-Core Summary (applies to schools with grades 6-12)

<table>
<thead>
<tr>
<th>Non-Core Class Size Target</th>
<th>Total # of None-Core Classes</th>
<th>Total Enrollment in Non-Core Classes</th>
<th>Non-Core Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As a condition of applying for and receiving funds under the Quality Education Investment Act commencing with California Education Code (EC) Section 52055.70, I hereby certify that to the best of my knowledge, this Class Size Reduction Information and Average Daily Enrollment information are true and correct and are in compliance with state law and the requirements as they apply to the Quality Education Investment Act.

Contact: Marci Perry  
Phone: 562-922-8906  
Date: Jun 18, 2014

Position: QEIA COE Monitor – Los Angeles  
Email: perry_marc@lacoe.edu

Provided by the Los Angeles County Office of Education  
Revised 6/6/11
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 1964758  Waiver Number: 125-2-2014  Active Year: 2014

Date In: 2/28/2014 7:09:58 AM

Local Education Agency: Los Nietos School District  
Address: 8324 South Westman Ave.  
Whittier, CA 90606

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: Class Size Reduction Requirements  
Ed Code Section: CSR Requirements  
Ed Code Authority: CSR Requirements

Ed Code or CCR to Waive: Request is to waive the Class Size Reduction Requirement.

Outcome Rationale: The Los Nietos School district is requesting a waiver for the 2012-13 CSR Requirement.

Aeolian Elementary School in the Los Nietos School District has participated in the Quality Education Investment Act Grant Program since it's inception and has benefited greatly from the additional funds. The School's API growth was over 170 points during that time.

Unfortunately, in 2012-13 Aeolian School was unable to continue meeting the required K-6 CSR targets. There were two primary factors that caused this situation.

First, the School had an "unexpected" growth in enrollment of nearly 10% from 2011-12. The success of the school and the smaller classes were contributing factors for this growth.

Second, the District's overall enrollment declined, thus, the revenues from the State declined. In addition to the reduction of ADA, the State continued to deficit the District. We were unable to move certificated personnel from other school sites as we didn't want to disrupt the instructional programs at the other schools and we did not have the additional funds to hire additional certificated staff to lower the class sizes.

Student Population: 1899

City Type: Suburban

Public Hearing Date: 2/27/2014  
Public Hearing Advertised: Agenda posted at School Sites and the District Board Meeting Room

Local Board Approval Date: 2/27/2014
Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/26/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Douglas McMasters
Position: Assistant Superintendent of Business Services
E-mail: Douglas_McMasters@lnsd.net
Telephone: 562-692-0271 x3223
Fax: 562-692-9787

Bargaining Unit Date: 02/24/2014
Name: Los Nietos Teachers Association
Representative: Carroll McCorry
Title: LNTA Chief Negotiator
Position: Support
Comments:
SUBJECT


SUMMARY OF THE ISSUE(S)

Since the State Board of Education’s (SBE’s) adoption of the Mathematics Framework in November 2013, schools and districts have developed implementation plans to address their local needs. This item provides a presentation from four districts on their progress and implementation of the California Common Core State Standards for Mathematics (CA CCSSM). Selected districts are intended to reflect a range of implementation considerations from across the state: a high school district with several feeder districts providing traditional math courses; a unified district implementing an integrated mathematics and traditional sequenced programs; a unified district implementing a traditional course sequence; and, several rural, small districts that are working together with their county office to develop and implement county-wide integrated mathematics courses.

Given the importance of students' performance in Algebra I/Mathematics I to their overall academic success, middle and high school course placements and sequences need to be thoughtfully planned. Students need to be appropriately challenged and engaged in order to maintain their interest and skill development in mathematics throughout high school and beyond; some students will take college-level courses as high school seniors, and the course sequences from earlier grades need to support their advancement. One important placement consideration is when and under what conditions to accelerate students in their mathematics sequence to successfully reach advanced courses in high school.

RECOMMENDATION(S)

The SBE staff recommends that the SBE take action as deemed necessary and appropriate, but recommends no specific action at this time.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

November 6, 2013: The SBE adopted the Mathematics Framework.

September 4, 2013: The Instructional Quality Commission (IQC) reported on the development of the draft Mathematics Framework at the September SBE meeting.

January 2013: The SBE approved the “Criteria for Evaluating Mathematics Instructional Materials for Kindergarten through Grade Eight,” which was drafted by the Mathematics Curriculum Framework and Evaluation Criteria Committee (MCFCC) and then revised and recommended by the IQC. The SBE also adopted modifications to the California additions to the CA CCSSM and the Model Courses for Higher Mathematics as recommended by State Superintendent of Public Instruction Torlakson, pursuant to EC Section 60505.11.

July 2012: The SBE: (1) approved the “Curriculum Framework and Evaluation Criteria Committee Guidelines for the 2013 Revision of the Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve,” as recommended by the IQC, and (2) appointed 19 members to the MCFCC, as recommended by the IQC.

January 2012: The SBE approved the timeline and MCFCC application form for the 2013 revision of the Mathematics Framework. The MCFCC application was available online from January 17 through April 18, 2012.

August 2010: The SBE adopted the academic content standards in mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the Common Core State Standards for Mathematics and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California’s already high standards.

January 2008: The SBE adopted new California Code of Regulations, Title 5, sections governing the curriculum framework and instructional materials adoption process.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

None.
California Education Code (EC) Section 60200.9 requires the State Board of Education (SBE) to adopt a revised science framework and evaluation criteria for instructional materials in science. The revised Science Framework for California Public Schools (Science Framework) shall be based on the science content standards adopted pursuant to EC Section 60605.85. The California Code of Regulations, Title 5 (5 CCR), Section 9511 allows the SBE to establish a Curriculum Framework and Evaluation Criteria Committee (CFCC) to assist in the development of curriculum frameworks and evaluation criteria and sets requirements regarding the composition of a CFCC. The Instructional Quality Commission (IQC) makes recommendations to the SBE on the guidelines that direct the work of the CFCC and appointment of CFCC members. At this meeting, the SBE will approve guidelines for the 2016 revision of the Science Framework and appoint science CFCC members.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE: (1) approve the Curriculum Framework and Evaluation Criteria Committee Guidelines for the 2016 Revision of the Science Framework for California Public Schools (Science Guidelines), as recommended by the IQC, and (2) appoint twenty members to the Science CFCC, including Mr. Robert Sherriff and Dr. Helen Quinn as Co-Chairs of the Science CFCC, as recommended by the IQC.

BRIEF HISTORY OF KEY ISSUES

Revising the Science Framework to align with the new science standards is an important component in the implementation of the Next Generation Science Standards for California Public Schools (CA NGSS) adopted by the SBE in September 2013. The revision of the
Science Framework is a multi-step process involving educators, content experts, and other education and community stakeholders. Throughout the revision process, there are opportunities for public input at meetings of the Science CFCC, IQC, SBE, and during two 60-day public review periods.

Science Focus Group Report

In January and February 2014, the CDE convened five public focus groups to gather input from educators and the public regarding what guidance and information should be included in the revised Science Framework to support implementation of the CA NGSS. The “Science Focus Group Report” is a summary of oral comments made at the focus group meetings and a compilation of the written comments received during these focus group meetings regarding the revision of the Science Framework. The report can be found on the CDE Curriculum Frameworks Web page at http://www.cde.ca.gov/ci/sc/cf/documents/focusgroupreport.doc. Because the report is provided as information, no SBE action on the report is required. The comments in the report informed the development of guidelines for the Science CFCC.

Guidelines for the Science CFCC

On May 15, 2014, the IQC acted to recommend to the SBE guidelines to direct the work of the Science CFCC. These guidelines are based on current statutory requirements, oral comments from the five focus group meetings held in January and February 2014, as well as written comments received during this period. Curriculum Frameworks and Instructional Resources Division (CFIRD) staff developed the initial draft of the guidelines. The IQC modified and approved the draft guidelines at its May meeting.

The draft Science Guidelines is located on the CDE Curriculum Frameworks Web page at http://www.cde.ca.gov/ci/sc/cf/. The Science Guidelines direct the work of the Science CFCC and require the inclusion of specific content.

In general, the draft guidelines propose that the revised Science Framework shall:

- Be aligned to the Next Generation Science Standards for California Public Schools, Kindergarten Through Grade Twelve (CA NGSS) and the NGSS Appendices A–M, adopted by the SBE in September 2013.
- Provide an overview of the CA NGSS, including an explanation of how the standards are organized.
- Clearly state the basic overarching purpose and goals of the Science Framework.
- Retain and reaffirm the “State Board of Education Policy on the Teaching of Natural Sciences.”
- Provide a clear and concise narrative that serves the needs of teachers, educators, curriculum leaders, family members, and students and that reflects current and confirmed research.
• Explain how the CA NGSS align to the California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (CA CCSS ELA/Literacy), the California Common Core State Standards for Mathematics (CA CCSSM), and the California English Language Development (CA ELD) standards.

• Support and clearly outline the progression of learning from transitional kindergarten through high school (vertical alignment maps) to ensure that all students can achieve college, career, and citizenship readiness.

• Identify and discuss the major conceptual shifts as identified in Appendix A of the CA NGSS.

• Include guidance, resources, and references for more standards-based, hands-on science activities.

• Be a living document with annotated links that include an explanation of implementation tools, research-based instructional practices, model/sample exemplars, and high-quality research.

• Provide appropriate guidance for teachers with educational backgrounds in science and those without such experience including those with multiple subject credentials.

• Include a narrative and rationale for the preferred CA Integrated Learning Progression Courses for Middle Grades Six through Eight in the framework. Also include a discussion and rationale for the Alternative Discipline Specific Courses for Grades Six through Eight in the framework appendix.

• Provide guidance for teachers to implement the CA CCSS ELA/Literacy, grades TK–12, including recommended literature and informational text suggestions for the science classroom.

• Reference the Environmental Education Initiative (EEI) curriculum and incorporate California’s approved Environmental Principles and Concepts (EP&Cs) pursuant to EC Section 71301, Public Resources Code.

• Promote and provide guidance in the creation of Science Technology Engineering and Mathematics (STEM) programs to encourage groups that are currently underrepresented in STEM fields to seek careers in STEM-related fields.

Appointment of Science CFCC Members

On May 15–16, 2014, the IQC reviewed and deliberated on 172 applications for the Science CFCC. The IQC took action to recommend to the SBE twenty applicants for appointment to the Science CFCC. The 5 CCR, Section 9511, governs the appointment of Science CFCC members and sets a limit of between nine and twenty members. The regulations require that:
• A majority of the Science CFCC must be comprised of teachers who, at the time of their appointment, teach students in kindergarten through grade twelve, have a professional credential under state law, and meet the criteria for “highly qualified” teachers under federal law.

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

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

• At least one member of the Science CFCC is a Content Review Expert (CRE). A CRE must hold a doctoral degree in that field or related field.

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

• The regulations also require that the SBE appoint Science CFCC members who are reflective of California’s diversity and its different regions and types of school districts.

The twenty IQC-recommended applicants meet the 5 CCR requirements. Thirteen of the recommended applicants are currently classroom teachers. One is currently or previously employed by a county office of education. Nineteen recommended applicants indicated they have experience teaching English learners, and sixteen of the applicants indicated they have experience teaching students with disabilities. Three of the recommended applicants have doctorate degrees, one holds a Ph.D. in Physics, one holds a Ph.D. in Geology, and one holds a Ph.D. in Science Education. One of the recommended applicants has earned National Board Certification. Each of the recommended applicants has between six and forty years of experience in education and four were on the NGSS Science Expert Panel.

IQC Recommendations for Science CFCC

The IQC recommends the following applicants to the SBE for appointment to the Science CFCC and recommends that the SBE appoint Mr. Robert Sherriff and Dr. Helen Quinn to serve as Co-Chairs of the Science CFCC:

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<tr>
<td>835</td>
<td>Ms. Shawna Metcalf</td>
<td>Glendale Unified School District</td>
<td>Teacher</td>
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<tr>
<td>839</td>
<td>Mr. Robert Sherriff</td>
<td>San Juan Unified School District</td>
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<tr>
<td>870</td>
<td>Mrs. Laura O’Dell</td>
<td>El Rancho Unified School District</td>
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<td>884</td>
<td>Mrs. Tatiana Lim-Breitbart</td>
<td>Aspire Public Schools</td>
<td>Teacher</td>
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<tr>
<td>927</td>
<td>Mrs. Maria Blue</td>
<td>Saugus Union School District</td>
<td>Teacher</td>
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<tr>
<td>942</td>
<td>Mrs. Lisa Hegdahl</td>
<td>Galt Elementary School District</td>
<td>Teacher</td>
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Profiles of the twenty recommended applicants (Attachment 1) provide a summary of information regarding each applicant.

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

**January 2014:** The SBE approved the timeline and Science CFCC application form for the 2016 revision of the *Science Framework*. The Science CFCC application was available online from January 15 through April 18, 2014.

**November 2013:** The SBE took action on the middle grades learning progressions.

**October 2013:** Governor Brown signed SB 300, requiring the SBE to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials in science on or before January 31, 2016.

**September 2013:** Pursuant to SB 300 (2011) and SB 1200 (2012), the SBE adopted the *CA NGSS*.

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

**November 2006:** The SBE adopted instructional materials in science for kindergarten through grade eight.

**March 2004:** The SBE adopted the modified criteria for evaluating instructional materials.

**February 2002:** The SBE adopted the *Science Framework*. 

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<tr>
<td>946</td>
<td>Mrs. Anna Gaiter</td>
<td>Plainview Academic Charter Academy</td>
<td>Teacher</td>
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<td>948</td>
<td>Ms. Nicole Hawke</td>
<td>Coachella Valley Unified School District</td>
<td>Teacher</td>
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<td>951</td>
<td>Mrs. Stefanie Pechan</td>
<td>Pacific Grove Unified School District</td>
<td>Teacher</td>
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<td>966</td>
<td>Mr. David Tupper</td>
<td>Lakeside Union School District</td>
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<td>974</td>
<td>Ms. Jeanine Wulffenstein</td>
<td>Temecula Valley Unified School District</td>
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<tr>
<td>977</td>
<td>Dr. Teresa De Diego Forbis</td>
<td>Los Angeles Unified School District</td>
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<tr>
<td>981</td>
<td>Mr. John Galisky</td>
<td>Lompoc Unified School District</td>
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<td>817</td>
<td>Mrs. Tina Cheuk</td>
<td>Stanford University</td>
<td>Project Manager</td>
</tr>
<tr>
<td>905</td>
<td>Dr. Susan GomezZwiep</td>
<td>CSU Long Beach</td>
<td>Associate Professor</td>
</tr>
<tr>
<td>914</td>
<td>Mrs. Juanita Chan</td>
<td>Rialto Unified School District</td>
<td>CaMSP Science Lead</td>
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<tr>
<td>971</td>
<td>Mr. Anthony Quan</td>
<td>Los Angeles County Office of Education</td>
<td>Consultant II, STEM</td>
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<tr>
<td>840</td>
<td>Dr. Helen Quinn</td>
<td>Retired, Stanford University</td>
<td>Professor Emerita</td>
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<td>873</td>
<td>Ms. Jo Topps</td>
<td>WestEd/K-12 Alliance</td>
<td>Regional Director</td>
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<tr>
<td>982</td>
<td>Mr. Caleb Cheung</td>
<td>Oakland Unified School District</td>
<td>Science Manager</td>
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FISCAL ANALYSIS (AS APPROPRIATE)

The cost to revise the Science Framework is anticipated to be a total of $349,700 over two budget years, 2014–2015 and 2015–2016. This cost includes the expenses of the focus groups, the CFCC, and the meetings of the IQC and Science Subject Matter Committee.

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

ATTACHMENT(S)

Attachment 1: Profiles of Instructional Quality Commission-Recommended Applicants for the Science Curriculum Framework and Evaluation Criteria Committee (61 Pages)

Attachment 2: A complete set of all twenty applications, including profiles, application forms, and resumes. This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.
## SCIENCE CURRICULUM FRAMEWORK
### AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<tr>
<td><strong>Name:</strong> Mrs. Tina Cheuk</td>
<td><strong>Ethnicity:</strong> Asian</td>
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<tr>
<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
</tr>
<tr>
<td><strong>Position Title:</strong> Project Manager</td>
<td><strong>Years Teaching:</strong> 6</td>
</tr>
<tr>
<td><strong>Employer:</strong> Stanford University, Understanding Language</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> CERAS, 520 Galvez Mall</td>
<td><strong>Stanford California 94305</strong></td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Higher Education/Researcher</td>
<td><strong>Other Expertise:</strong></td>
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<td><strong>Grade Levels Expertise:</strong> 3–5, 6–8, 9–12</td>
<td><strong>Subject Taught:</strong> Integrated Science, Life Science, Physical Science, Biology</td>
</tr>
<tr>
<td><strong>Experience Teaching English Learners:</strong> 1999-2002, KIPP Academy, Bronx-NYC, grades 5, 7, 8. Teach for America Corps Member 2003-2005, St. Dominics Senior Secondary School, Pepease, Eastern Region, Ghana, West Africa (Peace Corps Science Education Volunteer) 2007-2008, KIPP King Collegiate High School, 9th grade, San Lorenzo, CA, Dean of Students</td>
<td><strong>Experience Teaching Students with Disabilities:</strong></td>
</tr>
<tr>
<td><strong>degrees/Credentials:</strong> MA in Education</td>
<td><strong>Institution:</strong> Stanford University</td>
</tr>
<tr>
<td>BS in Chemistry &amp; Biochemistry</td>
<td><strong>University of Chicago</strong></td>
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### Knowledge of the Next Generation Science Standards:

The CA NGSS, along with the CA CCSS-Math, CCSS-ELA/Literacy and CA ELP Standards have great synergies in the shift in language and literacy development of student practices for all students, especially for English Language Learners (ELLs). There is a great opportunity for the disciplinary teachers (ELA, Math, and Science) teachers to work together in advancing the learning standards for students as the student practices overlap across the disciplines. For example, the student expectation and practice of "argument from evidence" crosscuts all three disciplines. In this case, students are expected to understand how to reason and argue within each discipline, extract and evaluate evidence to support his/her viewpoints. At the same time, the reasoning and evidence found in each discipline may differ and students will need to understand the similarities, differences, and the nuances within and across the disciplines so they can advance along the curriculum, and become college, career, and life-ready. Not only can the CA NGSS help advance the ELA and Math standards, there's an immense opportunity to leverage the STEM professional community as well as the STEM philanthropic community in supporting this policy so that a greater number of students become interested in science and engineering topics, stay motivated to continue studies in STEM, and become...

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
prepared for STEM majors and careers at the post-secondary level. Successful implementation of CA NGSS will require stakeholder support system wide. Additionally, science teachers will need to understand that the shift in the CA NGSS isn’t only about the focus on deeper learning--moving away from the "mile wide, inch deep" of bits and pieces of learning that existed in the previous era of standards, but the CA NGSS shifts the student populous toward 21st century learning skills--one that requires deeper learning skills, cross collaboration among peers, and use of media and technology tools to advance learning.

**Standards-Based Instruction Experience:**
In the past two years, I’ve been part of a development team at Understanding Language at Stanford in developing instructional resources in the areas of math and ELA. As part of my work, we’ve developed two sets of resources, a five week unit in ELA titled "Persuasion across Time and Space" (led by WestEd Director Aida Walqui) and annotated math lessons for ELLs based on the work of Mathematics Assessment Project (led by Berkeley Professor Alan Schoenfeld). The major difference between these developed resources and other available resources is the focus on developing ELLs' content and language development in tandem via content area classes rather than a focus on developing students' content and language as two separate and unrelated strands. The vision and principles behind the conception and development of these materials is that we believe that the new standards embody a strong expectation that students learn content through rich language practices. These practices include: (1) engaging in specific disciplinary practices of academic discussions, (2) engaging with complex texts, and (3) writing arguments from evidence and reason. This focus represents a radical departure from existing practices in how teachers focus on the “language objectives” for ELLs, frequently emphasizing discrete vocabulary and grammatical forms rather than discipline-embedded functions and practices. In the work of assessment, the attention is centered on providing rich, authentic opportunities for student discourse, analysis of writing tasks, and ways in which students can communicate across multiple modes and media. This could include science tasks that ask teams of students to carry out investigations or research questions where they need to gather and discern evidence and data from multiple sources and come up with and present to peers both the arguments and counter arguments to a specific problem in science and engineering.

**Area of Expertise and Leadership:**
For the past 30 months, I’ve worked closely with Helen Quinn, the chair of the NRC Science Framework through my work with Understanding Language (co-chaired by Stanford Professor Kenji Hakuta and Deputy Superintendent of Oakland Unified Maria Santos). This initiative, funded by the Gates Foundation and Carnegie Corporation of New York has been specifically focused on created knowledge, resources, and tools to meet the challenges of opportunities faced by English Language Learners (ELLs). I’m deeply familiar with not only the NRC Science Framework and NGSS, but also the CA-CCSS-Math and the CA-CCSS-ELA/Literacy as our team has been working with leading specialists in language and literacy development as well as content area expertise (Susan Pimental in ELA and Phil Daro in Math). Prior to my work in Understanding Language (ell.stanford.edu), I’ve worked at the San Francisco Field Site for Strategic Education Research Partnership for three years. In this work, I supported the research, design, and development work of Mark Wilson (Berkeley) and Jonathan Osborne (Stanford) in developing learning progressions and assessments in science as well as the role of argumentation practices in science. In the area of mathematics, I worked for Alan Schoenfeld (Berkeley), Phil Daro (SERP), and Hilda Borko (Stanford) in developing knowledge on how students learn and how teachers can be supported in professional learning in mathematics. All of the cross disciplinary work across the areas of ELA, math, and science led me to develop a handy Venn Diagram that highlights how the student practices relate to one another in these three sets of standards published in a recent Science 2013 issue with lead author Elizabeth Stage at the Lawrence Hall of Science (Berkeley).

**Previous Committee Experience:**
I’ve served as a consultant on the English Language Proficiency Assessment-21 (ELPA-21), a state-led consortium organized by Oregon State Department of Education Team with WestEd and CCSSO. As a

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
consultant, I’ve provided feedback and review on the development of their ELP Standards over the course of 2013. I’ve also taken part in a number of curriculum and instructional materials development effort in the areas of mathematics, ELA, and science. In mathematics, I’ve worked with Understanding Language co-chair Judit Moschkovich in annotating CCSS-M aligned formative assessment lessons for ELLs in elementary, middle and high school grade spans. In ELA, I organized the feedback mechanism with a set of ten districts recommended by the Council of the Great City Schools to work with our Understanding Language ELA work group led by Aida Walqui (WestEd) and George Bunch (UC Santa Cruz) on a 7th grade ELA unit titled "Persuasion across Time and Space."

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

**Question 1:** Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

**Question 2:** Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

**Question 3:** Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?

**Question 4:** Do you expect to receive any royalty payments during your period of service on the Science CFCC?

**Question 5:** Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

**Language Skills:**

Cantonese, Speak

**Professional References:**

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<tr>
<th>Name</th>
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<tr>
<td>Kenji Hakuta</td>
<td>Professor</td>
<td>Stanford</td>
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<tr>
<td>Maria Santos</td>
<td>Deputy Superintendent</td>
<td>Oakland Unified</td>
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<td>Martha Castellon</td>
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<td>Stanford University</td>
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**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
### SCIENCE CURRICULUM FRAMEWORK
### AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<td><strong>Name:</strong> Ms. Shawna L Metcalf</td>
<td><strong>Ethnicity:</strong> Decline to state</td>
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<tr>
<td><strong>Gender:</strong></td>
<td><strong>Ethnicity Other:</strong></td>
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<tr>
<td><strong>Position Title:</strong> Teacher - Science Department Chair</td>
<td><strong>Years Teaching:</strong> 14</td>
</tr>
<tr>
<td><strong>Employer:</strong> Glendale Unified</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 223 N. Jackson Street</td>
<td><strong>Glendale</strong> California 91206</td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.</td>
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<td><strong>Subject Taught:</strong> Earth Science, Life Science, Biology Honors Physiology, Marine Biology, Human Biology</td>
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<td><strong>Experience Teaching English Learners:</strong> I have taught English Learners for the entirety of my 14 years of teaching grades 9-12 at Glendale High School. I earned my CLAD certificate and LS1 Authorization through University of San Diego. I have also attended numerous SDAIE workshops at the site and district level.</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> For the 14 years I have taught 9-12 grade science courses at Glendale High School, I have had students with disabilities in my classroom. I have dealt with IEPs for ADHD, autism, auditory processing disorders, and partial deafness to name a few. While I do not have any specialized certifications, I have been to numerous site and district level training seminars on IEPs, accommodations, and teaching strategies for dealing with students with special needs. I have a great working relationship with our special education department and am often requested as a teacher for their students.</td>
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<td>Master of Education, Cross Cultural Education</td>
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<td>Bachelor of Science, Biological Sciences</td>
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<tr>
<td>CLAD Certification</td>
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**Knowledge of the Next Generation Science Standards:**
The CA NGSS will impact instruction by increasing the rigor and relevance in the science classroom at all levels. The previous standards were written as information that students needed to know, which caused instruction to focus on a lower depth of knowledge. The standards basically became a checklist of facts. The CA NGSS are formatted in such a way that they are no longer simply a checklist of knowledge, but instead focus on the use of critical thinking skills and the application of knowledge. The Disciplinary Core Ideas (DCIs) provide teachers with overarching big ideas from which they can build units of instruction. Instead of focusing on minute details that only demonstrate what students are able to memorize and regurgitate, the

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DCIs allow for a much more conceptual approach to the topic, resulting in a deeper level of understanding by the student. The Science and Engineering Practices increase the relevance of the DCIs by providing students with the opportunity to apply the information learned to real life situations, using skills and tasks that would be expected of them as professionals in the field. The CA NGSS Performance Expectations provide teachers with a standardized learning objective to ensure that units and lessons are meaningful and purposeful. Overall, the CA NGSS ensure that student learning will no longer be based on memorizing information that can be found through a quick Google search by instead basing instruction on a combination of knowledge and application.

**Standards-Based Instruction Experience:**

LS1-3 requires that students be able to plan and conduct an investigation to provide evidence that feedback mechanisms maintain homeostasis. I would build a unit around LS1-3 by first determining what content information & skills students need to accomplish this task. Daily lesson objectives based on this information would be created using multiple depth of knowledge levels. For example, Lesson 1 Objectives would be (1) Explain homeostasis and (2) Differentiate between positive & negative feedback mechanisms. Lessons 2-4 would incorporate real examples of feedback mechanisms in organisms (such as temperature regulation, blood sugar levels, and blood calcium levels) and would require students to predict what would happen given a change in stimuli. Throughout the unit, students would be given a combination of written and illustrative texts as resources. I would modify both for my students according to their own needs. My advanced students would get texts with a higher lexile score than my ELL, SPED, and below grade level students. Each version would contain the content needed to meet the objectives, just at different levels. It is not dumbing down the content, just making it more accessible to all. The illustrative text given would also vary in complexity. The combination of words and images is a powerful tool for all students. SDAIE strategies are often just solid teaching strategies, regardless of the student, and would be used throughout. Once I felt my students had a firm grasp on the DCI from which LS1-3 was written, I would have the students work in small groups to actually plan and revise an investigation based on class discussions regarding effective investigation. As a class, we would pick one of the investigations to actually conduct. I would assess the effectiveness of the instruction based on the students’ ability to meet the lesson & unit objectives. Will the investigation they planned work? Can they use the data collected to support the DCI?

**Area of Expertise and Leadership:**

I have been working with the NGSS since the first draft was released. I immediately began to decipher them, hoping to keep the transition from being a daunting experience by starting early. I unpacked both the LS & ESS Performance Expectations and correlated them to our current textbooks, then developed new departmental pacing guides and began developing units of study revolving around the DCIs. From the onset of my educational career, I have been involved in curriculum and assessment development at the site and district level. I have written standards-based courses from scratch and have modified existing courses to ensure they were aligned to the standards. I am currently on the instructional leadership teams tasked with the creation of staff development for both the NGSS and CCSS. I teach at a Title I school with a very diverse population. In my 14 years of teaching, I have taught Advanced Placement & Honors courses as well as science courses geared towards students who are currently below grade level or have limited English skills. I consistently have students with IEPs due to my collaborative working relationship with our Special Education department. A “normal” year for me, is one in which I am modifying my instruction daily to meet the diverse needs of my students and I wouldn’t have it any other way. Because my teaching strategies are more student-centered than teacher-centered, students at all levels are able to succeed. I have always incorporated science practices into my curriculum as I see it as the best way to truly understand science. My educational background is not solely in science (BS in Biology) and education (M.Ed. in Cross Cultural Education), but I am also a thesis paper away from a degree focusing on the real world applications of science (MS in Forensic Sciences). I have a unique perspective that combines content knowledge with real world applications as well as passing that knowledge on to a diverse student population.

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Previous Committee Experience:
I have been a member of the Science Curriculum Study Team for Glendale Unified for many years. The Science CSC is tasked with approving curriculum and textbooks to submit to district administration. I have also served on committees that developed the pacing guides and standards correlation guides for new science courses, as well as both textbook selection committees for GUSD since I was hired. These committees provided a unique collaborative experience between the middle schools and high schools where I honed my ability to work well with others. It is rare for all members of a committee to agree, which can become contentious. Serving on curriculum committees so early in my career, I learned how to ensure that all voices were heard prior to a decision being made and how to pull information out of the reluctant speaker. It was a great experience that has helped me in the classroom as well.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

<table>
<thead>
<tr>
<th>Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?</td>
</tr>
<tr>
<td>Question 3: Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?</td>
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<td>Question 4: Do you expect to receive any royalty payments during your period of service on the Science CFCC?</td>
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<td>Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?</td>
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Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

Language Skills:

Professional References:

<table>
<thead>
<tr>
<th>Monica Makiewicz</th>
<th>Principal</th>
<th>Glendale High School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Boger</td>
<td>Vice President, Board of Education</td>
<td>Glendale Unified</td>
</tr>
<tr>
<td>Katherine Thorossian</td>
<td>Superintendent</td>
<td>Monrovia Unified</td>
</tr>
</tbody>
</table>

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### SCIENCE CURRICULUM FRAMEWORK AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<tbody>
<tr>
<td>Name: Mr. Robert C Sherriff</td>
<td>Ethnicity: White</td>
</tr>
<tr>
<td>Gender: Male</td>
<td>Ethnicity Other:</td>
</tr>
<tr>
<td>Position Title: Middle School Science Teacher</td>
<td>Years Teaching: 23</td>
</tr>
<tr>
<td>Employer: San Juan Unified School District</td>
<td></td>
</tr>
<tr>
<td>Address: 4900 Whitney Avenue Carmichael California 95608</td>
<td></td>
</tr>
<tr>
<td>Areas of Expertise: Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Parent, Community Member, Other Areas of Expertise</td>
<td>Other Expertise: Member Science Expert Panel for NGSS</td>
</tr>
<tr>
<td>Grade Levels Expertise: 6–8</td>
<td>Subject Taught: Integrated Science, Earth Science, Life Science, Physical Science Introductory Mathematics for 7th Grade</td>
</tr>
<tr>
<td>Experience Teaching English Learners: I have the a ELD/SDAIE Certificate which certifies me to teach English learners in my classroom. At various times in the last 23 years, I have taught varying numbers of English learner students in an inclusive mainstream format. I have had mainstreamed English learners in my 6th, 7th and 8th grade science classes.</td>
<td>Experience Teaching Students with Disabilities: As a father with a child diagnosed as being Autistic with Asperger’s syndrome who was in special education throughout his time in public school, it has given me a unique appreciation for the needs of teaching children with a similar disability. As a result, I have attended several individual trainings in this area to both help my own son and the students with disabilities in my classroom. I have had mainstreamed disabled students in my 6th, 7th and 8th grade science classes at various times in my 23 year career.</td>
</tr>
<tr>
<td>Degrees/Credentials: Master in Arts, Educational Leadership</td>
<td>Institution: University of LaVerne, LaVerne, CA</td>
</tr>
<tr>
<td>Bachelor in Science, Biology Humboldt State University, Arcata, CA</td>
<td></td>
</tr>
<tr>
<td>Single Subject Life Science Credential Humboldt State University, Arcata, CA</td>
<td></td>
</tr>
<tr>
<td>Multiple Subject Credential Humboldt State University, Arcata, CA</td>
<td></td>
</tr>
</tbody>
</table>

**Knowledge of the Next Generation Science Standards:**
As a member of the Science Expert Panel that reviewed and recommended to the State Board of Education to adopt the Next Generation Science Standards, their importance and significance will have a positive impact on the students science education. The NGSS are a new way of transmitting the ideas of science, giving greater depth and requiring a much greater degree of student participation in their own learning. With the integration of disciplinary core ideas, crosscutting concepts, engineering practices and human impact, the new standards go far beyond the memorization of science facts and helps to prepare our students for the

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skills they need in the 21st century. These skills include the ability to develop and evaluate models, the
difference between engineering and science processes and the application of educated thoughtful insights on
our culture and society. The new standards and frameworks will guide instructional practices with
connections between common core and the NGSS.

**Standards-Based Instruction Experience:**
Inquiry and student centered activities that I use are examples of techniques that meet the needs of a diverse
population. Monthly exploration of the creek by our school is an excellent example. Students go to the creek
and rotate through stations that are focused on the health of the creek. Long term data is gathered to see
how scientists gather data over time. Each station has a detailed explanation including drawings to help those
with low reading levels. Parents and high school students join in so that each station has an adult to help
guide the instruction. Students are expected to just make a rough draft of the task in their science notebooks.
The next day students share their data with other students who were at their stations in order to complete
any missing data or information. This portion of the activity is graded strictly on completion of the various
portions of each station lab write up, not on the quality of the work. Finally students are given several days to
choose one of the stations to write up as a final draft, which is graded for quality and effort. This allows
students to choose the station that most closely matches their best ability and time is given to start this work
in class and to have input from their peers. Each station varies to match diverse learning styles as for instance
one station is an art/science station, other is more math/science based and of course a pure science lab
based station. The final grade is on this quality work that students turn in and is based upon a rubric which
students are given at the start of the process so that they clearly know the expectations. Being able to see
the change from the rough draft to the final helps me to evaluate the effectiveness of this instruction for a
diverse group of students.

**Area of Expertise and Leadership:**
Through my various appointments and committee work such as being on the Science Expert Panel for NGSS
and the short lived Science Framework committee of 2009, I have developed the experience to know what is
involved in revising the new Science Framework. With over 23 years of science teaching experience and
working in two different geographical locations, I have taught a diverse group of students. In my eleven years
of teaching in Redding, California, I had many students who were below grade level and most of these were
from a low socio-economic and many with a Cambodian background. Teaching in Sacramento, I’ve had 11
years of teaching in an advanced program with high achievers. I’ve also had three years of teaching
disadvantaged minority students as part of an AVID (Advancement Via Individual Determination) program
which exposed me to African as well as Mexican-American vernacular English. The International
Baccalaureate program has attracted a very culturally diverse group of students (Russian, East Indian,
Pakistani, Chinese, Vietnamese) many who have English as a second language. Finally, my own son has
Asperger’s Syndrome and that as well as the many mainstreamed disabled students I’ve had in my classes
over my 23 years of teaching has helped me to understand the diverse needs of disabled students and the
importance of accommodation within a classroom. As a member of the Science Expert Panel I have been
uniquely situated to begin implementation of some of the NGSS standards into my classes this year and I’ve
helped students to understand the connections between engineering and science as well as the human
impact strand running through the NGSS.

**Previous Committee Experience:**
2013 Appointed Science Expert Panel for the Next Generation Science Standards 2013 Participant in the
California Science Projects exploration of NGSX a pilot professional development program to engage teachers
in ideas of NGSS. 2013 Appointed NASA MAVEN Ambassador examining NASA curriculum 2012 Review
committee for the Next Generation Science Standards 2009-12 Presenter for the California Science Teachers
Association Conferences often engaged in helping teachers with curriculum development 2008-09 Reviewer
for Education in the Environment Initiative, Calif. DOE 2009 Appointed Science Curriculum Framework and
Evaluation Criteria Committee, California Department of Education

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may contain typographic and data errors.
Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

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Question 3: Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE? In 2007-2008 I was a science teacher reviewer for Glencoe Science California Textbook for Middle School. This was a one time opportunity.

Question 4: Do you expect to receive any royalty payments during your period of service on the Science CFCC?

Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE? Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body? In 2007-2008 I was a science teacher reviewer for Glencoe Science California Textbook for Middle School. This was a one time opportunity for which I was paid approximately $300.

Language Skills:

Professional References:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathy DiRanna</td>
<td>California Statewide Director</td>
<td>K-12 Alliance/WestEd</td>
</tr>
<tr>
<td>Phil Lafontaine</td>
<td>Director Professional Learning Support Division</td>
<td>California Department of Education Professional Learning Support Division</td>
</tr>
<tr>
<td>Anne Stephens</td>
<td>Education Program Consultant and Statewide Coordinator for CREEC</td>
<td>California Department of Education</td>
</tr>
</tbody>
</table>
**Knowledge of the Next Generation Science Standards:**

I was the chair of the NRC committee that developed "A Framework for k-12 Science Education", the key document that underlies the NGSS. I am very familiar with NGSS. I believe there are three major shifts demanded by NGSS for CA schools: 1) more consistent science in elementary school starting from Kindergarten, more students taking 3 or more years of high school science. 2) engagement of students in the full range of science and engineering practices at all grade levels will require significant shifts for many teachers in how they organize their teaching of science 3) full inclusion of earth and spaces sciences standards as well as the engineering, technology and applications of science standards will require significant course redesign at the high school level as well as attention to these areas in earlier grades.

**Standards-Based Instruction Experience:**

I am not a teacher at the k-12 level, however I have supported teachers to engage in this work. As a primary author of the "Framework for k-12 Science Education" I submit that document as a good example of my philosophy of science teaching — students must model systems and use those models to develop explanations of phenomena that include established science ideas as well as system-specific details of how those ideas apply in context. For each topic area I would start with an interesting phenomenon that requires some understanding of the science in question in order to explain what is going on -- using techniques similar to those discussed by Mark Windschitl on his website http://tools4teachingscience.org/.

**Area of Expertise and Leadership:**

Most of my work around NGSS involves working with teachers to introduce them to the science and engineering practices and the cross-cutting ideas in the Framework and consider how these can become part of the way they teach science. I have some expertise with regard to language learners in science and have published a paper in the AERA journal Education Research (together with Okhee Lee from NYU and Guadalupe Valdez from Stanford) on inclusion of language learners NGSS-aligned science instruction. I am a member of the Stanford "Understanding Language" coalition see the website ell.stanford.edu

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**Previous Committee Experience:**
I was a volunteer member of the consulting group that developed the previous CA science standards, my specific contribution was to lead the development and argue for inclusion of the "Investigation and Experimentation skills" element of those standards. I am a member of the National Academy of Sciences and have been Chair of the NRC Board on Science Education for the past six years and was a member of it prior to that. In this role I participated in a number of NRC studies related to science education including "Taking Science to School" as well as the Framework. I served on the CA Science Expert Panel to advise on adoption of NGSS.

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

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**Question 3:** Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE? I have been a member of the Advisory Board for the Lawrence Hall of Science program "Roots of Reading, Seeds of Science" which develops science and reading-related curriculum materials. I received some small consulting fees for attending two advisory board meetings.

**Question 4:** Do you expect to receive any royalty payments during your period of service on the Science CFCC?
Royalties for sales of my popular (ADULT GENERAL PUBLIC) physics book "The mystery of the missing antimatter" published by Princeton University press. This is not a text book.

**Question 5:** Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?
See above --consultant (advisory member for "Roots of reading, sees of science"

**Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?**
see above: Roots of Reading, Seeds of Science Advisory Board. No ongoing contract, remuneration of approximately $1000 for advisory board meeting attendance —I may or may not have any future involvement with them.

**Language Skills:**
Spanish, Speak, Read
German, Read

**Professional References:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Heidi Schweingruber</td>
<td>Associate Director</td>
<td>Board on Science Education, NRC</td>
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**SCIENCE CURRICULUM FRAMEWORK AND EVALUATION CRITERIA COMMITTEE APPLICATION**

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<tbody>
<tr>
<td><strong>Name:</strong> Mrs. Laura N O'Dell</td>
<td><strong>Ethnicity:</strong> Hispanic/Latino, White</td>
</tr>
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<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
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<tr>
<td><strong>Position Title:</strong> Science Teacher- Burke Middle School</td>
<td><strong>Years Teaching:</strong> 22</td>
</tr>
<tr>
<td><strong>Employer:</strong> El Rancho Unified School District</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 8101 Orange Avenue</td>
<td><strong>Pico Rivera</strong></td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Parent</td>
<td><strong>Other Expertise:</strong></td>
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<td><strong>Grade Levels Expertise:</strong> 6–8</td>
<td><strong>Subject Taught:</strong> Integrated Science, Earth Science, Life Science, Physical Science, Biology English Language Development</td>
</tr>
<tr>
<td><strong>Experience Teaching English Learners:</strong> I have taught science at the 7th and 8th grade levels for 17 years. Prior to that, I taught fifth grade for one year. In the interim, I substitute taught in grades k-12. At present, I teach both life and physical science concurrently with providing services to Option 1 and 3 English Learners I hold a CLAD and BCLAD (Spanish) for the state of California along with Single Subject in General Science and Biology. Additionally, I have a supplemental credential in chemistry. I have considerable experience in SDAIE and associated language development imbedded learning. In addition to public school teaching experience, I have worked as an instructor for Johns Hopkins University’s Center for Talented Youth from 2012 to present. As an instructor for the course, Inventions, I developed and implemented curriculum and activities that provided a hands-on STEM related module for exceptional 9-10 year-olds. Inventions is a three-week, highly focused course that integrates an introduction to physical sciences with a culminating engineering project.</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> I have taught science at a full-inclusion school for 17 years. Students mainstreamed into my class range from RSP (now Specialized Academic Instruction), to Asperger’s Syndrome, and throughout the autism spectrum. In past years, I have also adapted science curriculum for blind and/or hearing impaired students. My expertise is along the lines of hands-on experience with tailoring instruction, implementing IEP accommodations and/or adaptations, and development of appropriate assessments in middle school science.</td>
</tr>
</tbody>
</table>

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Degrees/Credentials:  | Institution:
--- | ---
Master of Arts: Education | Whittier College, Whittier CA
Bachelor of Science: Biology | California State University San Bernardino
Eleanor Roosevelt Teacher Fellow | American Association of University Women

**Knowledge of the Next Generation Science Standards:**
The integrated learning model will facilitate and compliment the implementation of Common Core in college-career readiness. The NGSS focus on the processes of science and engineering ensures that students will not only have a degree of knowledge in science but also a grasp on the processes that will help them be successful in STEM related careers. It is critical to college-career readiness that students be competent writers in science; they must also have the ability to apply mathematical concepts and processes with those of science and engineering. The Crosscutting Concepts component of NGSS will greatly facilitate the process of applying science with math and language arts. For teachers, indications are not only for providing full access to basic science curriculum but to also successfully integrate knowledge and literacy skill across all subject areas. Well-implemented NGSS programs will require all teachers to collaborate with colleagues to help students use content knowledge and skills. The NGSS differentiation of Core Ideas and Science and Engineering Practices will help teachers reach a modicum of balance between concepts and practice-based instruction.

**Standards-Based Instruction Experience:**
Below describes a standards-based assignment given to 8th grade physical science students this year:
Essential Question: What is the impact of radioactive isotopes on environmental, societal, and scientific domains? Activating Prior Knowledge: Students produce posters/models of basic atomic structure including all subatomic particles. Explicit Direct Instruction: Isotopes, half-lives, and how they affect the reactivity and stability of larger atoms via multimedia and depth of knowledge instructional methods. Guided/independent Practice: Research and present half-lives of known radioactive materials using electronic and textual resources. Collaboration of Interdisciplinary Components: Social Studies- Use of atomic weapons in WW 2; math- calculating and graphing half-lives of radioactive isotopes. Culminating Product: A minimum five paragraph position paper in collaboration with the language arts teacher on the pros and cons of radioactive isotope use in weaponry, medicine, and/or energy production. Language arts teacher will use Google Docs for the final written assignment. Assessment: Interdisciplinary rubric for essay. Each teacher will focus on self-designated criteria (science-concept accuracy and use of science terms; social studies- historical accuracy; math- graphic and analytical support visuals; language arts- writing mechanics and conventions) In reference to assessment and instruction, specificity of tools and techniques would largely depend on IEP goals; conventions SDAIE teaching techniques will facilitate the assignment for ELs. Advanced learners participate in a formal debate on the topic or create a presentation on the topic via technology resources.

**Area of Expertise and Leadership:**
As a holder of a bachelor of science degree in biology and a graduate degree, I fully understand the rigor of instruction required for students to be prepared for post-secondary science. My years of educational experience and graduate training have prepared me to help students succeed in science. Experience with Gifted and talented have given me an ability to help students access the depth and complexity of science. Experience with ELD instruction will help me tailor literacy assignments for ELs via NGSS Crosscutting design. Experience with creating pacing guides and curriculum coordination at the prior California Science Content Standards adoption gave me an overview of how to revise content and instruction to coordinate with a new framework. In terms of school site leadership, I authored an LEA directed proposal to implement a seven-period day at my school. This process provided procedural experience with developing and implementing a teacher-led revision of our instructional day. With the support of colleagues and administration we were able to restructure our school to provide content-rich electives from a six-period instructional day.

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**Previous Committee Experience:**
I have served in the following committees at my school-site and/or LEA: Technology Committee, Leadership Team, Science Department chair, BTSA Induction Support Provider, school-site DAIT representative, Textbook Adoption Committee, GATE school-site coordinator. Yearly, I conduct an update and revision of our pacing guide. This year, in addition to standard revision, I will work with my fellow science teachers to create a framework for coordination of NGSS and Common Core projects with language arts, math and social studies teachers at my school site. In the 1998-1999 school year, my science department piloted Prentice-Hall’s Focus on Physical Science middle school program. In the subsequent textbook adoption, the pilot program provided the depth of insight needed for the adoption of a new program at the district level. In the 2007 adoption, I served on the science textbook adoption committee for my school district and worked to draft an evaluative instrument.

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

| Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California? |
| Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)? |
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| Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE? |

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

**Language Skills:**
Spanish, Speak, Read, Write

**Professional References:**

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<tr>
<th>Name</th>
<th>Position</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Mark Matthews</td>
<td>Director of Human Resources</td>
<td>El Rancho Unified School District</td>
</tr>
<tr>
<td>Alma Garcia</td>
<td>Counselor</td>
<td>Burke Middle School</td>
</tr>
<tr>
<td>Sam Genis</td>
<td>Principal</td>
<td>Durfee Elementary School</td>
</tr>
</tbody>
</table>

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Name: Ms. Jo M Topps
Ethnicity: White

Gender: Female

Position Title: Regional Director

Employer: WestEd/K-12 Alliance

Address: 4665 Lampson Los Alamitos California 90720

Areas of Expertise: Higher Education/Researcher, Other Areas of Expertise

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

Experience Teaching English Learners:
As a professional developer, I have provided instruction to the teachers of English learners as part of an extensive lesson study project, funded by CPEC. This project spanned four years. The focus of the project was to teach English Language Development through the context of science. Oral language was the focus of ELD experiences. Students in the treatment group, primary grades, made significant gains in oral language development as compared to the control group, who did not receive the intervention. I have presented the strategies and findings of this work at CSTA and NSTA.

Experience Teaching Students with Disabilities:

Degrees/Credentials:
- Master of Science CSU Fullerton
- Bachelor of Science UC Irvine
- Multiple Subject Credential UC Irvine

Knowledge of the Next Generation Science Standards:
The CA NGSS will have a profound impact on teachers and students in grades K-12 in California. The Performance Expectations found in the CA NGSS require that students be assessed on three dimensions simultaneously, i.e., science and engineering practices, disciplinary core ideas, and cross-cutting concepts. To meet this rigorous level of achievement, instruction will need to be different. Teachers will need to move away from teaching each dimension in isolation and be capable of designing and enacting instruction via a more integrated approach. Instruction and assessment will require more inclusive and motivating strategies that address the needs of all students. Students will need to be able to reason from evidence and express

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that reasoning in high quality oral and written responses consistent with the CaCCSS-ELA. Students will need opportunities to learn and receive adequate instruction to demonstrate proficiency in both science and engineering. While the CA NGSS identifies Performance Expectations and the foundations from the Framework for K-12 Science Educations (NRC, 2012), it does not address curriculum. Teachers and support providers will need to carefully craft course(s) of study, instruction, and assessments to meet the three dimensionality of the CA NGSS. Unlike the former CA Science Standards, where many standards were presented, the CA NGSS will require an understanding by teachers of how to help students to "go deeper" in their understanding of fewer standards. This will include an understanding of the Appendices of the CA NGSS.

Standards-Based Instruction Experience:
The Boston Museum of Science: Engineering is Elementary (EiE), unit of instruction, entitled Alarming Circuits, is an instructional material that provides access to all students and is consistent with the CA NGSS. In this unit of instruction students are introduced to an engineering design problem via children's literature. In the subsequent lessons students actively learn about energy transfer and transformation in a series of lessons that engage students in individual models of electric circuits and eventually to the schematics used by electrical engineers. Students learn about conductors, insulators, switches, parallel and series circuits through actual experience with the materials. This approach is appropriate for all learners because it involves concrete learning experiences in the "here and now" before more abstract representations of that learning are expected in writing and reading. Students draw their observations and designs, Students use oral language, a central feature of this unit, which helps to build scientific understanding. The use of models, a signature practice of the CA NGSS, is also a key component of the unit. This unit achieves the three dimensionality of the CA NGSS by: 1) addressing the Performance Expectation 4-PS3-2, the science and engineering practices of asking questions, planning and carrying out investigations, constructing explanations and designing solutions; 2) providing instruction in the disciplinary core ideas of definition of energy, conservation of energy and energy transfer, and defining engineering problem; and 3) including the cross-cutting concept of energy and matter.

Area of Expertise and Leadership:
My experience as a professional developer, in California and the nation, since 1992, has prepared me to participate in the CFCC to the revise the Science Framework. I am expertly knowledgeable of the CA NGSS. I have served as facilitator for the Science Expert Panel, in California, as it was engaged in the process that recommended the NGSS for adoption by the CA State Board of Education. I am currently facilitating the state panel to inform the CA Strategic Plan for Implementation of the NGSS. I am also a member of the Carnegie Foundation Design Team, at the American Museum of Natural History, in New York City, to develop the tools needed by teachers to implement the NGSS. These tools will be available to California and to a national audience as additional states adopt the NGSS. On a local level, I am the professional development provider for several schools and school districts in Los Angeles and Santa Barbara Counties. These schools and school districts serve minority-majority populations. In this capacity, I have provided the professional development necessary to prepare teachers for implementation of the NGSS in curriculum development, instruction, and assessment for all learners.

Previous Committee Experience:
I have served as member of the last two Instructional Materials Evaluation Panels (IMEP) for the adoption of instructional materials in California for grades K-8. I am also co-developer of the AIM (Assessing Instructional Materials) Process, a product of the National Academy for Curriculum Leadership, funded by the NSF. The AIM process assists secondary teachers with the adoption of instructional materials. I am also co-author of Assessment-Centered Teaching (Corwin, 2008). This work is the product of CAESL (Center for Assessment and Evaluation of Student Learning), also funded by the NSF. The premise of this initiative was to view assessment and instruction simultaneously, thus designing appropriate curriculum and assessment for all learners.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

Question 3: Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?

Question 4: Do you expect to receive any royalty payments during your period of service on the Science CFCC?

Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

Language Skills:

Professional References:

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<tr>
<td>Laura Henriques</td>
<td>Professor</td>
<td>CSU Long Beach</td>
</tr>
<tr>
<td>Susan Gomez-Zwiep</td>
<td>Professor</td>
<td>CSU Long Beach</td>
</tr>
<tr>
<td>Jim Short</td>
<td>Director Gottesman Ctr for Science Teaching and Learning</td>
<td>Americina Museum of Natural History</td>
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<td>Ethnicity Other:</td>
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<tr>
<td>Position Title: Lead Science Teacher at California College Preparatory Academy</td>
<td>Years Teaching: 13</td>
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<td>Employer: Aspire Public Schools</td>
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<tr>
<td>Address: 2125 Jefferson Avenue</td>
<td>Berkeley</td>
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<td>California</td>
<td>94703</td>
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<td>Areas of Expertise: Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.</td>
<td>Other Expertise:</td>
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<tr>
<td>Grade Levels Expertise: 9–12</td>
<td>Subject Taught: Integrated Science, Chemistry, Physics</td>
</tr>
<tr>
<td>Experience Teaching English Learners: I have 13 years of experience working with high school English Language Learner (ELL) students grades 9 through 12. My science teacher credential has a CLAD emphasis. All of my experience with students has been through inclusive education where roughly a third of the class is designated ELL with the other two-thirds of the class designated standard English speaking. Currently, I work in a school with a population of approximately 60% Hispanic students with the majority of them having English as a second language. They range in ability from predominately English speakers to recently moved here from Mexico just beginning to be introduced to the English language.</td>
<td>Experience Teaching Students with Disabilities: I have 8 years of experience working with students with disabilities (designated having an Instructional Education Plan, IEP) in high school grades 9-12.</td>
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<tr>
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**Knowledge of the Next Generation Science Standards:**
The biggest shift in NGSS is the integration of science content and practice and contextualizing it within the

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broader ideas across all science. This shift marks major changes in the way content will be delivered in classrooms and will require major supports for teachers in both curricular materials and professional development. There needs to be a shift away from verification labs that follow lectures to inquiry-guided labs where students collect evidence to make meaning of science for themselves. Another major shift in NGSS is the reorganization of the science disciplines and bringing earth and space sciences up to the forefront. Integrating the standards at the middle school grades is also a shift away from the discipline-specific separations. Decisions made around curriculum adoptions and state testing design will make significant statements and alter the way science is organized at the secondary level. I am looking forward to seeing earth and space sciences brought up to the same rigor as biology, chemistry and physics. Currently in California, these subjects are largely overlooked and not taught as rigorous secondary subjects. The new organization in standards is going to shift what counts as rigorous, lab-based science in high schools. A third major shift in the implementation of NGSS is the focus on vertical alignment. In order to have a successful implementation of NGSS, there must be a focus at elementary level science. Science is an excellent context for math and English instruction to be supported, especially with the heavier focus on nonfiction text in Common Core. If science curriculum could be adopted that is aligned to NGSS (which is already aligned to Common Core Math and ELA) and professional development was provided to support elementary school teachers, the vertical development of science content will be logical, coherent and spiraled kindergarten through twelfth grade.

Standards-Based Instruction Experience:
I serve a diverse population inclusive of students with IEPs and reading levels ranging from 3rd grade to high school. My key question in lesson planning is: What data will my students grapple with in order to make sense of the content for themselves? In this lesson, students construct a model of heat transfer. The lesson opens by asking them to observe a demonstration water with dry ice in it. They observe smoke, bubbles, and condensation. Students are asked, Is this hot or cold? I assess prior knowledge of their experience with dry ice and hot and cold objects by listening to their reasoning. After students share ideas, I tell them that by the end of the lesson, they will find out they are all correct and will have evidence to support their argument scientifically. Students explore dry ice. They measure temperature changes, push spoons to hear whistling and feel vibrations, compare to ice to see it travel faster and not leave a water trail, and design an experiment. They place their right hand in hot water and left in cold. Then they place both hands in room temperature water and feel cold to their right hand and warm to their left. I circulate and look for student responses to the prompt, Is this evidence of hot or cold? Explain. and ask follow up questions about what it means to feel hot or cold. As I ask questions, I validate ideas by asking students to share that idea in the whole group discussion as we define heat. We construct a definition of heat as a process of energy transfer. Each student then picks the perspective of dry ice or water from the demo and construct an argument for whether they feel hot or cold. They construct a diagram and use a scaffolded claim-evidence-analysis graphic organizer to write their argument using the definition of heat and observations from two of their experiments. In the end, I formally assess understanding of heat from their ability to integrate the formal definition with the evidence collected in their labs.

Area of Expertise and Leadership:
In my thirteen years of teaching, I have taught in a variety of classroom situations. I spent the first three years of my career in a large urban high school teaching chemistry when I was invited to study with Professor Angelica Stacy at UC Berkeley, the author of the Living by Chemistry curriculum. At UC Berkeley, I earned my M.S. in chemistry and taught undergraduate chemistry courses with Professor Stacy, Cal Teach courses preparing undergraduates for STEM education, and graduate students in the MACSME (Masters and Credential) program for science educators. In 2009, I returned to high school education at an Aspire charter school, Cal Prep, where I have been the lead science teacher since 2010. As a lead teacher, I advise the science coach at Aspire and, due to my involvement with the state’s Science Expert Panel, have become the NGSS expert within the organization. I’ve delivered professional development introducing NGSS and its underpinnings to other lead teachers and principals across the organization as well as professional development focused on inquiry-based lesson planning using the 5E model to teach the NGSS standards. In addition, I’ve been helping to author instructional guidelines focused on the science and engineering practices outlined by NGSS. In the last two years, I’ve begun aligning my curriculum to the

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NGSS standards while still using the California State Standards as my students will be taking the CSTs this spring. In addition to aligning my units to NGSS performance expectations, I have been focusing on the scientific practice of Engaging in argument from evidence this year because it cuts across both NGSS and Common Core Math and ELA. I have also been explicitly incorporating engineering standards by creating engineering projects for students. With teachers that I mentor, we have been looking at the labs they currently use and brainstorming how to emphasize the scientific practices, cross-cutting concepts, or engineering standards.

**Previous Committee Experience:**
I remain teaching in the classroom because I am dedicated to direct teaching with students, but I am interested in conversations in the larger science education community. In order to stay active in the broader state and national conversations, I present at state and national conferences (California Charter Conference and NSTA), provide professional development for universities and teachers, serve as a member on the Teacher Education Advisory Group at UC Berkeley, contribute to global efforts to address NGSS implementation (Energy Summit with University of Massachusetts), and serve as a member of the State Review Team, Science Expert Panel, and Strategic Leadership Team for CDE.

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

**Question 1:** Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?
I have worked with the publishers of the Living By Chemistry curriculum (BFW) do an initial alignment of the curriculum to the NGSS performance expectations and they are currently requesting me to help them author some engineering focused experiments with

**Question 2:** Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

**Question 3:** Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?

**Question 4:** Do you expect to receive any royalty payments during your period of service on the Science CFCC?

**Question 5:** Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?
As a graduate student at UC Berkeley, I contributed to the development of the Living by Chemistry curriculum (currently published by BFW) and was a pilot teacher for the curriculum during the development of the first edition. I did not receive any compens

**Language Skills:**

**Professional References:**

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<th>Name</th>
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<tr>
<td>Javier Cabra</td>
<td>Principal</td>
<td>Aspire California College Preparatory Academy</td>
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<tr>
<td>Sharon Parker</td>
<td>Aspire Science Coach</td>
<td>Aspire Public Schools</td>
</tr>
<tr>
<td>Angelica Stacy</td>
<td>Professor of Chemistry</td>
<td>UC Berkeley</td>
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**SCIENCE CURRICULUM FRAMEWORK**
**AND EVALUATION CRITERIA COMMITTEE APPLICATION**

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<td><strong>Name:</strong> Dr. Susan M Gomez Zwiep</td>
<td><strong>Ethnicity:</strong> Hispanic/Latino</td>
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<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
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<td><strong>Position Title:</strong> Associate Professor</td>
<td><strong>Years Teaching:</strong> 21</td>
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<td><strong>Employer:</strong> CSU Long Beach</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 1250 Bellflower Blvd, HSCI 204</td>
<td>Long Beach California 90840</td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services), Parent, Higher Education/ Researcher, Community Member</td>
<td><strong>Other Expertise:</strong></td>
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<td><strong>Grade Levels Expertise:</strong> K–2, 3–5, 6–8</td>
<td><strong>Subject Taught:</strong> Integrated Science, Earth Science, Life Science, Physical Science</td>
</tr>
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<td><strong>Experience Teaching English Learners:</strong> I taught middle school science from 1993-2005 in Bell Gardens, CA (Montebello Unified SD). Our student population was about 68% English learners in the 6-8-grade span, primarily ranging from beginning to intermediate proficiency. However, the majority of my students who were proficient in English had been recently reclassified and still needed language specific support. I had mixed-proficiency groups in my classroom by design. Instruction included the use of realia and real world context within inquiry instruction, student-to-student discourse, and formal language supports such as graphic organizers and sentence frames to support students’ ability to access the science textbook and content as well as to develop their oral and written language skills. This was all done within a rigorous, standards-based curriculum. From 2007-2012 I co-developed and directed an integrated Science and ELD program in Montebello Unified SD. This elementary program created a blended inquiry science and ELD curriculum within a</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> During my 14 years as a middle school science teacher (grades 6-8), students receiving special education services (approximately 20% of our population) were mainstreamed into my classroom when appropriate. The majority of my special education students were services on via a pull out basis from classes other than mine. These included students who received 1-2 hours of support from the Resource Specialist Program, hearing or speech services or adaptive PE. Other students were in a full time special education placement whose part-time inclusion time was in Art and my class. These students had emotional disturbances, autism or other severe impairment. On rare occasion, a full time aide accompanied a student.</td>
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professional development design that used science as the context for formal ELD instruction. This was a very successful and well-respected, award-winning program. Research findings from the project showed significant increases in student CELDT and CST achievement for students who received the blended curriculum. In Fall 2012, I taught 3rd and 5th grade science in Escondido to a very similar population to my Bell Gardens students. During this time I taught two classes of each grade level each week. The instruction integrated formal ELD strategies into inquiry science lessons. Although I was the science teacher, I coordinated my lessons with the teacher of record in the classroom to use the science instruction to support the new CCSS ELA. I hold a valid CA Single Subject Teaching Credential (Life Science) and a CLAD certificate.

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<td>Single Subject Life Science Teaching Certificate</td>
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<tr>
<td>BA Integrative Biology</td>
<td>UC Berkeley</td>
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</table>

**Knowledge of the Next Generation Science Standards:**
Over the last 15 years, science instruction in California was best described as disconnected. We often focused on science facts that were disconnected from each other and from bigger ideas in science. While we had investigation and experimentation standards, they were rarely taught in conjunction with the concepts assigned to the grade level. Science was also disconnected from other core subjects. Math and ELA integrations were limited to data display, reading a textbook or writing a report, if they existed at all. The main impact of CA NGSS is that it will provide a connected vision of science for both teachers and students. The integration of the disciplinary core ideas, cross-cutting themes and science and engineering practices in NGSS means teachers will no longer have to struggle to create meaningful instructional sequences. Students will now have opportunities to develop an understanding of how science the verb (doing science) and science the noun (knowing science concepts) are connected and directly impact the world they live in. Equally important is the inclusion of the performance expectations, providing a clear assessment statement about what students should understand at the end of instruction. To accomplish this instruction will need to look and feel different. Classrooms will need to have less focus on teachers, facts and vocabulary and more focus on students engaged in discussion and argument as they engage in open-ended problems, designing solutions and using models to explain and predict the world. Articulation within/across grade levels is necessary now, more than ever, since student understanding of content, practices and cross cutting themes build in deliberate instructional learning progressions K-12. Finally, NGSS is for all students, not just the ones traditionally targeted for STEM careers. English learners, special education students and girls should have equal opportunities to experience even the highest levels of the NGSS curriculum.

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### Standards-Based Instruction Experience:

This is the 3rd lesson in an 8th grade unit on Forces affect the motion of objects. The lesson described follows one on a force is a push or a pull and forces can be measured. Students are told that they will be investigating the amount of force needed to pull a brick. Although they will all be using the same type of brick, each group will investigate a different question. Spring scales were used in the previous lesson. Is it easier to drag a brick on its fat side or its skinny side? Is it easier to pull a brick on carpet or a smooth surface? Is it easier to pick up a brick or pull a brick? Is it easier to pull a brick with or without wheels? The same question can be assigned to two different groups so students can compare results later. Students are instructed to develop a plan to collect sufficient data to answer their question. Materials are available but students decide what they need and how to complete their investigation. The teacher monitors their progress, assisting as necessary. On the next day, students are told that all of their experiments involved friction. They will now need to figure out what friction is and how it affected their bricks to explain their results. Indicate the textbook pages that describe friction and let groups begin. Additional diagrams and simplified text can be used as well. Tell students that when they can explain how friction affected their bricks, they will get chart paper and can prepare to explain their experiment design, results and explanation. The teacher facilitates students’ progress. If students say friction is a force that opposes motion when two surfaces touch the teacher might ask; why do the surfaces have to touch? or what does opposes motion mean? When ready, groups present their findings using the chart paper to display their information. The teacher uses the presentations to build consensus about friction and how it affects an object’s motion, i.e. more touching/thicker material means more bumps.

### Area of Expertise and Leadership:

I have 20+ years experience in science education teaching science at the elementary, middle and university levels. I have experience teaching science to diverse learners and have generated a promising new approach to making science accessible to English learners. I have helped to develop the professional development training for the CA NGSS rollouts. I will lead several sessions at the CA NGSS rollout sessions and have helped train other facilitators to conduct these training. I am part of the statewide NGSS study group coordinated by the county offices of education in conjunction with CDE and WestEd. I will be leading two CaMSP projects that specifically focus on introducing NGSS into middle and high school science classrooms. I believe that students come to the classroom with unique experiences that they use to make sense of the world. Instruction needs to build upon and expand that existing knowledge. To do that, instruction needs to draw out what students already know (both for the student and the teacher) and then provide opportunities for the development of new learning through the manipulation of materials, structured debate, and the revision and application of that knowledge. In this way, science instruction can parallel science practices and students should learn science content while they simultaneously develop an understanding of the nature of science. However, the blending of content and practice requires that content be sequenced in a meaningful way, both within and across grade levels, and facilitated by teachers who understand how to support students with inquiry, meaningful feedback and the purposeful use of strategies. I have I personally witnessed the realization of this goal in my own teaching and have helped thousands of other teachers to do the same through my preservice and master teacher courses and professional development programs. This was often done with student populations that are often underserved and underrepresented.

### Previous Committee Experience:

I served on the science subject matter panel overseen by the California Commission on Teacher Credentialing from 2000-2003. Our committee developed the program standards for secondary teaching programs in the area of general science and each sub discipline. The panel also developed the content standards for the California Subject Examinations for Teachers in general science, biology, chemistry, earth science and physics. I was also involved in the Center for Assessment and Evaluation of Student Learning (CAESL) project from 2005-2006. In this project I assisted in the development, field-testing and revision of 5th and 8th grade benchmark science assessments aligned with California science content standards.

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<td>Question 1:</td>
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<td>Question 3:</td>
<td>Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE? I was a Science Task Force member for Macmillan/McGraw Hill’s elementary science textbook in 2002 and a FOSS Curriculum consultant in 2009.</td>
</tr>
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### Language Skills:
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<tr>
<td>Kathy DiRanna</td>
<td>Statewide Director</td>
<td>K12 Alliance</td>
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<tr>
<td>Laura Henriques</td>
<td>President</td>
<td>California Science Teachers' Association</td>
</tr>
<tr>
<td>Dean Gilbert</td>
<td>Science/STEM Coordinator</td>
<td>Orange County Office of Education</td>
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## SCIENCE CURRICULUM FRAMEWORK AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<td><strong>Name:</strong> Mrs. Juanita A Chan</td>
<td><strong>Ethnicity:</strong> Asian, Black or African American</td>
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<td><strong>Ethnicity Other:</strong></td>
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<td><strong>Position Title:</strong> CaMSP Science Lead</td>
<td><strong>Years Teaching:</strong> 11</td>
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<td><strong>Employer:</strong> Rialto Unified School District</td>
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<tr>
<td><strong>Address:</strong> 324 N. Palm Ave</td>
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<td><strong>Areas of Expertise:</strong> Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001. Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services), Parent, Community Member</td>
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<td><strong>Experience Teaching English Learners:</strong> I have provided instruction to English Learners for 11 years. The district in which I teach has an English Learner population of about 28.9%. My elementary classrooms usually had a 1:3 English Learner- English Only student ratio. In addition, I taught Sheltered English Immersion at the middle school level. I have also had Guided Language Acquisition Design training, and work collaboratively with the English Language Strategists while planning and disseminating professional development workshops in my district.</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> I have taught students with disabilities for 11 years. My first year, I long term substitute taught in a Severely Emotionally Disturbed (SED) classroom. My years as an elementary school teacher I worked collaboratively with the RSP teacher in planning for the pull out program. I also worked as a math/ science coach and worked with Dr. Austin Buffum and Elementary Principals on planning school-wide Response to Intervention (Rti) plans for three elementary schools. At the middle school level, I worked with the SED and RSP teachers to mainstream students into both my Life and Physical Science classroom. I also worked as a member of the Leadership team to plan and facilitate a Tier 2 school-wide RtI program. At the District Level I designed a Tier 2 RtI plan for Grades 2-5 in math.</td>
</tr>
<tr>
<td><strong>Degrees/Credentials:</strong> M.Ed. Educational Leadership Brandman University</td>
<td><strong>Institution:</strong></td>
</tr>
<tr>
<td>M.Ed. Curriculum and Instruction Chapman University</td>
<td></td>
</tr>
<tr>
<td>BA Liberal Studies major conc. Entomology University of California, Riverside</td>
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</tr>
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**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Knowledge of the Next Generation Science Standards:
The NGSS targets to ensure that ALL students will become science literate 21st century citizens. They are built on a foundation of more than 20 years of research in the most effective strategies for teaching and learning science. Their goal is to fundamentally change science instruction to focus on the interconnected nature of science, which moves coherently throughout K-12. There is a shift to ensuring understanding of the "big ideas." In addition, they support the goals of CCSS in the areas of literacy and math.

Standards-Based Instruction Experience:  
I recently wrote and submitted student work for a vignette for the ELA framework describing an experimental design lesson. Students worked in groups to investigated a "popper" collecting both qualitative and quantitative data, as they saw fit. Students were encouraged to participate in 'Accountable Talk' to identify variables that could be changed, and what was measured, or could be measured. Students kept data, non-linguistic representations, observations, questions and reflections about the investigation in 'Science Notebooks.' At the conclusion students synthesized their findings to create a testable question. Then students reflected about the lesson design process and how it could be generalized to support scientific inquiry of any natural phenomena. This lesson incorporated speaking, listening, reading and writing at each students instructional level, as it was self-directed. It required students to use collaboration, communication, and critical thinking which further supported diverse student populations. Assessment took place throughout the lesson through evaluation of written and oral responses.

Area of Expertise and Leadership:  
During my undergraduate career, I worked in an entomology lab, with doctoral candidates and postdoctoral students on research. I have worked as an elementary teacher, middle school science teacher working with diverse students; and I hold a high school biology credential. I have served as a teacher leader at both an elementary and secondary capacity providing strategies for effective instruction. I have worked at the district level as a math and science coach collaboratively co-planning and co-teaching with science teachers from K-12. Finally, I have served on professional development teams for science teachers at the local County Offices of Education, university and district level helping teachers explore NGSS. In my current capacity, I develop curriculum and assessments that align with CCSS and NGSS that are accessible to diverse student populations.

Previous Committee Experience:
I have served on multiple science committees. Most recently, I was on the Science Framework Focus Group Panel in Orange County. I have also served on the science committee in my district which assists district administration with standards based curriculum development as well as the development of assessments. I am also a professional developer for the district with a focus on science and math, and am on the professional development team for the State NGSS Roll Out. Furthermore, I was on the last district science textbook adoption committee.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

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Question 4: Do you expect to receive any royalty payments during your period of service on the Science CFCC?

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Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

Language Skills:

Professional References:

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<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
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<tr>
<td>Edward D’Souza</td>
<td>Senior Director of Professional Development</td>
<td>Rialto Unified School District</td>
</tr>
<tr>
<td>Kathy DiRanna</td>
<td>K-12 Alliance Director</td>
<td>WestEd</td>
</tr>
<tr>
<td>Maria Simani</td>
<td>California Science Project Executive Director</td>
<td>University of California, Riverside</td>
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# SCIENCE CURRICULUM FRAMEWORK AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<tbody>
<tr>
<td><strong>Name:</strong> Mrs. Maria K Blue</td>
<td><strong>Ethnicity:</strong> White</td>
</tr>
<tr>
<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
</tr>
<tr>
<td><strong>Position Title:</strong> Teacher</td>
<td><strong>Years Teaching:</strong> 28</td>
</tr>
<tr>
<td><strong>Employer:</strong> Emblem Academy</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 22635 W. Espuella Drive</td>
<td><strong>Saugus</strong></td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.</td>
<td><strong>Other Expertise:</strong></td>
</tr>
<tr>
<td><strong>Grade Levels Expertise:</strong> K–2, 3–5</td>
<td><strong>Subject Taught:</strong> Integrated Science, Earth Science, Life Science, Physical Science, Engineering</td>
</tr>
<tr>
<td><strong>Experience Teaching English Learners:</strong> I have provided instruction to English Learners every year of my 28 years of teaching experience. I have a Language Development Specialist certificate and served as bilingual coordinator at Raymond Elementary.</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> I currently teach for the Saugus Union School District which is known for their programs for autistic students. I have had at least 1 autistic student in my class for the past 22 years. I currently teach at the Emblem Academy which has a Regional Autistic Program. All of our teachers have received training on autism. I have a Bachelor’s degree in Psychology which included many classes in learning disabilities.</td>
</tr>
<tr>
<td><strong>Degrees/Credentials:</strong> Masters of Education, Instructional Leadership</td>
<td><strong>Institution:</strong> National University Los Angeles</td>
</tr>
<tr>
<td><strong>Bachelor of Science - Psychology</strong></td>
<td><strong>UCLA</strong></td>
</tr>
<tr>
<td><strong>Knowledge of the Next Generation Science Standards:</strong> The CA NGSS will have tremendous impact on instruction and student learning. It is exciting to see the shift of instruction from what students KNOW to what they can DO. The content of the standards will appeal to a child’s curious mind. The challenge will be to look beyond the Performance Expectations to determine what foundational skills need to be taught in order to successfully understand the new content. Teachers will need to fully understand the content and any underlying concepts. Teachers will need to understand the engineering process. The inclusion of engineering practices allows for a range of student abilities within the guidelines of the engineering process. Common Core connections in ELA and literacy are natural within the engineering process; students begin identifying the problem and can use reading strategies to accomplish this. Students end by communicating results of their investigations using speaking and literacy strategies. The NGSS fits smoothly into a primary teacher’s daily instruction and will help students achieve higher in science, technology, engineering and math, and also English language arts and literacy. The challenge will be to provide a framework of understanding for the primary teacher who does not naturally have a science focus.</td>
<td></td>
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<tr>
<td><strong>Standards-Based Instruction Experience:</strong> I am teaching a NGSS unit on light waves for 1st grade. I begin with a Common Core reading lesson to ask and</td>
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</table>

**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
answer key details about information in a text about how light travels. I have only 1 book, so I use a
document camera to project the text onto the SmartBoard and together we find the key details on a page.
Students turn to an elbow partner to ask and answer questions about these details. Together we determine
that light travels in a straight line. Next we conduct investigations using light waves. We shine a variety of
lights through water in partially covered mason jars: flashlights, LED lights and lasers, to see if each travels in
a straight line. I introduce a mirror to the investigation to see if the straight line beam can be moved. Finally I
challenge the students to construct a device to send a series of numbers from one place to another using
light waves. They work in teams and follow the engineering design process. Teams are designed with a mix of
abilities and allow students to work at their best to achieve a group purpose. Once their plan is approved
they can build their device. I assess the effectiveness of instruction from the way the devices are constructed
and how each student communicates their results. Standards include: NGSS 1-PS4-3, and 1-PS4-4, and
CCSS.ELA-Literacy.RI.1.1.

Area of Expertise and Leadership:
I have a Masters degree in Instructional Leadership in Education, with an emphasis on Curriculum and
Development. I have been a California educator for the past 28 years, primarily in grades K-1. For the past
few years I have worked with NASA during the summer. I started with the AREE (Airborne Research
Experiences for Educators) program. As we designed curriculum to be used nationwide we worked with the
national standards. Next I was an instructor for NASA’s Pre-service Teacher Institute. I am considered a NASA
master teacher. I led elementary through high school teachers through standards based lesson design using
California and national standards. We designed lessons to be used with diverse populations because these
teachers came from all across the western states. I am currently a 1st grade teacher at the Emblem Academy
in Santa Clarita. We are an ESTEEM school (Ethics, Science, Technology, Engineering, Entrepreneurship and
Math). I provide NASA lessons to our entire staff (including the Regional Autistic Program) twice a month, and
have facilitated training for NASA’s BEST (Beginning Engineering, Science and Technology) program. I feel the
BEST program is a great introduction to the engineering component of the NGSS. I have science experience
beyond most of my primary educator peers, the practical experience of working with educators from
elementary to high school, and the classroom experience of 28 years. I see the potential of the NGSS and the
importance of preparing the multiple subject elementary educator to its implementation.

Previous Committee Experience:
I am proud to be part of NASA's AREE (Airborne Research Experiences for Educators) program. I was the only
primary teacher working on a committee with middle and high school teachers to learn about NASA
education resources. We searched through NASA materials, met with scientists and flew on a NASA flight to
investigate earthquakes. Over a summer we put together a standards based curriculum with activities that is
now an online course for educators. I presented our unit at CSTA and NCTM conferences. When the VAPA
standards were released I served on a committee to put together a website for arts resources for educators in
our state called Teachingarts.org. I worked with educators from across our state; from kindergarten to
12th grade.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship
at any time over the last twelve months with a publisher that produces instructional materials for
California?

Question 2: Are you currently employed by or under contract to any person, firm, or organization which
will do business with or submit instructional material to the California Department of Education (CDE)?

Question 3: Have you ever been employed by or had any other kind of contractual relationship with any
person, firm, or organization doing business with, or submitting instructional materials to, the CDE?

Question 4: Do you expect to receive any royalty payments during your period of service on the Science
**CFCC?**

**Question 5:** Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

**Language Skills:**

**Professional References:**

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Joan Lucid</td>
<td>Superintendent</td>
<td>Saugus Union School District</td>
</tr>
<tr>
<td>Christine Hamlin</td>
<td>Assistant Superintendent of Curriculum and Instruction</td>
<td>Saugus Union School District</td>
</tr>
<tr>
<td>Jon Baker</td>
<td>Principal</td>
<td>Emblem Academy</td>
</tr>
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**SCIENCE CURRICULUM FRAMEWORK**

**AND EVALUATION CRITERIA COMMITTEE APPLICATION**

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<th>ID: 942</th>
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<tbody>
<tr>
<td><strong>Name:</strong> Mrs. Lisa Hegdahl</td>
<td><strong>Ethnicity:</strong></td>
</tr>
<tr>
<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
</tr>
<tr>
<td><strong>Position Title:</strong> 8th Grade Science Teacher</td>
<td><strong>Years Teaching:</strong> 23</td>
</tr>
<tr>
<td><strong>Employer:</strong> Galt Elementary School District</td>
<td></td>
</tr>
</tbody>
</table>

**Address:** 1018 C Street  
Galt  
California  
95632

**Areas of Expertise:** Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.

**Other Expertise:**

**Grade Levels Expertise:** 6–8

**Subject Taught:** Life Science, Physical Science, Chemistry, Physics

**Experience Teaching English Learners:** In March 2000, I received my ELD/SDAIE Certification. I attended staff development training in methods of SDAIE and ELD. The assessment contained a written test which included writing prompts based on student case studies and a portfolio containing two ELD and SDAIE Lessons. During all of my 23 years of teaching 8th grade science, ELLs have been in my class I have worked with ELL specialists who have advised me on ways to create and modify curriculum to meet their needs. Although my experience with these students has been primarily in science class, I have also instructed them in math and an elective course. In 1998, I taught a reading intervention class for RFEP students who were enrolled to strengthen their reading comprehension skills. They read a variety of subject matter and completed lessons in a workbook. This proved to be of little interest to the students, so the vice-principal purchased a class set of Chicken Soup for the Teenage Soul. The students were highly engaged in the topics of which they could relate. Many improved their reading skills and saw growth in their other classes. In science, language is often paired with

**Experience Teaching Students with Disabilities:** Students with disabilities have been in my 8th grade science classes since 1991. My Single Subject Science Credential and my Multiple Subject Instruction Authorization required coursework in teaching students with disabilities. I have taught students designated as RSP, ED, SDC as well as deaf students and students with physical disabilities. Science curriculum lends itself to cooperative learning groups which engage students in helping each other through collaboration. RSP students attend my class with and without teacher aide support. Communication with the resource specialist allows me to keep up with the needs of each student and discuss individual modifications. One challenge these students have is completing the coursework that requires math. My resource students are required to show the process they use to solve the problems, but they can use calculators to find the answer. With this modification, RSP students complete the same academic course work as the other students. The ED students are always accompanied by a teacher’s aide. Generally, their academics are strong and they do not require individualized modified instruction. Science class provides a safe, supervised environment where they can work with other students. The classroom aide and I work closely to ensure that these students are provided with the structure that meets their unique needs. SDC students come to my room with a Special Education Teacher who works with them one-on-one. The lab activities are especially helpful to them because

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demonstrations and lab activities. Observing science phenomena helps students make the connection between vocabulary and concepts. For example, while exploring friction, students use a spring scale to move a mass across different surfaces. Students can see the force measurements changing on the spring scale as the surfaces change. In January 2014, as President-Elect of CSTA, I held a review session for the draft of the ELA/ELD Framework. Reviewer comments were compiled along with those made at other CSTA review sessions and were provided to the IQC and SBE. Since the ELA/ELD Framework was designed to provide assistance to all teachers who teach ELLs, including science teachers, it was important to look at the document through the eyes of professionals who teach science to them on a regular basis.

<table>
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<tr>
<th>Degrees/Credentials:</th>
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<tbody>
<tr>
<td>Clear Single Subject Teaching Credential: Life Science, Supplemental Authorization-Chemistry</td>
<td>University California, Davis</td>
</tr>
<tr>
<td>Multiple Subject Instruction Authorization</td>
<td>University of Phoenix</td>
</tr>
<tr>
<td>Bachelor of Science, Zoology</td>
<td>University California, Davis</td>
</tr>
<tr>
<td>Associate of Science, Exotic Animal Training &amp; Management</td>
<td>Moorpark College</td>
</tr>
</tbody>
</table>

Knowledge of the Next Generation Science Standards:
The NGSS will provide the science processing skills that will prepare students for an unimaginable future. The NGSS acknowledges that science is not just a list of facts. It is about the applications scientists use to understand our world. The NGSS are written as Performance Expectations (PE) made of 3 components - Disciplinary Core Ideas (DCI), Cross Cutting Concepts (CCC), and Science and Engineering Practices (SEP). The CCC give understanding to the rest of the NGSS parts. Teachers can use these ideas to organize subject matter. The CCC are not intended to be taught in isolation, but will give the context to the content. Instructors should be intentional in their teaching of the CCC so that, with each grade level, students gain a deeper comprehension of them. The SEP provide opportunities to teach students how scientists come by their knowledge. They enable students to develop their own understanding of the world which makes it more meaningful. Students fluent in the practices will have the ability to apply them to unfamiliar situations. Students will collaborate with others to generate questions, formulate hypotheses, and create investigations. Teachers will guide students to be critical of data before drawing conclusions. The DCIs are the actual science topics to be taught. The usual disciplines are present - Life Science, Physical Science, and Earth & Space Science. New is Engineering, Technology, and Applications of Science. It is natural that when teaching about how science knowledge is acquired, included is information about its use in the real world. All parts the NGSS PEs, in particular the SEP and the CCC, will help students focus on a bigger picture of Science. While teachers will want students to be free to learn in their own way, teachers will help focus student discovery down a productive path.

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The independent skills of exploring and learning will ultimately translate into students that are more confident and independent learners.

**Standards-Based Instruction Experience:**
The goal of the Destroying Water Lab (electrolysis of water) is to gather additional evidence for, or against, the idea that the properties of reactants are different than the properties of the products they form. Student prior knowledge includes the particle model of matter, the organization of the periodic table, the structure of atoms, and the structure of chemical formulas. Recent labs have shown that most chemical reactions involve energy leaving or entering the reaction and that chemical reactions yield new products that have different properties than the reactants. Ideally students observe that the water changes into two gases, twice as much of one gas is collected than the other, the gas with the greater volume is collected over the negative battery terminal, and the gas with the least volume is collected over the positive battery terminal. Student conclusions based on the data and prior learnings should include - the products are different than the reactant because the reactant was a clear liquid and the products were clear gases, the reactant was not flammable and at least one of the products was flammable, the gas of which there is twice as much is hydrogen and the gas of which there is half as much is ‘oxygen’ (a 9V battery is used so oxygen is not the 2nd gas) because the chemical formula of water is H2O. The Destroying Water Lab meets the needs of a diverse student population because it produces data that can be seen and measured. Because the students work in groups, they have opportunities to talk to, and process information with, their classmates. Students with higher abilities can make further inquiries about the two battery terminals and their correlation to the gases they produce. The Destroying Water Lab has the potential to be an activity used to teach NGSS Performance Expectation MS PS1-2. Rich Hedman, Director of MASE and Co-Director of SASP, and I are discussing a possible collaboration to present it as a SIRC Workshop.

**Area of Expertise and Leadership:**
As President-Elect, I have represented CSTA at several meetings where the NGSS was a topic. I attended the September and November 2014 SBE meetings when the NGSS was adopted and the preferred Integrated Model for Middle School was chosen. In January 2014, I attended a NGSS Study Group at SCOE. The goal of the meeting was to create a unified message from leaders in California science education that would be passed along to school districts. In March 2014, I attended a training at SJCOE that prepared me to present two sessions at the State Rollout Symposium in April 2014. I will co-present NGSS 102 and Middle School Progressions to school district leaders from across California. In February 2014, I sat in on the NGSS Curriculum Framework Focus Group in Sacramento In the capacity of 8th grade science teacher, I participated in the public review sessions of the NGSS drafts. I was science department chair at my school for 12 years. Our department recently chose the preferred NGSS Integrated Model for Middle School. In preparation, we are attending NGSS trainings at SCOE, SIRC, SASP, and several of us will attend the NSTA Area Conference on Science Education in Collaboration with CSTA in December 2014. I am also enrolled in a series of three NGSS trainings by Phil Romig, Science Curriculum Specialist at SCOE. Our science department is beginning to implement the Science and Engineering Practices and the Cross Cutting Concepts into activities and note the successes and areas needing improvement. For example, students are collaborating to find patterns in data and form hypotheses for the patterns. Students are creating their own investigations to test their ideas. A density activity from SIRC based on the particle model was particularly successful, with students articulating their conclusions to each other using the language of science. Last month, our science department had input into our district’s LCAP. We requested that the NGSS and STEM be in the plan.

**Previous Committee Experience:**
I was on my district’s last 2 textbook adoption committees. The first committee in the mid-1990s was tasked with choosing the textbooks for the Middle School. We compared the publishers texts side by side looking at, among other things, glossaries, explanations of concepts, graphics, and support materials. In the end, we chose Prentice Hall. Prentice Hall did not print all the curriculum in one.

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Instead, they published smaller, individual textbooks by topic. Districts were able to buy just the topics they needed. During our most recent textbook adoption, we used a similar process. We created a survey that asked teachers to rank specific features of the textbook packages. When the results of the surveys were tallied, one publisher, Glencoe, stood out as being more favorable overall to the majority of the teachers. The textbook has proved to be a useful tool, but by no means substitutes for the expertise and knowledge of the teachers.

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

**Question 1:** Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

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**Language Skills:**

**Professional References:**

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<tr>
<th>Name</th>
<th>Title/Position</th>
<th>Institution/Address</th>
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<tr>
<td>Rick Pomeroy</td>
<td>Supervisor Science Teacher Credential Program</td>
<td>University California, Davis</td>
</tr>
<tr>
<td>Ron Rammer</td>
<td>Principal</td>
<td>McCaffrey Middle School</td>
</tr>
<tr>
<td>Phil Romig</td>
<td>Science Curriculum Specialist</td>
<td>Sacramento County Office of Education</td>
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### SCIENCE CURRICULUM FRAMEWORK
AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<tr>
<td><strong>Name:</strong> Mrs. Anna M Gaiter</td>
<td><strong>Ethnicity:</strong> Black or African American</td>
</tr>
<tr>
<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
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<tr>
<td><strong>Position Title:</strong> Teacher, Science Coordinator</td>
<td><strong>Years Teaching:</strong> 20</td>
</tr>
<tr>
<td><strong>Employer:</strong> Plainview Academic Charter Academy</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 10819 Plainview Avenue Tujunga California 91042</td>
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</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.</td>
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<td><strong>Subject Taught:</strong> Integrated Science, Earth Science, Life Science, Physical Science, Engineering</td>
</tr>
<tr>
<td><strong>Experience Teaching English Learners:</strong> I have taught English Language Learners (ELL) the majority of my teaching career. If I had to specify an number of years, I would say I’ve taught ELL’s for 17 years, in grades 1 through 5. I have a Language Development Specialist Credential and have taken numerous workshops and inservices in an effort to remain current on the latest educational trends, strategies and techniques.</td>
<td><strong>Experience Teaching Students with Disabilities:</strong></td>
</tr>
<tr>
<td><strong>Degrees/Credentials:</strong> Masters of Educational Administration Pepperdine University</td>
<td><strong>Institution:</strong></td>
</tr>
<tr>
<td>Advanced Management Program University of California, Los Angeles (UCLA)</td>
<td></td>
</tr>
<tr>
<td>B.A. Multicultural Education California State University, Los Angeles</td>
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</table>

**Knowledge of the Next Generation Science Standards:**
Incorporating the CA NCSS in the classroom will provide a new emphasis: one that will be about thinking about things, not just doing fun experiments, thus emulating the practices that scientists engage in. Kids are natural born scientists—they are curious and ask questions. With CA NGSS, science learning will be more engaging, interesting and meaningful if it is done right. Because NGSS concentrate on a limited number of core ideas and build student understanding from grades K-12, students will learn more complex ideas and move away from learning disjointed, isolated facts. In addition, because NGSS are correlated to the CCSS, they become a vehicle for mastering those standards as well. Science and Engineering provides a content area for applying ELA and Mathematics skills. With NGSS, project based learning can more easily blend with

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Integrated Language Arts, Math and Science performance expectations. So instead of teaching language separately, students can be given a real, authentic reason to listen, speak, read and write. This is a big paradigm shift and a better way to ensure true understanding and student achievement and progress.

Standards-Based Instruction Experience:
While studying habitats, I conducted a series of lessons that focused on the following learning objectives: 

Students will know what a habitat is and describe in writing the components necessary for an animal to survive in said habitat; Students will observe a living organism that lives in a specific habitat and record their observations and wonderings in their science observation journals or on related data sheets, either student or teacher created. Students will create and design a temporary habitat for a living organism and keep a record of their observations. To achieve these goals, the living organism introduced to students were earthworms! They were given the opportunity to freely explore and observe earthworm behavior while I circulated around the classroom providing open ended and specific questions and suggestions to focus their excitement. Students were encouraged write notes and wonderings in their science journals and challenged to design a temporary habitat for their worm, both on paper and 3 dimensional. Multiple resources such as books, computer websites, etc. were provided for students as one way to provide differentiated learning opportunities. After the habitat was built, students monitored and observed the behavior of their earthworm, created charts, graphs and displays and made presentations to other classes about what they learned. The later being one of the ways I assessed the effectiveness of the instruction. Being able to teach other students what they have learned is an excellent way to determine exactly what students have truly mastered. In addition, students conducted mini research projects/experiments to determine earthworm behavior such as whether or not they preferred light or darkness. My students enjoyed this unit and to this day many of them still have their worms and have enhance the living space!

Area of Expertise and Leadership:
Providing quality, broad-based academic direction, instruction and leadership remains one of the core catalysts to success in educational institutions today. In my professional career, I have demonstrated the ability to develop complete curricula for a variety of topics as well as influence student improvement through providing high quality instruction, workshops, seminars and institutes. In my current position as an elementary teacher and science coordinator I use Science as the vehicle to teach all subjects, engage my students in problem and project based experiences that foster a deeper understanding of the content and subject matter, and incorporate the NGSS principles, especially engineering in all aspects of the curriculum. What I bring to the committee that may be unique among the many candidates is my extensive background as an elementary teacher, a teacher advisor and an administrator/director. I have a plethora of experience in teaching and developing curriculum, and facilitating and coordinating professional development workshops, in-services and conferences for students, teachers, parents and administrators. In addition, I have a strong background in elementary education, the ability to assimilate new ideas and concepts, and strong communication, organizational and management skills, both in and out of the classroom. I feel this experience augments my instructional background and would provide a unique perspective when working with different educational audiences.

Previous Committee Experience:
I served on the California Department of Education STEM Task Force (2012-2013), and the Next Generation Science Standards Advisory Panel. In addition, in 1998, I was selected to serve on the California State Textbook Adoption Committee, Instructional Materials Adoption Committee (IMAP) in Science.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

Question 2: Are you currently employed by or under contract to any person, firm, or organization which

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<table>
<thead>
<tr>
<th>Question 1: Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?</th>
</tr>
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<tbody>
<tr>
<td>Question 2: Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?</td>
</tr>
<tr>
<td>Language Skills:</td>
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<td>Professional References:</td>
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<tr>
<td>Jacques Bordeaux</td>
</tr>
<tr>
<td>Debra Dillard</td>
</tr>
<tr>
<td>Kenneth Johnson</td>
</tr>
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</table>

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SCIENCE CURRICULUM FRAMEWORK
AND EVALUATION CRITERIA COMMITTEE APPLICATION

ID: 948

Submission Date: 2014-04-15 16:17:17

Name: Ms. Nicole E Hawke
Ethnicity: White

Gender: Female
Ethnicity Other:

Position Title: 5th Grade Classroom Teacher
Years Teaching: 9

Employer: Coachella Valley Unified School District

Address: 82225 Airport Blvd. Thermal California 92274

Areas of Expertise: Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Parent

Other Expertise:

Grade Levels Expertise: K–2, 3–5
Subject Taught: Earth Science, Life Science

Experience Teaching English Learners: I have taught English learners in 1st, 2nd, and 5th grades for a total of 9 years. Due to the fact that my district services mainly ELL students, all professional development we due must have an ELL component. I have a CLAD certification.

Experience Teaching Students with Disabilities: For the past 9 years, I have serviced special education students in grades 1st, 2nd, and 5th grades, when they are mainstreamed into my classroom.

Degrees/Credentials: Institution:

Masters of Education Western Governor’s Universtiy
Bachelors of Science Oakland University

Knowledge of the Next Generation Science Standards:
The adoption of the CA NGSS will greatly impact both instruction and the resulting student learning because science is no longer the rote memorization of content, but it is now part of a more inquiry based processing of the natural environment. Under the new standards concepts are not taught in isolation, so instruction will provide opportunities for students to see how ideas they are exploring fit into the larger understanding of our world. The Disciplinary Core Ideas will allow for teachers to make sure that the investigations they are arranging for their students bring to light the real heart of what students should begin to understand, while at the same time the Crosscutting Concepts help show where their understanding fits into the larger puzzle. Through the inclusion of the Science and Engineering Practices, science instruction and learning will be centered on the practices that truly elicit scientific thinking and problem solving, or in other words students will be doing science.

Standards-Based Instruction Experience:
Using the 5-PS1-1, where students are asked to develop a model to describe that matter is made up of particles too small to be seen, you could walk students through process of separating mixtures and solutions. In the past I have walked students through the process of identifying what a mixture is, what a solution is, and ways to separate mixtures. Students are then challenged when salt is added to the water. Once the group adds the salt and stirs, they soon realize that the salt dissolves. Once the salt is no longer visible, a

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isb-cfird-jul14item02
Attachment 1
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discussion is had about did the salt really leave, or is it there and just can’t be seen. In order to clarify this point for students, the groups are asked to design a process to remove the salt from the water. While many groups automatically try the screen and filter from earlier in the investigation, they soon discover that it does not work. Through a process of discussion, the idea of evaporation comes up and is tried out. After a few days of observations salt crystals are left behind. Then the point is revisited that the salt never indeed left the water, but instead the particles that made up the salt dissolved becoming too small to see. This is then linked to other types of matter they are familiar with that have particles too small to see, like air and water vapor. The effectiveness of this lesson is best assessed through the process of note booking. Through using the four types of note booking entries, prior knowledge, data collection, making sense of data, and metacognition, the instructor is able to see the thought process of how student’s ideas and reasoning are developing. Additionally, the idea can be transferred over to a sugar water solution, where students are asked to add sugar and explain where the sugar goes, and then develop a model to explain how they would prove the sugar is still in the water.

Area of Expertise and Leadership:
I believe that my past experience provide me with many tools that will prove handy when revising the Science Framework. To begin, through the use of the FOSS science modules, I have had the unique opportunity to always teach inquiry based science. Much like is required in the NGSS standards; FOSS required my instruction to center around student investigation of scientific ideas, not isolated scientific facts. Five years ago, through my work with FOSS I was able to participate in the FOSS Leadership Academy. This involved many unique opportunities to not only understand the foundation of inquiry science and note booking, but also provided me with opportunities to work with other professionals in my district to engage them in becoming involved in teaching inquiry based science to their students. Following that experience, I participated in a Science Drives Literacy Grant, through which we used intensive summer institutes during which I was a teacher leader providing professional development to my colleagues. During the school years of this grant, I was given the privilege to not only work on lesson studies, but also to facilitate lesson studies. Through this wide range of lesson study experiences, I was able to become a more effective instructor through the use of student note books and collaborative teaching. Lastly, I was able to work extensively with a leadership team on designing writing prompts for students, along with scoring rubrics. Through this detailed process and reflection, my teaching became more honed in on the true science, my questions during lessons became of a higher level, and my overall interconnected picture of student learning was strengthened. (I also have some experience becoming a Trainer of Trainers for Engineering is Elementary kits)

Previous Committee Experience:
I am currently sitting on my district’s Common Core Leadership Team. We are working with the RCOE to bundle Common Core standards and create units of instruction and assessments around our bundles. Additionally, through my work with the K-12 Alliance on the Science Drives Literacy Grant, I worked extensively on developing science writing prompts with associated common core rubrics.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

Question 3: Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?

Question 4: Do you expect to receive any royalty payments during your period of service on the Science CFCC?

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Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

Language Skills:

Professional References:

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<tr>
<td>Kathy DiRana</td>
<td>Statewide Director</td>
<td>WestEd</td>
</tr>
<tr>
<td>Karen Cerwin</td>
<td>Regional Director</td>
<td>WestEd</td>
</tr>
<tr>
<td>David Budai</td>
<td>Science Teacher and Coordinator</td>
<td>Coachella Valley Unified School District</td>
</tr>
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### SCIENCE CURRICULUM FRAMEWORK

AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<tr>
<td><strong>Name:</strong> Mrs. Stefanie A Pechan</td>
<td><strong>Ethnicity:</strong> American Indian or Alaska Native, White</td>
</tr>
<tr>
<td><strong>Gender:</strong> Female</td>
<td><strong>Ethnicity Other:</strong></td>
</tr>
<tr>
<td><strong>Position Title:</strong> 5th Grade Teacher</td>
<td><strong>Years Teaching:</strong> 12</td>
</tr>
<tr>
<td><strong>Employer:</strong> Pacific Grove Unified School District</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 435 Hillcrest Avenue</td>
<td>Pacific Grove California 93950</td>
</tr>
</tbody>
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**Areas of Expertise:** Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.

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

**Subject Taught:** Integrated Science, Earth Science, Life Science, Physical Science

**Experience Teaching English Learners:**
Professional Clear Multiple Subject teaching credential Single Subject/authorization: Computer science and applications Grades taught: *Kindergarten, 2 years *5th grade: 6 years *4th grade / 5th grade combination class: 4 years Summer school grade levels taught: *Kindergarten as well as a Pre-Kindergarten summer school class *1st grade *2nd grade *3rd grade *4th/5th grade combination class *4th-6th grade combination class

**Experience Teaching Students with Disabilities:** I have taught students with special needs throughout my career in all grade levels mentioned above. Most common:
*students with autism *ADD and ADHD *first exposure to mainstream into a general education setting *variety of learning disabilities (dyslexia, auditory processing impairment, visual impairment, tactile and/or sensory sensitivities, etc.

**Degrees/Credentials:**

- Professional Clear, CLAD Multiple Subject credential: CSU Sacramento
- Single Subject auth: Computer science and applications: CSU Sacramento
- BA in Liberal Studies with a minor in computer science and technology: CSU Monterey Bay
- Associate of Arts: San Joaquin Delta College

**Knowledge of the Next Generation Science Standards:**
The NGSS will most definitely impact instruction and student learning in a positive way. These standards take teaching science to the next level by incorporating the Core Idea with Engineering and Cross-Cutting concepts and inquiry based learning. These three woven together give students a deeper understanding of the concepts by providing hands-on learning experiences to bolster the students' comprehension.

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Standards-Based Instruction Experience:
Lesson Title: Ooey Gooey Animal Guts
Grade level: 5th grade
Standards Focus: Life science: producers, consumers, decomposers.
Background: Students have already learned the roles of producers, consumers, and decomposers (food webs). This lab activity is meant to provide a hands-on learning experience for students as well as give the students an informal assessment of their learning (to drive future instruction).
Students were placed into small groups and given an animal stomach (surgical glove with jello and "prey cards" cut into pieces). Within their small group, students "dissected" the animal stomachs and took out all of the prey cards. Once the prey cards were reassembled, students completed a data chart to graph how many of each prey the "predator" had consumed.

Area of Expertise and Leadership:
My knowledge of the NGSS is fostered by my love of teaching, particularly science. I believe in life-long learning and the Multiple Intelligences theory, which drives me to constantly research how to improve upon and create engaging lessons for my students. Upon joining PGUSD 4 years ago, I wrote a grant for $2,000 and created a school-wide science closet to provide science materials to the staff. This year, I won another grant of $2,000 and was able to increase the inventory of the school science closet with supplemental materials to reach all grade levels from K-5. I want to ensure all staff have the materials they need to make science happen in their classrooms! Aside from teaching, I provide professional development for teachers in a variety of subject areas. I have presented for CUE (computer using educators), the Monterey Bay Aquarium's technology conference, and serve on my own school district's Instructional Leadership Team (providing inservices in ELA over the past two years). I am a member of the Monterey Bay Aquarium's Education staff, helping to provide education in implementing science and technology in the classroom, through summer teacher institutes and follow-up days throughout the school year. While teaching for Manteca Unified School District, I gave a teacher inservice on instructional strategies for English Learners. This year, I am the elementary school representative for my district to initiate the professional development series of the NGSS for our staff. I will be attending the CSTA/NSTA conference in Long Beach this December in order to strengthen my knowledge of the NGSS. I believe these experiences, and serving on a variety of collaborative teams, have prepared me for serving on the CFCC Science framework committee.

Previous Committee Experience:
Yes, as a member of my school district's Instructional Leadership Team, I help design the material to be presented to staff at our inservices throughout the year. We are currently adopting a new math curriculum and our staff is reviewing several different programs to determine the one that would best serve our student population. Another goal this year has been to take our current language arts curriculum and align it with the common core standards. This entails taking time to create text-dependent questions for the stories in our anthology, finding new resources to support the vocabulary, spelling, grammar, and writing components and analyze data to ensure students are progressing towards meeting the standards. I will be piloting a new writing program (Lucy Caulkins) starting this week to see if it would be relevant to purchase for the entire intermediate grade levels. Science will be next on the list (hence the forming of a science committee for our district).

Relationship with Publishers: Conflict of Interest Disclosure Statement:

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</tr>
</tbody>
</table>
| Language Skills:  
  Spanish (Intermediate level), Speak, Read, Write |
| Professional References: |
| Ani Silva |
| Director of Curriculum and Instruction |
| Pacific Grove Unified School District |
| Linda Williams |
| Principal |
| Pacific Grove Unified School District |
| Christine Revelas |
| Teacher |
| Pacific Grove Unified School District |

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### SCIENCE CURRICULUM FRAMEWORK AND EVALUATION CRITERIA COMMITTEE APPLICATION

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<tr>
<td><strong>Name:</strong> Mr. David R Tupper</td>
<td><strong>Ethnicity:</strong></td>
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<td><strong>Gender:</strong></td>
<td><strong>Ethnicity Other:</strong></td>
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<tr>
<td><strong>Position Title:</strong> Middle School Science Teacher</td>
<td><strong>Years Teaching:</strong> 14</td>
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<tr>
<td><strong>Employer:</strong> Lakeside Union School District</td>
<td></td>
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<tr>
<td><strong>Address:</strong> 9611 Petite Lane</td>
<td><strong>Lakeside</strong> California 92040</td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Other Areas of Expertise</td>
<td><strong>Other Expertise:</strong> Prior CaMSP Project Director</td>
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<td><strong>Grade Levels Expertise:</strong> 3–5, 6–8</td>
<td><strong>Subject Taught:</strong> Integrated Science, Earth Science, Life Science, Physical Science, Forensics Elective</td>
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<tr>
<td><strong>Experience Teaching English Learners:</strong> 14 years- 4 years in Elementary Grades (4th and 5th) 10 years in grades 6-8 My student population has always included English Learners. During my elementary teaching, I worked on the district team that administered the CELDT Assessment each year. I currently hold a Clear Multiple Subject Credential with CLAD (Crosscultural, Language &amp; Academic Development) Emphasis</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> 14 years- 4 years in Elementary Grades (4th and 5th) 10 years in grades 6-8 My student population has always included students with disabilities (both Resource and Special Day Students) I am frequently the science teacher that our SPED teachers prefer to place their students with when mainstreaming or transitioning to Regular Ed.</td>
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<tr>
<td><strong>Degrees/Credentials:</strong></td>
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<td>M.Ed. Curriculum and Instruction</td>
<td>Chapman University</td>
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<td>Single Subject Science Credential (Biological Sciences)</td>
<td>California Commission Teacher Credentialing</td>
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<td>Multiple Subject Teaching Credential with CLAD</td>
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<tr>
<td>B.S. Kinesiology</td>
<td>San Diego State University</td>
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**Knowledge of the Next Generation Science Standards:**

NGSS is poised to have a large and needed impact on science instruction and student learning. While the 3 dimensions of learning (the DCI, Science and Engineering Practices, and Cross Cutting Concepts) in the NGSS will be new for everyone involved, it is the correct move to make if we want our students to become critical thinkers and decision makers, as well as help to develop a more scientifically literate citizenry. As a Middle School science teacher, I am encouraged by the California SBE's decision to make "Integrated" the preferred model for science instruction in grades 6-8. Middle school student's can often struggle to see the connection between Earth, Life, and Physical Science.

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concepts; especially when we continue to teach them in isolation. The opportunity to provide opportunities for students to understand more deeply at a conceptual level rather than a more fact-based approach is refreshing and the right thing to do for kids. The overt inclusion of Engineering Standards will also have an impact on instruction and learning as teachers may have limited experience and perhaps some trepidation in implementing them effectively; students love engineering and the iterative process that comes with it. It is all science and students need to be DOING science rather than read about science. NGSS can get us there if we do it well. Additionally, the NGSS alignment with Ca. Common Core State Standards, will not only provide more and better structured opportunities to help use literacy to deepen student understanding, it can help to pave the way for more cross curricular integration between all content areas, including P.E. and elective courses. Lastly it seems that with any shift of this scope, teachers and students will need effective instructional materials and sustained high quality professional development to realize the potential of NGSS. We need a strong plan and effective California Framework to help us make it happen.

**Standards-Based Instruction Experience:**

Prior to developing a unit/activity/lesson. I generally work with our grade level team to create a "conceptual flow" that can help us to determine which concepts are critical to student understanding and what may be the best order of instruction to get at the deep understanding we are looking for in our kids. Once we have our Conceptual Flow worked out, we can then use the "flow" to determine how a lesson fits into the learning sequence and how it addresses the standards and concepts we want the students to understand. At the lesson level, we like to use the 5E lesson design model because it promotes student-centered learning and allows for the use of learning tasks that have multiple entry points so that all students can access the learning. We aim to (E)ngage our students by piquing their interest while accessing their prior knowledge. We then provide one or a series of (E)xploring/(E)xplaining activities in which the students are messing around with a concept and then explaining/processing their understanding in any number of ways. The (E)xten phase of the lesson provides options for advanced learners to continue growing their learning. The (E)valuate phase of the 5E lesson design is generally embedded in all of the other phases; as teachers we have discussed our Expected Student Responses and have developed pre-planned questions, prompts and other Explore activities to help get students back on track if necessary. Finally we review and assess the authentic student work to help us formatively determine how best to proceed with or adjust instruction.

**Area of Expertise and Leadership:**

My work as a CaMSP Project Director has prepared me in several ways: - As a Project Director I had to select materials and design Professional Development that would help move teachers from where they were and to become more effective in their practice. Our project worked to improve both teacher science content knowledge and pedagogical strategies. Pedagogy emphasis was on student sense-making notebooks, questioning strategies, 5E Lesson design, Project Based Learning, technology integration. We have been looking at and commenting on the NGSS since their inception. Working with NGSS and helping teachers in grades 3-8 to become familiar with them has helped provide much needed insight into the needs of classroom teachers and how we can help them to understand and effectively implement NGSS for their students. Successfully implementing the Science & Engineering Practices and Cross-Cutting Concepts while incorporating content can be a challenge for instruction, however that has been a part of our instructional strategies all along. - As an SDSU NOYCE Master Teacher Fellow and Middle School Teacher, my work with SDSU’s Center for Research in Math Science Education (CRMSE) has centered around the NGSS Practices. We have dissected many of the practices, collected student work, interviewed students, video recorded and analyzed lessons, all in the name of increasing our effectiveness with NGSS and student understanding. - Finally as a participant in the San Diego NGSS Focus Group, I was able to review, and provide input related to concerns about what the Ca. NGSS Framework may need to address.

**Previous Committee Experience:**

I recently served on one of the Focus Groups for NGSS held at the San Diego County Office of

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Education. (January 30, 2014) With a team of Middle School Science Teachers, I helped to develop a Unit of Study/Curriculum for the Lakeside River Park Conservancy. The Curriculum was called "RiverKeepers" and centered around a local River Park near our school. I served on our LEA District Science Committee for the selection of inquiry based science kits for grade levels K-6. As a committee we reviewed kits from numerous vendors, determined which kits best suited the current standards for each grade level and made recommendations to the District Assistant Superintendent for Curriculum and Instruction.

### Relationship with Publishers: Conflict of Interest Disclosure Statement:

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### Professional References:

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<th>Organization</th>
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<tbody>
<tr>
<td>Don Whisman</td>
<td>Science Program Manager</td>
<td>San Diego Unified School District</td>
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<tr>
<td>Nancy Taylor</td>
<td>Principal Investigator-Exploring STEM Careers Initiative (ESCI)</td>
<td>San Diego Science Alliance</td>
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<tr>
<td>Kathy DiRanna</td>
<td>Statewide Director</td>
<td>WestEd/K-12 Alliance</td>
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<td><strong>Ethnicity:</strong> Asian</td>
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<td><strong>Gender:</strong> Male</td>
<td><strong>Ethnicity Other:</strong></td>
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<td><strong>Position Title:</strong> Consultant II, STEM</td>
<td><strong>Years Teaching:</strong> 17</td>
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<td><strong>Address:</strong> 9300 Imperial Highway Downey California 90242</td>
<td></td>
</tr>
<tr>
<td><strong>Areas of Expertise:</strong> Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services), Parent, Higher Education/Researcher, Other Areas of Expertise</td>
<td><strong>Other Expertise:</strong> Informal Education</td>
</tr>
<tr>
<td><strong>Grade Levels Expertise:</strong> 3–5, 6–8, 9–12, University, College</td>
<td><strong>Subject Taught:</strong> Integrated Science, Earth Science, Life Science, Physical Science, Biology, Marine Science</td>
</tr>
<tr>
<td><strong>Experience Teaching English Learners:</strong> I have taught SDAIE Science for 9 years to grades 7 &amp; 8. A typical class has 3-4 different languages (Spanish, Mandarin, Cantonese, Vietnamese). I am CLAD Certified and have attended numerous trainings in literacy strategies for the content area and EL trainings in the content area. I have taught courses for Teacher Education Programs in the area of English Language Learners and have presented at numerous conferences, including CABE, CSTA and CMC.</td>
<td><strong>Experience Teaching Students with Disabilities:</strong> I have taught 7th and 8th Grade Science with students who have been identified with Autism, Traumatic Brain Injury, and Asperger’s Syndrome. I have also worked with students at the high school level who have reading disabilities. I have attended trainings and seminars on working with Autistic students. I also have first hand knowledge of what life is like for an autistic child, having a brother identified as a high functioning autistic individual.</td>
</tr>
<tr>
<td><strong>Degrees/Credentials:</strong> MA/Administration CSU Los Angeles Teaching Credential CSU Los Angeles BA/Marine Biology UC Santa Cruz</td>
<td><strong>Institution:</strong></td>
</tr>
<tr>
<td><strong>Knowledge of the Next Generation Science Standards:</strong> NGSS is a highly conceptual set of performance standards that will shift the paradigm of teaching for</td>
<td></td>
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**Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
teachers. Instruction must be balanced with providing experiential opportunities that will engage students and provide context for learning. Students are going to be pushed in a positive manner to develop a disposition of habits of mind and an understanding of what it means to be a scientist or an engineer. The science and engineering practices becomes more explicit as teachers will need to connect these practices to learning the content. Moreover, teachers are really going to need to think about how all the disciplines connect to one another, so that students do not develop a sense that different science disciplines are individual silos of information. NGSS now have educators truly thinking about a balanced curriculum where practice and learning are synonymous with one another. Students will be able to see the relationship between science disciplines and understand that all of these, collectively, helps us to understand the world around us. Students will be engaged with the content because there is context for the learning. Lab activities, inquiry-based learning, problem-based learning all lead to students learning. More importantly, teachers will need to move from teaching to learn to facilitating to learn.

**Standards-Based Instruction Experience:**
This lesson follows on the heels of understanding cells and healthy hygienic practices (health science). In a 7th grade Life Science class, students were to explain the effects of disease transmissions. Students begin describing the school as a large community, with each building on the campus seen as parallel to office buildings, homes, etc. They begin to see the city boundaries. A question is posed, what would happen to this small city if a brand new disease is introduced? Students hold discussions for a minute or two and the class shares out. Students then prep for a lab activity, involving students sharing bodily fluids via a test tube. Each student is given a test tube with water. One student is given a test tube with a virus (diluted ammonia). Students then begin to share between 3 or 4 students. After, I introduce a chemical indicator to identify who now has the virus (cabbage juice). Each tube is tested and students take data to see who is clean and who is sick. Students then analyze their data to determine where the virus started. Students not only analyze, they must also develop ways to ensure that the virus does not get out of the city. This then leads into a discussion of population dynamics, some chemistry, and health hazards. Students then begin to discuss what they have seen or heard in the real world where this really happens. As a teacher, I know that the lesson is effective when students are engaged. Students are communicating with each other, providing justifications that would validate their thinking or others. They are writing, analyzing and understanding how this works in reality and not just this situation. As the teacher, if students are able to understand the mechanics of a virus by using their knowledge of cells, then it is a successful lesson. It is also effective because of the context for which students are learning, as well as the connections to chemistry and health.

**Area of Expertise and Leadership:**
Holding a degree in Marine Biology allows me to see the clear connections between all the science disciplines. In order to focus on Marine environmental systems, I have to have a clear understanding of the foundations of earth science, physics, chemistry and biology. Lacking a foundational basis of physics, would not allow me to understand light penetration and its affect on the biology of plankton or the salinity levels of the ocean. I have taken this to heart when I went into teaching, ensuring that students understood the connections of cell biology and chemical interactions. Students took what they learned from one grade and was able to extend their learning into the next grade. My experience as a University Lecturer allowed me to share my experiences and practices with future teachers, engaging them in inquiry, discussing the pros and cons of learning strategies, and more importantly, helping future teachers develop a habit of mind. This naturally led to providing professional development at the site, district and county level, preparing specific workshops that look at instructional practices, content specific lessons, and working with diverse populations with diverse needs. My associations have led to opportunities to work throughout the state, developing a worldly state of mind of what teachers really know and understand about teaching and learning science. I have a unique perspective of traditional, informal and higher education that allows me to see science teaching on a global scale. These experiences have assisted me in identifying what teachers need.

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and have helped me to develop PD that is relevant, digestible and safe for teachers to take back to their classrooms and district.

**Previous Committee Experience:**
I have served on the initial focus groups of the EEI standards. I have also worked in district teams to develop grade level benchmarks. I have also worked with districts in lesson design for lesson studies. I have served on several textbook adoption committees, served as a trainer of trainers in selecting instructional materials, as well as facilitating district wide adoptions.

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

**Question 1:** Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

**Question 2:** Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

**Question 3:** Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?

**Question 4:** Do you expect to receive any royalty payments during your period of service on the Science CFCC?

**Question 5:** Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

**Language Skills:**
Cantonese, Speak

**Professional References:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yamileth Shimojyo</td>
<td>Coordinator, Science and STEM</td>
<td>Riverside County Office of Education</td>
</tr>
<tr>
<td>Gary Widdison</td>
<td>Project Director, Marine and Outdoor Science Education</td>
<td>Los Angeles County Office of Education</td>
</tr>
<tr>
<td>Annamarie Francois</td>
<td>Director of Teacher Education Programs</td>
<td>UC Los Angeles</td>
</tr>
</tbody>
</table>

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| **SCIENCE CURRICULUM FRAMEWORK**  
| **AND EVALUATION CRITERIA COMMITTEE APPLICATION** |
|---|---|
| **ID:** 974 | **Submission Date:** 2014-04-18 04:04:32 |
| **Name:** Ms. Jeanine H Wulfenstein | **Ethnicity:** Decline to state |
| **Gender:** Female | **Ethnicity Other:** |
| **Position Title:** Science and STEM Teacher | **Years Teaching:** 14 |
| **Employer:** Temecula Valley Unified School District |  |
| **Address:** 31350 Rancho Vista Road | Temecula California 92592 |
| **Areas of Expertise:** Administrator, Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Parent, Community Member, Other Areas of Expertise | **Other Expertise:** CSTA Board Member |
| **Grade Levels Expertise:** 6–8, 9–12 | **Subject Taught:** Integrated Science, Earth Science, Life Science, Physical Science, Engineering, Chemistry, Physics, Biology, Algebra, Geometry |
| **Experience Teaching English Learners:** 6th through 8th Grades, Long Beach Area. 2 Years. CLAD Certification. EL instructional leader in science. California Science Teacher Association presenter for Strategies for teaching science to EL students . 6th through 8th Grades, East San Francisco Bay Area. 4 Years. EL strategies trainer. 6th through 8th Grades, Riverside County Area. 8 Years. District SDAIE training, District instructional leader in EL strategies in science. K through 12th Grades, Riverside County Area. 1 Year. Individualized science and math supplemental instruction for EL students. | **Experience Teaching Students with Disabilities:** 6th through 8th Grades, Long Beach Area. 2 Years. Instructor for SAI (specialized academic instruction) mainstreamed students, SAI pull out students, students with down syndrome, students with autism, and severely handicapped students. 6th through 8th Grades, East San Francisco Bay Area. 4 Years. Staff developer for accommodating students with special needs. Instructor for SAI (specialized academic instruction) mainstreamed students, SAI pull out students, students with down syndrome, students with autism, and severely handicapped students. 6th through 8th Grades, Riverside County Area. 8 Years. District and site staff developer and leader in the successful mainstreaming of students with exceptional needs. K through 12th Grades, Riverside County Area. 1 Year. One-on-one science and math instruction for students with exceptional needs including autism, ADHD, and cognitive delays, |
| **Degrees/Credentials:** Administrative Services Credential CPACE Examination Masters Degree - Science Curriculum and Instruction California State University, East Bay Single Subject Teaching Credential - Biological Sciences California State University, Long Beach |  |
| **Note:** Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
Knowledge of the Next Generation Science Standards:
With the September 2013 CA NGSS adoption in place, there will be sweeping changes statewide in the way teachers approach instruction and the way students view their own learning. Students will have more opportunity to metacognize on their conceptual understanding and gain a deeper understanding of the subject matter they are studying. 21st century skills needed to be successful in the workplace will be embedded into classroom practice. Performance assessments will allow students to demonstrate what they know conceptually instead of solely being assessed on isolated facts. There will now be a focus on instruction of the big idea and the conceptual flow within a specific grade level and across a span of grades. Instruction will take into account how information flows within the scientific disciplines focus on cross cutting concepts to create a true conceptual understanding. With the adoption of NGSS, building a robust scientifically literate community of learners has become a state and national priority.

Standards-Based Instruction Experience:
Assessing effective instruction is based on clear and measurable learning objectives and the outcome of ongoing student assessment. The learning should be founded on a conceptual flow of the standards and student work should be the evidence of the learning. I have used a lesson on the occurrence of genetic traits in a population with a variety of 7th grade learners. The learning objectives are structured to build on a student’s prior knowledge. In this case, by the end of the lesson students will be able to describe the occurrence of dominant and recessive traits in a population. The objective would be read aloud chorally as a class. The lesson begins with each student identifying what they know about genetics. During this quick write, the teacher is assessing prior knowledge and misconceptions. Next, students would discuss what they know with their table group. Follow-on questions would be posed to facilitate group dialog. Academic vocabulary such as, dominant trait and recessive trait would be explained to the whole class. Visual clues would be provided to support the vocabulary of dominance and recess. Students would predict dominant and recessive traits from visual examples of traits. Next, using pictures of the traits, they would work with their partner to survey their traits. Students get a class trait total and discuss which showed traits showed dominance. This allows students to engage in authentic academic language. Students chart their data in a data table and analyze the results to see which traits were dominant for the class and which were recessive. Graphic organizers for the data table and examples of completed student work are provided to individuals as needed. Advanced learners would extend their learning by researching rare recessive traits. The teacher would continue to evaluate students and provide timely feedback throughout the lesson. Instruction effectiveness is gauged by evidence of student work meeting the learning objective.

Area of Expertise and Leadership:
NGSS is all about “the big idea” and cross cutting concepts. In 14 years as a successful science educator, I have seen how important making connections is to long term conceptual understanding. I have worked with thousands of students in Alameda, Orange, and Riverside Counties and have seen their faces light up with excitement when they finally reach conceptual understanding. This deep conceptual understanding is vital to be successful in the 21st century workplace. With this philosophy in mind, I started a successful STEM elective program that has spread throughout the district. I have seen the diversity of our student population first-hand and have been successful in providing a guaranteed viable curriculum for all student populations. Given the diversity of the classrooms across California, quality teaching strategies including covert and overt simultaneous engagement, checking for understanding, monitoring and adjusting instruction, and ongoing formative and summative assessment are vital to student conceptual understanding. I am passionate about quality science instruction for ALL students. As a result, I was recognized as the TVUSD Middle School Teacher of the Year for being an instructional leader in the classroom, in the district, the county and at the state level. I serve on the Riverside County STEM leadership network. Statewide, I currently serve as the Region 4 Director for the California Science Teachers.

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Association. I was invited to be part of the State NGSS presentation team to roll out NGSS to counties and districts in the southern part of the state. Recently, I also facilitated a review of the ELA/ELD framework at the Fleet Science Center with a cohort of science teachers. I am a proven leader at the site level, district level, county level, and state level.

**Previous Committee Experience:**
Over the years I have served on numerous committees engaged in curriculum development at the district and county levels. I have served on the Temecula Unified School District Science Curriculum Committee for the past 7 years. The purpose of that committee is district standards review, curriculum development, curriculum revision, development of staff development strategies, and review of instructional materials. I was part of the district committee for the last textbook adoption. At the state level, Most recently, I lead a cohort of San Diego science educators in a review of the ELA/ELD framework at the Fleet Science Center. I serve on the Riverside county STEM leadership network committee that reviews career technical education (CTE) standards and science standards to drive programs, curriculum, and instructional materials for the region.

**Relationship with Publishers: Conflict of Interest Disclosure Statement:**

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<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?</td>
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<tr>
<td>Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?</td>
<td></td>
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<td>Question 3: Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE?</td>
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Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

**Language Skills:**

**Professional References:**

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<tr>
<th>Name</th>
<th>Title</th>
<th>Institution</th>
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</thead>
<tbody>
<tr>
<td>Laura Henriques</td>
<td>Professor of Science Education/CSTA President</td>
<td>California State University, Long Beach</td>
</tr>
<tr>
<td>Timothy Ritter</td>
<td>Superintendent</td>
<td>Temecula Valley Unified School District</td>
</tr>
<tr>
<td>Karen Cerwin</td>
<td>Regional Director</td>
<td>k12 Alliance</td>
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<tbody>
<tr>
<td><strong>Name:</strong> Dr. Teresa De Diego Forbis</td>
<td><strong>Ethnicity:</strong> Hispanic/Latino, White</td>
</tr>
<tr>
<td><strong>Gender:</strong></td>
<td><strong>Ethnicity Other:</strong></td>
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<tr>
<td><strong>Position Title:</strong> Science Teacher</td>
<td><strong>Years Teaching:</strong> 10</td>
</tr>
<tr>
<td><strong>Employer:</strong> Los Angeles Unified School District/ San Pedro High School</td>
<td></td>
</tr>
<tr>
<td><strong>Address:</strong> 1001 W. 15th Street</td>
<td>San Pedro California 90731</td>
</tr>
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**Areas of Expertise:** Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.

**Grade Levels Expertise:** 9–12

**Subject Taught:** Integrated Science, Chemistry, Biology, AP Environmental Science

**Experience Teaching English Learners:** I have been teaching English learners for 10 years at grade levels 9-12 in various high school level sciences (please see subjects taught for a list of subjects). My current teaching credential as stated on the Comission of Teacher Credentialing we site "authorizes me to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3." My teaching site has also provided various professional development workshops and meetings designated to promote teaching strategies in differentiated instruction and SLOs (student learner outcomes) for all students.

**Experience Teaching Students with Disabilities:** I have been teaching students with disabilities for 10 years at grade levels 9-12 in high school level science. I currently have 20 students with either IEPs or 504 plans that require accommodations within and/or out of my classroom. My teaching site has also provided various professional development workshops and meetings designated to promote teaching strategies in EL and SDAIE instruction.

**Degrees/Credentials:**

| Ph. D. in Geological Sciences | **Institution:** University of Southern California |

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Knowledge of the Next Generation Science Standards:
The next generation science standards will impact science instruction and student learning by switching the focus from learning of specified facts and the use of inquiry for the sake of inquiry (which has led to ambiguity of inquiry), to a focus on practices, such as modeling, developing, critiquing and evaluations. The goal of NGSS to develop students with skills to think like scientists and engineers. Students who can look, develop and interpret and variety of different models, Students who can read a piece a science literary or several pieces of science literature and evaluate the strengths and weakness of the authors' points or the determine their own personal opinion based from the facts and evidence they have read. The way this will impact instruction is that in the classroom, students will have emphasis on science practices (e.g. modeling, evaluating, investigating, engaging in argument) focusing on a few discipline core ideas that will have been built on since second grade. There will be more scientific literacy geared towards not just looking for informative answers in the text but looking for evidence in documents to answer or evidence to determine strengths and weakness in a scientific document (e.g. evaluating the effectiveness/validity of an experiment or someone's opinion).

Standards-Based Instruction Experience:
NGSS: HS-LS2-2 & HS-LS2-6 Common Core Reading Standards: RST.11-12.1 California State Science Standards Biology: 6a-c Description of lesson: Students will investigate the relationships between predator and prey (lynx and snow hare) by organizing and graphing data from a simulation (hands on group activity). Students will graph two different scenario, titled normal and habitat loss. Students will analyze and compare and contrast data from the two scenarios using them to predict population change over time due to human influences. Students should be able to link different sources of materials as evidence (their graphs, warm up activity and reading assignment) in order to support their claims. Accommodations: EL, Students at below reading level & Special Needs: Students are using hands on manipulatives and visuals of the populations. Students will annotate while reading (show/draw concepts or ideas). Pair/share with a partner to increase comprehension. Student will highlight which questions they will work in groups with, which they will work in pairs and which they will work by themselves. GATE: Students will add the following parameter to the simulation: Lynx only reproduces if it eats more than 2 mice. (Survives with 2 mice, Reproduces with more than 2 mice). Students will research other relationships that affect population in an ecosystem or real-world human impacts on populations/biodiversity. Students will evaluate the strength of their arguments compared to others in the class. Assessment: The effectiveness of this instruction will be determined by 3 factors. 1. The ability of the student to make and interpret their graphs of population change over time. 2. Their ability to make claims and use evidence to from multiple sources (graphs, reading and prior notes in class). 3. Whether or not the students link and distinguish changes in their simulations' population due to predator-prey relationships and human activity.

Area of Expertise and Leadership:
My experience in teaching 9-12 science, especially biology and environmental science, in a Title 1 school with a diverse population for the past 10 years and in teaching college level science labs during my graduate program have given me various experiences at what science looks like for different levels of students. I have seen the strengths and weaknesses of the far below basic 9th grader and the freshman college student. I have in the past been a reader for the AP Environmental Science exam and fully understand the standards for student outcomes at that level. I am currently a NGSS common core fellow with the LAUSD where our workshops are designed to look at the NGSS and develop district assements and NGSS ready lesson plans to be used by the district as a whole. At my school site, I am the science department facilitator for department professional developments.

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and meetings in NGSS curriculum and implementation. As a graduate student, I wrote several abstracts and journal articles on research that I did towards my MS and PhD, so I understand what is needed to do research and write at a peer ready level. I have used this experience to help my students explore, develop, comprehend and evaluate at a level that will be require of them when they reach college. I have taught multiple science subjects in my 10 years of experience: Biology 10 years, AP Environmental Science 9 years, Integrated Science 3 years, Environmental Science 2 years, Chemistry 1 year, Marine Biology 1 year. I also have 2 single subject credentials: Biology and Geology. I have also passed the single subject exam for chemistry.

Previous Committee Experience:
I have served on school and department based committees to develop curriculum at my school site. These committees were developed cross department project based lessons, curriculum maps for departments and instructional practices. I have also been on curriculum focus groups on my campus for WASC evaluations.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

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Language Skills:

Professional References:

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<th>Name</th>
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<tbody>
<tr>
<td>Doug Martinez</td>
<td>Science Department Chair</td>
<td>San Pedro High School</td>
</tr>
<tr>
<td>Jeanette Stevens</td>
<td>Principal</td>
<td>San Pedro High School</td>
</tr>
<tr>
<td>Jennifer Cheng</td>
<td>Science Teacher</td>
<td>San Pedro High School</td>
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SCIENCE CURRICULUM FRAMEWORK
AND EVALUATION CRITERIA COMMITTEE APPLICATION

ID: 981

Submission Date: 2014-04-18 12:22:16

Name: Mr. John Galisky
Ethnicity: White

Gender: Male
Ethnicity Other: 

Position Title: Science Teacher / Academy Coordinator
Years Teaching: 20

Employer: Lompoc High School

Address: 515 W. College Avenue
Lompoc California 93436

Areas of Expertise: Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001., Parent

Other Expertise: 

Grade Levels Expertise: 9–12

Subject Taught: Integrated Science, Earth Science, Physical Science, Engineering, Physics, Space Science, Electronics & Robotics, Algebra

Experience Teaching English Learners: Grades 9-12 CLAD certification

Experience Teaching Students with Disabilities: For the last 20 years, in 9th grade Earth Science and 10th-11th grade Conceptual Physics, I have worked with students who have minor learning challenges. Occasionally I have taught students who are deaf or blind and I have had several students with issues related to fine motor control.

Degrees/Credentials:

Master of Education U.C. Santa Barbara
Bachelor of Arts U.C. Berkeley

Knowledge of the Next Generation Science Standards:
Science is not just a list of facts; it is a way of thinking about the natural world. Instead of just learning about science, NGSS will allow students to think like scientists and do science—ask questions, gather information, find patterns, and make predictions. With the inclusion of Science and Engineering Practices, students will be actively engaged in exploration and discovery by defining problems, brainstorming solutions, designing and prototyping, testing and evaluating. Daily instruction may be very different in the future as students work more independently to set up their own experiments or projects. There will still be direct instruction—disciplinary core ideas are the foundation on which the performance expectations are based—but this content can be framed as necessary information to solve an interesting or relevant problem.

Standards-Based Instruction Experience:
A unit on energy (energy transfer, energy conservation) could include lessons on various sources of electricity. Often, when I teach this unit, I include a research project and presentation. Students form companies and try to sell their energy source to the local community. Representing either biomass, fossil fuels, geothermal, hydroelectric, nuclear, solar, or wind power, the challenge is to present a persuasive argument to city council members and other community leaders. This argument is built

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on five factors: 1) the benefits of the type of power they represent 2) the costs, dangers, or difficulties of the other energy sources 3) locations where this energy source is already in use 4) drawings and simple explanations of how the energy conversion happens 5) mathematical data in a graphical form showing growth in the industry, return-on-investment, or any other relevant information. Assessments, based on their understanding of energy transfer and efficiency, include: A) either a letter to the city council or a newspaper opinion piece promoting their source of energy B) a company slogan, and C) a bus stop or subway style poster. Because they are working in groups where they can discuss concepts and divide tasks, and because much of the content is either demonstrable or at least visual, students are able to overcome many language barriers.

Area of Expertise and Leadership:
The title of my work to earn my Master’s degree in Education was Creativity in the Science Classroom. NGSS provides an opportunity to return my classroom to the creative and explorative environment it used to be. Though I never lost the questioning in my classroom, I am now returning to broader exploration and experimentation—more problem-based and project-based. Having worked with NGSS as a member of the California State Review Team starting in fall of 2011, I am able to discuss all the content areas and how they overlap—though I am most comfortable with the Physical Science standards and Earth and Space Science standards. In spring of 2013 I was appointed to the Science Expert Panel where I worked on the Physical Science standards and the integrated middle school model. During each period of public comment I have worked with teachers in my department and across the district to develop a familiarity with the standards and how they could be applied in our classrooms. Since the State Board of Education adopted the standards in September we have been working more formally, coaching each other, to begin implementing the standards using existing pacing guides and instructional materials.

Previous Committee Experience:
Beginning my first year of teaching, and for the next six years, my district embraced an integrated science model. At the time there were very few materials available so we developed our own. As coordinator of a California Partnership Academy, I have worked for almost 14 years with teachers across grade levels and across disciplines to develop project-based, theme-based units that integrate core academics with career-technical education. All of this experience earned me the opportunity to participate in a University of California Curriculum Integration Institute in 2011. Our task was to develop a CTE course that would qualify to earn Lab Science credit when students apply to UC or CSU. The course, Clean Energy-neering, integrates standards from Engineering Design and Physics. With scaffolding of core ideas and project-based learning, this course will continue to be useful for teachers wanting to implement NGSS.

Relationship with Publishers: Conflict of Interest Disclosure Statement:

Question 1: Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California?

Question 2: Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)?

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Question 4: Do you expect to receive any royalty payments during your period of service on the Science CFCC?

Question 5: Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that

Note: Information in this application was captured directly from input submitted by the applicant and may contain typographic and data errors.
is likely to be submitted to the CDE?

Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or “sister organization” of any entity which will do business with your advisory body or will submit materials to your advisory body?

Language Skills:

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<tr>
<td>Greg Doyle</td>
<td>Board President</td>
<td>Lompoc Unified School District</td>
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<tr>
<td>Kathy Alfano</td>
<td>Principal Investigator</td>
<td>College of the Canyons, CREATE NSF Grant</td>
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<tr>
<td>Sid Haro</td>
<td>Asst. Superintendent</td>
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<td>Employer: Oakland Unified School District</td>
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<td>Address: 4551 Steele StreetOaklandCalifornia 94619</td>
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<td>Administrative Services Credential</td>
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<td>National Board Certification in Early Adolescence Science</td>
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<td>B.A., Integrated Biology</td>
<td>University of California, Berkeley, CA</td>
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**Knowledge of the Next Generation Science Standards:**
The adoption of NGSS by the CDE has the potential to radically transform science education in California. It will not only set higher teaching and learning expectations for classrooms, but also galvanize resources, funding, and policies to better support K-12 science education. For the past 13 years, an unintended consequence of No Child Left Behind is the deprioritization of science education across the country. Elementary schools have been most severely impacted as resources and instructional time shifted to English Language Arts and Math. Science was left as an elective or not taught at all in many schools. The new focus on NGSS will have the potential to reverse this trend and address the numerous equity issues that currently exists in many districts. The shift to science and engineering practices and cross-cutting concepts will also have a profound impact on pedagogical practices in classrooms. Students and teachers will be required to move far beyond facts and traditional standards to a deeper understanding of principles and practices of science.

**Standards-Based Instruction Experience:**
In 2003, I wrote an evolution and genetics curriculum called Change Over Time using elephants as a theme for students to explore concepts on the state science standards. This six week unit focused on interactive inquiry based activities and investigations, covering the key concepts of natural selection, variation, genetics, and adaptations. By using the unique features of elephants and their varied environments, students were naturally drawn to the activities and key concepts. The unit culminated in a Survivor Elephant Island activities where students had to apply their knowledge of the key concepts to a group of evolving elephants and arguing for who would survive in various environments. What made this unit successful was the level of engagement demanded from my

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students. It invited them to participate regardless of their language level or special needs. It was also easy to adapt many of the activities to meet accommodations or work with other teachers. A number of the activities were also interdisciplinary and allowed for credit in their science and English classes. My former students were 100% students of color, 80% FRMP, 35% ELL, and 10% SpEd. Students were assessed based on their ability to demonstrate understanding of the key concepts through writing samples, concept maps, and final projects.

Area of Expertise and Leadership:
I have taught middle school science for nine years in Oakland. Additionally, for the past eight years, I have directed the district K-12 Science Department and grown the previous team of three to fifteen staff. Much of my current work involves developing districtwide structures and regional partnerships for improving science education that includes curriculum development and implementation, assessments, monthly districtwide professional development, multiple summer institutes, teacher and principal leadership, and the SMART Center, a science support center for the district. I have also worked with numerous local partners to promote science education in Oakland and the Bay Area. This includes organizing the Oakland Science Partners Network, an annual meeting with 75+ partner organizations interested in working to promote science education in Oakland. I have served on many local, state, and national groups to review, revise, or develop science standards as listed below.

Previous Committee Experience:
Advisory Board, Berkeley Science and Math Initiative, CalTEACH, UC Berkeley, CA, 2012-present
Advisory Committee, Strengthening Science & Math Education in California, WestEd, 2012-present
Advisory Board, California Science Project, 2007-present
Member, California Teacher Advisory Council, California Council on Science and Technology, 2009-2014
Certification Council, National Board for Professional Teaching Standards, Arlington, VA, 2007-2013
Broker of Expertise Advisory Committee, California Department of Education, 2007-2010
Chair/Commissioner, California Commission on Teacher Credentialing, 2006-2009
Director, District K-12 Textbook Adoption, Oakland Unified School District (OUSD), 2008
Research Committee, National Board for Professional Teaching Standards, Arlington, VA, 2006-2008
Member, National Board Early Adolescence Science Standards Committee, Arlington, VA, 2002-2003

Relationship with Publishers: Conflict of Interest Disclosure Statement:

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advisory body or will submit materials to your advisory body?

Language Skills:
Chinese, Speak, Read

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<tr>
<td>Kyla Johnson</td>
<td>Associate Superintendent, LCI</td>
<td>Oakland Unified School District</td>
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<tr>
<td>Maria Simani</td>
<td>Executive Director</td>
<td>California Science Project</td>
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CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

SUBJECT

Barack Obama Charter School: Consider a Material Revision of the Charter to Change from Kindergarten Through Grade Six to Kindergarten Through Grade Five.

SUMMARY OF THE Issue(S)

Barack Obama Charter School (BOCS), a State Board of Education (SBE) authorized charter school, has requested a material revision of its charter to change the grade levels served by the school, from kindergarten through grade six to kindergarten through grade five.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve the request to revise the BOCS charter petition to change grades served from kindergarten through grade six to kindergarten through grade five.

BRIEF HISTORY OF KEY ISSUES

On March 15, 2014, the SBE approved the BOCS renewal charter petition to serve kindergarten through grade six. Since approval, BOCS has made technical amendments to reflect an educational program that is aligned with the state priorities. The CDE finds that BOCS implements the program as described in the charter petition and the school leadership provides regular updates to CDE staff, both formally and informally.

The BOCS petition was approved by the SBE with the condition that BOCS adhere to a Memorandum of Understanding (MOU) between BOCS and the SBE that requires a material revision of the petition if the school adds or deletes the grade levels to be served.

The CDE staff reviewed the material revision request and petition, and finds that the material revision is a minimal change and the petition still meets the standards and criteria in California Education Code (EC) Section 47605. CDE staff finds:
The chart petition submitted to the SBE by BOCS to support the request for a material revision has minimal changes. The content of the petition has not changed, other than to reflect the elimination of grade six.

Based on 2012–13 academic data, BOCS had a higher schoolwide 2013 Growth Academic Performance Index than four of nine surrounding schools. Data tables are provided as Attachment 2 of Agenda Item 3 for surrounding schools.

During the five years of operation as an SBE-authorized charter school, BOCS has complied with the terms of the MOU with the SBE.

The BOCS budget plan presents steady enrollment growth, positive cash flow, and reserves as provided in Attachment 4 of Agenda Item 3.

To date, BOCS has submitted all required documentation to the CDE including but not limited to, attendance reports, compliance documents, budgets, and audit reports.

The BOCS material revision addresses the requirements of EC Section 47605(b)(5)(A)(ii), including a description of the school’s annual goals, for all pupils and for each subgroup of pupils identified pursuant to EC Section 52052; for each of the applicable state priorities identified in EC Section 52060(d); and a description of the specific annual actions the school will take to achieve each of the identified annual goals.

Therefore, the CDE recommends that the SBE approve the request for a material revision of the BOCS charter.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 19 charter schools operate under SBE authorization as follows:

- Two statewide benefit charters, operating a total of seven sites
- One countywide benefit charter
- Sixteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

As an SBE-authorized charter school, the CDE would receive approximately one percent of the BOCS general purpose apportionment for CDE oversight activities. However, no additional resources are allocated to the CDE for oversight.
## ATTACHMENT(S)

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
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<tbody>
<tr>
<td>Attachment 1</td>
<td>Barack Obama Charter School Material Revision Request (1 page)</td>
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<tr>
<td>Attachment 2</td>
<td>Barack Obama Charter School Data Tables (7 pages)</td>
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<td>Attachment 3</td>
<td>Barack Obama Material Revision Petition (108 pages)</td>
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<td>Attachment 4</td>
<td>Barack Obama Charter School Budget and Financial Projections (6 pages)</td>
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<td>Attachment 5</td>
<td>Barack Obama Charter School Appendices and Attachments (45 pages)</td>
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May 1, 2014

Ms. Julie Russell  
Director  
Charter Schools Division  
California Department of Education  
1420 N Street, Suite 5401  
Sacramento, CA  95814

Dear Ms. Russell:

Barack Obama Charter School (BOCS) would like to reduce its grade levels served next year from kindergarten through sixth grades to kindergarten through fifth grades. This would encourage our graduating fifth graders to enter middle schools in their sixth grade and reduce later assimilation challenges.

CDE staff has informed us that reducing the school by one grade level will require a material revision to the original charter. The purpose of the attached Material Revision to the BOCS charter petition is to secure SBE approval of our elimination of sixth grade at BOCS.

We are looking forward to the CDE Charter Schools Division's review of our Material Revision.

Sincerely,

Glenn Noreen  
President
Barack Obama Charter School Material Revision Request

Ingenium Schools

May 1, 2014

Ms. Julie Russell
Director
Charter Schools Division
California Department of Education
1420 N Street, Suite 5401
Sacramento, CA 95814

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We are looking forward to the CDE Charter Schools Division’s review of our Material Revision.

Sincerely,

Glenn Noreen
President

1502 Webster Avenue, Claremont, California 91711-3548
Phone: 909-827-8595
### Table 1: 2013 Demographic Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

<table>
<thead>
<tr>
<th>School Name</th>
<th>Barack Obama Charter</th>
<th>Martin Luther King Elementary</th>
<th>Anderson Elementary</th>
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Data source used "SQL5.SSIDAggregates.SSIDenroll"

Prepared by California Department of Education, June 2014
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<th>School Name</th>
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Data source used "SQL.UMIRS.StudentDisciplineRates"

Prepared by California Department of Education, June 2014
### Table 3. Academic Performance Index (API) Growth for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

<table>
<thead>
<tr>
<th>School Name</th>
<th>Barack Obama Charter</th>
<th>Martin Luther King Elementary</th>
<th>Anderson Elementary</th>
<th>McKinley Elementary</th>
<th>Washington Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>19765470118760</td>
<td>19734376023782</td>
<td>19734376023741</td>
<td>19734376013478</td>
<td>19734376012413</td>
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<tr>
<td>API Growth for 2012-13</td>
<td>4</td>
<td>38</td>
<td>8</td>
<td>-8</td>
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<tr>
<td>API Growth for 2011-12</td>
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<td>17</td>
<td>45</td>
<td>6</td>
<td>5</td>
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<tr>
<td>API Growth for 2010-11</td>
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<td>31</td>
<td>25</td>
<td>32</td>
<td>1</td>
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<tr>
<td>API Growth for 2009-10</td>
<td>B</td>
<td>43</td>
<td>58</td>
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(Continued)

<table>
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<tr>
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<th>Celerity Sirius Charter</th>
<th>Foster Elementary</th>
<th>Jefferson Elementary</th>
<th>Roosevelt Elementary</th>
<th>Rosecrans Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
<td>19101990124925</td>
<td>19734376012280</td>
<td>19734376012298</td>
<td>19734376012389</td>
<td>19734376012397</td>
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<tr>
<td>API Growth for 2012-13</td>
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<td>-7</td>
<td>6</td>
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<tr>
<td>API Growth for 2011-12</td>
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<td>77</td>
<td>-91</td>
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<td>API Growth for 2010-11</td>
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<td>-5</td>
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<td>-103</td>
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<td>API Growth for 2009-10</td>
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Data sources used:
- SQL5.Accountability.grth2010
- SQL5.Accountability.grth2011
- SQL5.Accountability.grth2012
- SQL5.Accountability.grth2013

B - The school did not have Base API and will not have any growth information

Prepared by California Department of Education, June 2014
### Table 4: 2013 Growth Academic Performance Index (API) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

<table>
<thead>
<tr>
<th>School Name</th>
<th>Barack Obama Charter</th>
<th>Martin Luther King Elementary</th>
<th>Anderson Elementary</th>
<th>McKinley Elementary</th>
<th>Washington Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDS Code</strong></td>
<td>19765470118760</td>
<td>19734576023762</td>
<td>19734576023741</td>
<td>19734576013478</td>
<td>19734576012413</td>
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<tr>
<td><strong>Valid Scores</strong></td>
<td>190</td>
<td>340</td>
<td>278</td>
<td>253</td>
<td>290</td>
</tr>
<tr>
<td><strong>Schoolwide</strong></td>
<td>755 (4)</td>
<td>765 (38)</td>
<td>838 (8)</td>
<td>716 (8)</td>
<td>782 (-35)</td>
</tr>
<tr>
<td>Black or African American</td>
<td>743 (3)</td>
<td>772 (-)</td>
<td>765 (-)</td>
<td>668 (-15)</td>
<td>824 (-)</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Asian</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Filipino</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>802 (-)</td>
<td>767 (37)</td>
<td>843 (10)</td>
<td>746 (7)</td>
<td>774 (-49)</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>White</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>747 (0)</td>
<td>762 (35)</td>
<td>836 (0)</td>
<td>711 (-24)</td>
<td>779 (-37)</td>
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<tr>
<td>English Learners</td>
<td>756 (-)</td>
<td>773 (-44)</td>
<td>828 (6)</td>
<td>746 (14)</td>
<td>766 (-52)</td>
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<tr>
<td>Students with Disabilities</td>
<td>718 (-)</td>
<td>564 (-)</td>
<td>670 (-)</td>
<td>626 (-)</td>
<td>760 (-)</td>
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<tr>
<td><strong>2012 Statewide/Similar Schools Rank</strong></td>
<td>2 / 5</td>
<td>1 / 3</td>
<td>6 / 10</td>
<td>1 / 4</td>
<td>6 / 10</td>
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<tr>
<th>School Name</th>
<th>Celerity Sirius Charter</th>
<th>Foster Elementary</th>
<th>Jefferson Elementary</th>
<th>Roosevelt Elementary</th>
<th>Rosecrans Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDS Code</strong></td>
<td>19101990124925</td>
<td>19734576012280</td>
<td>19734576012298</td>
<td>19734576012389</td>
<td>19734576012397</td>
</tr>
<tr>
<td><strong>Valid Scores</strong></td>
<td>209</td>
<td>458</td>
<td>351</td>
<td>501</td>
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<td><strong>Schoolwide</strong></td>
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<td>757 (-34)</td>
<td>865 (30)</td>
<td>703 (-7)</td>
<td>737 (6)</td>
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<tr>
<td>Black or African American</td>
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<td>765 (-)</td>
<td>879 (-)</td>
<td>615 (-)</td>
<td>662 (-)</td>
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<tr>
<td>American Indian or Alaska Native</td>
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<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Asian</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
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<tr>
<td>Filipino</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>796 (-15)</td>
<td>755 (-54)</td>
<td>865 (29)</td>
<td>709 (-4)</td>
<td>746 (13)</td>
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<tr>
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<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>White</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Two or More Races</td>
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<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
<td>- (-)</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>782 (9)</td>
<td>748 (-39)</td>
<td>863 (27)</td>
<td>700 (-12)</td>
<td>729 (-1)</td>
</tr>
<tr>
<td>English Learners</td>
<td>800 (-)</td>
<td>757 (-29)</td>
<td>861 (28)</td>
<td>705 (-6)</td>
<td>744 (16)</td>
</tr>
<tr>
<td>Students with Disabilities</td>
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<td>734 (-)</td>
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</table>

Data sources used:
- SQL5.Accountability.grth2013
- SQL5.Accountability.APIB2012

- The Growth API is not displayed when there are less than 11 valid scores
- (-) The student group is not numerically significant, therefore no growth determination was made

Prepared by California Department of Education, June 2014
### Table 5: 2013 Adequate Yearly Progress (AYP) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

<table>
<thead>
<tr>
<th>School Name</th>
<th>Barack Obama Charter</th>
<th>Martin Luther King Elementary</th>
<th>Anderson Elementary</th>
<th>McKinley Elementary</th>
<th>Washington Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDS Code</strong></td>
<td>19765470118760</td>
<td>19734376023782</td>
<td>19734376023741</td>
<td>19734376013478</td>
<td>19734376012413</td>
</tr>
<tr>
<td>Met AYP Criteria</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td># Criteria Met/# Criteria Applicable</td>
<td>11 / 15</td>
<td>17 / 17</td>
<td>13 / 17</td>
<td>15 / 25</td>
<td>12 / 20</td>
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<tr>
<td>2013-14 Program Improvement (PI) Status</td>
<td>In PI</td>
<td>In PI</td>
<td>Not in PI</td>
<td>In PI</td>
<td>In PI</td>
</tr>
<tr>
<td>2013-14 Program Improvement (PI) Year</td>
<td>Year 2</td>
<td>Year 5</td>
<td>NA</td>
<td>Year 5</td>
<td>Year 1</td>
</tr>
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</table>

(Continued)

<table>
<thead>
<tr>
<th>School Name</th>
<th>Celerity Sirius Charter</th>
<th>Foster Elementary</th>
<th>Jefferson Elementary</th>
<th>Roosevelt Elementary</th>
<th>Rosecrans Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDS Code</strong></td>
<td>19101990124925</td>
<td>19734376012280</td>
<td>19734376012298</td>
<td>19734376012389</td>
<td>19734376012397</td>
</tr>
<tr>
<td>Met AYP Criteria</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td># Criteria Met/# Criteria Applicable</td>
<td>17 / 21</td>
<td>8 / 17</td>
<td>17 / 17</td>
<td>8 / 17</td>
<td>12 / 17</td>
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<tr>
<td>2013-14 Program Improvement (PI) Status</td>
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<td>In PI</td>
<td>Not in PI</td>
<td>In PI</td>
<td>In PI</td>
</tr>
<tr>
<td>2013-14 Program Improvement (PI) Year</td>
<td>Year 1</td>
<td>Year 5</td>
<td>NA</td>
<td>Year 5</td>
<td>Year 3</td>
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</tbody>
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Data sources used:
- SQL5.Accountability.april13pi_sch
- SQL5.Accountability.april13a

Prepared by California Department of Education, June 2014
### Table 6: 2013 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA) for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

<table>
<thead>
<tr>
<th>School Name</th>
<th>Barack Obama Charter</th>
<th>Martin Luther King Elementary</th>
<th>Anderson Elementary</th>
<th>McKinley Elementary</th>
<th>Washington Elementary</th>
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<tbody>
<tr>
<td>CDS Code</td>
<td>19765470118760</td>
<td>19734376023782</td>
<td>19734376013478</td>
<td>19734376012413</td>
<td></td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>190</td>
<td>339</td>
<td>278</td>
<td>262</td>
<td>289</td>
</tr>
<tr>
<td>Schoolwide (Met AYP)</td>
<td>34.7 (No)</td>
<td>43.7 (Yes)</td>
<td>54.7 (No)</td>
<td>31.3 (No)</td>
<td>43.9 (No)</td>
</tr>
<tr>
<td>Black or African American (Met AYP)</td>
<td>31.9 (No)</td>
<td>47.9 (-- )</td>
<td>40.0 (-- )</td>
<td>24.0 (No)</td>
<td>57.1 (-- )</td>
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<td>American Indian or Alaska Native (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
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<td>Asian (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
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<td>Filipino (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Hispanic or Latino (Met AYP)</td>
<td>44.9 (-- )</td>
<td>43.2 (Yes)</td>
<td>56.1 (No)</td>
<td>34.9 (No)</td>
<td>41.6 (No)</td>
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<tr>
<td>Native Hawaiian or Pacific Islander (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>White (Met AYP)</td>
<td>-- (-- )</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Two or More Races (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
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<td>33.0 (No)</td>
<td>42.8 (Yes)</td>
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<td>41.8 (No)</td>
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<tr>
<td>English Learners (Met AYP)</td>
<td>31.8 (-- )</td>
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<td>51.9 (No)</td>
<td>38.0 (No)</td>
<td>40.7 (No)</td>
</tr>
<tr>
<td>Students with Disabilities (Met AYP)</td>
<td>40.7 (-- )</td>
<td>21.9 (-- )</td>
<td>26.1 (-- )</td>
<td>23.1 (No)</td>
<td>44.4 (No)</td>
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(Continued)

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<tr>
<th>School Name</th>
<th>Celerity Sirius Charter</th>
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<th>Jefferson Elementary</th>
<th>Roosevelt Elementary</th>
<th>Rosecrans Elementary</th>
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<tbody>
<tr>
<td>CDS Code</td>
<td>19101990124925</td>
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<td>19734376012298</td>
<td>19734376012389</td>
<td>19734376012397</td>
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<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>208</td>
<td>454</td>
<td>351</td>
<td>501</td>
<td>347</td>
</tr>
<tr>
<td>Schoolwide (Met AYP)</td>
<td>44.2 (No)</td>
<td>41.2 (No)</td>
<td>57.3 (Yes)</td>
<td>33.1 (No)</td>
<td>40.3 (No)</td>
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<td>Black or African American (Met AYP)</td>
<td>45.6 (Yes)</td>
<td>44.4 (-- )</td>
<td>75.0 (-- )</td>
<td>20.0 (-- )</td>
<td>32.3 (-- )</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Asian (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Filipino (Met AYP)</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Hispanic or Latino (Met AYP)</td>
<td>43.0 (No)</td>
<td>40.6 (No)</td>
<td>56.4 (Yes)</td>
<td>34.0 (No)</td>
<td>41.5 (No)</td>
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<tr>
<td>Native Hawaiian or Pacific Islander (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>White (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Two or More Races (Met AYP)</td>
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<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
<td>-- (-- )</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged (Met AYP)</td>
<td>42.7 (No)</td>
<td>37.7 (No)</td>
<td>56.7 (Yes)</td>
<td>32.2 (No)</td>
<td>39.7 (No)</td>
</tr>
<tr>
<td>English Learners (Met AYP)</td>
<td>47.0 (No)</td>
<td>40.2 (No)</td>
<td>55.3 (Yes)</td>
<td>33.3 (No)</td>
<td>41.3 (No)</td>
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<tr>
<td>Students with Disabilities (Met AYP)</td>
<td>9.5 (-- )</td>
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<td>51.7 (-- )</td>
<td>0.0 (-- )</td>
<td>26.3 (-- )</td>
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</table>

Data sources used:
SQL5.Accountability.apr13a

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Prepared by California Department of Education, June 2014
Table 7: 2013 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

<table>
<thead>
<tr>
<th>School Name</th>
<th>Barack Obama Charter</th>
<th>Martin Luther King Elementary</th>
<th>Anderson Elementary</th>
<th>McKinley Elementary</th>
<th>Washington Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDS Code</td>
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<td>19734376023782</td>
<td>19734376023741</td>
<td>19734376013478</td>
<td>19734376012413</td>
</tr>
<tr>
<td>Number of Valid Scores Schoolwide</td>
<td>189</td>
<td>340</td>
<td>278</td>
<td>253</td>
<td>290</td>
</tr>
<tr>
<td>Schoolwide (Met AYP)</td>
<td>56.6 (Yes )</td>
<td>62.6 (Yes )</td>
<td>81.3 (Yes )</td>
<td>57.7 (No )</td>
<td>68.3 (No )</td>
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<tr>
<td>Black or African American (Met AYP)</td>
<td>54.0 (Yes )</td>
<td>50.0 (-- )</td>
<td>65.0 (-- )</td>
<td>48.5 (No )</td>
<td>70.0 (Yes )</td>
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<tr>
<td>American Indian or Alaska Native (Met AYP)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
</tr>
<tr>
<td>Asian (Met AYP)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
</tr>
<tr>
<td>Filipino (Met AYP)</td>
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<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
<td>-- (--)</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged (Met AYP)</td>
<td>67.9 (Yes )</td>
<td>58.1 (No )</td>
<td>86.9 (Yes )</td>
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<tr>
<td>English Learners (Met AYP)</td>
<td>74.2 (Yes )</td>
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<td>50.1 (No )</td>
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<td>15.8 (-- )</td>
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</table>

Data sources used:
SQL5.Accountability.apr13a

- Percent proficient is not displayed when there are less than 11 valid scores
- (--) The student group is not numerically significant, therefore no AYP determination was made

Prepared by California Department of Education, June 2014
CHARTER RENEWAL PETITION

FOR THE TERM: JULY 1, 2014 – JUNE 30, 2019

MATERIAL REVISION

Contact: Chaleese Norman
(323) 566-1965

APRIL 1, 2014
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AFFIRMATIONS AND ASSURANCES

Barack Obama Charter School (“BOCS” or the “Charter School”) will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- BOCS shall meet all statewide standards and conduct all required pupil assessments required, pursuant to Education Code §60605, and any other statewide standards authorized in statute, or pupil assessments applicable to pupils in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]

- Ingenium Schools shall be deemed the exclusive public school employer of the employees of Barack Obama Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]

- BOCS shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]

- The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]

- BOCS shall not discriminate against any pupil on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)].

- BOCS will not charge tuition. [Ref. Education Code Section 47605(d)(1)]

- The Meetings of the Board of Trustees for BOCS shall be held in accordance with the Brown Act.

- BOCS shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, the Individuals with Disabilities in Education Improvement Act of 2004 (“IDEIA”), Section 504 of the
Rehabilitation Act (“Section 504”), and the Americans with Disabilities Act (“ADA”).

- BOCS shall comply with the Public Records Act and the Family Educational Privacy Rights Act (“FERPA”).

- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]

- BOCS shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code §47612.5(a)(1).

- BOCS shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. California Education Code Section 47612.5(a)]

- BOCS shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. California Education Code Sections 47612(b), 47610]

- BOCS shall ensure that teachers at BOCS hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold, and is highly qualified as required by the No Child Left Behind Act (“NCLB”). As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]

- BOCS shall on a regular basis consult with its parents and teachers regarding BOCS’s educational program. [Ref. California Education Code Section 47605(c)]

- The Charter School shall comply with any jurisdictional limitations to locations of its facilities. [Ref. California Education Code Sections 47605 and 47605.1]

- BOCS shall at all times maintain all necessary and appropriate insurance coverage.

- BOCS shall notify the Superintendent of the school district of the pupil’s last known address within 30 days of the pupil being expelled from or leaving BOCS without graduating. BOCS shall provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information, upon request. [Ref. California Education Code Section 47605(d)(3)]

- BOCS shall comply with all applicable provisions of the No Child Left Behind Act.

- The Charter School shall meet or exceed the legally required minimum of school days. [Ref. Title 5 California Code of Regulations Section 11960]
PREFERENCE FOR THIS PETITION

Barack Obama Charter School submits this petition to the Compton Unified School District as its sponsoring district and is requesting charter approval for a period of five years from July 2014 through June 2019.

“In reviewing petitions for the establishment of charter schools within the school district, the school district governing board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032.”

Accordingly, this charter petition is entitled to preference in the review and approval process.

Barack Obama Charter School is operated by Ingenium Schools, which was founded to develop Reinventing Schools Model (“RSM”) -based charter schools. The objective of Ingenium Schools is to replicate successful RSM-based public schools in challenging urban school districts and to offer positive educational choices to parents and students.

Barack Obama Charter School’s Development Team includes five staff members: Chaleese Norman, Lead Petitioner; Glenn Noreen, President; Wendy Battino, Development Director; and Rick Schreiber, Education Specialist. It also includes the Ingenium Schools Board of Trustees: Nirosha Ruwan, Joan Faqir, Alan Campbell, Martha Notaras, and Dr. Michael Noble. Brief bios of each Trustee are contained in Element VI and their résumés are contained in Appendix K: Trustee and Key Staff Member Résumés. Brief staff member bios follow.

CHALEESE NORMAN

Chaleese Norman has taught for over ten years and served in a leadership capacity for pre-kindergarten through high school programs. She holds an Administrative Certificate of Eligibility, Clear Special Education Credential, and an Added Autism Authorization certificate. She earned her BS in Health Sciences/Health Management at Howard University in Washington, D.C.; Masters of Arts in Special Education with a Cross Cultural Emphasis at LMU; and Masters of Arts in Administration and Policy at California State University, Northridge. She is listed in Who’s Who Among American Teachers and received the LAUSD District 7 Star Award for. She has served as the Managing Director of Institute Programs for Teach For America’s teacher preparation program. She developed Too Tough Step Team, recognized nationally for performance excellence and noted for its work in the community to expose young ladies to strong character traits that lead to acceptance and success in college. She has been the director of this program for 10 years. She has been a member of the Board of Examiners of the California Award for Performance Excellence. Ms. Norman is currently Principal of Barack Obama Charter School.

GLENN NOREEN

Glenn Noreen developed two international charter schools now in operation for SABIS® Educational Systems and was the Vice President - Finance and Operations for Fairmont Private Schools for seven years. He is a California Award for Performance Excellence (CAPE) Senior Examiner and a Malcolm Baldrige National Quality Award Senior Examiner. He has been a certificated math teacher. He earned his MBA at the Harvard Business School, his Masters in Education at Claremont Graduate University, and his BA in Economics at the University of Washington. He holds a Certificate in School Business Management from California State University at Fullerton. Mr. Noreen is President of Ingenium Schools.

WENDY BATTINO, DEVELOPMENT DIRECTOR

Wendy Battino authored the first Malcolm Baldrige Award-winning application in education for the Chugach School District. Other accomplishments include co-authoring
Ms. Battino began her formal educational career working with students who did not perform well within the traditional educational system. She soon realized that a focus on innovations was imperative to meeting the needs of all students. Through this recognition she began a journey to improve schools systems across all boundaries. Experience at the classroom, school and district levels provided Ms. Battino with an extensive background in standards-based instruction and assessment, school improvement planning, and curriculum design.

Ms. Battino is currently the President of the Re-Inventing Schools Coalition (RISC), whose mission is to help other educational systems reinvent themselves so that every child has the opportunity to direct the course of his or her education, and future.

**RICK SCHREIBER, EDUCATION SPECIALIST**

Rick Schreiber studies outstanding performance systems in education. Believing passionately in the need to create schools that meet the needs of all children, Mr. Schreiber knows firsthand that helping students to develop an enthusiasm for learning and to reach their full potential is possible for all. Indeed, he has been integral in creating a successful performance system using input from schools, communities, and businesses and allowing all students to meet with success and take ownership of their educational careers in the development of the Re-Inventing Schools Model.

Mr. Schreiber has accomplished exceptional results with his extensive background in standards-based instruction and assessment, school improvement planning, and curriculum design at the classroom, school, and organizational levels. He incorporates best practices from research to develop systems of excellence, which meet the individual needs of each student. Providing numerous organizations training in effective research-based systemic approaches that can be sustained over time and focusing on continuous improvement lies at the heart of his work.

Mr. Schreiber is the author of the Guide to Re-Inventing Schools as well as the co-author of the first Malcolm Baldrige Award-winning application in education for the Chugach School District. He conducts international presentations and trainings on continuous improvement in education with organizations around the globe focusing on reinventing schools based on the RISC Model.

Mr. Schreiber is currently the Director of Operations for the Re-Inventing Schools Coalition (RISC), whose charge is to help educational systems reinvent themselves in order to provide educational excellence to all students.

Barack Obama Charter School will serve kindergarten through fifth grades. It will have 368 students in 2014-2015. We propose to locate the Charter School at Lincoln Elementary School, 1726 East 117th Street, Los Angeles, CA 90059 (BOCS’s current site).

BOCS will use the Ingenium Learning System, adapted from the Reinventing Schools Model, and quality tools to create a high-performing school. BOCS’s philosophy...
is that students are most successful when they accept personal responsibility for their learning.
ACCOMPLISHMENTS FROM PAST CHARTER TERM

Barack Obama Charter School has made significant growth over the last four years, developing in multiple areas. We are proud of our strong academic program and talented staff that enable us to develop global leaders with great character and exposure to a number of enriching life experiences.

KEY PARTNERSHIPS

MAMA SARAH OBAMA FOUNDATION

President Barack Obama’s only living matriarch has a foundation that has been established to promote stronger education for students in Kenya. BOCS is a sister school with Senator Barack Obama Primary School and we have used this to encourage strong writing skills through pen pal letters.

LOYOLA MARYMOUNT UNIVERSITY

Tutors service our school for intervention by helping run small groups in the classroom throughout the week.

WORLD VISION

Our students have received free backpacks, books, and school supplies to assure they are prepared for academic success.

WATTS COMMUNITY AND LEARNING CENTER

Family counseling and education therapy services are made available to our families and highest need intervention students.

THINK PEACE

High need intervention students work with counselors for eight weeks at a time to help reduce anger and aggression and improve relationships with peers.

BOOKENDS

Over 6,000 books have been donated to our school allowing us to have a full library in every classroom and supplement a literacy center for all students and our special education center.

BOYS AND GIRLS CLUB

We have partnered with the local Boys and Girls Club for extended venues for key celebrations, holiday events, and extended services for families.

URBAN PREP CHARTER SCHOOL

Our young men are in a mentorship program from one of the most successful high schools in the nation who hail a 100% college acceptance rate of all of their graduates.
FRUIT TREE 101

We have a living eight-tree orchard on campus that will enable us to provide nutritious natural snacks to our children at full maturity.

JR. BLIND OF AMERICA

Our students receive free eye screenings and assistance in purchasing glasses.

BIG SMILES

Students receive free dental screenings and referrals to assure healthy mouths.

CHARACTER DEVELOPMENT AND GLOBAL LEADERSHIP

YOUNG LADIES AND MEN OF OBAMA

Our girls and boys are a part of a mentoring program that teaches them how to be leaders, display appropriate etiquette in public and business settings, and how to work as a team.

ATHLETIC PROGRAMS

We offer basketball and step to help develop strong teamwork, discipline, and responsibility skills for our youth.

STUDENT AMBASSADORS

Two students from each class are selected to serve as host(ess), tour guides, and model experts for new students, campus guest, and host sites.

COMMUNITY AND SCHOOL SERVICE GROUPS

We have Yearbook, Recycling, Gardening, and Student Service Workers groups on campus.

LEADERSHIP OPPORTUNITIES

Our School Site Council participates in key decision-making and monitors school performance.

INSTRUCTIONAL ENHANCEMENT AND MOTIVATION

350+ incentives to encourage proficiency or higher. Gifted electives for students who are academically advanced.

OPEN HEART MENTORS

Students at risk of a high number of referrals are connected to an on-campus mentor to help them de-escalate or provide an outlet to discuss their concerns.
STATEMENT OF GROWTH

BOCS is proud of its 175 point gain made on the 2011-2012 API. We were able to use the results from the previous year to implement key program elements that made our students more successful.

The following approaches contributed to the API increase:

1. Consistent use of on-line study (Study Island, Reading Eggs, Dreambox) programs for reading and Math development.
2. Implementation of a strong RTI Model to increase strategic use of instructional time.
3. Focused tutoring for students based on quarterly benchmarks.
4. Strong power lessons focused on grade level standards while incorporating small group instruction on key foundational skills.
5. Tutors and classroom assistants for high need classrooms.
6. Use of Standard Clearing Assessments and benchmarks to collect and analyze data at a higher level.
7. Extended learning time for ELA through a consistent reading lab program to focus on fluency and literary analysis.

ELIGIBILITY FOR CHARTER RENEWAL

The following shall serve as documentation confirming that the Charter School exceeds the statutory criteria required for renewal set forth in Education Code Section 47607(b). Because BOCS has not yet completed its fourth year of operation, statutory renewal requirements do not apply. However, even if the criteria did apply, BOCS exceeds the requirements, growing an astounding 175 points on the API last year.

- The Charter School has exceeded its API growth target last year, both schoolwide and for all groups of pupils served by the Charter School. (Education Code Section 47607(b)(1))

<table>
<thead>
<tr>
<th>Year</th>
<th>API Growth Score</th>
<th>API Growth Target</th>
<th>Actual Growth</th>
<th>Met Growth Target Schoolwide and Subgroups</th>
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<tr>
<td>2012</td>
<td>750</td>
<td>11</td>
<td>175</td>
<td>Yes</td>
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- The Charter School has ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years. (Education Code Section 47607(b)(2))

<table>
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<tr>
<th>Year</th>
<th>Statewide Ranking</th>
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<tbody>
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<td>2012</td>
<td>5</td>
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Therefore, the Charter School has exceeded the minimum criteria for renewal, which
does not legally apply to Barack Obama Charter School, by meeting not one but two of
the criteria.
ELEMENT 1: EDUCATIONAL PHILOSOPHY AND PROGRAM

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

MISSION AND VISION

MISSION
WE RISE!
• Welcoming Environment
• Respect
• Integrity
• Student, Staff, & Family Accountability and Engagement
• High Expectations for Performance and Behavior

VISION STATEMENT
Barack Obama Charter School:

• Trailblazes a learner-centered approach that ensures engagement and mastery.
• Monitors results to continuously improve systems.
• Empowers learners to be global leaders.

Trailblazes a learner-centered approach that ensures engagement and mastery

The learner-centered approach is evident on the first day of the school year when students and their teacher(s) collaboratively develop a shared vision, code of cooperation, establish standard operating procedures, and set class goals.

Using tools such as Plan-Do-Check-Adjust (PDCA), students set individualized learning and behavioral/social goals, prepare action plans for achieving their goals, and track their own academic and behavioral/social progress.

Students demonstrate high levels of engagement by using deeper cognitive processing strategies (such as elaboration rather than simple or “surface” processing strategies such as rehearsal), persisting with difficult tasks, and monitoring their own learning progress.

educate, BOCS’s electronic student grade book, gives students and parents access to real-time data on student performance. This data is used to inform both the instructional program and student goal-setting.
Monitors results to continuously improve systems

Continuous improvement permeates class cultures as students revisit action plans to determine whether or not goals were met and regularly check in on classroom processes and programs to identify opportunities for improvement.

Students have access to multiple data points on their achievement. In each BOCS classroom, students maintain a goal folder. The goal folder contains student action plans, progress toward meeting academic goals, and evidence of learning.

Once students have provided three pieces of evidence for a standard they have mastered, they take a Standard Clearing Assessment (SCA). The SCA is final verification that a student has mastered a Common Core State Standard. Both students and teachers have access to information on SCA passage rates.

Students also track their enthusiasm for learning, engagement in learning, and level of personal responsibility through surveys, self-reflection journals, and other instruments.

Empowers learners to be global leaders

Barack Obama Charter School students demonstrate high credibility, are forward thinking, maintain a team-oriented disposition, and inspire themselves and others toward common goals and exceptional results.

BOCS uses the Character Counts program to instill in students an appreciation of character values that are important to their positive functioning in school and in society. Students that demonstrate high character are acknowledged at monthly awards assemblies.

The Ingenium Schools technology curriculum was developed with an eye toward skills that will be important for students to be global leaders in the 21st century. The curriculum is revisited each year in a strategy session open to all stakeholders. At the session, adjustments to the technology curriculum are considered to reflect changes and anticipated changes in technology demands.

BOCS classrooms are inherently team-focused with collaboration always at the forefront. Students collaboratively set class goals, track these goals, and work together to achieve them. They continue this cycle throughout the school year. As classes achieve goals, they hold celebrations.

In working together, students inspire each other daily as they understand that each class goal that is reached results in a sense of accomplishment that everyone is able to enjoy.

See Appendix J, “A Day in the Life of a Student,” for an illustration of what this vision looks like to a student on a typical day.
EDUCATIONAL PHILOSOPHY

Barack Obama Charter School’s educational program has been developed to provide expanded educational choice and opportunities for families in Compton and surrounding communities. BOCS strives to enroll a student body that is representative of the diversity of the surrounding community. It serves students whose families have an interest in and a commitment to the Charter School’s philosophy and vision.

The Ingenium Learning System (ILS) approach greatly benefits all students and particularly students whose progress has been hampered by the rigidity of a time-based model within the traditional school system.

The ILS model has been informed by the Reinventing Schools Coalition’s Reinventing Schools Model (RSM). The RSM proved to be extremely effective for the Chugach School District in Alaska. Using it, Chugach achieved significant improvements in student performance; aggregated data (2000-2004) from the Alaska Benchmark and High School Qualifying Examination achievement tests showed consistent improvement in students’ proficiency percentages in reading, writing, and mathematics.

STUDENTS TO BE SERVED

Barack Obama Charter School serves elementary school age students in Compton Unified School District (CUSD) and surrounding communities, and its student population reflects the racial, ethnic, cultural, and economic diversity of CUSD.

During the 2012-2013 school year, BOCS had 320 students. The Charter School proposes to have 368 students in kindergarten through sixth grades in 2014-2015. It will expand to 400 students by the seventh year at full enrollment. Average class size will be 32 in Kindergarten with an assistant, and 28 students in 1st through 6th grades. If the Charter School receives apportionment for transitional kindergarten, it will offer transitional kindergarten, the first year of a two-year kindergarten program that uses a modified curriculum that is age and developmentally appropriate.

The table below indicates the anticipated enrollment at Barack Obama Charter School by grade level.

<table>
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<td>64</td>
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<td>60</td>
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<tr>
<td>Second</td>
<td>60</td>
<td>56</td>
<td>56</td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td>Third</td>
<td>60</td>
<td>56</td>
<td>56</td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td>Fourth</td>
<td>60</td>
<td>84</td>
<td>84</td>
<td>84</td>
<td>84</td>
</tr>
<tr>
<td>Fifth</td>
<td>56</td>
<td>56</td>
<td>84</td>
<td>84</td>
<td>84</td>
</tr>
<tr>
<td>Total</td>
<td>360</td>
<td>372</td>
<td>400</td>
<td>400</td>
<td>400</td>
</tr>
</tbody>
</table>
Barack Obama Charter School serves “regular” community children – it does not seek out students with particular educational interests, backgrounds, or challenges.

Barack Obama Charter School proposes to be located at Lincoln Elementary School, 1726 East 117th Street, Los Angeles, CA 90059 (its current site).

During the 2012-2013 school year Barack Obama Charter School’s student population was approximately: 25% Hispanic or Latino, 74% African-American, 1% White and/or Two or More Races. 9% of BOCS's students were English Learners and 91% qualified as socioeconomically disadvantaged.

AN EDUCATED PERSON IN THE 21ST CENTURY

BOCS provides an environment in which children develop into confident, self-motivated, resourceful, and productive lifelong learners. To meet the challenges of the current century, students at BOCS acquire the habits and skills necessary to succeed in school and beyond, as contributing citizens of the 21st century. These habits and skills include:

- Critical Thinking
- Leadership
- Problem Solving
- Continuous improvement cycle
- Collaboration
- Demonstration of positive character traits
- Strong technology skills

<table>
<thead>
<tr>
<th>21st Century Habits and Skills</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical Thinking</td>
<td>BOCS students acquire, manage, critically analyze, and use information as they manage their individual and class action plans, design individualized learning opportunities, and problem solve in their classrooms.</td>
</tr>
<tr>
<td>Leadership</td>
<td>In the classroom students facilitate workshops, act as peer tutors, and lead classroom discussions. Students draft action plans, monitor their plans, and graph results. On campus students serve as ambassadors to guests, new students, and families. They serve in leadership roles in numerous clubs and enrichment programs.</td>
</tr>
<tr>
<td>Problem Solving</td>
<td>BOCS students use quality systems and tools to</td>
</tr>
</tbody>
</table>
continually improve the instructional program. Using these tools, students brainstorm solutions to school or class challenges, identify the most effective solutions, and collaboratively develop action plans.

Use the continuous improvement cycle

The Plan-Do-Check-Adjust (PDCA) cycle is embedded in all school operations. PDCA enables students, teachers, administrators, and other stakeholders to set goals, determine a path by which to achieve the goals, and regularly check in on progress. The Adjust step of the cycle allows for creative problem solving and additional strategic planning.

Collaboration

BOCS classrooms are intrinsically collaborative as students work together to achieve goals and improve the class operations.

Demonstration of positive character traits

BOCS students demonstrate the six pillars of the Character Counts program: 1) Trustworthiness; 2) Respect; 3) Responsible; 4) Fairness; 5) Care; 6) Citizenship.

Hold extensive and constantly evolving computer skills

BOCS uses the Ingenium Schools technology curriculum to ensure that students have the skills necessary to thrive in an increasingly technology-driven world. The technology curriculum is revisited each summer in a collaborative roundtable session with stakeholders to reflect changing demands.

BOCS has implemented a high-quality instructional program that provides students with the foundational skills necessary to succeed in college and career.

HOW LEARNING BEST OCCURS

Barack Obama Charter School’s educational philosophy focuses on creating an RSM-based learning environment. The RSM approach emphasizes student accountability through the use of quality system tools that build critical thinking and information disaggregation skills.

Expectations for student mastery of the Common Core State Standards are clearly defined and transparent. In a traditional system, students are often confused as to their level of achievement and the steps necessary to reach the next grade level. At BOCS, students set individual, personalized academic goals based on the Common Core State Standards, determine action steps, and regularly evaluate progress to determine opportunities for course adjustments.

The cycle for student goal setting is illustrated below:
Using this process, students become increasingly aware of the central role they play in the course of their own education.

Students are leveled into classes based on their performance on entrance assessments or prior end of year assessments, where available. Entrance assessments for new students are administered prior to school opening or during the first week of school. Assessment results are used to identify appropriate curriculum for groups of students performing at similar academic levels. Students may, over the course of the academic year, move through as many levels as they are motivated to clear. In the classroom, teachers use differentiated instruction to address individual student needs. To clear an academic level, students must demonstrate mastery of the correlating Common Core State Standards through their proofs of proficiency (POPs) and successful completion of the relevant Standards Clearing Assessments (SCA).

SCAs based on the Common Core State Standards (CCSS) are being developed by the Lindsay Unified School District (LUSD) Common Core Cohort (CCC) (Ingenium Schools is a member of the CCC) with the assistance of a $10 million federal Race to the Top grant. The Assessment Coordinator administers SCAs and collects data on passage rates. This information is used by students and teachers to inform both development and revision of action plans.

Teachers use research-verified instructional strategies in their classrooms. Researchers at Mid-continent Research for Education and Learning (McREL) analyzed selected research studies on instructional strategies that could be used by teachers in K-12 classrooms using meta-analysis (see Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement by Robert J. Marzano, Debra J. Pickering and Jane E. Pollock, ASCD, 2001; Robert Marzano is an associate of RISC).

The McREL study identified instructional strategies that have a high probability of enhancing student achievement across age, grade, and content areas. The figure below
lists nine categories of strategies that have a strong positive effect on student achievement. Barack Obama Charter School uses all nine strategies in its classrooms.

<table>
<thead>
<tr>
<th>Instructional Strategy</th>
<th>Average Effect Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identifying similarities and differences</td>
<td>1.61</td>
</tr>
<tr>
<td>Summarizing and note taking</td>
<td>1.00</td>
</tr>
<tr>
<td>Reinforcing effort and providing recognition</td>
<td>.80</td>
</tr>
<tr>
<td>Homework and practice</td>
<td>.77</td>
</tr>
<tr>
<td>Nonlinguistic representations</td>
<td>.75</td>
</tr>
<tr>
<td>Cooperative learning</td>
<td>.73</td>
</tr>
<tr>
<td>Setting objectives and providing feedback</td>
<td>.61</td>
</tr>
<tr>
<td>Generating and testing hypotheses</td>
<td>.61</td>
</tr>
<tr>
<td>Questions, cues, and advance organizers</td>
<td>.59</td>
</tr>
</tbody>
</table>

BOCS staff is trained on all of these instructional strategies during summer orientation workshops. In addition, additional weekly professional development is devoted to strategies for implementation in the classroom. Post professional development teacher observations assist in identifying areas in which teachers need additional training.

In their book *Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement*, Marzano, et al reference the three elements of effective pedagogy diagramed below:

Barack Obama Charter School has adopted all three elements. BOCS’s approach to effective pedagogy leads students on the path to become proactive learners capable of setting goals, creating action plans, and making data driven decisions.

Each class develops collaboratively a Code of Cooperation which provides explicit guidance on behavior expectations in the classroom.

BOCS’s curriculum is based on the CCSS. The LUSD CCC is developing progression of learning and pacing charts to guide instructional planning.
Students are presented with the relevant standards for their learning level allowing for a transparent system in which students understand what they must know and be able to do to progress to the next learning level.

Barack Obama Charter School’s philosophy is that all students become successful once they understand that they are the driving force in their own education and take ownership over this process. As students experience success, they develop increased confidence and pride in their accomplishments. BOCS students are self-directed, self-knowledgeable, and active participants in their communities, in life, and as lifelong learners.

**CURRICULUM AND INSTRUCTIONAL DESIGN**

The Ingenium Learning System has been designed around the RSM and Baldrige quality principles, processes, and tools. Ingenium Schools has worked closely with the Re-Inventing Schools Coalition (RISC), which was formed by the leaders of Chugach School District when it won the Baldrige Award, to perfect the ILS.

**BALDRIGE CORE VALUES AND CONCEPTS**

The foundation of Ingenium School’s business practices and educational philosophy is the Baldrige Core Values and Concepts, which are incorporated in the RSM. These Values and Concepts form the basis for the Malcolm Baldrige National Quality Award.

*It is a goal of Barack Obama Charter School to enable all students to become self-motivated, competent, life-long learners through commitment to these Core Values and Concepts.*

<table>
<thead>
<tr>
<th>Baldrige Core Values and Concepts&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>VISIONARY LEADERSHIP</td>
<td></td>
</tr>
<tr>
<td>Visionary Leadership occurs when there is a shared vision and visible commitment of all stakeholders to the principles and practices of continuous improvement and performance excellence.</td>
<td>• Involve all stakeholders in creating the vision, mission and goals for the Charter School</td>
</tr>
<tr>
<td></td>
<td>• Take responsibility for the vision, mission, values, goals, and performance of the Charter School</td>
</tr>
</tbody>
</table>

<sup>2</sup> The definitions and examples represented in this table are cited from Montgomery County Public Schools, which earned the Baldrige Award in 2010. See [http://www.montgomeryschoolsmd.org/info/baldrige/](http://www.montgomeryschoolsmd.org/info/baldrige/).
LEARNING-CENTERED EDUCATION

Learning-Centered Education occurs when the Charter School's goals/objectives and actions support student learning and the current and future needs of students.

ORGANIZATIONAL AND PERSONAL LEARNING

Organizational and Personal Learning occurs when there is a well-executed approach enabling staff and students to participate in personal learning and continuous improvement processes.

VALUING WORKFORCE MEMBERS AND PARTNERS

Valuing Workforce Members and Partners occurs when staff and stakeholders’ input, shared decision making, on-going development, and collaboration are valued and enhanced.

AGILITY

- Develop school goals/objectives and action plans based on high expectations and performance excellence
- Measure learning periodically through formative assessments, adjusting instruction accordingly
- Enable students to take responsibility for managing their education as co-directors of their learning
- Provide opportunities for problem solving
- Continuously improve and adapt goals, approaches, and processes systemically and systematically
- Embed learning in all activities and at all levels of the Charter School, e.g., solving problems at their root cause, sharing knowledge to effect meaningful change
- Provide for staff and stakeholder participation in developing processes and programs
- Create an environment for collaboration and creativity
- Provide recognition for staff
- Recognize the contributions of the diverse cultures of the school community
- Encourage partnerships within the Charter School (professional learning communities, vertical articulation teams, staff development, etc.)
- Encourage partnerships outside the Charter School (other schools, social service organizations, businesses, etc.)
- Regularly analyze classroom and individual student data to facilitate
Agility occurs when there is the desire and the ability for faster and more flexible response to student and stakeholder needs.

- Use the PDCA cycle and quality tools to continuously examine and refine organizational practices.
FOCUS ON THE FUTURE

Focus on the Future occurs when there is an understanding of the expectations of next level teachers, of the community, and of employers so that students can prepare for a future point in time.

MANAGING FOR INNOVATION

Managing for Innovation occurs when stakeholders are supported in creating meaningful change in programs or processes that create new value for student achievement.

MANAGEMENT BY FACT

Management by Fact occurs when data is used to drive decisions, inform instruction, or to evaluate key processes and results.

SOCIETAL RESPONSIBILITY

Societal Responsibility is the belief in group norms and values and the practice of good citizenship, understanding that it is the Charter School’s role to model these values as members of the community.

- Anticipate changes in educational and vocational requirements, instructional approaches, professional development needs, demographics, etc., adjusting school goals accordingly

- Encourage innovative strategies and processes, using quality tools to organize, prioritize, and plan for innovations and the PDCA cycle to determine value

- Analyze multiple sources of data in evaluating student achievement; staff, student and stakeholder satisfaction/dissatisfaction; staff education and training; the leadership system; and key processes

- Analyze data routinely to make decisions and to determine needs, areas for improvement, cause and effect, etc., disaggregating data, as required, to examine specific student groups

- Model ethical behavior and plan for the protection of health, safety, and the environment of the Charter School

- Go beyond mere compliance in meeting local, state, and federal laws and regulations

- Participate as a contributing member of the community through projects (e.g., Pennies for Patients, Trike-A-Thon, etc.)

Ingenium Schools periodically prepares California Performance Award and Malcolm Baldrige Award for Performance Excellence applications to evaluate progress towards its goal of becoming a world-class Baldrige-based educational institution.
INGENIUM LEARNING SYSTEM

All Barack Obama Charter School classrooms deploy the Ingenium Learning System (ILS), which Barack Obama Charter School’s parent organization, Ingenium Schools, has adapted from the Reinventing Schools Model.

The ILS employs inquiry-based learning and learner self-initiative. By motivating all students, fostering a desire to learn, and providing a high-quality educational experience, the ILS guides each student to achieve her full potential.

In BOCS’s classrooms, teachers and students utilize processes and systems to guide individual and class learning. All students manage their learning and chart their progress across content areas. Students regularly set goals, evaluate their progress, and make adjustments, if necessary, to their action plans.

The following elements are common to all BOCS classrooms:

- Classroom Data Centers
- Student Goal Folders
- Scoring Guides and Capacity Matrixes (see Appendix B)
- Use of quality tools and the Plan, Do, Check, Adjust (PDCA) cycle

THE REINVENTING SCHOOLS MODEL AND INGENIUM LEARNING SYSTEM

The Reinventing Schools Model (RSM), from which the Ingenium Learning System (ILS) was adapted, has a positive impact on student learning. The following bulleted list demonstrates some of the underlying reasons for the program’s success:

- Dr. Deming, upon whose theories the RSM framework for excellence is modeled, stated that 95% or more of all problems within any organization are due to faulty systems and processes, not faulty individuals. The RSM approach reinforces this focus on improving systems and processes and not blaming students or teachers for problems.
- RSM is a leadership model that provides guidance on how to manage a system to empower stakeholders. In this way students, families, community members, political leaders, and other individuals feel connected to and a part of a collaborative effort to achieve outstanding results.
- Teachers and all students become co-directors in the creation of a classroom culture defined by success. The class collaboratively develops a shared vision statement that guides classroom decision-making. Quality system tools provide a mechanism by which students may continually contribute to the direction of the instructional program.
Classroom strategic planning preserves instructional time by reducing disruptions that result when a traditional top-down, boss-management approach is used by teachers. In an ILS classroom everyone is considered important to the success of the group and, within the framework of this cooperative, learning inevitably and dramatically increases.

Mission and excellence factors for students and teachers are regularly measured using quality tools and analyzed before determining strategies for improvement. Nothing about the strategic plan is rigid; all areas are open to adjustment and reinvigoration.

How the ILS improves the resilience of all students, including those with significant behavior and academic challenges

Traditional schools frequently have a punitive approach to discipline. If these approaches were effective, there would be no or very little need for in-school suspension, detention, or out-of-school suspension or expulsion. These approaches put nearly the entire onus for school and classroom behavior problems on the students. This emphasis on individual culpability rather than system failure is misguided.

The ILS improves student resilience through the following methods:

- Fostering a collaborative approach at the school level allows all students to participate as members of teams empowered to solve system issues.
- Building partnerships between students and other stakeholders to analyze data, determine root causes, and establish action plans to solve a variety of challenges within the Charter School.
- Connecting everyone in the Charter School and all outside stakeholders--making the culture of synergy and caring evident.

ADDRESSING COMMON CORE STATE STANDARDS

Barack Obama Charter School’s instructional approach supports student achievement of the objectives specified in the charter and mastery of the academic content standards in core curriculum areas as adopted by the State Board of Education pursuant to Education Code §60605 by the following processes:

- The Common Core State Standards form the basis of student-generated action plans. Students monitor their progress toward mastery of all of their learning level standards and make adjustments as necessary.
- The Student Goal Folder contains each student’s individualized learning plan (ILP). The ILP contains student PDCA sheets, progress tracking documents, and evidence that students have attained their goals.
- Comparative data is posted and analyzed in each content area to monitor progress at the individual, class, and school wide levels.
- Overall data trends are evaluated at every level and discussions take place on a weekly basis regarding curricular adjustments and interventions to be utilized.
for struggling students as well as enrichment recommendations for high achieving students.

- The LUSD CCC is in the process of unpacking the Common Core State Standards and creating a progression of learning and pacing charts that will be posted within educate.

- Progress reports reflect standards-based grading. Grades are based on student progress toward mastering the Common Core State Standards for their grade level. All assignments, assessments, and projects are standards-based and all students continue to focus on their goals for mastering the standards throughout the school year.

- Correlation studies are performed using school-wide mastery of the standards and comparative data from the Smarter Balanced Assessment (SBA) in each content area as appropriate. A full analysis of school performance as well as class and individual performance is studied as data becomes available. Trends are noted and, prior the start of the next school year, recommendations and an action plan are developed to address areas in need of modification.

**CURRICULUM**

Barack Obama Charter School offers a curriculum that is aligned with the CCSS and supplemented by verified research-based curriculum models. The core curriculum includes language arts/reading, mathematics, science, and social studies. In addition, the instructional program includes physical education, visual-performing arts, and technology.

BOCS understands that children learn best when they are engaged in activities that capitalize on their natural curiosity and assist them in uncovering areas of talent or passion. In addition to meeting the CCSS, Barack Obama Charter School provides all students with the opportunity to experience other cultures and develop a global perspective through school-wide events, projects, and field trips.

The Charter School encourages all students to use problem-solving and critical-thinking skills not only in the classroom but in social situations as well. The Charter School fosters a learning community in which all students experience respect for their sustained efforts as well as their immediate successes.

The Charter School has specific standards-based curriculum for each grade level. The intended outcome for the Charter School is that all students function at or above grade level as set by the CCSS in areas of reading/language arts, mathematics, science and social studies.

Innovative teaching plans provide activities to build visual, auditory, and kinesthetic skills for all students. A learning styles inventory further guides instructional decision making and assists in tailoring instructional delivery to student needs. These activities provide engaging ways to capitalize on children’s individual intellectual strengths and manners of learning.
The overarching philosophy of BOCS is a focus on developing the “whole child” through the integration of visual and performing arts into other content areas. This philosophy works in conjunction with the idea that it is part of a school’s mission to assist students in identifying their passions and talents. In addition, through these endeavors, children build creative capacity and problem solving skills.

**CORE ACADEMIC COURSE DESCRIPTIONS**

**MATH**

According to the 2003 National Assessment of Educational Progress (NAEP), a large gap still exists in math performance between white students and Hispanic and African American students. Since the passage of the No Child Left Behind Act, demand for mathematics programs and practices that have been proven by scientific research has increased. The No Child Left Behind Act seeks to improve math education by mandating the use of research-based programs with long-term records of success in instruction and student achievement.

**enVisionMath**

BOCS uses the enVision Math program. PRES Associates, an independent research firm, conducted a longitudinal randomized control trial (RCT) study to assess the effectiveness of enVision Math in helping students attain critical math skills. The study was designed to address all standards and criteria described in the What Works Clearinghouse (WWC) Study Review Standards. The study commenced in 2007–08 with 2nd and 4th grade students and followed these students into 3rd and 5th grades in 2008–09. The results of this study are outlined in the Year 2 results report below.

Results indicate that students using enVision Math demonstrated significantly greater improvement in computation, problem solving, and math communication as compared to students using other math programs. The consistency of positive effects in favor of the enVision Math program over the course of two years lends support to the conclusion that the enVision Math program has a positive impact on student performance relative to other math programs.

Furthermore, effect sizes obtained in the second year were greater than those obtained during the first year of the study. Specifically, effect sizes at the end of the 2-year study ranged from .25 to .46 – notably larger than the positive effect sizes obtained during 2007-2008 (.20-.24). This suggests that stronger effects occur over time as students and teachers have greater exposure to enVision Math.

The magnitude of positive effect sizes found would be considered educationally meaningful in the research literature. Indeed, reviews of research conducted on elementary math curricula published by the What Works Clearinghouse show that effect sizes obtained in this RCT on EnVision Math are one of the largest found to date.

State assessment data was also collected from 5 schools and were obtained for spring 2007 (i.e., baseline data), and spring 2008 (i.e., 7-9 months into the study). Small effect
sizes were expected given that students had used the EnVision Math treatment program for less than one school year. Although no effects were statistically significant, it is noteworthy that 5 of the 6 effect sizes calculated are positive, this suggests that EnVision Math students performed better than control students on state assessments.

READING AND LANGUAGE ARTS

Barack Obama Charter School uses Pearson Literature California Reading and Language, a comprehensive literature program developed specifically for California and based on the most recent reading research. Organized around Big Questions and the Understanding by Design model of Grant Wiggins, the program also provides differentiated instruction for struggling readers, English learners, and advanced learners, making the program curriculum accessible to all students and ensuring that all students have the opportunity to master the State’s Language Arts Content Standards.

SCIENCE

Barack Obama Charter School Science Program provides children with the opportunity to investigate the natural world, learn about interesting, relevant, and exciting science ideas, and link science to mathematics, writing, technology, and all other aspects of the elementary school curriculum.

The Science Program is based on the following principles of scientific literacy:

- All children can investigate and learn science concepts and can experience success in science.
- Children must develop knowledge of and the ability to use the tools and processes of scientific inquiry.
- Children experience success in science when they develop age-appropriate knowledge and understanding of the life, earth, and physical sciences and when they learn about the history and nature of science.
- While engaged in the study of science, children should have the opportunity to build success in other curricular areas.
- Science content should be presented to children in an interesting, comprehensible, and organized format.
- Children’s competence in the concepts and processes of science should be assessed through a variety of tools that are consistent, authentic, and fair.

The CCSS outline what all students should know and should be able to do in science. For grades kindergarten through six, the CCSS are written specifically for each grade. The content within each grade is organized into the following four strands:
Barack Obama Charter School Science Program incorporates the CCSS, both in spirit and in content, in the following ways:

- Each grade level will be organized into Life, Earth, and Physical Science units. Each unit will address the standards for those strands.
- Standards for the Investigation and Experimentation strand are infused within the content of the other three strands.
- Students learn science through direct instruction and through reading the Prentice Hall California Focus on Earth, Life, and Physical Science textbooks and supplemental materials.
- Each lesson involves all students in hands-on investigations.
- Science assessments measure both content and process — what all students should know and should be able to do — and do so in a variety of contexts.

The goals of the California History/Social Science Framework fall into three broad categories:

1. Knowledge and Cultural Understanding;
2. Democratic Understanding and Civic Values and

Inherent in Barack Obama Charter School’s Baldrige design is a highly collaborative environment for staff, teachers, students, parents and all other stakeholders. This design promotes cross-grade level articulation and planning that will lend itself well to carrying out the interrelated focus of the above framework goals.

Students at Barack Obama Charter School acquire core knowledge in history and social science while they develop critical thinking skills including chronological and spatial thinking, research, evidence, point of view and historical interpretation, to study the past and its relationship to the present. Students also learn to distinguish the important from the unimportant, to recognize vital connections between the present and the past, and to appreciate universal historical themes and dilemmas.
The communities in which all our students live and that surround our schools are a rich resource and have vast and colorful histories. All of our students discover the connections to and the relationships between their community and the larger societies.

In addition to community participation and student-led community projects, all students use biographies, original documents, diaries, letters, legends, speeches, and other narrative artifacts from our past (found in archives, museums, historical sites and libraries) to understand historical events by revealing the ideas, values, fears, and dreams of the people associated with them.

Through the mastery of the standards, all students understand common and complex themes that occur throughout history, making connections among their own lives, the lives of the people who came before them, and the lives of those to come after them.

VISUAL AND PERFORMING ARTS

Barack Obama Charter School offers a visual and performing arts program aligned with the national and state learning standards. These standards recommend that all students be able to:

- Communicate in four arts disciplines – music, visual arts, dance, and theatre.
- Communicate proficiently in at least one art form.
- Present basic analyses of works of art.
- Demonstrate an informed acquaintance with exemplary works of art from a variety of world cultures and historical periods.
- Relate various types of arts knowledge and skills across the arts disciplines.

Barack Obama Charter School visual/performing arts program support and extend learning experiences for all students in basic literacy and advance skills in language arts/reading, math, science, and history-social science. The arts program engages all students in meaningful activities and lessons involving analytical and creative thinking. Barack Obama Charter School recognizes the “arts” program as an essential learning feature of an excellent teaching and learning system. The arts program celebrates cultural diversity in dance, painting, music forms, and theory from a global perspective.

Each year, all students at Barack Obama Charter School participate in a culminating project aimed at connecting the visual/performing arts and the history/social science programs. This project allows all students to demonstrate mastery of content standards through a performance assessment model (electronic portfolios, video yearbooks etc.).
BARACK OBAMA CHARTER SCHOOL TEXT LIST

The following table indicates the Pearson-published textbooks that Barack Obama Charter School currently uses; however, BOCS reserves the right to update these texts with new editions or replace them with other State-aligned textbooks or online textbooks and resources.

<table>
<thead>
<tr>
<th>Text Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>Scott Foresman enVision Math</td>
</tr>
<tr>
<td>History</td>
<td>Prentice Hall- Ancient Civilizations and Scott Foresman; Our Communities, Our California, Our Nation</td>
</tr>
<tr>
<td>Science</td>
<td>Pearson-Scott Foresman Science</td>
</tr>
<tr>
<td>Language Arts</td>
<td>Pearson Literature</td>
</tr>
</tbody>
</table>

FAMILY AND COMMUNITY PARTICIPATION

Collaboration is an integral component of an ILS school. The school year begins with the creation of a shared vision. Every stakeholder has an opportunity to provide input into this collaboratively-constructed statement of the Charter School’s planned destiny. The mission statement is revisited each academic year to check in on the Charter School’s progress or amend the shared mission if needed.

Each day, families and community members take an active role at the Charter School, from acting as volunteers to helping to shape school processes and programs. Within the ILS, all stakeholders are leaders and driving forces of school effectiveness.

Community bridge events, family bulletins, a suggestion box or parking lot tool located in the main office, social media accounts, SchoolReach telephone calls, and a regularly updated website ensure that stakeholders are informed of important happenings at the Charter School. Posted volunteer opportunities give stakeholders choices in how to best become active members of the school community.

Multiple open house events give stakeholders a deeper glimpse into the functioning of the Charter School. Further, the Charter School’s open door policy invites students, at any time, to informally share their experiences with their families.

Semi-Annual roundtable events further encourage partnerships by inviting stakeholders to generate additional ways that they would like to be involved with the Charter School and providing them a platform by which to suggest ways that school processes and programs may be improved.
RENEWAL IMPLEMENTATION PLAN AND TIMELINE (2014 – 2017)

**July 2014 – August 2014:** Analyze the effectiveness and implementation of the Common Core State Standards in each learning level and for each content area. Any gaps in resources or instructional material will be identified and solutions will be created.

**September 2014 – March 2015:** Classes begin, continuous work throughout the school year reviewing results and revising action plans by each teacher, continued professional development on RSM methodologies with support from the Principal and RISC, and recruitment of new students for 2015-2016 school year. Student mastery of standards tracked, monitored, and reported from the educate SIS.

**February 2015 – April 2015:** Begin recruitment process and hiring of teachers, parent/community meetings, and student recruitment.

**March 2015 – June 2015:** Hire teachers, continuous improvement in curriculum development (pacing charts, assessment development, lesson planning), parent review of previous year’s goal attainment, and action steps for 2015-2016.

**June 2015 – August 2015:** Review all incoming students’ CST data, assess all incoming students for placement and CELDT, teacher RSM/ILS training and classroom preparation. Training to increase CCSS instruction effectiveness, differentiation, or other key areas of need. Entry of student and family data into PowerSchool and educate student information systems.

**September 2015 – March 2016:** Classes begin, continuous work throughout the school year reviewing results and revising action plans by each teacher, continued professional development on RSM methodologies with support from the Principal and RISC, and recruitment of new students for 2016-2017 school year. Student CCSS mastery tracked, monitored, and reported in the educate SIS.

**March 2016 – June 2016:** Planning for next school year and implementation of new classes, recruitment and hiring of new teachers and other staff as needed, revision of year-end assessments as necessary and continuous review of overall results, selection and ordering of curriculum and other instructional materials for the 2016-2017 school year, and lottery and final acceptance letters for all new students. Prepare materials for CAPE and Baldrige submissions.

**June 2016 – August 2017:** Review all incoming students’ CST data, assess all incoming students for placement and CELDT, teacher RSM/ILS training and classroom preparation. Training to increase CCSS instruction effectiveness, differentiation, or other key areas of need. Entry of student and family data into PowerSchool and educate student information systems.

**September 2016 – March 2017:** Classes begin, continuous work throughout the school year reviewing results and revising action plans by each teacher, continued professional development on RSM methodologies with support from the Principal and RISC, and recruitment of new students for 2016-2017 school year. Student mastery of standards tracked, monitored, and reported from the educate SIS.

**March 2017 – June 2017:** Planning for next school year and implementation of new classes, recruitment and hiring of new teachers and other staff as needed, revision of
year-end assessments as necessary and continuous review of overall results, selection and ordering of curriculum and other instructional materials for the 2017-2018 school year, and lottery and final acceptance letters for all new students.

**PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW-ACHIEVING**

Fundamental to Barack Obama Charter School’s approach to academically low-achieving students is the ILS. Academically low-achieving students, as with all other students, set learning goals, create action plans for meeting their goals, and track their learning progress. This increased level of empowerment and accountability reinvests low-achieving students into their education.

Barack Obama Charter School ensures equal access for academically low-achieving students in the following ways:

- The focus is on the improvement of instructional, assessment, and communication processes and not on “fixing” students.
- In the ILS, all stakeholders take part in frequent data analysis to ensure system improvement and efficacy.
- After enrollment, all students are assessed. Students academically at risk of retention are provided with targeted, structured, and systemic intervention to address areas of weakness.
- Teachers are learning facilitators. In ILS classrooms teachers regularly seek and analyze student feedback.
- Regular and frequent in-process (formative) assessments are given. Students record their results, set goals for improvement, and prepare action plans for meeting their goals. Classes as an aggregate track their learning progress on charts posted on bulletin boards, set class goals, and create class action plans.
- Capacity matrices on each standard are tied to “resource matrices” that include various resources available to help students who have fallen behind (these are being prepared by the LUSD CCC. Resources include extra study opportunities, peer tutors, online resources, family support plans, after school program intervention opportunities, and additional teacher support.
- Teachers and all students regularly use a Plan-Do-Check-Adjust process and analyze root causes of errors and make course corrections if necessary.
- Informal feedback is collected systematically through the use of quality tools, student engagement surveys, and learning inventories. These tools empower all students to become partners in their educational experience.
- An assessments coordinator is responsible for reviewing whether content standards benchmarks are being met and the School Site Council (SSC) team of diverse stakeholders checks in on progress quarterly. If acceptable progress is made, the goal is altered to focus on an area that falls in the highest priority. If acceptable progress is not made, the strategies that were implemented are...
analyzed to determine effectiveness, and a problem solving protocol is followed to come up with a solution.

Celebrations are embedded in the ILS classroom as all students achieve their individual and whole-class interim and cumulative goals and targets.

**ACADEMIC SUPPORT FOR ACADEMICALLY LOW ACHIEVING STUDENTS**

Students identified for intervention may also be referred to the Student Success Team (SST). Students may be referred to the SST by a parent, teacher, or administrator. The SST provides assistance to students who need intervention and support. It begins with a meeting involving the principal, teachers, parents and other school resources as needed. The meeting provides an opportunity for each participant to share ideas on how to improve the student’s ability to meaningfully participate in his or her classroom. The team may recommend program modifications, use of alternative materials or equipment, and/or strategies or techniques that capitalize on student strengths.

In addition, the BOCS counseling program is an essential component of the total instructional program through which all students have maximum opportunity for their socio-emotional development. Students who demonstrate an emotional and/or behavioral need for services may be referred for counseling by a parent, teacher, or administrator.

**PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING**

BOCS recognizes that students who are gifted, academically high-achieving, and/or talented (“GATE” students) have attributes as individual in nature as those of other BOCS students.

To identify GATE students, BOCS accepts a designation by the District or another school district. In addition, BOCS assesses referred students after they enroll. Students may be referred for GATE testing by a parent, teacher, or administrator. Parent approval for testing is secured prior to test administration. District criteria is used to determine if a student qualifies as GATE.

Once identified, GATE students receive differentiated learning experiences that allow them to pursue more rigorous or sophisticated learning outcomes. The Ingenium Learning System is particularly well-suited to GATE and other high-achieving students as the ILS allows for students to individualize their goals and move at an accelerated pace while choosing channels through which to demonstrate mastery (e.g., writing a formula to solve math problems, creating a Power Point to demonstrate learning, etc.).

**PLAN FOR ENGLISH LEARNERS**

BOCS meets all applicable legal requirements for English Learners (EL) including annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and
standardized testing requirements. BOCS implements policies to assure proper placement, evaluation, and communication regarding English Learners and the rights of EL students and their parents.

HOME LANGUAGE SURVEY

BOCS administers the home language survey upon a student’s initial enrollment into BOCS (on enrollment forms).

CELDT TESTING

All students who indicate that their home language is other than English are administered the CELDT (California English Language Development Test) within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

BOCS notifies all parents of BOCS’s responsibility for CELDT testing and of CELDT results within thirty days of receiving results from the publisher. The CELDT is used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

RECLASSIFICATION PROCEDURES

Once a student has demonstrated that he/she is ready to participate fully in all English instruction without special support services, the student is ready for reclassification. Readiness is determined through multiple measures including: 1) teacher evaluation of the student's classroom performance, 2) objective assessment of the student’s English language proficiency (CELDT), and 3) core content achievement as measured by benchmark exam results.

The State Board of Education’s Reclassification Guidelines serve as the foundation for BOCS’ reclassification criteria. Minimum scores required for each of the reclassification criteria are:

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Minimum Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>CELDT</td>
<td>Level 4 overall, no domain score less than 3</td>
</tr>
<tr>
<td>Benchmark exam results in</td>
<td>Mid-basic or higher (adjusted for test date)</td>
</tr>
<tr>
<td>Language Arts</td>
<td></td>
</tr>
<tr>
<td>Writing assessment</td>
<td>3 (at grade level) (4 pts possible)</td>
</tr>
<tr>
<td>Teacher input and observation</td>
<td>Grade level achievement of core curricular</td>
</tr>
</tbody>
</table>

3 The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.
When CELDT and benchmark exam results of an EL student meet or exceed the minimum scores, the assessment coordinator administers the writing assessment. If the result of this assessment also meets or exceeds the minimum score, the assessment coordinator partially completes a Student Reclassification Worksheet and forwards it to the student’s teacher who completes the worksheet with teacher input and observation entries and makes a final reclassification determination. The student's parents will be consulted prior to reclassification. When a student is reclassified, the signed documentation is placed in the student's cumulative file.

The assessment coordinator uses benchmark exam results and teacher observations to semi-annually monitor the progress of R-FEP students for a period no less than 24 months after reclassification. Students whose academic performance regresses will be referred to receive academic intervention in the specific area of need.

STRATEGIES FOR ENGLISH LEARNER INSTRUCTION AND INTERVENTION

BOCS uses Specially Designed Academic Instruction in English (SDAIE) and English Language Development (ELD) strategies to provide students access to the core curriculum through a content-based and scaffolded program.

Teachers use visual scaffolds such as graphic organizers, employ pre-teach and re-teach activities using flexible grouping strategies, and provide an individualized learning experience for students depending on their location on the English language continuum. The instructional program is based on the California ELD instructional framework and standards.

BOCS provides staff development to all teachers in the specialized needs of English Learners and strategies that will support them.

It is expected that English Learners make a minimum gain of one level of proficiency annually. BOCS develops Intervention Plans for students not making adequate progress.

MONITORING AND EVALUATION OF PROGRAM EFFECTIVENESS

BOCS:

- Monitors student identification and placement.
- Adheres to Charter School-adopted academic benchmarks by language proficiency level and years in program to determine adequate yearly progress.
- Monitors use of appropriate instructional strategies.

SERVING STUDENTS WITH DISABILITIES

Barack Obama Charter School recognizes its responsibility to enroll and assist students with disabilities who will benefit from its programs and who otherwise qualify
for enrollment. Further BOCS understands its legal responsibility to ensure that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities”\(^4\) of BOCS.

Any student who has an objectively identified disability which substantially limits a major life activity, including, but not limited to learning, is eligible for accommodation by BOCS. BOCS is committed to providing the fullest inclusion and least restrictive environment that enables students with disabilities to participate in both the academic and community aspects of BOCS.

BOCS provides special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the El Dorado County Charter (“EDCC”) Special Education Local Plan Area (“SELPA”). BOCS is an independent LEA and part of the EDCC SELPA pursuant to Education Code Section 47641(a).

BOCS complies with all state and federal laws related to the provision of special education instruction and related services and all EDCC SELPA policies and procedures and utilizes appropriate EDCC SELPA forms. BOCS is solely responsible for its compliance with Section 504 and the ADA.

BOCS is categorized as a local educational agency member in the EDCC SELPA in conformity with Education Code Section 47641(a). BOCS complies with a Memorandum of Understanding (“MOU”) between EDCC SELPA and BOCS related to the delineation of duties between EDCC SELPA and BOCS.

BOCS provides appropriate services for the exceptional needs student according to the plan developed pursuant to Education Code Section 56710 and in compliance with the California Master Plan for Special Education (Education Code Section 56000 et seq.). BOCS contracts with the EDCC SELPA and monitors compliance with all applicable federal and state laws.

BOCS personnel, school administrators, and other mandated IEP team members attend staff development and/or training meetings sponsored by EDCC SELPA and other trainings as necessary to obtain information to support compliance with IDEA regulations.

Charter schools do not operate age 0-5 preschool programs and BOCS understands that additional training may be necessary to understand Child Find procedures and requirements.

\(^4\) 42 U.S.C. § 12132.
SERVICES FOR STUDENTS UNDER THE “IDEIA”

BOCS follows EDCC SELPA policies and procedures and utilize EDCC SELPA forms in seeking out, identifying, and serving students who may qualify for special education programs and services and for responding to record requests and maintaining the confidentiality of pupil records. BOCS complies with EDCC SELPA protocol as to the delineation of duties between EDCC SELPA and the local school site in providing special education instruction and related services to identified pupils. An annual meeting between BOCS and EDCC SELPA to review special education policies, procedures, protocols, and forms of EDCC SELPA will ensure that BOCS and EDCC SELPA have an ongoing mutual understanding of EDCC SELPA protocol and will facilitate ongoing compliance.

An MOU is in place between the EDCC SELPA and BOCS which spells out in detail the responsibilities for provision of special education services and the manner in which special education funding will flow to support the students of BOCS. A summary of this MOU follows:

ASSESSMENT AND IEP PROCESS

BOCS complies with all federal, state, and district mandates when designing its assessment and IEP Process. This includes the following:

A. Search and Serve/Child Find.
B. Referral for Assessment.
C. Assessment.
D. Development and Implementation of an Individualized Education Program (IEP).
E. IEP Review.
F. Due Process Procedures.

Step 1: Search and Serve

The parents of all new students at BOCS are informed that special education and related services are available at no cost to them. In addition, students who show signs of need for Special Education are referred to the Student Success Team (SST) for evaluation and support. Referrals for SST action may be made by a parent, teacher, or administrator.

After a referral, the SST schedules a meeting in which parents, teachers, and administrators share information and collaboratively develop and monitor an intervention plan for the student. The team may recommend program modifications, use of alternative materials or equipment, and/or strategies or techniques that will enable the student to participate more effectively in the classroom. In addition, at this time, the
team will refer a student for a special education assessment when the team identifies that the modifications or assistance provided in the general education classroom are not sufficient in meeting the student’s needs.

The SST team will determine a date at which to check in on the intervention plan to evaluate its efficacy. At that point, the team may decide to recommend that a student be tested for special education, continue with interventions memorialized in the intervention plan, or it may implement additional or different interventions.

This approach signals a total school commitment to providing assistance and creating a context for success in the general education classroom to students with unique or special needs.

The SST does not fulfill a special education function. Thus, it is not subject to the special education timelines or legal requirements.

Step 2: Referral for Special Education Assessment

At BOCS the referral process is a formal ongoing review of information related to students who are suspected of having disabilities and who show potential signs of needing special education and related services. Parents or guardians may refer their child for assessment for special education services. Teachers, other school personnel, and community members may also refer a child for an assessment.

If it is determined that an assessment is appropriate, the parent will receive an assessment plan (AP). The AP will describe the type and purposes of the assessment that may be used to determine eligibility for services.

The parent must consent to the AP by signing the AP before the assessment can take place. BOCS, in consultation with its Special Needs Services Provider, has sixty (60) days, not counting school vacations greater than ten (10) days, from the receipt of the parent’s signed AP to complete the assessment and hold an Individualized Education Program (IEP) meeting.

If the parent does not consent to the AP, BOCS may take steps to protect the student if BOCS believes that the student is being denied necessary services. BOCS may request that the parent meet to resolve this difference of opinion or, failing that, initiate a due process hearing to override the parent’s refusal to consent.

Step 3: Assessment

The assessment determines whether the student has a disability, and if eligible, the nature and extent of special education services that the student may need. Assessments may include individual testing, observations of the students at school, interviews with the student and school personnel who work with the student, and a review of school records, reports, and work samples.

BOCS guidelines for assessment:
• Student will be assessed only after the parent consents to the assessment plan.

• Student will be assessed in all areas related to his or her assumed disability.

• Assessment will be administered in the student’s primary language or a qualified interpreter will be provided.

• Assessment will include a variety of appropriate tests to measure a student’s strengths and needs. The person administering the tests will be qualified to do so.

• The assessment will be adapted for students with impaired sensory, physical, or speaking skills.

• Testing and assessment materials and procedures will not be racially, culturally, or sexually discriminatory.

If the parent disagrees with the assessment of their child made by BOCS and its Special Needs Services Provider, the parent may obtain an independent educational assessment. Upon the parent’s request, BOCS will provide information about how to obtain this independent assessment by a qualified examiner.

Step 4: Development and Implementation of an Individualized Education Program (IEP)

After a student has been assessed, an IEP meeting is held. The IEP meeting is held at a time and place convenient for the parent, the charter school, and an invited EDCC SELPA representative as needed. At the IEP meeting, the IEP team discusses assessment results and determines whether the student is eligible for special education services based upon state and federal criteria. If the student is eligible, then an IEP is developed at the meeting.

The following people are members of the IEP team:

• The parent or guardian and/or their representative. The parent is an important member of the IEP team. If the parent cannot attend the IEP meeting, he or she may participate using other methods such as conferencing by telephone. If necessary, the charter school will provide an interpreter if the parent has a hearing disability or their primary language is not English.

• A BOCS administrator or qualified representative who is knowledgeable about the program options appropriate for the student.

• The student’s teacher(s).
• A representative from EDCC SELPA and the district of residence (if applicable).

• A representative from the Special Needs Services Provider if not the district, County, or EDCC SELPA.

• Other persons, such as the student, whom the parent or the Charter School wishes to invite.

• When appropriate, the persons who assessed the child or someone familiar with those assessment procedures.

The team must consider the least restrictive setting. The regular education programs are the first consideration and the necessary supports and services will be discussed. The IEP is tied to the standard curriculum and measured by the same means. After the written IEP has been finished, it is implemented by BOCS through its selected Special Needs Services Provider. The parent can review and request revisions of the plan.

The IEP contains:

• The services that student will receive.

• How these services will be delivered.

• The instructional program(s) where these services will be delivered.

• The rationale for placement decisions.

• Annual goals and short-term objectives focusing on the student’s current level of performance.

• How the student’s progress will be measured.

• Transition goals for work-related skills.

• ESL goals as necessary.

Times for IEP meetings:

• After a student has received a formal assessment or reassessment.

• When a parent or teacher feels that the student has demonstrated significant educational growth or, conversely, a lack of anticipated progress.

• When a parent or a teacher requests a meeting to develop, review, or revise an IEP.
• When a student in an IEP is faced with a suspension for more than ten (10) days or an expulsion, the IEP will meet to determine whether the student’s misconduct was a manifestation of his or her disability.

Step 5: IEP Review

If a student is receiving special education services, his or her IEP is reviewed in an IEP meeting at least once a year to determine its effectiveness. At that time, team members review IEP goals and student progress toward meeting them. If necessary, modifications are made to the IEP to better serve student needs.

If a parent or teacher has concerns that the educational needs of students already enrolled in special education are not being met, either the parent or the teacher may request a reassessment or an IEP meeting to review the IEP at any point over the course of the school year.

The parent or teacher may request a reassessment by sending a written request to the Charter School or completing a Request for Special Education Assessment. BOCS will have written permission from the parent or guardian before it reassesses the student. BOCS will convene an IEP meeting within 30 days in response to parent’s written request.

BOCS makes available to all parents and teachers EDCC SELPA, state, and federal literature regarding special education programs, regulations, and laws.

The promotion and retention of special education students is determined according to their IEP.

Step 6: Description of Due Process and Procedural Safeguards

If there is a disagreement with the proposed special education program, a due process hearing is initiated pursuant to Chapter 5 (commencing with Section 56500) unless a pre-hearing mediation conference is held.

BOCS shall, prior to the placement of the individual with exceptional needs, ensure that the regular teacher or teachers, the special education teacher or teachers, and other persons who provide special education, related services, or both to the individual with exceptional needs shall be knowledgeable of the content of the IEP. A copy of each IEP shall be maintained at the school site. Service providers from other agencies who provide instruction or a related service to the individual off the school site shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

SECTION 504 OF THE REHABILITATION ACT

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which
substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team is assembled by the designated Section 504 Coordinator and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team reviews the student’s existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate.

If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team that evaluates the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student’s aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education (“FAPE”). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student. In addition, the 504 team shall draw upon a variety of sources including, but not limited to, assessments conducted by BOCS’s professional staff.
The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers, and any other participants in the student’s education including substitutes and tutors will have a copy of the student’s 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he or she reviews the 504 Plan with long-term substitutes. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan will be reviewed at least once annually to determine the appropriateness of the Plan, needed modifications, and continued student eligibility.

PROFESSIONAL DEVELOPMENT

Upon completion of employment agreements in spring 2014, any new teachers will be provided with a portfolio explaining BOCS’s Ingenium Learning System program as well as a professional goal folder. Just as all BOCS students set learning goals, develop action plans, and track their learning progress BOCS teachers similarly develop their own professional development goals and action plans and track their progress in their goal folder.

New contracted teachers are invited to observe classes at one of Ingenium Schools’ campuses. They are also required to attend a two-day workshop in August. The workshop focuses on classroom ILS deployment. In addition, teachers present their professional development goals. Teachers are provided with ILS self-study materials in August.

Ingenium Schools encourages its educators to be teacher-researchers utilizing their knowledge base to collect and analyze student data, study and reflect upon student response to the instructional program, formulate questions regarding curricula and instruction, hypothesize solutions, report to peers, and adapt new lessons to meet the unique needs of students.

BOCS professional development opportunities provide teachers time to inquire about practice, study individual and aggregate student data, develop best practices, and measure progress toward school-wide goals.

A one-week program/staff development session in August provides staff with the opportunity to continue to plan a course of study that reflects the CCSS and integrates high expectations for student learning. Session topics include the Baldrige Award in education, the Ingenium Learning System, using data to make instructional decisions, quality tools in the classroom, and utilizing technology in the classroom.

Every Wednesday, the Charter School employs a shortened schedule. The instructional day ends after the lunch hour, leaving several hours for professional development in the afternoon.

Through the school year the Charter School uses the services of RISC to help set up the RSM elements of the Charter School’s program, make classroom observations, and
consult with all teachers. In addition, teachers spend one hour on data analysis each week.

Teachers post graphs indicating classroom learning progress on bulletin boards. They also report on their class progress in monthly data reports to the Principal, who works with staff on the basis of the data presented. The Principal also conducts quarterly conferences with teachers in which the teacher’s professional goals and action plan are evaluated.

In addition to the ILS, the professional development program places special emphasis on providing educational services to the targeted student population – such as SDAIE training and review of the California English Language Development (ELD) standards. Within this strand of professional development, teachers learn how to build out research-driven ELD lessons.

Professional development topics also include:

- ILS training
- Baldrige leadership training
- Effectively using a Professional Goal Folder
- Common Core State Standards-based effective lesson planning
- Development and monitoring of cross-curricular projects and authentic assessment tools
- Monitoring student mastery of the Common Core State Standards and adjusting instruction to maximize student mastery
- Classroom management
- Differentiated instruction
- Standards based grading and assessment
- Mainstreaming special needs students
- Writing across the curriculum
- Integrating technology into the classroom

ACADEMIC CALENDAR AND INSTRUCTIONAL TIME

Barack Obama Charter School will have at least 175 student days and an additional 10 professional development days for its teachers. It will exceed the required number of minutes of instruction as set forth in Education Code §47612.5.
The proposed calendar for 2014-2015 is attached as Appendix A. It is expected that BOCS will adopt most of the Compton Unified School District 2014-2015 calendar.

The Barack Obama Charter School day will begin at 7:50 AM and end at 3:00 PM except on Wednesdays, when the school day will end at 12:30 in order to provide three hours for professional development and teacher collaboration.

**BELL SCHEDULE**

<table>
<thead>
<tr>
<th>Monday, Tuesday, Thursday, Friday</th>
<th>Wednesday</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:50 – 9:30 classes</td>
<td>7:50 – 9:40 classes</td>
</tr>
<tr>
<td>9:30 – 9:45 Recess*</td>
<td>9:40 – 10:00 Recess*</td>
</tr>
<tr>
<td>9:45 – 12:20 classes</td>
<td>10:00 – 12:10 classes</td>
</tr>
<tr>
<td>12:20 – 1:00 Lunch*</td>
<td>12:10 – 12:30 Lunch*</td>
</tr>
<tr>
<td>1:00 – 3:00 classes</td>
<td></td>
</tr>
</tbody>
</table>

*Start and end times vary by grade level; recesses are 15 minutes and lunches 40 minutes

Instructional time is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Regular Schedule</th>
<th>Wednesday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Instructional Time</td>
<td>335</td>
<td>225</td>
</tr>
<tr>
<td>(in credentialed minutes per day/ totaling over 55,000 instructional minutes in a 175 day school year)</td>
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</tbody>
</table>

Barack Obama Charter School’s attendance accounting system meets the requirements of CUSD and CDE. Alternative interventions are considered for truancy (e.g. holding a parent conference, detention, or restriction from participating in school activities such as sports, field trips, etc.).

**IDENTIFICATION OF WHO WILL BE ACCOUNTABLE FOR STUDENT PROGRESS**

Ultimately, all students are responsible for their own progress—their acceptance of responsibility is Barack Obama Charter School’s central core value (see above).

In addition, teachers are responsible for student progress as measured by multiple assessment results. Student performance as measured on the SBA, Standard Clearing Assessments, quarterly benchmarks, and projects. Student progress will be a significant feature of teacher evaluation.
The Principal is held accountable for student progress based on assessment results. Student progress is a significant tool in determining principal effectiveness.

The Charter School relies heavily on value-added measurements of teacher and administrator performance. Value-added measurements target the improvement students demonstrate during the period they are in contact with the teacher and school.

Teachers and academic level teams set goals with action plans and collect pieces of evidence. Discussion and goal setting occur at the beginning of the year with quarterly evaluations of school progress toward the goals. In this way, teachers model methods of data collection and analysis toward a system of school-wide continuous improvement.

ACCREDITATION

In October 2014, BOCS will submit a Request for WASC Affiliation form. WASC will then send BOCS an Initial Visit Application/School Description form that BOCS will complete and return.

In October 2015, upon receipt of the forms and approval to proceed, WASC will arrange for a two-member visit to the Charter School. In addition to the documentation provided with the application, BOCS will make available other supporting documentation during this initial visit. Following the visit, the visiting committee will submit a report containing recommendations regarding the Charter School’s ongoing improvement to the WASC Accrediting Commission for Schools for action.

If the Commission’s action is favorable, the Charter School will be granted either interim accreditation or candidacy for a term not to exceed three years. BOCS’S goal is to achieve interim accreditation at this stage by March 2016.

BOCS will apply for full accreditation using the WASC Focus on Learning, California Charter Schools, 2004 Edition protocol to prepare its self-study as its end goal.
ELEMENT 2: MEASURABLE STUDENT OUTCOMES

**Governing Law:** The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. Education Code Section 47605(b)(5)(B).

**MEASURABLE STUDENT OUTCOMES**

Student outcomes are the skills and processes mastered and the concepts learned from the content of the Charter School curriculum. Exit outcomes address the goals for all students including English Learners, special education students, and gifted students.

BOCS shall meet all statewide content and performance standards and targets. Cal. Ed. Code §§47605(c)(1), 60605.

BOCS shall comply with all applicable laws and regulations related to AB 97 (Local Control Funding Formula), as they may be amended from time to time, including all requirements pertaining to pupil outcomes.

BOCS agrees to comply with and adhere to state requirements for participation and administration of all state mandated tests.

Student outcomes are the skills and processes mastered and the concepts learned from the content of the school curriculum.

Pursuant to Education Code Section 47605(b)(5)(A)(ii), the following table describes BOCS’s annual goals to be achieved in the state priorities school-wide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals.

<table>
<thead>
<tr>
<th><strong>BOCS OUTCOMES TO ACHIEVE STATE PRIORITIES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Priority #1.</strong> The degree to which teachers are appropriately assigned (E.C. §44258.9) and fully credentialed, and every pupil has sufficient access to standards-aligned instructional materials (E.C. § 60119), and school facilities are maintained in good repair (E.C. §17002(d))</td>
</tr>
<tr>
<td><strong>ANNUAL GOALS TO ACHIEVE PRIORITY #1</strong></td>
</tr>
<tr>
<td>1. BOCS will hire, maintain, and assign highly qualified</td>
</tr>
</tbody>
</table>
1. BOCS curriculum will be aligned to CCSS.
2. BOCS curriculum will be designed to support ELs and other subgroups.

### State Priority #2
Implementation of the academic content and performance standards adopted by the state board, including how EL students will be enabled to gain academic content knowledge and English language proficiency

<table>
<thead>
<tr>
<th><strong>ANNUAL GOALS TO ACHIEVE PRIORITY #2</strong></th>
<th><strong>ACTIONS TO ACHIEVE ANNUAL GOALS</strong></th>
<th><strong>MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. BOCS curriculum will be aligned to CCSS. 2. BOCS curriculum will be designed to support ELs and other subgroups.</td>
<td>1. Curriculum maps for each course written prior to school opening and revisited annually. 2. Curriculum maps will include goals and strategies to support ELs. 1 &amp; 2. Professional development includes sessions dedicated to Common Core and supporting EL students.</td>
<td>1 &amp; 2. Audit of curriculum and lesson plans documents that curriculum maps are aligned to CCSS and CA ELD standards and have supports for ELs and struggling students. 1 &amp; 2. Professional development agendas document training on Common Core and supporting EL students.</td>
</tr>
</tbody>
</table>

### State Priority #3
Parental involvement, including efforts to seek parent input for making decisions for schools, and how the school will promote parent participation

<table>
<thead>
<tr>
<th><strong>ANNUAL GOALS TO ACHIEVE PRIORITY #3</strong></th>
<th><strong>ACTIONS TO ACHIEVE ANNUAL GOALS</strong></th>
<th><strong>MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Solicit detailed parent input.</td>
<td>1. Utilize semi-annual focus groups composed of cross</td>
<td>1. Focus group reports documenting parent</td>
</tr>
</tbody>
</table>
2. Monitor and continually improve parent engagement. Include parents in the Shared Vision Renewal process. Set annual parent engagement goals measure progress towards meeting goals, and establish action plans for meeting the goals.

**State Priority #4.** Pupil achievement, as measured by all of the following, as applicable:

A. Statewide assessments (STAR, or any subsequent assessment as certified by SBE)
B. The Academic Performance Index (API)
C. Percentage of pupils who have successfully completed courses that satisfy UC/CSU entrance requirements, or career technical education
D. Percentage of ELs who make progress toward English language proficiency as measured by the CELDT
E. EL reclassification rate
F. Percentage of pupils who have passed an AP exam with a score of 3 or higher
G. Percentage of pupils who participate in and demonstrate college preparedness pursuant to the Early Assessment Program (E.C. §99300 et seq.) or any subsequent assessment of college preparedness

<table>
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<tr>
<th><strong>ANNUAL GOALS TO ACHIEVE PRIORITY #4</strong></th>
<th><strong>ACTIONS TO ACHIEVE ANNUAL GOALS</strong></th>
<th><strong>MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT</strong></th>
</tr>
</thead>
</table>
| Statewide assessment results, the Academic Performance Index (API), and the percentage of ELs who make progress toward English language proficiency as measured by the CELDT will increase each year. The EL reclassification will increase each year. | Selection and implementation of standards-based reporting system and linked standards-based resources. Refinement of Ingenium Learning System. Monitoring student progress in the standards-based reporting system and creating action plans to address learning gaps. Increase professional development days to ten or more a year. | During the 2013-2014 and 2014-2015 school years use benchmark assessments to determine Common Core proficiency and API scores, then use Smarter Balance Assessments. After establishing a base in 2013-2014, proficiency in English language, mathematics, and science will be at an “All Time Best” (ATB) each year, as will calculated API scores. (“All Time Best” means that, if performance declines one year, the subsequent year performance must exceed...
the highest previous annual performance, no matter the year). English language proficiency will be measured by the CELDT and will be at the ATB each year. EL reclassification will be at the ATB each year.

State Priority #5. Pupil engagement, as measured by all of the following, as applicable:

A. School attendance rates
B. Chronic absenteeism rates
C. Middle school dropout rates (EC §52052.1(a)(3))
D. High school dropout rates
E. High school graduation rates

<table>
<thead>
<tr>
<th>ANNUAL GOALS TO ACHIEVE PRIORITY #5</th>
<th>ACTIONS TO ACHIEVE ANNUAL GOALS</th>
<th>MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students attend school most days and arrive on time.</td>
<td>Monitor attendance and arrival times and create action plans to address attendance and arrival gaps.</td>
<td>Average Daily Attendance (ADA) will be at the ATB each year. Tardiness and chronic absenteeism will be reduced each year. All are measured by BOCS’s student information system.</td>
</tr>
</tbody>
</table>

State Priority #6. School climate, as measured by all of the following, as applicable:

A. Pupil suspension rates
B. Pupil expulsion rates
C. Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness

<table>
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<tr>
<th>ANNUAL GOALS TO ACHIEVE PRIORITY #6</th>
<th>ACTIONS TO ACHIEVE ANNUAL GOALS</th>
<th>MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Suspension and expulsion rates decline each year. 2. Sense of safety and school connectedness improves each year.</td>
<td>1. Identify and address root causes of suspensions and expulsions using quality tools. 2. Establish survey systems for sampling pupil, teacher, and parent connectedness and create action plans to address gaps identified in the survey</td>
<td>1. Suspension and expulsion rates decline each year as measured by reported suspensions and expulsions. 2. Completed surveys document administration of the surveys and the</td>
</tr>
</tbody>
</table>
State Priority #7. The extent to which pupils have access to, and are enrolled in, a broad course of study, including programs and services developed and provided to unduplicated students (classified as EL, FRPM-eligible, or foster youth; E.C. §42238.02) and students with exceptional needs.

“Broad course of study” includes the following, as applicable:

Grades 1-6: English, mathematics, social sciences, science, visual and performing arts, health, physical education, and other as prescribed by the governing board. (E.C. §51210)

Grades 7-12: English, social sciences, foreign language(s), physical education, science, mathematics, visual and performing arts, applied arts, and career technical education. (E.C. §51220(a)-(i))

### ANNUAL GOALS TO ACHIEVE PRIORITY #7

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<tr>
<th>ACTIONS TO ACHIEVE ANNUAL GOALS</th>
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</thead>
</table>

Enroll all students, including unduplicated students and students with exceptional needs, in English, mathematics, social sciences, science, visual and performing arts, health, physical education, and other courses as prescribed by the BOCS governing board.

### MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT

All students, including unduplicated students and students with exceptional needs, are enrolled in English, mathematics, social sciences, science, visual and performing arts, health, physical education, and other courses as prescribed by the BOCS governing board and as documented by entries in BOCS’ student information system.

State Priority #8. Pupil outcomes, if available, in the subject areas described above in #7, as applicable.

### ANNUAL GOALS TO ACHIEVE PRIORITY #8

<table>
<thead>
<tr>
<th>ACTIONS TO ACHIEVE ANNUAL GOALS</th>
</tr>
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</table>

Actions to achieve annual goals: See State Priority #4.

### MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT

Student grade level proficiency in English language arts, mathematics, science, social science, visual and performing arts, health,
physical education, and other courses as prescribed by the BOCS governing board.

physical education, and other courses as prescribed by the BOCS governing board will be at the ATB each year as measured by Common Core assessments in tested subjects and by entries in the standards-based reporting system in the case of untested subjects.
The Charter School shall meet its annual API growth target, both school-wide and in numerically significant pupil subgroups. The Charter School shall meet Annual Yearly Progress benchmarks.

2011-2012 CST Results: Met API growth target school-wide and for all subgroups. Met 13 out of 13 AYP requirements.

PERFORMANCE GOALS AND OUTCOMES

Barack Obama Charter School tracks and analyzes the following factors that influence academic achievement and growth:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Measurable Expected Outcome</th>
</tr>
</thead>
</table>
| Student Conduct         | • Average daily attendance rate of at least 94%.  
                          | • Tardies decrease each quarter by at least 5%.  
                          | • Suspensions/expulsions decrease each quarter by at least 5%.  
                          | • Mediation referrals decrease each quarter by at least 5%.  |
| Parental Involvement    | • At minimum, 80% of parents attend student-led conferences or open house events.  
                          | • At minimum, 80% of parents attend school-wide events.  |
| Professional Development| • At minimum, 80% participation rate in annual one-week program held prior to opening of school each year.  
                          | • At minimum, 90% participation rate in professional development workshops held during the academic year. |
| Teacher Performance     | • Ninety percent of teachers achieve 100% of their professional goals each year.  
                          | • One hundred percent of teachers ensure that their students... |
achieve academic goals as delineated in the table above.

<table>
<thead>
<tr>
<th>Financial Solvency</th>
<th>• No deficit in the operating budget.</th>
</tr>
</thead>
</table>
ELEMENT 3: METHOD BY WHICH STUDENT OUTCOMES WILL BE MEASURED

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(5)(C).

BOCS believes that assessment of student progress is an essential tool for student learning, teacher growth and continuous improvement. Assessments provide students the opportunity to monitor and reflect upon their own learning and action plans. In addition, assessment information drives professional development and the instructional program.

Linking standards to curriculum and assessment: Standards, curriculum, and assessment are aligned with each other, with state guidelines, and with the Charter School’s educational goals. Professional development workshops include training in data-driven decision making.

Monitoring progress toward goals: Teachers track class-wide results on assessments and post them on classroom bulletin boards; teachers and classes modify class learning action plans based on the class results. Classes also measure their mastery of the standards through a combination of digital portfolios, projects, exhibitions, performances, and criterion-referenced assessments. Instruments used appropriately measure student objectives and reflect the vision of the Charter School.

Progress is objectively measured by annual statewide assessments for each grade and by other adopted statewide assessments (e.g., CELDT and SBA). Progress is discussed with parents and students at least twice each year. Progress reports are issued quarterly.

Teachers use technology to monitor student computer skills and help them achieve academic and technology goals. Staff development emphasizes advanced training in the use of student information systems and electronic resources (e.g., educate, e-mail, etc.) including the ability to use electronic work saved and networked by students to assess student progress toward project benchmarks.

The staff:

- Sets baseline expectations for all incoming students (e.g., using information from previous assessments);
- Recommends additional support if needed;
- Administers all assessments, including school, district, and state-required testing;
- Develops evaluative comparisons with similar populations using disaggregated data;
- Sets priorities for professional development;
• Assists with the allocation of resources, prioritizing areas of student need.

To ensure that all statewide performance standards are met and to ensure continual evidence of student learning, Barack Obama Charter School conducts testing pursuant to Education Code §47605(c) as well as its own assessment and evaluation processes. Multiple forms of assessment are used to measure student achievement and progress, tailor programs of instruction, validate and continuously improve teaching methods, gauge the Charter School’s performance in comparison to similar schools throughout the state, and provide metrics for programmatic audits reported to CUSD and the California Department of Education (CDE).

INITIAL ASSESSMENTS

All new students are given several assessments to determine their proficiency levels in core subjects. These assessments may include:

• California Diagnostic Screening Assessment (Reading Street)

• CELDT

• Pearson Math Diagnostic

An important goal of the initial assessments is to establish a baseline from which value-added student achievement may be measured. The data is also important for student leveling and differentiation in the classroom.

ONGOING ASSESSMENTS

Ongoing assessments are conducted pursuant to Education Code Section 60602.5. Assessments used to evaluate pupil progress follow state guidelines and may include:

• State Required Tests. All state required tests are administered and analyzed to improve student results.

• Benchmark Assessments: Benchmark assessments in reading, writing, and math are administered quarterly. Results are analyzed to inform the instructional program as well as student and teacher action plans.

• Performance Tasks. For each core content standard, a student completes a performance task to demonstrate mastery. Performance tasks require that students apply their knowledge to a real world problem or challenge.

• Standards Clearing Assessments: The LUSD CCC is developing SCAs for all CCSS standards for grades kindergarten through eight. Students take SCAs as they achieve proficiency on each standard. SCAs provide an
expectation of proficiency for each standard consistent across the entire school.

- **educate**: Students (3rd grade age and above) track their learning progress by checking their SCA results and their evidence online in *educate*. Teachers track SCA results against pacing budgets for each student and administrators track classroom and school performance relative to pacing budgets.

- **Traditional Classroom Assessments**: Tests, quizzes, essays, projects, and exams are evaluated on a regular basis. Many of these are drawn from textbook publishers’ formative assessments. In addition, teachers are trained on the development of authentic assessments to measure student achievement.

- **Student Goal Folders**: Each BOCS student maintains a folder in which they track their progress. The student goal folder contains the student’s individualized learning plan, PDCA sheets, tracking forms, and evidence of student learning.

- **Teacher-designed assessments**: Teachers design appropriate tasks that measure student understanding and mastery on the appropriate grade level standards. Data from these assessments is used by teachers to design instruction and refine teaching strategies.

- **Oral & Written Presentations**: Student performance on speeches, position papers, essays, etc. is evaluated against collaboratively (students and their teacher(s)) generated rubrics.

- **Longitudinal/survey and other data** tracks pupil progress over time.

**ACADEMIC PERFORMANCE INDEX (API)**

The Academic Performance Index (API) is used to compare the position of Barack Obama Charter School with that of other schools in the state. The API is also used to identify underperforming sub-groups and develop remediation strategies and programs, as appropriate.

**OTHER ASSESSMENTS**

Students are measured in non-curriculum areas such as class attendance and behavior. For example, Barack Obama Charter School actively tracks each student’s attendance as well as behavior (good citizenship, detentions, suspensions, etc.).

Non-curriculum areas are often overlooked at urban schools, but Barack Obama Charter School believes that all students develop into well-rounded and good citizens more quickly and comprehensively when they are held accountable for both academic performance and conduct.
USE AND REPORTING OF DATA

Teachers closely monitor student progress through SCAs in **educate** and all students are expected to demonstrate mastery of locally developed competencies based on state standards. As one method of measuring pupil progress, assessments are conducted pursuant to 47605(c)(1), which requires Barack Obama Charter School to conduct state testing pursuant to Education Code Section 60605 and any other statewide assessments applicable to pupils in charter schools.

BOCS students are tested frequently using SCAs as well as assessments supplied by textbook publishers. Frequent testing allows stakeholders to monitor student performance and optimize student achievement. In addition, testing trains students in sustained mental effort for long periods of time—a training that is essential for future academic and real world success. Testing reinforces knowledge and prepares students to face and overcome difficult situations under pressure.

SCA and other assessments are tied to ongoing teacher, classroom, and grade level goals and action plans. The collaboration and monitoring of this information allows for the sharing of resources and creation of innovative solutions (Core Value “Managing for Innovation”).

The Baldrige Core Value “Management by Fact” (see “Core Values” in Element I: Educational Philosophy and Program above) is supported by teachers and all students as they collaboratively use data to drive and monitor learning in the following ways:

- Teachers and their classes establish agreed-upon academic goals for the class. They also agree on action plans for meeting these goals. Teachers regularly post assessment results on classroom bulletin boards and classes modify their action plans based on the assessment results. Data and action plans are shared with parents through class and school newsletters to involve them in the collaborative effort of continuous improvement.

- Teachers and all individual students establish agreed-upon academic goals for each individual student. Students record their academic goals, complete action plans, and graph their learning progress. This information is maintained in the student goal folder.

Barack Obama Charter School relies on the measurement and analysis of performance to manage its school-wide operations. These measurements derive from the Charter School’s needs and provide critical data and information about key processes and results.

Several types of data and information are used for BOCS’s performance management. Performance measurement focuses on student learning and features a comprehensive and integrated fact-based system—one that includes input data, environmental data, performance data, comparative/competitive data, data on faculty and staff, cost data, and operational performance measurement.
Measurement areas include students’ backgrounds, learning styles, aspirations, academic strengths and weaknesses, educational progress, classroom and program learning, satisfaction with instruction and services, extracurricular activities, and success in later grades. Examples of data segmentation that are employed include segmentation by student learning results, student demographics, and faculty and staff groups.

Analysis refers to extracting larger meaning from data and information to support evaluation, decision-making, and improvement. At Barack Obama Charter School, analysis entails using data to determine trends, projections, and cause and effect that might not otherwise be evident. Barack Obama Charter School teachers and administrators use the educate student information system as one tool to analyze data. The pacing manager has the ability to analyze how many standards have been mastered in ELA and mathematics at the school level, the classroom level, and the individual student level. Teachers and administrators have a deep understanding of the content that is being mastered as well as areas needing immediate improvement. See sample figure below.

Analysis supports a variety of purposes, such as planning, reviewing the Charter School’s overall performance, improving operations, organizing change management, and comparing Barack Obama Charter School’s performance with comparable organizations or with “best practices” benchmarks.

A major consideration in Barack Obama Charter School’s performance improvement and change management involves the selection and use of performance measures and indicators. Measures and indicators Barack Obama Charter School uses represent factors that lead to improved student, operational, financial, and ethical performance. This comprehensive set of measures and indicators are tied to student, stakeholder, and organizational performance requirements and represent a clear basis for aligning all processes with Barack Obama Charter School’s goals. Through the analysis of data from its tracking processes, Barack Obama Charter School’s measures and indicators themselves are evaluated and modified to better support Barack Obama Charter School’s goals.
Proficiency levels have been established to maximize teacher efficiency and student learning. Learning assessments determine whether proficiency has been achieved and identify opportunities for intervention. The diverse assessments listed above are used at the various academic levels.

Assessment reports provide measurements of knowledge acquired as well as identification of learning gaps. Staff review test results on Wednesday afternoons in a group setting. Teachers at each academic level then review lesson plans and monitor expected learning outcomes with their colleagues.

The ILS is data-rich and assessment-driven. SCAs are administered and all students will record the track their results.

In addition, classroom results on assessments are posted on the classroom bulletin boards and celebrated.

BOCS and CUSD will jointly develop a visitation process to enable CUSD to gather information needed to validate the Charter School’s performance and compliance with the terms of this charter; however, BOCS agrees to and submits to the right of CUSD to make random visits and inspections in order to carry out its statutorily-required oversight.

Pursuant to Education Code Section 47604.3, BOCS shall promptly respond to all reasonable inquiries including, but not limited to, inquiries regarding its financial records from the Compton Unified School District and the State Superintendent of Public Instruction.

IDENTIFICATION OF THE GRADING POLICY

Progress reports based on state standards are sent to the parents of all students four times a year. Information on student progress is also be available on the educate site.

Grading is by individual teachers in accordance with criteria determined by the Charter School. The following is a brief summary of the marks and their meaning:

Subject Marks
A—Advanced
P—Proficient
D—Developing
E—Emerging
ELEMENT 4: GOVERNANCE STRUCTURE

Governing Law: The governance structure of the school, including, but not limited to, the process to be followed to ensure parental involvement. Education Code Section 47605(b)(5)(D).

ORGANIZATIONAL STRUCTURE

While BOCS intends to collaborate and work cooperatively with CUSD, Barack Obama Charter School operates as a separate legal entity independent of CUSD. BOCS is operated by Ingenium Schools, a duly constituted California nonprofit benefit corporation, which is governed in accordance with applicable California Corporations Code Sections, and its adopted bylaws, which shall be maintained to be consistent with the terms of this charter.

As provided for in the California Corporation Code, Ingenium Schools is governed by its Board of Trustees, whose members have a legal fiduciary responsibility for the well-being of BOCS. Ultimate responsibility for the governance of BOCS rests with the Ingenium Schools Board of Trustees, which hires the President to implement its vision. The Board is the ultimate governing body and is responsible for major strategic and policy decisions related to the Charter School. It also monitors the Charter School’s financial stability. Its responsibilities are detailed in the governance section below.

Pursuant to Education Code §47604(c), CUSD shall not be liable for the debts and obligations of BOCS or for claims arising from the performance of acts, errors, or omissions by the Charter School as long as the District has complied with all oversight responsibilities required by law. The Bylaws and Articles of Incorporation for Ingenium Schools are viewable at the Barack Obama Charter School website and included in Appendix N.
NON-PROFIT BOARD OF TRUSTEES

The Ingenium Schools Board currently has five trustees. The current trustees and brief bios are provided below:

- **Joan Sabree Faqir - Secretary** has been a fifth grade teacher at Shirley Avenue Elementary School in LAUSD for sixteen years. She specializes in literacy, English Language Development, Multicultural Education and the Social Sciences. Ms. Faqir also instructs in the LAUSD Intern Program and BTSA. Previously, Ms. Faqir served as Principal of MuMin Academy in Oklahoma City, Oklahoma for six years and served as the Center for Advanced Learning’s President during its inaugural year.

- **Martha Notaras - President** is CEO of Optimal Capital Deployment, which provides strategic, corporate development and acquisition support to consulting clients. Her market expertise includes education technology, insurance, financial services, and commercial real estate. On behalf of a strategic investor, she invested over $600 million in twenty business information services companies. Martha also has extensive experience as a board director and chairman. Martha received her B.A. cum laude from Princeton University and her MBA from Harvard Business School, where she was designated a Baker Scholar for graduating in the top 5% of the class.

- **Nirosha Ruwan - Member at Large** is an experienced corporate and intellectual property lawyer whose clients range from start-up technology companies to large public companies. She is a principal of the Ruwan Law Group. She previously practiced law at Latham & Watkins in Los Angeles and Cleary Gottlieb Steen & Hamilton in New York. She is the founder and president of Rockhold Education, which provides tutoring and college admissions counseling services for middle school and high school students. Nirosha received her B.A. magna cum laude from Harvard College and her JD cum laude from Harvard Law School.

- **Dr. Michael Noble - Vice President** has experience ranging from taking a startup public to Fortune 500 with various management roles in education, healthcare, real estate development, and environmental health and safety in companies such as Liberty Mutual and McGraw-Hill. He has a proven record of cost containment while increasing customer satisfaction and company profitability. He has implemented process improvement and change management as well as developed policies to promote business development and customer satisfaction. Michael holds an Ed.D in Organizational Development from the University of La Verne and an MBA in Health Service Management from Golden Gate University.

- **Alan Campbell - Member at Large** has 35 years of experience in computer operations and information technology. Twenty five of these years were at the
City of Los Angeles Information Technology Agency, where he retired in 2007 as an Information Systems Operations Manager. Mr. Campbell is a community volunteer with the Los Angeles County Library system and Parent’s Fight Autism Together (P-FAT).

All future appointments to the board will follow the appointment process outlined in the Bylaws. As allowed by the Charter Schools Act, CUSD may appoint a representative to the Ingenium Schools Board of Trustees. The selection process for new Board members includes review of candidates’ curricula vitae, contact with their references, and a personal interview. All members must commit the necessary time and energy to ensure smooth operation of the Board.

The Board of Trustees is responsible for the operation and fiscal affairs of the Charter School including but not limited to:

1. Overseeing the academic and social performance and effectiveness of BOCS and taking necessary action to ensure that the Charter School remains true to its mission and charter;
2. Approval of the annual school budget, calendar, and salary schedules;
3. Approval of a Memorandum of Understanding (MOU) or other contracts with CUSD;
4. Approval of all changes to the Charter School’s charter to be submitted as necessary in accordance with the applicable law;
5. Filling the President position and evaluating its performance (see Appendix M for the RSM’s Superintendent evaluation form, which the Board will use as part of its President evaluation);
   • Approval of bylaws, resolutions, and critical school operation policies and procedures;
   • Monitoring the financial well-being of the Charter School and engaging an independent fiscal audit;
   • Maintenance of full and accurate records of Board meetings, committees, and policies;
   • Developing itself through new trustee orientation, ongoing education, and leadership succession planning.

BOCS will update CUSD of changes to BOCS Board of Trustees.

BOCS Board of Trustees may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established.
BOARD MEETINGS

The Board of Trustees meets periodically to review and act on its responsibilities. All meetings are held in accordance with the Brown Act.

BOCS has adopted a conflicts code that complies with the Political Reform Act, Government Code Section 87100 and applicable conflict restrictions required by the Corporations Code.

The Board of Trustees meetings are headed by a Board Chair, who is elected by the Board at the concluding meeting of the school year.

As long as quorum exists as defined by the corporate bylaws, measures voted on by the Board of Trustees may be passed with a simple majority of present members.

BOARD TRAINING

The Board of Trustees participates annually in training regarding board governance, Brown Act, and conflicts of interest rules.

BOARD DELEGATION OF DUTIES

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee of BOCS or a third party any of those duties except for the adoption of Board policies, adoption of the budget, budget revision, adoption of the annual fiscal audit, or as otherwise prohibited by law. The Board retains ultimate responsibility over the performance of delegated powers and duties. Such delegation will:

- Be in writing;
- Specify the entity designated;
- Describe in specific terms the authority of the Board being delegated, any conditions on the delegated authority or its exercise and the beginning and ending dates of the delegation; and
- Require an affirmative vote of a majority of present Board members.

PRESIDENT

The Board of Trustees has engaged a President to be responsible for administering the Charter School in all of its aspects of its day to day operations, working with the Board of Trustees, CUSD, students, parents, and community members and the other governing bodies specified by local and state law. The President’s duties include, but are not limited to, the following:

- Lead Ingenium Schools-level ILS development and the organization’s program for winning quality awards.
- Develop school support systems and processes including the Student Information System and assessment systems shared across multiple charter schools.
• Oversee fundraising, facilities development, and financial management of the corporation, including the development and implementation of the annual budget.

• Provide information, advice, and counsel to the Chairman of the Board, Board Committees, and the Board of Trustees in the creation of policies, programs, and strategic direction of the corporation. Support Board of Trustees activities, including staffing for all Board and Committee meetings, meeting schedules, locations, development of agendas, and meeting materials.

• With the assistance of the Principal, oversee administration of overall operation of the Charter School, including: reviewing and evaluating the results of program activities; ensuring that continuing contractual obligations are being fulfilled; allocating resources for greater program effectiveness and efficiency; and developing organizational and administrative policies and program objectives for Board consideration.

• Hires the principal and subsequent support and supervision of the principal.

• Liaison with other organizations such as CUSD, LACOE, and CDE.

The above duties may be delegated or contracted to another administrator of BOCS or other employee, a parent volunteer (in accordance with student and teacher confidentiality rights) or to a third party provider as allowed by applicable law.

CHARTER SCHOOL PRINCIPAL

The President engages a Principal to lead BOCS’s day-to-day operations. The Principal is responsible for planning improvements that directly address instruction and customer satisfaction. The Principal’s responsibilities are listed below.

The Principal as the campus-level ILS leader:

• Develops a plan for achieving the Charter School’s vision within the context of the ILS.

• Trains staff in elements of the ILS.

• Maintains a school goal folder that sets, with the assistance of teachers, school-wide learning goals and action plans and tracks school-wide learning progress. Modifies school-wide action plans to reflect learning progress.

• Leads the Charter School’s WASC application process.

• Continually monitors progress on all measures of school and staff performance.
• Completes and publicly presents an annual school progress report to the Ingenium Schools Board of Trustees, Compton Unified School District, and the school community.

The Principal as academic leader:

• Administers the academic policies determined by the Board of Trustees and President and the applicable local, state, and federal regulations.

• Provides leadership, direction, and support in the formulation, implementation, and annual adjustment of the Charter School’s instructional program plans.

• Sets standards for student achievement.

• Ensures the implementation of a high standards, research-based curricula, and ILS systems and tools in all classrooms of the Charter School. Ensures all students and teachers are using goal folders.

• Provides instructional leadership in advancing proven teaching and learning practices.

• Selects instructional staff with the knowledge, skills, and beliefs to ensure each child reaches high levels of academic achievement in accordance with the standards and processes.

• Supervises and evaluates instructional staff to ensure quality instruction and student achievement.

• Observes and ensures that teachers examine instruction regularly.

• Recommends, supports, and monitors the instructional staff professional development program to improve student achievement and continuously improve instruction.

• Monitors (and ensures that teachers monitor) student growth and achievement.

• Leads a school-wide process of staff analysis of student assessment data to plan improvements in the educational program.

• Supports the development of a network of student support systems.

• Ensures that continuous improvement addresses the achievement of all students and is guided by student academic standards, school
performance standards, and concrete data from school, state, and local assessments.

- Oversees compliance in testing, admissions, special education, and other instructional areas.

- Deals with discipline issues, including entering discipline information into PowerSchool and educate.

The principal as the site-based manager:

- Develops (with the President) and manages the Charter School budget.

- Supervises all operations involving the management of the Charter School, including school funds, district funds, payroll, purchases, inventories, and office operations.

- Maintains complete and accurate records of the entire school program.

- Manages the student recruitment and enrollment process.

- Recruits, selects, hires, and dismisses school staff, including school-based support staff and (in collaboration with the academic director) instructional staff.

- Issues reports to the Board of Trustees and to any affiliated private entity on the progress of all students in the Charter School and on matters of school operations as requested.

- Administers the Charter School policies determined by the Board of Trustees and President as well as the applicable local, state, and federal regulations.

- Ensures compliance with federal, state and local regulations and policies.

- Establishes and maintains, in conjunction with the President, a close working relationship with the Compton Unified School District.

The principal as the builder of the school culture:

- Builds an effort-based school culture of high expectations for all students throughout the school community.
• Communicates the vision that supports the Charter School’s goals and articulate and model the Charter School’s values.

• Engages the active support of parents and community members in support of the education of all the students in the Charter School.

• Provides leadership to the Charter School leadership team.

• Seeks feedback on the progress of the Charter School.

• Serves as a spokesperson for the Charter School in the community and elsewhere.

• Creates an effective team of people jointly responsible for attainment of school goals and committed to achieving excellence.

• Engages parents and community in planning and implementing programs, including community use of the school site.

• Manages and facilitates group planning and program-solving sessions.

• Builds on the strengths of staff and recognize improvement.

• Supports and monitors the development of non-instructional staff and implementation of non-instructional program improvements.

• Ensures a safe and orderly environment.

• Directs the enforcement of school policies and rules of student conduct including decisions regarding suspension or expulsion of students from the Charter School.

PARENT INVOLVEMENT

Parents are encouraged to contribute a minimum of ten hours volunteering at Barack Obama Charter School. The Charter School maintains a comprehensive list of volunteer opportunities including but not limited to the following: volunteering in the classroom/school (including at-home assistance); tutoring, attending parent-teacher conferences; attendance at meetings of the Board of Trustees, District Board, or any applicable parent group functions; participation in the planning of, or attendance at, fundraising or academic/arts events; or, other activities upon approval by the Principal. No child is excluded from BOCS or school activities for a parent’s failure to fulfill the encouraged ten volunteer hours.

Parents are included in BOCS’s “Shared Vision” process. This process involves asking all stakeholders, including parents, the following questions:
What makes a school exemplary?
What are the characteristics of an effective teacher?
What will students need to know in the 21st century?
If needed, how do we change our current system to meet the needs of all students?

Replies to these questions lead to the 1st step in creating a shared vision. This step frames the fundamental goals of the Charter School. The 2nd step focuses on continuous improvement, the 3rd step organizes input into a plan, the 4th step refines and evaluates the vision using a process (Baldrige), and the 5th step deals with sustaining the shared vision by building leadership capacity. Chapter One of the Guide to Reinventing Schools explains this process in detail.

Parent surveys are randomly sent for completion to a statistically significant number of parents each month to track parent satisfaction with BOCS and record suggestions for improvement. Results of the survey are tracked and action plans developed to continually improve the level of parent satisfaction.

BOCS’s parent organization activities may include (but are not limited to):

- Meeting regularly and serving as a liaison to other school stakeholder groups such as the Ingenium Schools Board and BOCS teachers.
- Coordinating, with BOCS’s administration, Back-to-School nights and Student-Led Conferences.
- Creating and distributing a Parent Organization Newsletter.
- Creating and maintaining (with BOCS administration’s support) a Parent Organization Website.
- Preparing and publishing a student directory.
- Sponsoring or supporting community-building activities throughout the school year (orientations, school photos, socials, special fundraising events, community service activities).
- Supporting classrooms directly (volunteer coordination, teacher wish lists, chaperoning).
- Coordinating school-wide fundraising (book fairs, eScrip, and other fundraising partnerships with local businesses).
ELEMENT 5: EMPLOYEE QUALIFICATIONS

Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605(b)(5)(E).

QUALIFICATIONS OF SCHOOL EMPLOYEES

Barack Obama Charter School recruits professional, effective, and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities that are committed to the instructional philosophy outlined in the Mission and Vision statement. All personnel possess the knowledge, skills, and motivation to ardently pursue the realization of the mission and goals of the Charter School.

BELIEFS AND ATTITUDES (ALL PERSONNEL)

All personnel:

- Commit to use RSM/ILS systems and tools and adhere to the Baldrige program of the Charter School.

- Create and maintain Professional goal folders in order to continually improve their performance and to model effective use of the RSM to students.

- Possess an unshakable belief that children from under-resourced communities can reach the highest academic levels.

- Demonstrate the persistence and resourcefulness to overcoming obstacles and solve problems.

- Accept personal responsibility for the educational results of the Charter School.

- Display a willingness to embrace change.

- Maintain high personal ethical standards.

- Demonstrate a belief in lifelong learning.

PRESIDENT

Reports to: Board of Trustees.

Qualifications

- Demonstrated success in previous school administrative positions.
• Knowledge of charter laws, finance, and politics.
• California credentialed teacher.
• Possess a M.Ed. and/or an MBA.

Objectives

Earn progressively higher quality awards each year, e.g. California Award for Performance Excellence; California Challenge Award; California Prospector™ Award; Eureka Award for Performance Excellence™. Earn the Malcolm Baldrige National Quality Award by the sixth year of operations.

See “Charter School President” in Element VI: Governance above for a listing of President responsibilities.

PRINCIPAL

Qualifications

Special Skills/Experience Required:

• A Master’s degree in education, state certification, and at least two years of educational administrative experience in addition to strong communication, managerial, and computer skills.

• Knowledge of quality systems and experience in applying them in an educational setting.

• Experience implementing high academic standards and curricula in an educational setting, preferably in an urban setting.

• Capacity to build a school culture which mobilizes the efforts of all students, staff, and parents to realize the Charter School’s mission.

• Knowledge of effective practices motivating all students to adhere to high standards of conduct.

• Knowledge of urban children and their families, especially those from the dominant cultural groups represented in the Charter School’s student population.

• Capacity to facilitate groups to plan and make decisions.

• Capacity to build relationships that foster the development of staff.

• Capacity to analyze data on student learning and to identify areas of need and ensure improvement in instruction.
• Capacity to observe, evaluate and select effective teachers and identify effective teaching strategies.

• Skill in oral and written communications.

• Ability to manage multiple tasks simultaneously while prioritizing projects and assignments.

• Experience working under time pressure and maintaining a positive work environment.

**Objectives**

• Achieve the measurable student outcomes listed in Element III: Measureable Student Outcomes and Other Uses of Data.

• Successfully implement the educational program.

The Principal’s responsibilities are listed above in Element VI: Governance under “Charter School Principal.”

**CORE TEACHER**

**Reports to:** Principal

**Qualifications**

A Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. NCLB highly qualified for the position held.

**Objective.** Significant student progress towards meeting the Charter School’s academic standards.

**Responsibilities**

• Design, implement, and monitor the learning experiences of each student and the class.

• Work collaboratively with staff, students, parents, and community partners and communicate regularly with parents.

• Establish challenging goals or targets for improvement of individual and overall student academic performance. These goals are a combination of absolute measures and measures of progress.

• Maintain class goal folders to set class learning goals and action plans and track class learning progress.
• Review class performance with all students and modify class learning plans based on class performance and student input.

• Analyze data from assessments of student work with their teams to determine which teaching strategies need to be expanded and which need to be replaced by more effective ones.

• Other duties as assigned.

Knowledge and Skills

• Experience implementing high academic standards and curricula in an educational setting.

• Capacity to teach in a school that mobilizes all students to achieve at high levels.

• Knowledge of effective practices motivating all students to adhere to high standards of conduct.

• Knowledge of urban children and their families, especially of those from the dominant cultural groups represented in the Charter School's student population.

• Capacity to analyze data on student learning to identify needs for improvement in instruction.

• Skill in oral and written communications.

• Capacity to work as an effective team member.

OFFICE MANAGER

Reports to: Principal

Qualifications: Bachelor’s degree from four-year college or university or one to two years of related experience and/or training; or equivalent combination of education and experience.

Summary of responsibilities: Schedules appointments, provides appropriate information to callers, takes dictation, and otherwise relieves officials of clerical work and minor administrative and business detail by performing the following duties:

• Prepare and communicate reports.

• Track the NCLB qualifications of teachers using an NCLB qualification form and maintain personnel records.
• Read and route incoming mail. Locate and attach appropriate file to correspondence to be answered by employer.

• Compose and type routine correspondence.

• Organize and maintain file system, and file correspondence and other records.

• Answer/screen manager’s telephone calls, and arrange conference calls.

• Coordinate manager’s schedule and make appointments.

• Greet scheduled visitors and conduct to appropriate area or person.

• Arrange and coordinate travel schedules and reservations.

• Conduct research, and compile and type statistical reports.

• Coordinate and arrange meetings, prepare agendas, reserve and prepare facilities, and record and transcribe minutes of meetings.

• Make copies of correspondence or other printed materials.

• Prepare outgoing mail and correspondence, including e-mail and faxes.

• Order and maintain supplies, and arrange for equipment maintenance.

Ability to:

• Read, analyze and interpret general business periodicals, professional journals, technical procedures, or governmental regulations.

• Write reports, business correspondence, and procedure manuals.

• Present information and respond to questions from groups of managers, clients, customers, and the general public.

• Calculate figures and amounts such as discounts, interest, and percentages.

• Independently solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.
• Interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

• Employ and interpret word processing, spreadsheets, Internet software, and E-mail.

OTHER NON-CERTIFICATED EMPLOYEES

BOCS non-certificated personnel shall be willing to work in a unique educational environment with a diverse group of teachers, parents and students.

As applicable, BOCS will comply with the highly qualified requirements under the No Child Left Behind Act for paraprofessionals.

Employee expectations are further delineated in Appendix D, Personnel Handbook, and Appendix M, Employment Agreement.

HIRING PROCESS

The Board selects the President who selects the Principal, who in turn engages all other staff. Deadlines for submitting applications are established and publicly advertised. In accordance with Education Code 47605(d)1, Barack Obama Charter School is nonsectarian in its employment practices and all other operations. Barack Obama Charter School does not discriminate against any individual (employee or pupil) on the basis of race, ethnicity, national origin, gender, sexual orientation or disability.

REVIEW OF CREDENTIALS

For any job requiring a credential or other license or other documentation, Ingenium Schools’ Business Manager examines the credentials of applying candidates to determine whether the credentials are appropriate for the applied for position. The Business Manager monitors credentialing requirements on an ongoing basis and alerts an employee when the employee is in danger of not meeting certification requirements.

IDENTIFICATION OF THE ROLES AND FUNCTIONS OF STAFF MEMBERS

Roles and functions of staff are detailed in the job descriptions above. Staff expectations are further delineated in Appendix H, Personnel Handbook, and Appendix N, Employment Agreement.

EVALUATION OF EMPLOYEES

The Board of Trustees evaluates the President, who in turn evaluates the Principal.

The Principal is evaluated by the President. The Principal maintains a School Assessment Binder that forms the basis for Principal evaluations.
All school staff other than the Principal report to and are evaluated by the Principal, who sets goals with them and evaluates them on their performance and the extent to which they met their goals.

CRITERIA AND PROCEDURES USED IN EVALUATIONS

Teachers

All teachers will prepare classroom goal folders and classroom success plans for each class as well as professional goal folders. The Principal reviews classroom and professional goal folders at least quarterly. Teacher evaluations include scores on the maintenance of these documents and classroom results, including value-added student achievement.

In addition, the Principal observes teachers at least three times a year and evaluates them on these five categories and their underlying Teacher Performance Expectations (TPE):

Making Subject Matter Comprehensible to Students
TPE 1 – Specific Pedagogical Skills for Subject Matter Instruction

Assessing Student Learning
TPE 2 – Monitoring Students Learning During Instruction

TPE 3 – Interpretation and Use of Assessment

Engagement and Supporting Students in Learning
TPE 4 – Making Content Accessible

TPE 5 – Student Engagement

TPE 6 – Developmentally-appropriate Teaching Practices

TPE 7 – Teaching English Learners

Planning Instruction and Designing Learning Experiences for Students
TPE 8 – Learning About Students

TPE 9 – Instructional Planning

Creating and Maintaining Effective Environments for Student Learning
TPE 10 – Instructional Time

TPE 11 – Social Environment

Developing as a Professional Educator
TPE 12 – Professional, Legal and Ethical Obligations
TPE 13 – Professional Growth

Other Staff
The President is evaluated by the Board of Trustees.

MEASURES OF PERFORMANCE

Ingenium Schools Board of Trustees annually sets performance goals with the President and reviews his performance at the end of the school year. The President and Principal, in turn, set performance goals and evaluate other staff members.

Measures of the President include but are not limited to the following:

- CAPE and Baldrige Award scores.
- Relationship of the Charter School with the charter authorizer and other elements of the community.

The measures of the Principal include but not limited to the following:

- CAPE and Baldrige Award scores.
- Student retention.
- Parent satisfaction.
- Student performance.
- Student enthusiasm for learning.
- API and AYP results.
- Teacher renewals.

TEACHER RECRUITMENT

BOCS begins its faculty recruitment effort in February each year. It advertises its openings at local university training programs that specialize in producing NCLB-qualified teachers, including UCLA, USC, California State Universities at Dominguez Hills, Los Angeles, and Northridge; Pepperdine, and Loyola Marymount. It also advertises on EdJoin, CCSA’s placement service, and similar sites.

The hiring process includes interviewing and collecting the following documents from applicants: résumés, CBEST results, certified and sealed college transcripts, references, records of experiences, credentials, licenses, and verification of previous employment.
In order to ensure that candidates are NCLB-qualified, BOCS’s teacher employment package include an “NCLB Teacher Requirements: Certificate of Compliance” form that applicants must complete. In addition, the Business Manager completes an “NCLB Teacher Requirements Form” and verifies the critical elements in it (credential, degrees, and examination results). In order to qualify for interviews, candidates must be verified as NCLB-qualified and document SDAIE training and/or CLAD (or state recognized equivalency) credentials in order to effectively work with the high proportion of targeted students learning English.

Applicants are scored on a variety of measures including demonstrated student achievement with BOCS’s target student population. Qualifying candidates scoring above a set score are invited for interviews with the Hiring Committee, where further scoring is completed. Candidates must express unconditional support and commitment to BOCS’s mission and RSM program in the interviews. Top scorers are asked to teach demonstration classes for observation by Hiring Committee members; these observations are be scored. Top scoring candidates are sent invitations to join the BOCS faculty at the end of the process and, if they accept the invitation, are sent an employment agreement to complete.
ELEMENT 6: HEALTH AND SAFETY PROCEDURES

Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237, Education Code Section 47605(b)(5)(F).

In order to provide safety for all students and staff, BOCS has adopted and implemented full health and safety procedures and risk management policies at its school site in consultation with BOCS insurance carriers and risk management experts. Following is a summary of the health and safety policies of BOCS.

PROCEDURE FOR BACKGROUND CHECKS

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

The President monitors compliance with this policy and reports to the Ingenium Schools Board of Trustees on a quarterly basis. The Board Chair monitors the fingerprinting and background clearance of the President.

ROLE OF STAFF AS MANDATED CHILD ABUSE REPORTERS

All employees are mandated child abuse reporters and follow all applicable reporting laws, the same policies and procedures used by CUSD.

TB TESTING

BOCS follows the requirement of Education Code Section 49406 in requiring tuberculosis testing of all employees.

IMMUNIZATIONS

BOCS adheres to all law related to legally required immunizations for all entering students pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.

MEDICATION IN SCHOOL

BOCS adheres to Education Code Section 49423 regarding administration of medication in school.
VISION/HEARING/SCOLIOSIS

BOCS adheres to Education Code §49450 et seq. as applicable to the grade levels served by BOCS.

EMERGENCY PREPAREDNESS

BOCS adheres to a Safety Plan drafted specifically to the needs of the school site. This Plan includes but is not limited to the following responses: OSHA policy compliance, fire, flood, earthquake, terrorist threats, and hostage situations and shall be submitted for District receipt and review at least 30 days prior to BOCS’s opening. This Plan shall include an evacuation plan, and general school safety, injury and illness prevention. The current Plan is contained in Appendix G: Safety Plan.

BLOODBORNE PATHOGENS

BOCS meets state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. It has a written “Exposure Control Plan” designed to protect employees from possible infection due to contact with blood-borne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

Whenever exposed to blood or other body fluids through injury or accident, all students and staff should follow the latest medical protocol for disinfecting procedures.

DRUG FREE/SMOKE FREE ENVIRONMENT

BOCS maintains a drug and alcohol and smoke free environment.

HOW THE SCHOOL WILL ENSURE THAT ITS FACILITIES ARE SAFE

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001.

The preferred site for the Charter School is the existing BOCS site, Lincoln Elementary School, 1726 East 117th Street, Los Angeles, CA 90059.

Barack Obama Charter School has property insurance coverage for the site. An appropriate health and safety plan is in place (see Appendix G). Barack Obama Charter School will maintain an active safety plan on file for review and the Charter School staff will be trained annually on the safety procedures outlined in the plan.

Barack Obama Charter School hires its own contractors and provides the appropriate resources necessary in order to perform maintenance and operations functions required at its facility.
ELEMENT 7: RACIAL AND ETHNIC BALANCE

**Governing Law:** The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G).

Below is BOCS’s written plan to achieve and maintain the Compton Unified School District ethnic balance goal.

- Fliers (in English and Spanish) are distributed in Compton Unified School District’s attendance area indicating enrolling opportunities at BOCS beginning in February. These fliers will include information on our instructional program and grades we will be serving. The fliers will be distributed as follows:
  - Local senior high and middle schools. BOCS will seek permission from the schools to distribute its fliers.
  - Local markets. BOCS staff will visit local markets to distribute fliers.
- BOCS will distribute enrollment information to current families to distribute in their neighborhood.
- BOCS’s Principal will ask to give presentations to and leave fliers at local churches and community centers.
- BOCS will seek articles in the following local publications: Compton Bulletin and the Pennysaver.
- At least two informational meetings will be held during the winter and spring where we will share information about Barack Obama Charter School and our alternative setting for families and their children.
- BOCS staff and volunteer recruiters will canvass homes within a two mile radius of the Charter School.
- Each family showing interest will be sent an application packet. Parents are responsible for completing an application, a draft of which can be found in Appendix H.

BOCS shall maintain an accurate accounting of the ethnic and racial balance of students enrolled in BOCS along with documentation of the efforts BOCS has made to achieve racial and ethnic balance in accordance with the charter petition and standards of charter school legislation.


**ELEMENT 8: ADMISSION REQUIREMENTS**

*Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).*

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

The Charter School shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state.

Students and their parent(s)/guardian(s) must complete an application available from BOCS’s school office and submit it directly to Barack Obama Charter School. The subsequent enrollment packet contains, at a minimum, the Home Language Survey and asks for required proof of immunizations and minimum age. Parents and all students are required to sign an agreement that they will abide by BOCS policies on academics, attendance, and conduct.

Applications are accepted during a publicly advertised open application period each spring for enrollment in the following school year. Following the open application period each year applications are counted to determine whether any grade level has received more applications than availability. In the event that this happens, the Charter School will hold a public random drawing to determine admission for the impacted grade level, with the exception of existing students, who are guaranteed admission in the following school year. Admission preferences in the case of a public random drawing shall be given to the following students in the following order:

1. Existing pupils of BOCS.
2. Students who reside within CUSD boundaries and are siblings of existing pupils of BOCS.
3. Students who reside within CUSD boundaries and are relatives of Ingenium Schools employees.
4. Students who reside within CUSD boundaries
5. Siblings of existing pupils of BOCS who reside outside CUSD boundaries.
6. Relatives of Ingenium Schools employees who reside outside CUSD boundaries.
7. All other applicants

The Charter School designates and publicizes an application deadline and only applications received prior to the deadline are included in the public random drawing. Public notice is posted at the school site regarding a date, time, and location of the public drawing once the deadline date has passed. Enrollment applications also include the date, time, and location of the drawing, as does BOCS’s Web site.
Once enrollment is reached at the public random drawing, the remaining names continue to be drawn and are placed on a waiting list in the order drawn. If a child gains admission, he or she is automatically be considered an “existing pupil” and, accordingly, any siblings who are also applying is automatically given the next enrollment slot, if available for their grade, or moves to the top of the waiting list for their grade (behind any other already drawn siblings on the waiting list). If vacancies occur during the school year, the vacancies are filled according to the waiting list.

   School staff call parents or guardians of students on the wait list when positions become available and give the parents or guardians 24 hours to respond before moving to the next student on the wait list.

   The Charter School maintains on file verification of the fairness of the lottery process, the ordered list of lottery winners, and the ordered wait list. It also maintains records of efforts to reach parents or guardians of students on the wait list who are notified when positions are available and documentation of parent and guardian responses, including time stamps.

   BOCS’s office remains open from 7:30a.m. to 4:00p.m. every week day during the application period for collecting registration forms and personally answering questions about the Charter School.

   Before school begins each year, all students must have an emergency medical information form on file.
ELEMENT 9: ANNUAL INDEPENDENT FINANCIAL AUDIT

Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Education Code Section 47605(b)(5)(I).

An annual independent financial audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law, the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller’s K-12 Audit Guide.

The Ingenium Schools Board oversees selection of an independent auditor. The auditor will have, at a minimum, and CPA and educational institution audit experience and will be approved by the State Controller on its published list as an education audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any Office of Management and BudgetCirculars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Ingenium Schools Finance Committee will review any audit recommendations or deficiencies and report to the corporation’s governing board and CUSD their plan for resolving deficiencies. The board will report to CUSD regarding how the exceptions and deficiencies have been or will be resolved. Exceptions/deficiencies will be resolved to the satisfaction of CUSD. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel (“EAAP”) in accordance with applicable law.

The independent financial audit of the Charter School is a public record to be provided to the public upon request.

Barack Obama Charter School shall promptly respond to all reasonable inquiries and requests for documents from CUSD and shall consult with CUSD regarding any inquiries. Furthermore, Barack Obama Charter School will provide any financial information requested by CUSD and make its books available to CUSD during any business day upon request or within 24 hours. In addition all legally required financial reports will be submitted to CUSD in the format required by CUSD within timeframes specified by the law or CUSD each year.
ELEMENT 10: SUSPENSION AND EXPULSION POLICY AND PROCEDURE

**Governing Law:** The procedures by which pupils can be suspended or expelled. Education Code Section 47605(b)(5)(f).

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at Ingenium Schools campuses. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as each campus’ policy and procedures for student suspension and expulsion. It may be amended from time to time without the need to amend a campus’ charter so long as the amendments comport with legal requirements.

Campus staff shall enforce disciplinary rules and procedures fairly and consistently among all students. Criteria for suspension and expulsion of students shall be consistent with all applicable federal statutes and state constitutional provisions. All related hearings will conform to the applicable state and federal laws regarding discipline, special education, confidentiality, and access to records. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee’s use of force that is reasonable and necessary to protect the employee, students, staff, or other persons or to prevent damage to school property.

The campus administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedure document is available on request at the principal’s office.

Suspended students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension. The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension.

A student identified as an individual with disabilities or for whom the campus has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEIA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The campus will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the campus has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in accordance with law.
A. GROUNDS FOR SUSPENSION AND EXPULSION OF STUDENTS

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. ENUMERATED OFFENSES

1. Discretionary Suspension Offenses. Students may be suspended when a principal determines that the pupil failed to comply with the school’s policies or expectations regarding mutual respect, sexual harassment, substance abuse, violence, safety or work habits. Offenses that could lead to suspension include but are not limited to:

   a) Any of the acts listed in Education Code section 48900.

   b) Any other act or conduct that a principal determines is inconsistent with the school’s policies or behavioral expectations.

2. Discretionary Expellable Offenses: Students may be expelled when a principal determines that the pupil failed to comply with the school’s policies or expectations regarding mutual respect, sexual harassment, substance abuse, violence, safety, or work habits. Offenses that could lead to expulsion include but are not limited to:

   a) Any of the acts listed in Education Code section 48915(a).

   b) Any multiple or relatively serious instances of the acts listed in Education Code section 48900.

   c) Any other act or conduct that a principal determines is inconsistent with the school’s policies or behavioral expectations and should lead to expulsion.

3. Non-Discretionary Expellable Offenses: Students shall be suspended and recommended for expulsion for any of the following acts when a principal determines pursuant to the procedures below that the pupil possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object.

C. SUSPENSION PROCEDURE

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension may be preceded, at a principal’s discretion, by a Suspension Conference conducted by a principal or a principal’s designee with the student and his or her parent. If a student is suspended without a Suspension Conference, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a Conference.

At the Suspension Conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.
2. Notice to Parents/Guardians

At the time of the suspension, a principal or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by a principal, the pupil and the pupil’s guardian or representative will be invited to a Suspension Conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by a principal or designee upon either of the following: 1) the pupil’s presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil’s suspension will be extended pending the results of an expulsion hearing.

D. EXPULSION PROCEDURES

The parent(s) or guardian of a student shall have ten days from issuance of a written notice of a principal’s recommendation for expulsion to file a written request for an appeal hearing to be presided over by the principal of a different Ingenium Schools campus (the “Hearing Officer”). If no appeal is requested, the expulsion becomes final as of the 11th day following a principal’s recommendation for expulsion.

The Hearing Officer shall hold an appeal hearing within 15 days of receipt of a timely request for an appeal of a principal’s recommendation for expulsion. During the hearing, the student shall have the right to representation, the right to present evidence, and the right to question Ingenium Schools representatives.

Written notice of the hearing shall be provided to the student and the student’s parent/guardian at least ten calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

(1) The date, time and place of the expulsion appeal hearing;

(2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;

(3) A copy of the school’s rules or policy which relate to the alleged violation;

(4) Notification of the student’s or parent/guardian’s obligation to provide information about the student’s status at the school to any other school district or school to which the student seeks enrollment;

(5) The opportunity for the student or the student’s parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;

(6) The right to inspect and obtain copies of all documents to be used at the hearing;
7) The opportunity to confront and question all witnesses who testify at the hearing;

8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf including witnesses.

The student and/or his or her parent(s) or representative must present all written and oral evidence and argument to be considered for the appeal at the hearing. The school secretary or Hearing Officer’s designee shall attend and prepare minutes of the proceeding, which shall become part of the record of the proceeding along with all written evidence or other material submitted to the Hearing Officer. After considering the evidence, including testimony presented at the hearing, the Hearing Officer shall either (1) support a principal’s recommendation for expulsion, (2) reject that recommendation, or (3) modify that recommendation.

E. SPECIAL PROCEDURES FOR EXPULSION HEARINGS INVOLVING SEXUAL ASSAULT OR BATTERY OFFENSES

The Hearing Officer may determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Hearing Officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

F. RECORD OF HEARING

A record of the hearing shall be made by minutes taken by the school secretary or Hearing Officer’s designee.

G. PRESENTATION OF EVIDENCE

While technical rules of evidence do not apply to expulsion appeal hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by a principal to expel must be supported by substantial evidence that the student committed an expellable offense. The Hearing Officer's findings and determination shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Hearing Officer determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

The final decision by the Hearing Officer shall be made within ten school days following the conclusion of the appeal hearing. The decision of the Hearing Officer is final. If the Hearing Officer decides against expulsion, the pupil shall immediately be returned to his/her educational program.
H. WRITTEN NOTICE TO EXPEL

A principal or designee following a decision of the Hearing Officer to expel shall send written notice of the determination to expel, including the Hearing Officer’s findings of fact, to the student or parent/guardian. This notice shall also include the following: notice of the specific offense committed by the student; and notice of the student’s or parent/guardian’s obligation to inform any new district or school in which the student seeks to enroll of the student’s status with the school.

A principal or designee shall send a copy of the written notice of the determination to expel to the authorizer and the Ingenium Schools Board of Trustees.

I. DISCIPLINARY RECORDS

The campus shall maintain records of all student suspensions and expulsions at the campus. Such records shall be made available to the authorizer upon request.

J. NO RIGHT TO APPEAL HEARING OFFICER DETERMINATION

The Hearing Officer’s determination after the expulsion appeal hearing is final and unappealable.

K. EXPelled PUPILS/ALTERNATIVE EDUCATION

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The campus shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

L. REHABILITATION PLANS

Students who are expelled from the campus may be given a rehabilitation plan upon expulsion as developed by a principal at the time of the expulsion order that may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the campus for readmission.

M. READMISSION

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Ingenium Schools Board of Trustees following a meeting with a principal or designee and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. A principal or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil’s readmission is also contingent upon the campus’s capacity at the time the student seeks readmission.
N. SPECIAL PROCEDURES FOR THE CONSIDERATION OF SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

1. Notification of SELPA

The campus shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student who the campus or SELPA would be deemed to have knowledge that the student had a disability.

2. Services During Suspension

Students suspended for more than ten school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the campus, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student’s file including the child’s IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

b) If the conduct in question was the direct result of the local educational agency’s failure to implement the IEP/504 Plan.

If the campus, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child’s disability.

If the campus, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child’s disability, the IEP/504 Team shall:

a) Conduct a functional behavioral assessment or a functional analysis assessment and implement a behavioral intervention plan for such child, provided that the campus had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan and modify it, as necessary, to address the behavior; and
c) Return the child to the placement from which the child was removed unless the parent and the campus agree to a change of placement as part of the modification of the behavioral intervention plan.

If the campus, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student’s disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the campus may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the campus’ belief that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the campus, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the campus agree otherwise.

5. Special Circumstances

Campus personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. A principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student’s disability in cases where a student:

a) Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;

b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function;

c) Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student’s interim alternative educational setting shall be determined by the student’s IEP/504 team.

7. Procedures for Students Not Yet Eligible for Special Education Services
A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the campus’s disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the campus had knowledge that the student was disabled before the behavior occurred. The campus shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to campus supervisory or administrative personnel, or to one of the child’s teachers, that the student is in need of special education or related services.

b) The parent has requested an evaluation of the child.

c) The child’s teacher, or other campus personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other campus supervisory personnel.

If the campus knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If the campus had no basis for knowledge of the student’s disability, it shall proceed with the proposed discipline. The campus shall conduct an expedited evaluation if requested by the parents. However, the student shall remain in the education placement determined by the campus pending the results of the evaluation.

The campus shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.
ELEMENT 11: RETIREMENT BENEFITS

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security. Education Code Section 47605(b)(5)(K).

Barack Obama Charter School certificated employees participate in the State Teachers’ Retirement System. Non-certificated employees are covered by Social Security. The President, who is responsible for ensuring that appropriate arrangements for retirement coverage are made, and the business services provider work with the Los Angeles County Office of Education to forward in a timely fashion any required payroll deductions and related work. Barack Obama Charter School uses either LACOE’s reporting system or a system compatible with LACOE.
ELEMENT 12: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(b)(5)(L).

No student may be required to attend Barack Obama Charter School. Students who reside within CUSD who choose not to attend Barack Obama Charter School may attend school within CUSD according to District policy or at another school district or school within the District through the District’s intra and inter-district policies.

The parent or guardian of each student enrolled in the charter school will be informed that the student has no right to admission in any school within a local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.
ELEMENT 13: RIGHTS OF SCHOOL DISTRICT EMPLOYEES

Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M).

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the Charter School that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.

Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.
**ELEMENT 14: DISPUTE RESOLUTION**

*Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N).*

**DISPUTES BETWEEN BOCS AND CUSD**

The Charter School recognizes that it cannot force the District to a dispute resolution procedure to which the District does not agree. The policy below is intended as a starting point for a discussion of dispute resolution procedures. The Charter School is willing to consider changes to the process outlined below as suggested by the District.

The Charter School and the District will be encouraged to attempt to resolve any disputes with the District amicably and reasonably without resorting to formal procedures.

In the event of a dispute between the Charter School and the District, Charter School staff, employees, and Board members of the Charter School and the District agree to first frame the issue in written format (“dispute statement”) and to refer the issue to the District Superintendent and the President of Ingenium Schools and/or Principal of the Charter School. In the event that the District Board of Education believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the District to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the District’s ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The President and/or Principal and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than 5 business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the Superintendent and the President and/or Principal of the Charter School and attempt to resolve the dispute within 15 business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the Superintendent and the President and/or Principal shall meet to jointly identify a neutral third party mediator to engage the Parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the Superintendent and the President and/or Principal. Mediation shall be held within sixty business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the District and the Charter School. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the District and the Charter School.
Barack Obama Charter School recognizes that if the State Board of Education is its authorizer, the State Board of Education may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in this charter, provided that it first holds a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter. If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code Section 47604.5, the matter will be addressed at the State Board of Education’s discretion in accordance with that provision of law and any regulations pertaining thereto.
ELEMENT 15: PUBLIC SCHOOL EMPLOYER

Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

Ingenium Schools is deemed the exclusive public school employer of BOCS employees for the purposes of the Educational Employment Relations Act ("EERA"). Ingenium Schools shall comply with the EERA.
ELEMENT 16: CLOSURE PROTOCOL

Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

The following procedures shall apply in the event BOCS closes. The following procedures apply regardless of the reason for closure.

The decision to close the Charter School shall be documented by official action of the Ingenium Schools Board, which is the governing board of Barack Obama Charter School. This action will identify the reason for the Charter School’s closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board will promptly notify parents and students of the Charter School, CUSD, the Los Angeles County Office of Education, the Charter School’s SELPA, the retirement systems in which the Charter School’s employees participate (e.g., Public Employees’ Retirement System, State Teachers’ Retirement System, and federal social security), and the California Department of Education of the closure and of the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils’ school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board’s decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, BOCS will provide parents, students and CUSD with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. §1232g. BOCS will ask CUSD to store original records of Charter School students. All records of BOCS shall be transferred to CUSD upon Charter School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.
As soon as reasonably practical, BOCS will prepare final financial records. BOCS will also have an independent audit completed within six months after closure. BOCS will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by BOCS and will be provided to CUSD promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of BOCS, all assets of BOCS, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending BOCS, will remain the sole property of Ingenium Schools and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the nonprofit public benefit corporation. Any assets acquired from the District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, Ingenium Schools shall remain solely responsible for all liabilities arising from the operation of BOCS.

As BOCS is operated by Ingenium Schools, a nonprofit public benefit corporation, the Ingenium Schools Board will follow the procedures set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget in Appendix I, the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.
BUDGETS AND CASH FLOW

_Governing Law:_ The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. _Education Code Section 47605(g)._ 

Attached as Appendix I, please find the following documents:

- A projected budget.
- Cash flow and financial projections for five years of operation.
- Budget assumptions.

BUDGET DEVELOPMENT

Budget development begins each year immediately following the January announcement of the governor’s K-12 State Budget Proposals and is continually refined through the May Revision to the Final State Budget Act. Budgeted resources are always consistent with charter school goals as identified by the governing council.

Key factors that enable Barack Obama Charter School to be self-sustaining on public funds (and occasional private donations) are:

- High student attendance rates.
- Relatively large class sizes, especially for charter schools.
- Comparatively low number of classified employees.
- Intensive utilization of all employees.
- Low non-classroom based operating expenses.
- Access to a significant ($1.3 million) line of credit.

Barack Obama Charter School will continue to follow this financial model in order to ensure that it is financially sound and can provide an exemplary education to the students it serves.

CASH AND REVENUE FLOW

Barack Obama Charter School will be a directly funded charter school. Funds still flowing through CUSD will be transferred via journal voucher entry in a timely manner. Warrants will be payable to Barack Obama Charter School.
CUSD each year. The legally required financial statements include, but are not limited to, the following:

- By July 1, a preliminary budget for the current fiscal year.
- By December 15, an interim financial report for the current fiscal year reflecting changes through October 31.
- By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
- By September 15, a final unaudited report for the full prior year. The report submitted to CUSD shall include an annual statement of all BOCS’S receipts and expenditures for the preceding fiscal year.”
- Other reports requested by CUSD.

**FISCAL MANAGEMENT**

The Ingenium Schools Board has adopted comprehensive board-level fiscal policies, engaged a professional business services firm, and implemented a comprehensive internal control program.

The Ingenium Schools Board has adopted the following fiscal policies from model policies and forms available from CSDC and business services providers: budget development; staff roles related to fiscal issues; conflict of interest; check-signing; petty cash management; attendance recording; payroll processing; control; risk management; accounts payable; expense reports; banking procedures; and other financial management procedures.

**INSURANCE**

The Charter School has acquired and financed general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts are based on recommendations provided by the District and the Charter School’s insurer. The District Board of Education shall be named as an additional insured on all policies of the Charter School. Evidence of the above insurance is maintained on file at the Charter School.

**EVIDENCE OF INSURANCE**

BOCS shall furnish to CUSD’s Office of Risk Management and Insurance Services within 30 days all new policies inceptions, renewals or changes, certificates or such insurance signed by authorized representatives of the insurance carrier. Certificates shall be endorsed as follows:

“The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to CUSD.”
Should BOCS deem it prudent and/or desirable to have insurance coverage for damage or theft to school, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by CUSD and its purchase shall be the responsibility of BOCS.

**ADMINISTRATIVE SERVICES**

*Governed Law: The manner in which administrative services of the school are to be provided. Education Code Section 47605(g).*

Barack Obama Charter School has engaged the services of CSMC, a third party contractor, to provide the required school administrative services. These services include:

- Accounting. The accounting system will meet the requirements of CUSD and DOE.
- Purchasing and accounts payable.
- Accounts receivable.
- Payroll processing.
- Business and budget-related consulting.
- Compliance.
- Attendance and Student Information Systems.
- Board meeting support.

**FACILITIES**

Barack Obama Charter School will continue to use facilities at Lincoln Elementary School, 1726 East 117th Street, Los Angeles, CA 90059 under the provisions of Proposition 39.

**IMPACT ON THE CHARTER AUTHORIZER**

_Governing Law: Potential civil liability effects, if any, upon the school and upon the District. Education Code Section 47605(g)._  

Barack Obama Charter School shall be operated by a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d.

Pursuant to Education Code Section 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by BOCS if the authority has complied with all oversight responsibilities required by law. Barack Obama Charter School shall work diligently to assist CUSD in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure CUSD shall not be liable for the operation of BOCS.

Further, Barack Obama Charter School and CUSD shall enter into a memorandum of understanding wherein BOCS shall indemnify CUSD for the actions of BOCS under this charter.

The corporate bylaws of Ingenium Schools shall provide for indemnification of Ingenium Schools’ Board, officers, agents, and employees, and Ingenium Schools will purchase general liability insurance, Board Members and Officer’s insurance, and fidelity bonding to secure against financial risks.

See the Insurance section above for the insurance amounts and types to be secured by Barack Obama Charter School, evidence of insurance, and hold harmless/indemnification provisions.

The Ingenium Schools Board will institute appropriate risk management practices as discussed herein including screening of employees, establishing codes of conduct for students, and dispute resolution.
CONCLUSION

By approving this charter, the Compton Unified School District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; increase learning opportunities for all pupils with special emphasis on expanded learning opportunities for all pupils who are identified as academically low achieving; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and thus follow the directive of law to encourage the creation of Charter Schools. The Petitioners are committed to work independently yet cooperatively with CUSD to raise the bar for what a charter school can and should be. To this end, the Petitioners pledge to work cooperatively with CUSD to answer any concerns over this document.
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<td>Percentage of Econs Disadv students</td>
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**REVENUE**

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<th>Revenue Category</th>
<th>FY14-15</th>
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<th>FY16-17</th>
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<td>LCFF Funding</td>
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<td>998,650</td>
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<td>3,245,343</td>
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<td>Special Ed - IDEA (Federal)</td>
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**TOTAL REVENUES**
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<th>FY16-17</th>
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<td></td>
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<td>ADA</td>
<td>Enrollment</td>
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<tr>
<td>Certificated Salaries</td>
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<tr>
<td>1100 Teachers’ Salaries</td>
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<td>1,992</td>
<td>701,847</td>
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<td>1000 Salaries</td>
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<td>1120 Non-Certificated Pupil Support Salaries</td>
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<td>178,231</td>
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<td>1300 Other Certificated Salaries</td>
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<td>Total Certificated Salaries</td>
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<td>2100 Instructional Aides</td>
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<tr>
<td>Total Capital Outlay</td>
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<tr>
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<td>Total Other Outgoing Costs</td>
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<td>26,536</td>
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</table>
### CASH FLOW

**2013-2014 SCHOOL YEAR**

<table>
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<th>Expenditures</th>
<th>Revenue</th>
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</thead>
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<tr>
<td><strong>State</strong></td>
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<tr>
<td><strong>Federal</strong></td>
<td><strong>2,345,343</strong></td>
</tr>
<tr>
<td><strong>Local</strong></td>
<td><strong>1,381,751</strong></td>
</tr>
</tbody>
</table>

### New School Budget

#### Starting Balance
- **State:** 37%
- **Prop Tax:** 8%
- **Common Core:** 3%
- **Classified Supervisor/Administrator Salaries:** 5%
- **In Lieu of Property Taxes:** 2%
- **Child Nutrition - Federal:** 1%
- **Other State Revenues:** 1%
- **Stipends:** 1%
- **Classified Salaries:** 1%

#### Revenue Sources

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>$54,652</td>
<td>$177,614</td>
<td>$232,300</td>
<td>$399,442</td>
<td>$462,672</td>
<td>$525,902</td>
<td>$589,132</td>
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#### Expenditures Sources

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</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>$54,652</td>
<td>$177,614</td>
<td>$232,300</td>
<td>$399,442</td>
<td>$462,672</td>
<td>$525,902</td>
<td>$589,132</td>
<td>$652,362</td>
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#### Total Revenue

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<td>$1,761,400</td>
<td>$1,926,050</td>
<td>$2,090,700</td>
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### Financial Projections

- **Prop Tax:** 0%
- **Common Core:** 0%
- **Classified Salaries:** 0%
- **Other State Revenues:** 0%
- **Stipends:** 0%
- **Classified Supervisor/Administrator Salaries:** 0%

### Total Expenditures

- **State:** $1,381,751
- **Prop Tax:** $1,381,751
- **Common Core:** $1,381,751
- **Classified Supervisor/Administrator Salaries:** $1,381,751
- **In Lieu of Property Taxes:** $1,381,751
- **Child Nutrition - Federal:** $1,381,751
- **Other State Revenues:** $1,381,751
- **Stipends:** $1,381,751

### Total Revenue

- **State:** $1,381,751
- **Prop Tax:** $1,381,751
- **Common Core:** $1,381,751
- **Classified Supervisor/Administrator Salaries:** $1,381,751
- **In Lieu of Property Taxes:** $1,381,751
- **Child Nutrition - Federal:** $1,381,751
- **Other State Revenues:** $1,381,751
- **Stipends:** $1,381,751
dsib-csd-jul14item03
Attachment 4
Page 5 of 6

Barack Obama Charter School Budget and Financial Projections

CASH FLOW
2013-2014 SCHOOL YEAR

Actual

Statistical

JULY
2014
5.00%
6%

AUGUST
2014
5.00%
12%

SEPT
2014
9.00%
8%

OCT
2014
9.00%
8.0%

NOV
2014
9.00%
8.0%

DEC
2014
9.00%
8.0%

JAN
2015
9.00%
8.0%

FEB
2015
20.00%
33.3%

MARCH
2015
20.00%
16.67%

APRIL
2015
20.00%
16.67%

MAY
2015
20.00%
16.67%

JUNE
2015
20.00%
16.67%

379,142

8,458

19,492

37%
35,119

35,119

35,119

18%
35,119

35,119

20.00%
35,119

20.00%
35,119

20.00%
35,119

20.00%
35,119

20.00%
35,119

Employee Benefits
3101 STRS
3202 PERS
3323 Medicare
3313 OASDI
3403 Health & Welfare Benefits
3503 State Unemployment Insurance
3603 Workers' Compensation
3903 Other Employee Benefits
TTL Employee Benefits

78,795
19,346
23,507
181,440
22,682
23,349
349,120

Books and Supplies
4100 Approved Textbooks
4200 Books & Other Reference Materials
4300 General Materials & Supplies
4315 Classroom Materials & Supplies
4400 Noncapitalized Equipment
4430 Student Non-Capitalized Equipment
4700 Food Service Supplies
TTL Books and Supplies

1,480
414
661
23,736
26,291
54,694

1,591
562
1,209
14,337
2,062
2,123
21,883
60,655

7,176
1,771
2,177
14,337
2,062
2,123
29,646
151,752

7,176
1,771
2,177
14,337
2,062
2,123
29,646
151,752

7,176
1,771
2,177
14,337
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25,680
25,680

State
Prop Tax

2900 Other Classified Salaries
TTL Classified Salaries

New School

Services, Other Operating Expenses
5200 Travel & Conferences
5210 Training & Development
5300 Dues & Memberships
5400 Insurance
5500 Operation & Housekeeping Services
5501 Utilities
5505 Student Transportation
5600 Space Rental/Lease Expense
5601 Building Maintenance
5602 Other Space Rental
5605 Equipment Rental/Lease Expense
5610 Equipment Repair
5800 Professional/Consulting Services & Oper Exp.
5803 Banking & Payroll Service Fees
5805 Legal/Audit Services
5810 Educational Consultants
5815 Advertising / Recruiting
5820 Fundraising Expenses
5890 Interest Expense / Misc. Fees
5891 Charter Capital Fees
5899 CMO Management Fee
5900 Communications
Total Services & Operating Expenses
Capital Outlay
9420 Buildings and Improvements of Buildings
9440 Equipment & Furniture
9441 Computer Equipment
TTL Capital Outlay
Direct Support / Indirect Costs
7010 Special Ed Fair Share Contribution
7500 District Oversight Fee
7438 Debt Service - Interest
TTL Direct Support / Indirect Costs

State

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25,680

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Barack Obama Charter School Budget and Financial Projections

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APPENDIX B: SAMPLE SCORING GUIDE AND CAPACITY MATRIX

Sample Scoring Guide

Strand: Reading
Measurement Topic: Expository Comprehension (.02)
LA.03.02.03.01

Score 4.0
In addition to Score 3.0, in-depth inferences and applications that go beyond what was taught such as...

- Summarizes, and infers deeper meaning from text.

Score 3.5
In addition to Score 3.0 performance, in-depth inferences and applications with partial success.

Score 3.0
While engaged in expository reading tasks, the learner...

- Recalls facts from a nonfiction text that expands on the main idea of the text.

The learner exhibits no major errors or omissions.

Score 2.5
No major errors or omissions regarding the simpler details and process and partial knowledge of the more complex ideas and processes.

Score 2.0
There are no major errors or omissions regarding the simpler details and processes while the learner is...

- Recognizing or recalling specific terminology such as...
  o Facts, main idea, nonfiction, summarize.

- Recognizing or recalling isolated details and performing basic processes such as...
  o Recalls information from text.

However, the learner exhibits major errors or omissions regarding the more complex ideas and processes.

Score 1.5
Partial knowledge of the simpler details and processes, but major errors or omissions regarding the more complex ideas and procedures.

Score 1.0
With help, a partial understanding of some of the simpler details and processes and some of the more complex ideas and processes.

Score 0.5
With help, a partial understanding of some of the simpler details and processes but not the more complex ideas and processes.

Score 0.0
Even with help, no understanding or skill demonstrated.
# Sample Capacity Matrix

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<th>Level</th>
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<td>Partially Proficient</td>
<td>Proficient</td>
<td>Advanced</td>
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**Learning Target:**
MA.04.01.06.01. Creates different combinations of currency and coins that should not exceed $100.00 (e.g., trading, adding, subtracting with money) (Colorado Math Standard 3.6.2b, 4.1.1b, 4.1.5b)

<table>
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<tr>
<td></td>
<td>I think I can.</td>
</tr>
<tr>
<td></td>
<td>I can do it!</td>
</tr>
<tr>
<td></td>
<td>I can explain it to a friend.</td>
</tr>
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</table>

**Teacher Sign off/Date:**

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### Version 1

**April 1, 2014**

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Objective:
Students will practice asking questions about text and using pictures and context clues to make predictions about story content.

Standards:

Reading Comprehension
2.2 Use pictures and context to make predictions about story content.
2.3 Connect to life experiences the information in texts.
2.4 Ask and answer about essential elements of a text.

Literary Response and Analysis
3.3 Identify characters, settings, and important events.

Anticipatory Set:
Teacher shows students the book, Annabelle Swift, Kindergartner, reads the title and shows them the first few pages. “Do you have any idea what this story is about from just looking at the first pictures?” Teacher reminds the students that good readers often browse before they read to get an idea of what the story is about.

Purpose:
“Remember that an important purpose for reading is to find out information. Listen carefully to find out if Lucy has good advice for Annabelle.”

Input:
“This week we will read Annabelle Swift, Kindergartner. We will make predictions about what we think will happen to Annabelle. Next week we will read the story again and see if our predictions were correct.”

Modeling:
Teacher will read the beginning of the story and model the Comprehension Strategies of asking questions and predicting as outlined in the Open Court Reading and Responding section. Teacher will model filling in a chart to record the first prediction.

Check for Understanding:
The teacher asks a student to model asking questions for the class. Teacher asks, “What do we do when we predict what will happen?”

Guided Practice:
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

Teacher will read the story helping children ask questions and make predictions. As predictions are made, teacher will chart them on sentence strips. On the second reading, teacher will guide students in confirming their predictions. Students will place a happy face on predictions confirmed and an unhappy face on predictions not confirmed.

Independent Practice:
Students will tell the teacher and aide what they thought would happen to them as they prepared to begin Kindergarten this year. Teacher will write what they had predicted would happen to them and what happened. Students will place a happy face on confirmed predictions and an unhappy face on non-confirmed predictions.

Closure:
Students will compare their first day of Kindergarten with Annabelle’s.
Objective:
Students will construct an information map or maps about animals.

Standards:

Reading Comprehension:
2.2 Respond to who, what, when, where, and how questions.
2.6 Relate prior knowledge to textual information.
2.7 Retell the central ideas of simple expository or narrative passages.

Anticipatory Set:
“Would you like to be the author of your very own information book answering your questions about your favorite animal?”

Purpose:
“We will read a selection and learn more about raccoons.” Teacher will invite students to supply questions about raccoons they want to have answered. The teacher will chart questions and tell students that they will return to these questions after reading the selection.

Input:
“We will be using an information map to answer questions about animals. We will write the name of the animals in a large box and write facts about the animals in smaller boxes.” The teacher will draw a rectangular box on the chalkboard with spokes coming out of the bottom and draw three or four smaller boxes beneath it.

Modeling:
“This week we will read a selection about raccoons in our Open Court Big Book, Animals. When we finish the selection, we will complete our information map on raccoons.”

Check for Understanding:
Teacher will ask students what kinds of information they will write on the information map. Students will understand that the large box has the name of the animal and the small boxes have the facts about the animal.

Guided Practice:
The teacher reads the selection modeling Asking Questions Comprehension Strategies. The teacher leads students in a discussion of the selection and reviews the questions the children had and asks which questions were answered as the children read the selection. The teacher will ask students what the selection was about and write the answer (baby raccoons or how babies find food) in the big box. The teacher will then ask for details and write them in the small boxes.
Independent Practice:
Students will write the information map on raccoons in their Writing Journals. Teacher will tell students that their mission is to construct an information map about an animal they choose after they have answered questions about the animal.

Closure:
Students will share their information map with a partner.
Objective:
Students will recognize cause and effect relationships in a text.

Standards:
Reading Comprehension:
2.4 Ask clarifying questions about essential textual elements of exposition.
2.5 Restate facts and details in the text to clarify and organize ideas.
2.6 Recognize cause-and-effect relationships in a text.

Anticipatory Set:
Teacher asks: “When the bell rings for recess, what do we do?”

Purpose:
Teacher will remind students that a cause makes something happen. What happens in an effect? “Lining up to go to recess is the effect and the bell ringing was the cause.”

Input:
We will review our Open Court expository article, What Color is Camouflage, today and practice identifying things that happen and what makes them happen.

Modeling:
“This week when we read What Color is Camouflage, we looked at facts and details to clarify and answer some of our questions.” Using a Cause and Effect graphic organizer, teacher models writing the cause and effect for the bell ringing and lining up for recess.
The teacher gives the example, “A mother cat meows and her kittens come running. Her meow causes the kittens to come running, which is the effect.” Teacher fills in information on the chart.

Check For Understanding:
The teacher asks the students to give examples of something happening and what causes it to happen. Students can identify where to chart the action and what causes it to happen.

Guided Practice:
The teacher will guide students through cause and effect practice in the comprehension skills section of the teacher guide to Open Court. Using the graphic organizer, teacher continues to chart responses.

Independent Practice:
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

Students will complete the practice section for Cause and Effect in their Reading and Writing Workbooks.

Closure:

Students will write their own sentence that shows a cause and effect. They will draw an illustration for the picture.
Objective:

Students will practice identifying story elements using a Lotus Diagram.

Standards:

Reading Comprehension:

2.6 Demonstrate comprehension by identifying answers in the Text.

2.7 Extract appropriate and significant information from the Text, including problems and solutions.

Literary Response and Analysis:

3.2 Comprehend basic plots of classic fairy tales, myths, folktales, legends and fables from around the world.

3.3 Determine what characters are like by what they say or do and by how the author portrays them.

3.4 Determine the underlying theme or author's message in a fictional text.

Anticipatory Set:

Teacher asks students: “Can you remember the Elements of a story that we try to identify whenever we read a story?”

Purpose:

“We will be reviewing these today and practicing identifying them in a story.”

Input:

“We will be using a Lotus Diagram to write down all of our information. We will write about the characters, setting, problem and solution, the beginning, middle and ending of the story, and theme.”

Modeling:

“This week we read the story Cinderella in our Open Court book. Let’s talk about the story elements for that book and write them on the Lotus Diagram on the board.”
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

teacher models for the box about the characters and the setting, listing information from the story in each box.

Check for Understanding:

The teacher asks the students what kind of information they will write on the Lotus Diagram. Students will understand that each box is like a question about the story and they must answer it with details from the story.

Independent Practice:

Students will fill in the Lotus Diagram.
Objective:
Students will write summaries of a reading selection focusing on the main idea and most significant details using a Lotus Diagram for reference.

Standards:
Literary Response and Analysis:
3.2 Identify the main events of the plot, their causes, and the influence of each event on future actions.
3.3 Use knowledge of the situation and setting and of a character’s traits and motivations to determine the causes for that character’s actions.

Writing Applications:
2.4 Write summaries that contain the main ideas of the reading selection and the most significant details.

Anticipatory Set:
“Do you remember how to identify main ideas and supporting details in a story?”

Purpose:
“We will use information from the Lotus Diagram we completed on the Sarah Plain and Tall in our OCR Book to write summaries focusing on main ideas and most significant details.”

Input:
“As we review Sarah Plain and Tall and the information on our Lotus Diagram, we will identify the main events of the past, their causes and the influence of each event to help us write our summaries.”

Modeling:
At the beginning of our story Caleb questions Anna about his mother. Man things are said in this conversation and some things Anna thinks but does not say. Teacher models by charting the event and details explaining that we will look back at each event in the story and the details of the event.

Check for Understanding:
The teacher asks the student what kind of information they will chart to prepare for the writing of their summaries. Students will understand that each major event will have its
specific details as they progress through the story. These events and their causes influence future events.

**Guided Practice:**

Students work in small groups of four reading the story and developing their charts. Volunteer groups share and chart their ideas on the class chart started by the teacher.

**Independent Practice:**

Using their Lotus Diagrams and Main Event / Details Charts, each group will write a summary of Sarah Plain and Tall.

**Closure:**

Each group will share their summaries with the class.
Drivers and Preventers Lesson Plan for a Unit on the American Revolution

Grade 5

Objective:
Students will utilize the Drivers and Preventers quality tool to demonstrate their understanding of the American Revolution and review for a test.

Standards:

Social Studies:
5.6 Students understand the course and consequences of the American Revolution.

1. Identify and map the major military battles, campaigns, and turning points of the Revolutionary War, the roles of the American and British leaders, and the Indian leaders' alliances on both sides.

2. Describe the contributions of France and other nations and of individuals to the outcome of the Revolution (e.g., Benjamin Franklin's negotiations with the French, the French navy, the Treaty of Paris, The Netherlands, Russia, the Marquis Marie Joseph de Lafayette, Tadeusz Kościuszko, Baron Friedrich Wilhelm von Steuben).

3. Identify the different roles women played during the Revolution (e.g., Abigail Adams, Martha Washington, Molly Pitcher, Phillis Wheatley, Mercy Otis Warren).

4. Understand the personal impact and economic hardship of the war on families, problems of financing the war, wartime inflation, and laws against hoarding goods and materials and profiteering.

5. Explain how state constitutions that were established after 1776 embodied the ideals of the American Revolution and helped serve as models for the U.S. Constitution.

6. Demonstrate knowledge of the significance of land policies developed under the Continental Congress (e.g., sale of western lands, the Northwest Ordinance of 1787) and those policies' impact on American Indians' land.

7. Understand how the ideals set forth in the Declaration of Independence changed the way people viewed slavery.

Anticipatory Set:
Teacher asks students if it was easy for the Revolutionary Army to win the war.

Input:
- Class discusses the fact that there were things that helped the Revolutionary Army, but also things that worked against them.
- Teacher introduces the drivers and preventers tool, and writes the goal “Revolutionary Army winning the American Revolution” at the top of the chart.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

- Teacher explains that drivers are things that helped them meet their goal of winning the war and preventers are things that worked against them.

Modeling:
- The teacher says, “One thing that helped the Revolutionary Army win the revolution was their victory at Valley Forge.” The teacher writes this on the side of the chart that says drivers.
- The teacher then models an example for the preventers side of the chart, such as the British invading the south and capturing Savannah, GA.

Guided Practice:
- The students provide examples to add to the chart and the teacher asks the class which side of the chart they belong on.
- The students work in groups to complete their own Drivers and Preventers chart. They can use their books as a resource.

Check for Understanding:
- The teacher checks in with each group to see that their ideas are on target and that they understand the concept of Drivers and Preventers.
- Using a round robin method each group will share out ideas to add to the classroom chart until all ideas have been shared.

Independent Practice:
- Students are given another Drivers and Preventers Chart that has the goal “The British beating the Revolutionary Army” written at the top of the chart. The teacher explains that looking at the war from the opposite perspective also helps to identify key battles and things that affected the war.
- Students begin this chart in class and complete it independently for homework.

Closure:
- Share with your partner something that you learned today that you feel you need to remember for the test.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

APPENDIX D:
PERSONNEL HANDBOOK
It is the policy of Ingenium Schools that all of its employees be free from sexual harassment. This form is provided for you to report what you believe to be sexual harassment, so that Ingenium Schools may investigate and take appropriate disciplinary or other action when the facts show that there has been sexual harassment.

If you are an employee of Ingenium Schools, you may file this form with a Principal, the President, or the Board President.

Please review Ingenium Schools’ policies concerning sexual harassment for a definition of sexual harassment and a description of the types of conduct that are considered to be sexual harassment.

Ingenium Schools will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, Ingenium Schools will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, Ingenium Schools will need to disclose portions of your factual allegations to potential witnesses including anyone you have identified as having knowledge of the facts on which you are basing your complaint as well as the alleged harasser.

In signing this form below, you authorize Ingenium Schools to disclose to others the information you have provided herein and information you may provide in the future. Please note that the more detailed information you provide the more likely it is that Ingenium Schools will be able to address your complaint to your satisfaction.

Charges of sexual harassment are taken very seriously by Ingenium Schools both because of the harm caused to the person harassed and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.

Your Name: Date: ____________________________

Date of Alleged Incident(s):

_________________________________________________________

Name of Person(s) you believe sexually harassed you or someone else:

_________________________________________________________

_______________________________________________________
List any witnesses that were present:

____________________________________

____________________________________

Where did the incident(s) occur?

____________________________________

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

I acknowledge that I have read and that I understand the above statements. I hereby authorize Ingenium Schools to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Date: _____________________
Signature of Complainant
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

Print Name

Received by: ___________________ Date: ____________________
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

APPENDIX F: COMPLAINT FORM

Your Name: _________________________ Date: _______________________

Date of Alleged Incident(s):
___________________________________________________________________________

Name of Person(s) you have a complaint against:
___________________________________________________________________________

List any witnesses that were present:
___________________________________________________________________________

Where did the incident(s) occur?
___________________________________________________________________________

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

I hereby authorize Ingenium Schools to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

__________________________________________  Date: ____________________
Signature of Complainant

__________________________________________
Print Name

To be completed by School:

Received by: _______________________________   Date: ________________________
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

APPENDIX G:
HEALTH AND SAFETY PLAN
APPENDIX H:  
STUDENT REGISTRATION FORM

Barack Obama Charter School  
New Student Registration Form  
2014-2015

Student Information
First Name:______________   Middle:___________  Last Name:_______________  
Address: ____________________________________________________Apt#:__  
City:_____________________________ State:__________ Zip:__________________  
Phone:  (____) _____-_____

Student’s Date of Birth: (mm/dd/yyyy)  ____/____/______  
Student’s gender: (Check one only)  
☐ F= Female  ☐ M= Male  
Student is applying for grade: (Check one only)  
☐ K  ☐ 1  ☐ 2  ☐ 3  ☐ 4  ☐ 5  ☐ 6  
This is the ______ time the student has ever entered this grade level (check one only).  
☐ 1 = First Time  ☐ 2 = Second Time  ☐ 3 = Third Time  

The California State Department of Education requires schools to report the following 
information for students who participate in the Standardized Testing and Reporting Program 
also known as the STAR testing program. In addition, we are required to report this information 
as a condition of a major grant we have received. Please assist us by completing the following 
information so that we may provide the California State Department of Education and our grant 
donor with the most accurate information possible.

Be assured that this information will be kept confidential.

Student’s Primary Race/Ethnicity: (Check one only)  

0998 = Alaskan Native or American Indian (Please specify):  
☐ Cherokee  ☐ Chippewa  ☐ Choctaw  ☐ Navajo  ☐ Pueblo  
☐ Sioux  ☐ Other:___________________  

0999 = Asian (Please specify)  
☐ Asian Indian  ☐ Chinese  ☐ Filipino  ☐ Japanese  ☐  
Korean  
☐ Vietnamese  ☐ Other:___________________  

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1000 = Black or African American (Please specify if known)

☐ Other: ______________________

1001 = Hawaiian or other Pacific Islander (Please specify)

☐ Guamanian  ☐ Hawaiian  ☐ Samoan  ☐ Other: ______________________

2304 = Hispanic or Latino (Please specify):

☐ Argentinean  ☐ Colombian  ☐ Cuban  ☐ Dominican  ☐ Mexican Amer.
☐ Nicaraguan  ☐ Puerto Rican  ☐ Salvadoran  ☐ Spaniard

☐ Other: ______________________

1002 = White (Please specify if known)

☐ Other: ______________________

Other Race/Ethnicity with which the student identifies. Mark all that apply.

0998 = Alaskan Native or American Indian (Please specify):

☐ Cherokee  ☐ Chippewa  ☐ Choctaw  ☐ Navajo  ☐ Pueblo

☐ Sioux  ☐ Other: ______________________

0999 = Asian (Please specify)

☐ Asian Indian  ☐ Chinese  ☐ Filipino  ☐ Japanese  ☐ Korean

☐ Vietnamese  ☐ Other: ______________________

1000 = Black or African American (Please specify if known)

☐ Other: ______________________

1001 = Hawaiian or other Pacific Islander (Please specify)

☐ Guamanian  ☐ Hawaiian  ☐ Samoan  ☐ Other: ______________________

2304 = Hispanic or Latino (Please specify):

☐ Argentinean  ☐ Colombian  ☐ Cuban  ☐ Dominican  ☐ Mexican Amer.
☐ Nicaraguan  ☐ Puerto Rican  ☐ Salvadoran  ☐ Spaniard

☐ Other: ______________________

1002 = White (Please specify if known)
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

☐ Other: _________________________

English Proficiency of the student: (Check one only)

☐ 1633 = Native English Speaker    ☐ 1634 = Fluent English Speaker
☐ 1635 = Non-English speaking    ☐ 1636 = Re-designated as fluent English proficient
☐ 1637 = Status Unknown    ☐ 2349 = Limited English proficient/English Learner

Primary language spoken at home (Check one only):

☐ Arabic    ☐ French    ☐ Hindi    ☐ Persian    ☐ Spanish
☐ Cantonese    ☐ French    ☐ Italian    ☐ Polish    ☐ Tagalog

☐ Creole

☐ Chinese (non-Cantonese)    ☐ German    ☐ Japanese    ☐ Portuguese    ☐ Urdu

☐ English    ☐ Greek    ☐ Korean    ☐ Russian    ☐ Vietnamese

☐ Other: _____

Before attending this charter school, the student attended:

School Name: ____________________________

School: ____________________________ City: ____________________________

The school the student attended previously can be categorized as: (Check one only)

Public:

☐ 1821 = Public, same district
☐ 1822 = Public, different district in the same state
☐ 1823 = Public, different state

Private:

☐ 1824 = Private, non-religiously-affiliated, same district
☐ 1825 = Private, non-religiously-affiliated, different district, same state
☐ 1826 = Private, non-religiously-affiliated, different state
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

☐ 1827 = Private, religiously-affiliated, same district
☐ 1828 = Private, religiously-affiliated, different district, same state
☐ 1829 = Private, religiously-affiliated, different state

Non-existent or Foreign:

☐ 1838 = Original Entry into US school (no previous school)
☐ 1839 = Original entry into US school (from foreign country with no schooling interruption)
☐ 1840 = Original entry into US school (from foreign country with schooling interruption.)
☐ 1830 = Located outside of the country

Other

☐ 1831 = Institution (example: correctional facility)
☐ 1832 = Other charter school
☐ 1833 = Home schooling
☐ 1834 = Matriculating (in other words, passed previous school's highest grade level)
☐ 9999 = Other

Has the student taken a standardized test and been determined “Gifted?”
☐ 0002 = Yes ☐ 0232 = No

The questions below pertain to special services currently being received by the student at her or his present school. If you are unaware of the terms used in this box, your child is more than likely not receiving those specific services at this time. If you are unsure, you may leave this section blank and the information will be requested from the child’s current school.

Has the student been classified by Special Education Services with any of the following disabilities? (Check all that apply)

☐ 2121 = Autistic/Autism          ☐ 2122 = Deaf-blindness
☐ 2123 = Hearing impairment      ☐ 2124 = Mental retardation
☐ 2125 = Multiple disabilities   ☐ 2126 = Orthopedic impairment
☐ 2127 = Emotional Disturbance   ☐ 2128 = Specific learning disability
☐ 2129 = Speech or language impairment ☐ 2130 = Traumatic brain injury
☐ 2131 = Visual impairment       ☐ 2132 = Other health impairment
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

☐ 2133 = Deafness  ☐ 2134 = Developmental delay

☐ 2135 = Infants and Toddlers with disabilities  ☐ 9998 = None

Does the student have an active Individual Educational Plan (IEP)?  ☐ Yes  ☐ No

Does the student need 504 accommodations requiring modification?  ☐ Yes  ☐ No

How far is the school from your home?  ☐ ☐ . ☐ (Approximate distance in miles)

How many times has the student’s family moved in the past 12 months?  ☐

In the student’s home:

Approximately how many books are there where the student resides?  ☐

Is there a computer at home? (e.g. desktop/laptop)  ☐ 0002 = Yes  ☐ 0232 = No

Is there Internet access at home?  ☐ 0002 = Yes  ☐ 0232 = No

Is there a quiet place for the student to study at home?  ☐ 0002 = Yes  ☐ 0232 = No

Was any adult employed for income over the past two weeks?  ☐ 0002 = Yes  ☐ 0232 = No

Migratory Status: Does the student’s Parent or Guardian maintain primary employment in one or more agricultural or fishing activities on a seasonal or other temporary basis?

☐ 1641 = Yes  ☐ 1643 = No

Lunch Status: Under federal meal program guidelines, this student qualifies for the following lunch status: (Check one only)

☐ F = Free lunch  ☐ FDC = Free lunch in District of Columbia

☐ P = Full pay  ☐ R = Reduced-price lunch

☐ I don’t know. (School will gather this data.)

Among all parents and guardians residing with the student, what is the highest level of education? (Check one only)

<table>
<thead>
<tr>
<th>Elementary/Middle/High School</th>
<th>College and Beyond</th>
<th>Other</th>
</tr>
</thead>
</table>
# BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0789 = Pre-Kindergarten</td>
<td></td>
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<tr>
<td>0805 = Kindergarten</td>
<td></td>
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<tr>
<td>0790 = 1st Grade</td>
<td></td>
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<tr>
<td>0791 = 2nd Grade</td>
<td></td>
</tr>
<tr>
<td>0792 = 3rd Grade</td>
<td></td>
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<tr>
<td>0793 = 4th Grade</td>
<td></td>
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<tr>
<td>0794 = 5th Grade</td>
<td></td>
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<tr>
<td>0795 = 6th Grade</td>
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<tr>
<td>0796 = 7th Grade</td>
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<tr>
<td>0797 = 8th Grade</td>
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<td>0799 = 9th Grade</td>
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<td>0800 = 10th Grade</td>
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<td>0801 = 11th Grade</td>
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<tr>
<td>1044 = H.S. diploma</td>
<td></td>
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<tr>
<td>1809 = 12th grade, no diploma</td>
<td></td>
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<tr>
<td>1049 = Some college but no degree</td>
<td></td>
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<tr>
<td>1050 = Associate’s degree</td>
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<tr>
<td>1051 = Bachelor/ Baccalaureate degree (BA, AB, BS, etc.)</td>
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<tr>
<td>1052 = Graduate certificate</td>
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<tr>
<td>1053 = First professional degree (e.g. DC, DDS, MD, DO, DVM, LLB, JD, M.Div.)</td>
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<tr>
<td>1054 = Master’s degree (e.g. MA, MS, M.Ed, MSW, MBA.)</td>
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<tr>
<td>1055 = Specialist’s degree (e.g. Ed.D)</td>
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<tr>
<td>1056 = Post-Professional degree</td>
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<tr>
<td>1057 = Doctoral degree (e.g. Ph.D, Ed.D)</td>
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<tr>
<td>0819 = Vocational Certificate</td>
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<tr>
<td>1046 = Adult Basic Education Diploma</td>
<td></td>
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<tr>
<td>1047 = Formal certificate or diploma (less than one yr.)</td>
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<tr>
<td>1048 = Formal certificate or diploma (more than or equal to one year)</td>
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<tr>
<td>2408 = H.S. completers (e.g certificate of attendance)</td>
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<tr>
<td>2409 = H.S. equivalency (e.g. GED)</td>
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<td>1043 = No school completed</td>
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<td>9999 = Other</td>
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## Health and Immunization Records

**Requirements for entrance:**

To enter or transfer into public and private elementary and secondary schools (grades kindergarten through 12), children under age 18 must have immunizations as outlined in Health and Safety code Sections 120[325-120380 (formerly Sections 3380-3390); California Administrative Code, Title 17, Sections 6000-6075 (see GUIDE TO THE REQUIREMENTS OF THE CALIFORNIA SCHOOL IMMUNIZATION LAW FOR GRADES K-12). Document of these immunizations must be provided prior to the first day of school.

## Allergies:

**Serious illness(es):**
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

Currently taking medication?

As a student of this charter school, your child may have the opportunity to participate in media coverage for educational purposes. These opportunities may involve activities such as quotes attributed to your child, pictures of your child in the newspaper, on television, or in productions for the school. By signing below, you authorize your child’s participation in media activities for educational purposes.

Parent/Guardian Signature: ____________________________ Date: ______________

Uniforms

By my signature below, I acknowledge that uniforms are required for all students. Information will be provided to parents from the selected vendor. I accept responsibility for compliance with the school’s dress code.

Parent/Guardian Signature: ____________________________ Date: ______________

EMERGENCY DATA

Primary Care Physician: ____________________________

Primary Care Physician Phone Number: ____________________________

Individuals BOCS is authorized to contact in the event of an emergency:

Name

Telephone Number

__________________________________ __________________________________

__________________________________ __________________________________

__________________________________ __________________________________

If BOCS is unable to contact me or any of the individuals listed above, I give permission for my son/daughter to receive medical or dental treatment, including transportation to the nearest medical facility.

I understand that, if emergency medical or dental treatment is needed and the listed emergency contacts cannot be reached, 911 will be called at my expense. I agree that the school cannot assume responsibility for the payment of medical fees for expenses incurred.

I understand that it is my responsibility to promptly inform BOCS of any changes regarding the information on this form.

Parent/Guardian Signature: ____________________________ Date: ______________
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

Parent/Guardian/Family Information

Parent/Guardian 1
First Name:_______________ Middle:____________ Last Name:___________
Address (if not the same as student address above):
___________________________________________________Apt#:______
City:___________________________ State:_____ Zip: ___________
Home Phone:____________________ Work
Phone:_______________________ Relationship to student:______________ E-mail address: _____________

Parent/Guardian 2
First Name:_______________ Middle:_______ Last Name________________
Address (if not the same as student address above):
__________________________________________________Apt#:______
City:___________________________ State:____ Zip: __________________
Home Phone:____________________ Work
Phone:_______________________ Relationship to student:______________ E-mail address: _____________

Does the student have any siblings?

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Current School</th>
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Emergency Contact Information

Physician:_____________________ Phone #: (___) ______________
Health Insurance:______________ Policy #:__________________

Individuals BOCS is authorized to contact in the event of an emergency:
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

Name
Telephone Number

_____________________________________ ___________________________
_____________________________________ ___________________________
_____________________________________ ___________________________

If BOCS is unable to contact me or any of the individuals listed above, I give permission for my son/daughter to receive medical or dental treatment, including transportation to the nearest medical facility.

I understand that, if emergency medical or dental treatment is needed and the listed emergency contacts cannot be reached, 911 will be called at my expense. I agree that the school cannot assume responsibility for the payment of medical fees for expenses incurred.

I understand that it is my responsibility to promptly inform BOCS of any changes regarding the information on this form.

Parent/Guardian Signature: ______________________ Date: ____________

AUTHORIZATION FOR STUDENT PICK-UPS
The following individuals are authorized to pick up my child from school:

Name Contact Phone Relationship

_____________________________________ ___________________________ _________
_____________________________________ ___________________________ _________
_____________________________________ ___________________________ _________

Parent/Guardian Signature: _____________________ Date: ________________

END of Parent/Guardian Information
BUDGET ASSUMPTIONS

2014-15

Revenues

- Project student enrollment of 344. Average Daily Attendance (ADA) of 326.8 (95% attendance rate)

- According to SSC Estimated LCFF Funding, assume $6,452 per ADA. Due to adoption of LCFF, Charter Schools do not receive Charter Categorical Funding (i.e. Categorical Block Grant, Economic Impact Aid, New Charter School Supplemental Grant, etc.).

- Federal and State Child Nutrition are based on current funding for school.

- Title I, Part A award of $118,041 towards the end of the fiscal year. Increase in the outgoing years is increased relevant to enrollment.

- State Lottery funds of $50,327.

- IDEA Federal Revenue of $44,529 (based on El Dorado SELPA rates). AB602 Special Education Revenue of $146,471. Increase is relative to increase in enrollment.

- Ingenium Schools has a $1.3M line of credit from its bank, Pacific Western Bank. This amount has not been included in the budget or cash flow; however, is available to Barack Obama Charter School, if needed.

Expenditures

- Average certificated teacher salaries will be $44,945. There will be 14 full-time, credentialed teachers.

- Increase in certificated staff is based on enrollment in the outgoing years. Classified staff will remain the same.

- All full time employees will be entitled to full medical and dental benefits. Certificated staff will participate in STRS.

- Instructional materials and supplies of $19,054.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

- Rental/Leases (5600) is based on Prop 39 facilities use expenses currently incurred by Barack Obama Charter School of $201,106.
- No capital expenditures as this is a Prop 39 site.
- Consulting services (5800) of $39,000.
- Audit and Legal Services (5805) of $4,000.
- Non-capitalized furniture budgeted for $27,389.
- 6% of revenues paid to the CMO (Ingenium Schools) each year. Business service provider expense will be absorbed by Ingenium Schools.
- No Special Education contribution (7010) since revenues reflect the net of the school's encroachment.
- Health and Welfare benefits calculation is based on the schools contribution cap of $504/mo. per eligible employee. Excess of this amount is an employee contribution.
- Health and Welfare benefits increase by 5%.
- No inflation rate increases on non-payroll expenses until 2016-17.

2015-16

Revenues

- Project student enrollment of 372. Average Daily Attendance (ADA) of 353.4 (95% attendance rate)
- According to SSC Estimated LCFF Funding, assume $7,668 per ADA. Due to adoption of LCFF, Charter Schools do not receive Charter Categorical Funding (i.e. Categorical Block Grant, Economic Impact Aid, New Charter School Supplemental Grant, etc.).
- Federal and State Child Nutrition are based on current funding for school and increased based on enrollment.
- Assume Title I, Part A award of $127,649.
- State Lottery funds of $54,424.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

- IDEA Federal Revenue of $48,154 (based on El Dorado SELPA rates). AB602 Special Education Revenue of $158,393. Increase is relevant to increase in enrollment.

Expenditures

- Salary increases of 3%.
- Average certificated teacher salaries will be $46,213. There is an additional credential teachers during this year, increasing the total count 15.
- Increase in certificated staff is based on enrollment in the outgoing years. Classified staff will remain the same.
- All full time employees will be entitled to full medical and dental benefits. Certificated staff will participate in STRS.
- Addition of one educator ($45k) and proportional H&W benefits increases
- Rental/Leases (5600) is based on Prop 39 facilities use expenses increased proportionate to enrollment.
- Most services (5000) expenses increase relative to enrollment in this and future years.
- No Special Education contribution (7010) since revenues reflect the net of the school's encroachment.
- Health and Welfare benefits increase by 5% and the cost of the additional eligible employees.
- No inflation rate increases on non-payroll expenses until 2016-17.

2016-17

Revenues

- Project student enrollment of 400. Average Daily Attendance (ADA) of 380 (95% attendance rate)
- According to SSC Estimated LCFF Funding, assume $7,668 per ADA. Due to adoption of LCFF, Charter Schools do not receive Charter Categorical Funding (i.e. Categorical Block Grant, Economic Impact Aid, New Charter School Supplemental Grant, etc.).
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

- Federal and State Child Nutrition are based on current funding for school and increased based on enrollment.
- Assume Title I, Part A award of $137,257.
- State Lottery funds of $58,520.
- IDEA Federal Revenue of $51,788 (based on El Dorado SELPA rates).
  AB602 Special Education Revenue of $170,315. Increase is relevant to increase in enrollment.

Expenditures

- Salary increases of 3%.
- Average certificated teacher salaries will be $47,600. No change in full-time credentialed teachers.
- All full time employees will be entitled to full medical and dental benefits. Certificated staff will participate in STRS.
- Rental/Leases (5600) is based on Prop 39 facilities use expenses increased proportionate to enrollment.
- Revenues paid to the CMO (Ingenium Schools) increased relevant to enrollment. Business service provider expense will be absorbed by Ingenium Schools.
- No Special Education contribution (7010) since revenues reflect the net of the school's encroachment.
- Health and Welfare benefits increase by 5% and the cost of the additional eligible employees.
- Non-payroll expenses increased by 3% inflation rate.

RESERVE FOR ECONOMIC UNCERTAINTY

Barack Obama Charter School will maintain a reserve for economic uncertainty equivalent to at least 5% of expenditures in all fiscal years.

MODEL SENSITIVITIES

Barack Obama Charter School's budget is most sensitive to:

1) The amount of the principal apportionment.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

2) Average Daily Attendance.

3) Certificated teacher salaries.

4) Facility costs.
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APPENDIX J:
A DAY IN THE LIFE OF A STUDENT

A DAY IN THE LIFE OF A FOURTH GRADE STUDENT
AT BARACK OBAMA CHARTER SCHOOL

This scenario illustrates a day in the life of Miguel Saucedo, a fictional fourth grade student at Barack Obama Charter School. It is told from Miguel's perspective.

At 7:50, when the school bell rings, I'm sitting quietly in my seat reading *Harry Potter and the Sorcerer's Stone*. I have my pencil, homework, and student goal folder on my desk. My first class is English Language Arts.

Janice Cota, our class goal monitor for the day, is entering the number of students who are sitting quietly and prepared to work in the class goal folder. When we started the year, some students arrived after the bell rang, were not reading, or did not have their materials out when the bell rang. As a class we agreed that we had to come to school on time and be prepared to learn because we were not achieving our goals.

We agreed to an action plan to get everyone to be in their seats on time and ready to go. The plan requires that Janice record the number of students each day that are ready to go when the bell rings. When we all are ready every day for one week, the whole class will get the prize that the class agreed to – a fruit smoothie party. We turned in our plan to the Principal, Ms. Bakeer, and explained to her that we are working to improve our attendance and level of preparedness when we arrive at school. Ms. Bakeer had been checking our attendance data and noticed that our class was struggling to arrive on time. She asked us to keep her informed of our progress.

We have our student goal folders out because it’s Monday – the day when we get the results back from our Friday assessments. Ms. Jarndyce, my English Language Arts teacher, has a big smile on her face, so I know we did well. Janice posts the class results on the wall.

Our class did well on the reading assessment and we met our goal for the week in reading, but I did not make the improvement that I planned in the reading section of my student goal folder. I wrote an action plan for what I am going to do to catch up with the rest of the class. The Plan, Do, Check, Adjust template helped me write my action plan. I'm going to read an extra 30 minutes a day at home and ask my older brother Carlos to help me with words I don’t understand. This has been a problem for me because I sometimes get discouraged when I come across new words and stop reading. I think Carlos can help me. I am also going to use the comprehension questions that Ms. Jarndyce gave to us to use with any story that we read.

Sarah won the Accelerated Reading Award for the month. She told me she likes this school because you get recognition for academic improvement, not just for sports.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

We separated into four groups. Three of the groups read while Ms. Jarndyce worked with the group I am in (the one with the students who did not meet their reading goals) to help us improve our reading so that we will meet customer expectations.

In our math class the next period, Mr. Toby gave us our math assessment results. I did well but the class did not. Many students cannot “(m)ultiply and divide expressions involving exponents with a common base,” one of the standards we wanted to have mastered by now. I’m good at doing this. We worked on a class action plan for how we are going to master this standard before the next assessment. We are going to separate our class into six groups, each with a high-scoring student, to work on this standard. Mr. Toby is going to give us worksheets that use this standard to work on in the groups. He also is going to go around to each group to see how it is going and give tips. I’m going to be leading one of the groups as a math prefect. I like helping other people when I am successful at something and I know that they will help me when I need help with my reading.

During science, which Mr. Toby also teaches, we learned about the rock cycle, which includes the formation of new sediment and rocks, and that rocks are often found in layers with the oldest generally on the bottom. I put my notes in my homework folder to study at home tonight. Before we were allowed to go home for the day we had to fill out our agendas. We copied the standard that we learned for each subject from the board into our agenda. Part of our homework each night is to review the standards that we learned with our parents so that they understand what we are studying. Then I wrote down my assignment for each subject. I also wrote a note to begin looking for a book for my next book report. My choice is not due until Friday, but I sometimes forget to look for one and I wanted to begin early this time. Finally, I wrote a half page letter to my parents explaining how I did on my assessments last week and what my new goals and action plans are for this week. Mondays are an important day of the week for me because they help me make a plan for the rest of the week so that I know what to expect.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

APPENDIX K:
BOARD AND KEY STAFF MEMBER RÉSUMÉS
Sample Superintendent Evaluation

NAME__________________________DATE__________

Please read columns and indicators, check appropriate boxes. Mark the number along the continuum with an X above the column that best identifies where you believe your district superintendent performs in each area.

Leadership – how well does the superintendent approach, guide, review and refine the art of leadership (Baldrige 1.1.1.2)

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupied with routine matters of budget and facilities, etc.</td>
<td>Handles routine matters</td>
<td>Enlists support personnel to assist with routine tasks</td>
<td>Seeks means of additional revenue for the purpose of expanding projects, programs for student achievement, school growth</td>
<td>Innovative and obtains additional revenue</td>
<td>Recipient of grant and foundation funding</td>
</tr>
<tr>
<td>Rarely seeks new information</td>
<td>Explores concerns for poor student achievement</td>
<td>Attempts to stay current by attending seminars, conferences, legislative bodies, journals, etc.</td>
<td>Proactively researches trends in educational leadership, incorporates many ideas into plans</td>
<td>Consistently articulates visionary leadership and district mission which is clear to all stakeholders</td>
<td>Consistently articulates visionary leadership and district mission which is clear to all stakeholders</td>
</tr>
<tr>
<td>Lack of vision, system perspective, deployment skills, agility</td>
<td>Seldom engages in dialogue with colleagues or stakeholders to ascertain needs</td>
<td>Conducts routine meetings with some staff and stakeholders</td>
<td>Organizational activity is learning-centered</td>
<td>Strategic planning is systematic and ongoing with stakeholder input</td>
<td>Strategic planning is systematic and ongoing with stakeholder input</td>
</tr>
<tr>
<td></td>
<td>Fails to enlist partners</td>
<td></td>
<td></td>
<td>Shares knowledge, information, data, and resources consistently</td>
<td>Acknowledges, supports, values, and celebrates stakeholder input and central</td>
</tr>
</tbody>
</table>

Indicators all of which must be present for Level 6:
- Current job descriptions are developed with and for employees for role clarification (date of creation or modification is evident)
- District calendar reflects meeting dates with stakeholder groups
- School board minutes demonstrate sustained vision through budget preparation, program implementation, stakeholder participation
- Awards/plaques/trophies are received for outstanding achievement
- Samples of communication (newsletters, narrative from radio spots, fliers) are archived and retrievable
- Past and present grant applications are recipient notifications are on file
- Travel logs/attendance sheets are maintained, indicating attendance at local, state, national workshops, conferences, professional associations with information summarized as to merit of experience and how it will benefit the district
- Frequent Executive summary document progress and are received by all stakeholders
EMPLOYMENT AGREEMENT FOR:

_________________________________________
Teacher
Between
Ingenium Schools

And
[Employee]

THIS EMPLOYMENT AGREEMENT (“Agreement”) is entered into by and between the above named employee (“Employee”) and Ingenium Schools. Ingenium Schools Board desires to hire employees who will assist Barack Obama Charter School’s Principal in achieving the goals and meeting the requirements of Barack Obama Charter School’s charter. The parties recognize that Barack Obama Charter School is not governed by the provisions of the California Education Code except as expressly set forth in ICS Act of 1992. The Board desires to engage the services of the Employee for purposes of assisting the Principal in implementing the purposes, policies, and procedures of Barack Obama Charter School.

WHEREAS, Barack Obama Charter School and Employee wish to enter into an employment relationship under the conditions set forth herein, the parties hereby agree as follows:

A. Statutory Provisions Relating to Charter School Employment

1. Barack Obama Charter School has been established and operates pursuant to ICS Act of 1992, Education Code §47600, et seq. Barack Obama Charter School has been duly approved by the Compton Unified School District. A copy of Barack Obama Charter School’s charter is attached hereto and fully incorporated by reference herein.

2. Pursuant to Education Code §47604, Barack Obama Charter School has elected to be formed and to operate as a non-profit public benefit corporation pursuant to the Non-profit Public Benefit Corporation Law of California (Part 2, commencing with section 5110 et seq. of the Corporations Code). As such, Barack Obama Charter School is considered a separate legal entity from the Compton Unified School District, which granted the charter. The Compton Unified School District shall not be liable for any debts and obligations of Barack Obama Charter School, and the employee signing below expressly recognizes
BARACK OBAMA CHARter SCHOOL RENEWAL PETITION

that he/she is being employed by Barack Obama Charter School and not the Compton Unified School District.

3. Pursuant to Education Code §47610, Barack Obama Charter School must comply with all of the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts except as specified in Education Code §47610.


B. Employment Terms and Conditions

1. DUTIES

Employee will perform such duties as Barack Obama Charter School may reasonably assign and Employee will abide by all Barack Obama Charter School’s policies and procedures as adopted and amended from time to time. Employee further agrees to abide by the provisions of Barack Obama Charter School’s charter.

Employee duties may be amended from time to time in the sole discretion of Barack Obama Charter School. The employee will be employed as a Teacher with the following general duties:

2. WORK SCHEDULE

The work schedule for this position shall be:

*Weekly work hours: 7:45-4:30*

*Start/End Dates: 8/26/13 - 6/30/14*

Full or Part-Time: **Full Time**

Work days for the Employee shall be consistent with the applicable calendar of work days for this position for an indefinite term until terminated in accordance with the provisions of this Agreement. Employment is at-will as specified in Section [C] below.

Employee will not render services in person or by electronic means, paid or otherwise, for any other person or entity during contracted work hours with Barack Obama Charter School.

3. COMPENSATION

The total compensation for the term of the contract will be $x on an annualized basis, paid in either 10 or 12 monthly installments.
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4. EMPLOYEE BENEFITS

Employee will be entitled to participate in designated employee benefit programs and plans established by Barack Obama Charter School (subject to program and eligibility requirements) for the benefit of its employees, which from time to time may be amended and modified by Barack Obama Charter School.

5. EMPLOYEE RIGHTS

Employment rights and benefits for employment at Barack Obama Charter School shall only be as specified in this Employment Agreement, Barack Obama Charter School's charter, the Charter Schools Act, and Barack Obama Charter School's personnel policies, which from time to time may be amended and modified by Barack Obama Charter School. Employment rights and benefits may be affected by other applicable agreements, directives or advisories from the California Department of Education or the State Board of Education. During the term of this Agreement, Employee shall not acquire or accrue tenure, or any employment rights with the Barack Obama Charter School.

6. LICENSURE

Employee understands that employment is contingent upon verification and maintenance of any applicable licensure credentials.

7. CHILD ABUSE REPORTING

California Penal Code §11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

By executing this Agreement, the Employee acknowledges he or she is a childcare custodian and is certifying that he or she has knowledge of California Penal Code §11166 and will comply with its provisions.

C. Employment At-Will

Barack Obama Charter School may terminate this Agreement and Employee’s employment at any time with or without cause, with or without notice, at Barack Obama Charter School's sole and unreviewable discretion. Either party may immediately terminate this Agreement and Barack Obama Charter School’s employment upon written notice to the other party.

Employee also may be demoted or disciplined and the terms of his or her employment may be altered at any time, with or without cause, at the discretion of Barack Obama Charter School. No one other than the Board of Ingenium Schools
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has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to the term of this Agreement, and any such agreement must be in writing and must be signed by the Board of Ingenium Schools and by the affected employee and must specifically state the intention to alter this “at-will” relationship.

Without impacting the at-will nature of the employment relationship, Barack Obama Charter School may attempt to remedy and address issues of unsatisfactory performance with the Employee in accordance with Barack Obama Charter School’s policy on Evaluation/Reviews.

D. General Provisions

1. WAIVER OF BREACH

The waiver by either party, or the failure of either party to claim a breach of any provision of this Agreement, will not operate or be construed as a waiver of any subsequent breach.

2. ASSIGNMENT

The rights and obligations of the respective parties under the Agreement will inure to the benefit of and will be binding upon the heirs, legal representatives, successors and assigns of the parties hereto; provided, however, that this Agreement will not be assignable by either party without prior written consent of the other party.

3. GOVERNING LAW

This Agreement will be governed by, construed, and enforced in accordance with the laws of the State of California.

4. PARTIAL INVALIDITY

If any provision of this Agreement is found to be invalid or unenforceable by any court, the remaining provisions hereof will remain in effect unless such partial invalidity or unenforceability would defeat an essential business purpose of the Agreement.

E. Acceptance of Employment

By signing below, the Employee declares as follows:

1. I have read this Agreement and accept employment with Barack Obama Charter School on the terms specified herein.

2. All information I have provided to Barack Obama Charter School related to my employment is true and accurate.

3. A copy of the charter is attached hereto.
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

4. This is the entire agreement between Barack Obama Charter School and me regarding the terms and conditions of my employment. This is a final and complete agreement and there are no other agreements, oral or written, express or implied, concerning the subject matter of this Agreement.

Employee Signature:_______________________________  Date:________________

Address:______________________________

Telephone:_________________  Social Security Number:___________________

Barack Obama Charter School Approval:

_________________________________________

Authorized Barack Obama Charter School Representative

Dated:__________________________

VERSION 1  APRIL 1, 2014  152
BARACK OBAMA CHARTER SCHOOL RENEWAL PETITION

APPENDIX N:
BYLAWS AND ARTICLES OF INCORPORATION
SUBJECT

Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Readoption of the Finding of Emergency and Proposed Emergency Regulations for Additions to the California Code of Regulations, Title 5, Sections 15494-15497.

SUMMARY OF THE ISSUE(S)

In order for the State Board of Education (SBE) to meet the statutorily established deadlines for the adoption of the Local Control Funding Formula (LCFF) expenditure of funds regulations and the Local Control and Accountability Plan (LCAP) template, as set forth in Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013) and amended by Senate Bill (SB) 91 (Chapter 49, Statutes of 2013) and SB 97 (Chapter 357, Statutes of 2013), the SBE adopted the attached regulations on an emergency basis at its January 2014 Board meeting. The Office of Administrative Law (OAL) approved the emergency regulations effective February 6, 2014, and they are set to expire on August 6, 2014. The SBE also adopted proposed permanent regulations at its January 2014 meeting, beginning the permanent rulemaking process. During the 45-day public comment period, which commenced on February 1, 2014, and ended at 5:00 p.m. on March 17, 2014, the CDE received approximately 2,300 written comments. As part of that rulemaking process, the July 2014 SBE Agenda Item 11 requests action to approve changes to the proposed permanent regulations and circulation of those changes for a 15-day public comment period, between July 11, 2014, and July 28, 2014.

The SBE and CDE staff will review and consider public comments received in response to the proposed changes to the regulations, and may recommend the SBE adopt additional changes to the proposed permanent regulations. Accordingly, it is very likely the permanent rulemaking process will not be completed prior to the expiration of the approved emergency regulations. Thus, it is necessary to readopt the emergency regulations in order to ensure regulations governing the expenditure of LCFF funds and LCAP are in place in accordance with the LCFF statute.

The LCFF requires LEAs to prepare an LCAP on or before July 1, 2014, using the template adopted by the SBE. Upon adoption by the LEA governing board, the LCAP is required to be submitted to the County Superintendent of Schools or State Superintendent of Public Instruction (SSPI), as specified in the LCFF statute, for...
approval on or before October 8, 2014. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures necessary to implement the specific actions. The priorities are outlined in EC sections 52060(d), 52066(d), and 47605(b)(5)(A) and (B), and include: increasing pupil achievement; improving pupil engagement; school climate and pupil safety; and ensuring facilities are maintained in good repair. LEAs are currently engaged in finalizing and obtaining approval of their LCAPs. Statute requires LEAs to consult with a broad range of stakeholders, including school personnel, parents, and pupils in developing the LCAP. The regulations enable LEAs and stakeholders to develop meaningful LCAPs and direct expenditures of LCFF funds to address pupil needs in the state priority areas.

In the event the emergency regulations were to lapse without adoption of permanent regulations, there would be great disruption to the on-going processes underway to adopt LEAs’ first LCAP under the LCFF. Without these regulations, stakeholders will be unable to provide input necessary to ensure LCFF funds are spent to address pupil needs in the critical state priority areas. In addition, County Superintendents and the SSPI will be unable to properly perform their review and approval responsibilities, and pupils will thus not receive the benefits of actions and expenditures to address their needs in these areas. As a result, pupils, along with members of the general public, will suffer serious immediate harm to their academic achievement, as well as their safety and well-being. In order to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of student’s attending California’s public schools, the SBE’s readoption of the emergency regulations is required.

RECOMMENDATION

It is recommended the SBE take the following actions:

- Approve the revised Finding of Emergency;
- Readopt the proposed Emergency Regulations;
- Direct the CDE to circulate the required Notice of Proposed Emergency Action, and then submit the Emergency Regulations to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE, in consultation with SBE staff, to take any necessary action, consistent with SBE’s action, to respond to any direction or concern expressed by the OAL during its review of the Finding of Emergency and proposed emergency regulations.

BRIEF HISTORY OF KEY ISSUES

On July 1, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013) to enact the historic education funding legislation called the LCFF. Subsequently amended by SB 91(Chapter 41, Statutes of 2013) and SB 97 (Chapter 57, Statutes of 2013), the
LCFF requires the SBE to adopt by January 31, 2014, regulations that govern how the expenditure of funds should be managed to demonstrate compliance as specified in Education Code (EC) Section 42238.07. In addition, EC Section 52064 requires the SBE to adopt on or before March 31, 2014, the LCAP templates for use by Local Educational Agencies (LEAs) to support local adoption and annual review of the LCAP.

The LCFF is more than a new funding formula for California’s schools. When fully implemented, the LCFF will result in significantly more funding for LEAs and significantly more flexibility in the use of funds. It is also anticipated that the LCFF will help address historic achievement gaps encountered by students of poverty, English learners, and foster youth.

Several key issues led to the creation of the LCFF. Local school leaders, parents, teachers, advocates, pupils, and other stakeholders have noted that the revenue limit funding model is overly complex and inefficient. The goal of the LCFF is to reduce state bureaucracy and increase flexibility and accountability at the local level so those closest to the pupils can make the decisions and ensure that pupil needs are met. The formula, which primarily consists of base, supplemental, and concentration grant funding, allocates resources based on an LEA’s pupil demographics and replaces most state-funded programs for LEAs. The Department of Finance estimates that the formula will be fully funded in eight years, but implementation of the LCFF begins in 2013-14. As such, LEAs were expected to begin operating under LCFF rules and requirements immediately.

In addition to changing the way that funding is provided to LEAs, the LCFF also requires LEAs to prepare an LCAP prior to the submission of LEA budgets to oversight agencies. LEAs must also provide an annual update to the LCAP. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures necessary to implement the specific actions. The specific priorities are outlined in EC sections 52060(d), 52066(d), and 47605(b)(5)(A) and (B).

Since Governor Brown signed this historic legislation, the SBE and CDE with assistance from WestEd initiated an iterative process to gather information to inform the development of the LCFF expenditure of funds regulations, template, and resources to support local implementation. In addition to relying on the intent of the LCFF statute and using the LCAP eight state priorities as context, the stakeholder input process was structured around the following guiding principles:

- Implementation, not advocacy, focusing on implementation of the current law and abiding by the legislative direction and intent.

- Simplicity and transparency, creating a funding mechanism that is focused on the needs of students and is equitable and easy to understand.

- Local flexibility, allowing LEAs maximum flexibility in allocating resources to meeting local needs.
• Unique contexts for implementation, differentiating as needed to support local flexibility within the unique contexts that exist for LEAs (e.g., size, type, needs, etc.).

• LEA finance, recognizing county offices of education, school districts, and charter schools as the fiscal agents, with site allocation methodologies and management practices within the purview of LEAs.

• Accountability, holding LEAs accountable for academic and fiscal outcomes.

• Stakeholder input, allowing for meaningful and purposeful stakeholder input during the development process that supports the identification of LCFF guiding principles.

From July 2013 through December 2013, the LCFF stakeholder input process included a monthly convening of an implementation working group comprised of representatives from approximately 20 statewide organizations directly involved with local implementation, conducting a series of regional stakeholder input and community forum sessions, hosting conference calls with representatives from LEAs and various education stakeholder groups, soliciting public comments at the scheduled SBE meetings, and collecting written comments from the public through the LCFF Web portal (http://lcff.wested.org/). As noted above, following the November 2013 SBE meeting, staff engaged in focused conversations about the draft regulations and template that informed the proposed regulations in Attachment 3.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2013: The CDE and WestEd presented to the SBE an informational update on the implementation of the LCFF (http://www.cde.ca.gov/be/ag/ag/yr13/documents/jul13item07.doc).

September 2013: The CDE and WestEd presented to the SBE an informational update that provided an overview of the process used to guide the LCFF stakeholder engagement activities. Included was a summary of the preliminary themes that emerged from stakeholders that related to the LCFF spending regulations and LCAP templates (http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item06.doc).

November 2013: The CDE and WestEd presented to the SBE an informational update that outlined a preliminary draft of the expenditure of funds regulations and a concept for the LCAP template. Attachment 1 presents an overview of the key issues that were identified from the public comment, the responses to these comments and the rationale for the potential changes incorporated into the regulations based on this feedback (http://www.cde.ca.gov/be/ag/ag/yr13/documents/nov13item13.doc).

January 2014 SBE meeting: The SBE took the following actions:
• Approved the initial Finding of Emergency (FOE);

• Adopted the proposed Emergency Regulations;

• Directed the CDE to circulate the required notice of proposed emergency action and submit the Emergency Regulations to the Office of Administrative Law for approval.

After the SBE approved the FOE and Emergency Regulations, the documents were sent on January 17, 2014, to the CDE’s interested parties’ list. A mandatory five working day pre-notification period was held from January 20–24, 2014.

On January 27, 2014, the CDE filed the FOE and proposed Emergency Regulations with the OAL. The OAL approved the Finding of Emergency and Emergency regulations on February 6, 2014. The regulations are effective for 180 days and will expire on August 6, 2014.

At its January SBE meeting, the SBE also took the following actions:

• Approved the Notice of Proposed Rulemaking (Notice);

• Approved the Initial Statement of Reasons (ISOR);

• Approved the proposed regulations;

• Directed the CDE to commence the rulemaking process; and

• Authorized the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations.

The 45-day public comment period commenced on February 1, 2014, and ended at 5:00 p.m. on March 17, 2014. Approximately 2,300 written comments were received.

**FISCAL ANALYSIS (AS APPROPRIATE)**

A Fiscal Impact Statement is provided as Attachment 4.

**ATTACHMENT(S)**

Attachment 1: Notice of Proposed Emergency Action (1 Page)

Attachment 2: Finding of Emergency (7 Pages)

Attachment 3: Emergency Regulations (16 Pages)

Attachment 4: The Economic and Fiscal Impact Statement (STD. 399) (5 Pages).
July 11, 2014

NOTICE OF PROPOSED EMERGENCY ACTION
READOPTION OF EMERGENCY REGULATIONS, TITLE 5, SECTIONS
Local Control Funding Formula (LCFF) Spending Requirements For Supplemental And
Concentration Grants And Local Control And Accountability Plan Template

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of
Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to
submission of the proposed emergency action to the Office of Administrative Law (OAL), the
adopting agency provide a Notice of the Proposed Emergency Action to every person who has
filed a request for notice of regulatory action with the agency. After submission of the proposed
emergency to the OAL, the OAL shall allow interested persons five calendar days to submit
comments on the proposed emergency regulations as set forth in Government Code section
11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted
via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written
comments must be received at the OAL and the California Department of Education within five
days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding “LCFF Spending Requirements and Local
Control and Accountability Plan Template” addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Debra Thacker, Reg Coordinator
California Department of Education
Administrative Support &
Regulations Adoption
1430 N Street, Suite 5319
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
regcomments@cde.ca.gov

Fax No.: 916-323-6826
916-319-0155

For the status of the SBE submittal to the OAL for review, and the end of the five-day written
submittal period, please consult the Web site of the OAL at http://www.oal.ca.gov under the
heading “Emergency Regulations.”
FINDING OF EMERGENCY
Readoption of Emergency Regulations

LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

The State Board of Education (SBE) finds that an emergency continues to exist and the emergency regulations, California Code of Regulations, Title 5, sections 15494 – 15497 effective February 6, 2014, must be readopted pursuant to Government Code Section 11346.1(h) in order to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of pupils attending California’s public schools.

NECESSITY FOR EXTENSION

At its January 2014 board meeting, the State Board of Education (SBE) approved the Finding of Emergency, Proposed Emergency Regulations (California Code of Regulations, title 5, sections 15494 – 15497), and directed the California Department of Education (CDE) to circulate the required Notice of Proposed Emergency Action and submit the emergency regulations to the Office of Administrative Law (OAL) for approval. As discussed below, the SBE was required to adopt regulations by January 31, 2014, to govern expenditures of LCFF funds, and to adopt a template by March 14, 2014, for the Local Control and Accountability Plan (LCAP) and annual update. These regulations were necessary on an emergency basis in order to ensure the SBE met statutorily-established deadlines, and to ensure meaningful stakeholder input and expenditure of LCFF funds directed to meeting pupil needs in critical state priorities areas, including increasing pupil achievement, improving pupil engagement, school climate and staff safety, and other state priorities identified in Education Code sections 52060(d), 52066(d) and 47605(b)(5)(B). The OAL approved the Emergency regulations effective February 6, 2014, and these emergency regulations are set to expire on August 6, 2014.

LCAPs must be approved by the County Superintendent of Schools or State Superintendent of Public Instruction (SSPI), as specified in statute, by October 8, 2014. Expiration of the emergency regulations prior to adoption of permanent regulations would cause great disruption to, including cessation of, the on-going process of LCAP adoption and review by stakeholders, LEAs, and County Superintendents of Schools.

In January 2014, the SBE commenced the permanent rulemaking package by approving the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed regulations at its Board meeting and sent the regulations out for a 45-day comment period, commencing on January 31, 2014, and ending on March 17, 2014. The CDE received approximately 2,300 written public comments on the proposed permanent regulations. The LCFF legislation enacts historic change to LEA funding, directing planning, resources and oversight responsibilities to critical areas of need, and
incorporating specific stakeholder input. The CDE and SBE staff worked diligently and as expeditiously as possible to review, respond, and recommend changes to the proposed permanent regulations.

At its July 2014 board meeting, the SBE approved changes to the proposed regulations and directed that they be circulated for a 15-day public comment period, which will take place between July 11, 2014, and July 28, 2014. The SBE and CDE staff will review and consider responses to the proposed changes to the regulations, and may recommend the SBE adoption additional changed to the proposed permanent regulations.

To ensure that the permanent regulations ultimately adopted by the SBE provide the necessary direction and clarification required, the extension of the existing emergency regulations is necessary for an additional 90-day period until permanent regulations can be finalized. In the absence of these emergency regulations, the public process for development of LCAPs will be seriously disrupted or will cease, and LCFF funds will not be directed to improving educational outcomes for pupils, particularly pupils eligible for free or reduced price meals, foster youth, and English learners, limiting their opportunities and resulting in serious harm to pupils and the general public.

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

Overview

The proposed regulations must be readopted on an emergency basis in order for the SBE to meet the statutorily-established deadlines for adoption of regulations. Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013), as amended by Senate Bill (SB) 91 (Chapter 49, Statutes of 2013) and SB 97 (Chapter 357, Statutes of 2013), enacted the Local Control Funding Formula (LCFF). Education Code section 42238.07, as added by AB 97, requires the SBE to adopt regulations by January 31, 2014, that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03. The legislation authorizes the SBE to adopt emergency regulations for purposes of the section.

In addition, Education Code section 52064, as added by AB 97 and amended by SB 97, requires the SBE to adopt a template by March 31, 2014, for the Local Control and Accountability Plan (LCAP) and annual update. Education Code section 52064 requires that the template be adopted pursuant to the Administrative Procedure Act and authorizes the SBE to adopt emergency regulations for purposes of implementing the section.

Education Code sections 52060 and 52064 require local educational agencies (LEAs) to adopt an LCAP by July 1, 2014, using the template adopted by the SBE. Prior to adopting the local LCAP, Education Code sections 52062 and 52068 require school districts and county offices of education to present their LCAP to the parent advisory
and English learner parent advisory committees, provide public notification, and hold a public hearing before the governing board or county board of education. The governing board or county board of education must then adopt the LCAP at a public meeting which must be held after the public hearing.

If these regulations are not continued in effect, there will be immediate serious harm to the general welfare, and particularly to the welfare of pupils attending California’s low-achieving public schools, because the regulations will direct LEAs to determine, with extensive local stakeholder input, appropriate expenditure of supplemental and concentration grant funds and development of the LCAP to address the needs of pupils in state priority areas outlined in Education Code sections 52060(d), 52066(d), or 47605(b)(5)(B) for LEAs. These priorities include increasing pupil achievement; improving student engagement, school climate, and pupil and staff safety; and ensuring school facilities are maintained in good repair. In addition, County Superintendents and the SSPI will be unable to properly carry out their responsibilities to review and approve LCAPs, as specified in the LCFF statute. Without the regulations, members of the public will be limited in their ability to have meaningful input into the content of the LCAP, and supplemental and concentration grant funds will not be directed toward improving educational outcomes for pupils eligible for free or reduced price meals, foster youth, and English learners, as intended, diminishing their life opportunities and resulting in serious harm to pupils and general public. Emergency regulations are necessary for LEAs to meet the statutory requirements for public participation and the July 1, 2014, deadline for adoption of the LCAP and approval by October 8, 2014.

**Background**

AB 97 (Chapter 47, Statutes of 2013), as amended by SB 91 (Chapter 41, Statutes of 2013) and SB 97 (Chapter 357, Statutes of 2013), enacted the LCFF. According to the California Department of Finance (DOF), the LCFF is designed to address funding inequities and to reform the overly complex and inequitable revenue limit system that allocated state funding to California’s LEAs, i.e., school districts, county offices of education, and charter schools. The goal of the LCFF is to reduce state bureaucracy and increase flexibility and accountability at the local level so those closest to the pupils can make the decisions and ensure that pupil needs are met. The formula primarily consists of base, supplemental, and concentration grant funding that allocates resources based on an LEA’s pupil demographics.

The passage of LCFF replaces most state funded programs for LEAs. The DOF estimates that the formula will be fully funded in eight years, but implementation of LCFF begins in 2013-14. As such, LEAs are expected to begin operating under LCFF rules and requirements immediately.

The funding formula associated with LCFF calls for providing state funding to LEAs based on an equal amount per pupil, with two adjustments, or weights. The first adjustment is based on the grade level of the pupil. The rate for pupils in Kindergarten through grade 3 includes additional funding for grade span adjustments that require,
upon full implementation, that LEAs reduce class sizes in such grades to an average of no more than 24 pupils. In addition, the formula is adjusted for pupils in grades 9-12 to reflect higher operating costs as well as a focus on college and career readiness. The second adjustment is based on demographics. The formula provides additional funding in the form of supplemental and concentration amounts based on the unduplicated count of low-income, English learner, and foster youth enrolled by the LEA (unduplicated pupils). For school districts, the formula provides an additional 20 percent of the base amount for each unduplicated pupil; and, when the number of unduplicated pupils exceeds 55 percent of a school district’s enrollment, an additional 50 percent of the base amount for each unduplicated pupil that exceeds 55 percent of enrollment. Different formulas are provided for county offices of education and charter schools. All LEAs are required to increase or improve services to these unduplicated pupils in proportion to the increase in funds apportioned on that basis.

In addition to changing the way that funding is provided to LEAs, LCFF also requires LEAs to prepare an LCAP prior to the submission of LEA budgets to oversight agencies. LEAs must also provide an annual update to the LCAP. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures implementing the specific actions. The specific priorities are outlined in Education Code sections 52060(d), 52066(d), or 47605(b)(5)(B) for LEAs. LCAPs must be approved by the County Superintendent of Schools or SSPI, as specified in statute, by October 8, 2014.

**Specific Basis for the Finding of Emergency**

The LCFF is intended to provide a funding mechanism that is simple and transparent and focused on “unduplicated pupils,” while allowing LEAs maximum flexibility in allocating resources to meet locally-determined needs. Education Code sections 2574 and 42238.02 define an unduplicated pupil as a pupil who is classified as an English learner, is eligible for a free or reduced-price meal, or is a foster youth. The Legislature directed the SBE to adopt emergency regulations in two key areas: (1) By January 31, 2014, regulations that clarify how expenditures of funds should be managed to demonstrate compliance (Education Code section 42238.07) and (2) On or before March 31, 2014, regulations adopting the LCAP template for use by LEAs to support local adoption and annual review of the LCAP (Education Code section 52064). Education Code sections 42238.07 and 52064 authorize the SBE to adopt emergency regulations for these purposes.

These emergency regulations are necessary in order for LEAs to successfully implement the LCFF. Pursuant to Education Code sections 2574 and 42238.02, in addition to the base grant, LEAs receive a supplemental grant based on the percentage of unduplicated pupils. LEAs with a specified percentage of unduplicated pupils receive an additional concentration grant. The law specifies that each LEA is required to expend its supplemental and concentration grants in accordance with the spending regulations adopted by the SBE. Thus, these emergency regulations are necessary in order for LEAs to determine appropriate expenditure of LCFF funds.
Education Code sections 52060 and 52064 require school districts and county offices of education to adopt an LCAP by July 1, 2014, using the template adopted by the SBE. The LCAP will identify how LEAs will use LCFF funds to address pupils’ needs and ensure, among other state priorities delineated in Education Code section 52060, 52066(d), and 47605(b)(5)(B), that school facilities are maintained in good repair and action is taken to improve pupil achievement, school climate, and student and staff safety.

The LCAP focuses on pupil needs as determined locally in each LEA. Education Code sections 52060(g) and 52066(g) require schools districts and county offices of education to consult with a broad range of school personnel, parents, and pupils in developing the local LCAP. In addition, prior to adopting the local LCAP, Education Code sections 52062 and 52069 require school districts and county offices of education to present their LCAP to the parent advisory and English learner parent advisory committees, provide public notification, and hold a public hearing before the governing board or county board of education, respectively. The governing board or county board of education must then adopt the LCAP at a public meeting which must be held after the public hearing. Without an adopted template and regulations directing appropriate expenditure of supplemental and concentration grant funds, the stakeholders will be unable to provide the local input necessary to ensure LCFF funds are spent to address pupil needs in the critical state priority areas, including increasing pupil achievement; improving student engagement, school climate, and pupil and staff safety; and other state priorities identified in Education Code sections 52060(d), 52066(d), and 47605(b)(5)(B). In addition, County Superintendents and the SSPI will be unable to properly carry out their responsibilities to review and approve LCAPs, as specified in the LCFF statute. As a result, pupils will not receive the benefits of actions and expenditures to address their needs in the priority areas, and they, along with the general public, will suffer serious immediate harm to their academic achievement, as well as to their safety and well-being. Emergency regulations are necessary in order for LEAs to meet the statutory requirements for public participation and the July 1, 2014, deadline for adoption of the LCAP, and to ensure pupils’ needs in the state priority areas are addressed.

Extensive stakeholder input was necessary in order for the SBE to receive feedback on the spending regulations and template. Between July and October, staff from the California Department of Education and the SBE convened an implementation working group and held a series of four meetings consisting of representatives from over 20 statewide organizations. The SBE also convened three regional hearings (with video conference linkages to three additional locations) in August and partnered with the California Endowment to convene 12 regional forums across the state from September through November. Based on this public feedback, draft regulation concepts were presented to the SBE at its September and November meetings. SBE staff also continued conducting informal feedback sessions through the month of December. Concepts raised during the feedback sessions were the basis for discussions by SBE
members at the September and November meetings and resulted in the regulations presented to the SBE at its January 2014 meeting.

**These Issues Could Not Be Addressed Through Nonemergency Regulations**

The legislation established the statutory deadlines of January 31 and March 31, 2014, for the SBE to adopt spending regulations and the LCAP template, respectively. These deadlines did not allow for sufficient time to complete the regular rulemaking process. In addition, the CDE received approximately 2,300 written public comments which require thorough and careful review in order to ensure the proposed permanent regulations provide the necessary clarity and direction regarding expenditure of LCFF funds and LCAPs.

**NON-DUPLICATION**

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statutes in the proposed emergency regulations is necessary in order to provide additional specific detail not included in state statute.

**AUTHORITY AND REFERENCE**

Authority: Sections 42238.07 and 52064, Education Code.

Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

**INFORMATIVE DIGEST**

On June 26, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013), as amended by SB 41 (Chapter 49, Statutes of 2013) and SB 97 (Chapter 357, Statutes of 2013), which enacted the LCFF. Education Code section 42238.07, as added by AB 97, requires the SBE to adopt regulations by January 31, 2014, that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03. The legislation authorizes the SBE to adopt emergency regulations for purposes of the section.

The proposed regulations must be adopted on an emergency basis in order for the SBE to meet the statutorily-established deadlines for adoption of regulations.

In addition, Education Code section 52064, as added by AB 97 and amended by SB 97, requires the SBE to adopt a template by March 31, 2014, for the LCAP. Education Code section 52064 requires that the template be adopted pursuant to the Administrative
Procedure Act and authorizes the SBE to adopt emergency regulations for purposes of implementing the section.

To inform the development of the proposed regulations, extensive efforts were made to solicit public input. This included convening an implementation working group comprised of representatives from statewide organizations with diverse interests and responsibility for supporting local implementation, a series of regional input sessions held in six locations throughout the state in August 2013, and 20 community input sessions throughout the state from September through October 2013. In addition, the SBE heard extensive public testimony at its September and November 2013 meetings.

The proposed regulations are intended to support the local implementation of the LCFF.

The CDE reviewed all state regulations relating to the LCFF requirements for supplemental and concentration grants and found that none exist that are inconsistent or incompatible with these regulations.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The benefit of enacting the proposed regulations will be to provide direction and definitions that LEAs can follow to support local implementation of LCFF.

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

The SBE did not consider any technical, theoretical, empirical studies, reports, or other documents in the drafting these regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose a mandate on LEAs.

COSTS OR SAVINGS TO ANY STATE AGENCY

The emergency regulations will not result in any additional costs or savings to local educational agencies, state agencies, or federal funding to the State.

NON-DISCRETIONARY COSTS OR SAVINGS IMPOSED UPON LOCAL AGENCIES

The emergency regulations will not result in any additional non-discretionary costs or savings upon local agencies.

5-22-14 [California Department of Education]
Title 5. EDUCATION  
Division 1. California Department of Education  
Chapter 14.5. Local Control Funding Formula  
Subchapter 1. Local Control Funding Formula Spending Regulations for  
Supplemental and Concentration Grants and Local Control and Accountability  
Plan Template  
Article 1. Local Control and Accountability Plan and Spending Requirements for  
Supplemental and Concentration Grants

§ 15494. Scope.
(a) This chapter applies to all local educational agencies (LEAs) as defined in section 15495(b).
(b) Funding restrictions specified in Education Code section 42238.07 apply to local control funding formula (LCFF) funds apportioned on the basis of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.
(c) The local control and accountability plan (LCAP) shall demonstrate how services are provided according to this chapter to meet the needs of unduplicated pupils and improve the performance of all pupils in the state priority areas.


§ 15495. Definitions.
In addition to those found in Education Code sections 2574, 42238.01, and 42238.02, the following definitions are provided:
(a) “Local control and accountability plan (LCAP)” means the plan created by an LEA pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in conformance with the LCAP and annual update template found in section 15497.
(b) “Local educational agency (LEA)” means a school district, county office of education, or charter school.
(c) “Prior year” means one fiscal year immediately preceding the fiscal year for which an LCAP is approved.

d) “Services” as used in Education Code section 42238.07 may include, but are not limited to, services associated with the delivery of instruction, administration, facilities, pupil support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services.

(e) “State priority areas” means the priorities identified in Education Code sections 52060 and 52066. For charter schools, “state priority areas” means the priorities identified in Education Code section 52060 that apply for the grade levels served or the nature of the program operated by the charter school.

(f) “to improve services” means to grow services in quality.

(g) “to increase services” means to grow services in quantity.

(h) “unduplicated pupil” means any of those pupils to whom one or more of the definitions included in Education Code section 42238.01 apply, including pupils eligible for free or reduced price meals, foster youth, and English learners.


§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants.

(a) An LEA shall provide evidence in its LCAP to demonstrate how funding apportioned on the basis of the number and concentration of unduplicated pupils, pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03 is used to support such pupils. This funding shall be used to increase or improve services for unduplicated pupils as compared to the services provided to all pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA shall include in its LCAP an explanation of how expenditures of such funding meet the
LEA’s goals for its unduplicated pupils in the state priority areas. An LEA shall determine the percentage by which services for unduplicated pupils must be increased or improved above services provided to all pupils in the fiscal year as follows:

(1) Estimate the amount of the LCFF target attributed to the supplemental and concentration grants for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

(2) Estimate the amount of LCFF funds expended by the LEA on services for unduplicated pupils in the prior year that is in addition to what was expended on services provided for all pupils. The estimated amount of funds expended in 2013-14 shall be no less than the amount of Economic Impact Aid funds the LEA expended in the 2012-13 fiscal year.

(3) Subtract subdivision (a)(2) from subdivision (a)(1).

(4) Multiply the amount in subdivision (a)(3), by the most recent percentage calculated by the Department of Finance that represents how much of the statewide funding gap between current funding and full implementation of LCFF is eliminated in the fiscal year for which the LCAP is adopted.

(5) Add subdivision (a)(4) to subdivision (a)(2).

(6) Subtract subdivision (a)(5) from the LEA’s total amount of LCFF funding pursuant to Education Code sections 42238.02 and 2574, as implemented by Education Code sections 42238.03 and 2575 respectively, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program, in the fiscal year for which the LCAP is adopted.

(7) Divide the amount in subdivision (a)(5) by the amount in subdivision (a)(6).

(8) If the calculation in subdivision (a)(3) yields a number less than or equal to zero or when LCFF is fully implemented statewide, then an LEA shall determine its percentage for purposes of this section by dividing the amount of the LCFF target attributed to the supplemental and concentration grant for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted by the remainder of the LEA’s LCFF funding, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program.
(b) This subdivision identifies the conditions under which an LEA may use funds apportioned on the basis of the number and concentration of unduplicated pupils for districtwide, schoolwide, countywide, or charterwide purposes: Pursuant to Education Code section 42238.07(a)(2), an LEA may demonstrate it has increased or improved services for unduplicated pupils under subdivision (a) of this section by using funds to upgrade the entire educational program of a school site, a school district, a charter school, or a county office of education as follows:

(1) A school district that has an enrollment of unduplicated pupils in excess of 55 percent of the district’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a districtwide basis. A school district expending funds on a districtwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a districtwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district’s goals for its unduplicated pupils in the state priority areas.

(2) A school district that has an enrollment of unduplicated pupils in excess of 55 percent of the district’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental grant funds on a districtwide basis. A school district expending funds on a districtwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a districtwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district’s goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district’s goals for its unduplicated pupils in the state priority areas.

(3) A school district that has an enrollment of unduplicated pupils at a school that is in excess of 40 percent of the school’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:
(A) Identify in the LCAP those services that are being provided on a schoolwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district’s goals for its unduplicated pupils in the state priority areas.

(4) A school district that has an enrollment of unduplicated pupils that is less than 40 percent of the school site’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a schoolwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district’s goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district’s goals for its unduplicated pupils in the state priority areas.

(5) A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending supplemental and concentration grant funds on a charterwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a countywide or charterwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the county office of education’s or charter school’s goals for its unduplicated pupils in the state priority areas.

(c) County superintendent of schools oversight of demonstration of proportionality: In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall review any descriptions provided under subdivisions (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when determining whether the LEA has fully demonstrated that it will increase or improve services for unduplicated pupils under subdivision (a). If a county superintendent of schools does not approve an LCAP because the LEA has failed to meet its proportionality requirement as specified in this section, it shall provide technical
assistance to the LEA in meeting that requirement pursuant to Education Code section 52071.


2-04-14 [California Department of Education]
§ 15497. Local Control and Accountability Plan and Annual Update Template.

**Introduction:**

LEA: _________________________  Contact (Name, Title, Email, Phone Number):__________________________________  LCAP Year:_________

**Local Control and Accountability Plan and Annual Update Template**

The Local Control and Accountability Plan (LCAP) and annual update template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.
For each section of the template, LEAs should comply with instructions and use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

**State Priorities**

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

**A. Conditions of Learning:**

**Basic:** degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

**Implementation of State Standards:** implementation of academic content and performance standards adopted by the state board for all pupils, including English learners. (Priority 2)

**Course Access:** pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

**Expelled Pupils (for county offices of education only):** coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)

**Foster Youth (for county offices of education only):** coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

**B. Pupil Outcomes:**

**Pupil Achievement:** performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)
**Other pupil outcomes**: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)

**C. Engagement:**

**Parent involvement**: efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

**Pupil engagement**: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

**School climate**: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

**Section 1: Stakeholder Engagement**

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

**Instructions**: Describe the process used to engage parents, pupils, and the community and how this engagement contributed to development of the LCAP or annual update. Note that the LEA’s goals related to the state priority of parental involvement are to be described separately in Section 2, and the related actions and expenditures are to be described in Section 3.

**Guiding Questions**:

1) How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English learner parents, community organizations representing English learners, and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?

2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?
3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process?

4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?

5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representative parents of pupils identified in Education Code section 42238.01?

6) In the annual update, how has the involvement of these stakeholders supported improved outcomes for pupils related to the state priorities?

<table>
<thead>
<tr>
<th>Involvement Process</th>
<th>Impact on LCAP</th>
</tr>
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Section 2: Goals and Progress Indicators

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, for each state priority and any local priorities and require the annual update to include a review of progress towards the goals and describe any changes to the goals.

Instructions: Describe annual goals and expected and actual progress toward meeting goals. This section must include specifics projected for the applicable term of the LCAP, and in each annual update year, a review of progress made in the past fiscal year based on an identified metric. Charter schools may adjust the chart below to align with the term of the charter school’s budget that is submitted to the school’s authorizer pursuant to Education Code section 47604.33. The metrics may be quantitative or qualitative, although LEAs must, at minimum, use the specific metrics that statute explicitly references as required elements for measuring progress within a particular state priority area. Goals must address each of the state priorities and any additional local priorities; however, one goal may address multiple priorities. The LEA may identify which
school sites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not applicable to a specific subgroup or school site. The goals must reflect outcomes for all pupils and include specific goals for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the school site level. To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Guiding Questions:

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to “Engagement” (e.g., pupil and parent)?
4) What are the LEA’s goal(s) to address locally-identified priorities?
5) How have the unique needs of individual school sites been evaluated to inform the development of meaningful district and/or individual school site goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for subgroups as defined in Education Code sections 42238.01 and 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific predicted outcomes/metrics/noticeable changes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority and/or to review progress toward goals in the annual update?
9) What information was considered/reviewed for individual school sites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) In the annual update, what changes/progress have been realized and how do these compare to changes/progress predicted? What modifications are being made to the LCAP as a result of this comparison?
<table>
<thead>
<tr>
<th>Identified Need and Metric (What needs have been identified and what metrics are used to measure progress?)</th>
<th>Description of Goal</th>
<th>Goals</th>
<th>School(s) Affected (Indicate “all” if the goal applies to all schools in the LEA, or alternatively, all high schools, for example.)</th>
<th>Annual Update: Analysis of Progress</th>
<th>What will be different/improved for students? (based on identified metric)</th>
<th>Related State and Local Priorities (Identify specific state priority. For districts and COEs, all priorities in statute must be included and identified; each goal may be linked to more than one priority if appropriate.)</th>
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Section 3: Actions, Services, and Expenditures

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require the LCAP to include a description of the specific actions an LEA will take to meet the goals identified. Additionally Education Code section 52604 requires a listing and description of the expenditures required to implement the specific actions.

Instructions: Identify annual actions to be performed to meet the goals described in Section 2, and describe expenditures to implement each action, and where these expenditures can be found in the LEA’s budget. Actions may describe a group of services that are implemented to achieve identified goals. The actions and expenditures must reflect details within a goal for the specific subgroups identified in Education Code section 52052, including pupils with disabilities, and for specific school sites as applicable. In describing the actions and expenditures that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01, the LEA must identify whether supplemental and concentration funds are used in a districtwide, schoolwide, countywide, or charterwide manner. In the annual update, the LEA must describe any changes to actions as a result of a review of progress. The LEA must reference all fund sources used to support actions and services. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Guiding Questions:

1) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
2) How do these actions/services link to identified goals and performance indicators?
3) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?
4) In the annual update, how have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
5) In the annual update, how have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
6) In the annual update, how have the actions/services addressed the identified needs and goals of specific school sites and did the provision of those actions/services result in the desired outcomes?

7) In the annual update, what changes in actions, services, and expenditures have been made as a result of reviewing past progress and/or changes to goals?

A. What annual actions, and the LEA may include any services that support these actions, are to be performed to meet the goals described in Section 2 for ALL pupils and the goals specifically for subgroups of pupils identified in Education Code section 52052 but not listed in Table 3B below (e.g., Ethnic subgroups and pupils with disabilities)? List and describe expenditures for each fiscal year implementing these actions, including where these expenditures can be found in the LEA’s budget.

<table>
<thead>
<tr>
<th>Goal (Include and identify all goals from Section 2)</th>
<th>Related State and Local Priorities (from Section 2)</th>
<th>Actions and Services</th>
<th>Level of Service (Indicate if school-wide or LEA-wide)</th>
<th>Annual Update: Review of actions/services</th>
<th>What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?</th>
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<td>LCAP Year Year 1: 20XX-XX</td>
<td>Year 2: 20XX-XX Year 3: 20XX-XX</td>
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B. Identify additional annual actions, and the LEA may include any services that support these actions, above what is provided for all pupils that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01 and pupils redesignated as fluent English proficient. The identified actions must include, but are not limited to, those actions that are to be performed to meet the targeted goals described in Section 2 for low-income pupils, English learners, foster youth and/or pupils.
redesignated as fluent English proficient (e.g., not listed in Table 3A above). List and describe expenditures for each fiscal year implementing these actions, including where those expenditures can be found in the LEA’s budget.

<table>
<thead>
<tr>
<th>Goal (Include and identify all goals from Section 2, if applicable)</th>
<th>Related State and Local Priorities (from Section 2)</th>
<th>Actions and Services</th>
<th>Level of Service (Indicate if school-wide or LEA-wide)</th>
<th>Annual Update: Review of actions/services</th>
<th>What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?</th>
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<td>LCAP Year Year 1: 20XX-XX</td>
<td>Year 2: 20XX-XX</td>
<td>Year 3: 20XX-XX</td>
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<td>For low income pupils:</td>
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<td>For English learners:</td>
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<td>For foster youth:</td>
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<td>For redesignated fluent English proficient pupils:</td>
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</table>

C. Describe the LEA’s increase in funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5). Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496. For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a school site in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district’s goals for unduplicated pupils in the state priority areas. (See 5 CCR 15496(b) for guidance.)
D. Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.


2-04-14 [California Department of Education]
This is the official scanned version of Item 16 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for July 2014 posted at http://www.cde.ca.gov/be/ag/ag/yr14/agenda201407.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr14/jul14item16a4aav.asp

The scanned document starts following this initial page.
ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME: Education
CONTACT PERSON: Carolyn Nealon
EMAIL ADDRESS: cnealon@cde.ca.gov
TELEPHONE NUMBER: 916-319-0295

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 business 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):

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.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The __________ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:
   □ Below $10 million
   □ Between $10 and $25 million
   □ Between $25 and $50 million
   □ Over $50 million [if the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]

3. 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:

4. Enter the number of businesses that will be created: ____________ eliminated: ____________

Explain: _______________________

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

6. Enter the number of jobs created: ____________ and eliminated: ____________

Describe the types of jobs or occupations impacted:

7. 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:

______________________________________________

______________________________________________
ECONOMIC IMPACT STATEMENT (CONTINUED)

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: $ __________________________  
   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 of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: __________________________  

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? $ __________________________  

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: __________________________  

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>
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<tbody>
<tr>
<td>Alternative 1</td>
<td>Benefit: $</td>
<td>Cost: $</td>
</tr>
<tr>
<td>Alternative 2</td>
<td>Benefit: $</td>
<td>Cost: $</td>
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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.

   California Environmental Protection Agency (CalEPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million?  

   □ YES  □ NO

   *If YES, complete E2. and E3

   *If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1:

   Alternative 2:

   (Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

   Regulation: Total Cost: $  Cost-effectiveness ratio: $

   Alternative 1: Total Cost: $  Cost-effectiveness ratio: $

   Alternative 2: Total Cost: $  Cost-effectiveness ratio: $

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?  

   □ YES  □ NO

   If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

   The increase or decrease of investment in the State:

   The incentive for innovation in products, materials or processes:

   The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency:
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 in the current State Fiscal Year which are reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).
   $ __________________________
   a. Funding provided in
      __________________________
      Budget Act of ___________ or Chapter ___________, Statutes of  
      __________________________
   b. Funding will be requested in the Governor's Budget Act of  
      __________________________
      Fiscal Year: __________________________

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).
   $ __________________________
   Check reason(s) this regulation is not reimbursable and provide the appropriate information:
   a. Implements the Federal mandate contained in __________________________
   b. Implements the court mandate set forth by the __________________________
      Court. Case of: __________________________ vs. __________________________
   c. Implements a mandate of the people of this State expressed in their approval of Proposition No. __________________________
      Date of Election: __________________________
   d. Issued only in response to a specific request from affected local entity(s).
      Local entity(s) affected: __________________________
   e. Will be fully financed from the fees, revenue, etc. from:
      __________________________
      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;
   g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in __________________________

☐ 3. Annual Savings. (approximate)
   $ __________________________

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

☒ 6. Other. Explain __________________________
   Current law provides that the LCFF funds apportioned to a school district shall be available to implement the required activities.
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 in the current State Fiscal Year. (Approximate)

$ ______________________________

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the __________________________ Fiscal Year.

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ______________________________

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

☐ 4. Other. Explain

The proposed regulations do not impose any costs upon the state, as current law provides that the LCFF funds apportioned to a school district shall be available to implement the activities required [EC Section 42238.02(n)].

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 in the current State Fiscal Year. (Approximate)

$ ______________________________

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ ______________________________

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

☐ 4. Other. Explain

FISCAL OFFICER SIGNATURE __________________________ DATE 1/13/14

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 departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY __________________________ DATE 1/14/14

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER __________________________ DATE
Economic and Fiscal Impact Statement


Department Name: Education

Contact Person: Carolyn Nealon

E-mail Address: cnealon@cde.ca.gov

Telephone Number: 916-319-0295

Descriptive Title From Notice Register Or From 400: Local Control Funding Formula (LCFF) & Local Control and Accountability Plan (LCAP) - Emergency Regs January 3, 2014

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.
- Option H explanation: The regulations would not impose any additional costs to the private sector.

If any box in Items 1a through g is checked, complete this Economic Impact Statement. If box in Item 1h is checked, complete the Fiscal Impact Statement as appropriate.

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 6: Other. Explain. Current law provides that the LCFF funds apportioned to a school district shall be available to implement the required activities.

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. Explain. The proposed regulations do not impose any costs upon the state, as current law provides that the LCFF funds apportioned to a school district shall be available to implement the activities required [EC Section 42238.02(n)].

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. This regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature: Signed by Carolyn Nealon dated January 13, 2014

The signature attests that the agency has completed the STD. 399 according to the instructions in the State Administrative Manual (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.

**Agency Secretary:** Signed by Jeannie Oropeza dated January 14, 2014

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

**Department of Finance Program Budget Manager:** No signature.
SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for calculating Local Control Funding Formula (LCFF) entitlements and apportioning funds to local educational agencies (LEAs). Pursuant to Education Code (EC) Section 42238.02, as a condition of receiving a grade span adjustment for kindergarten through grade three (K–3 GSA), school districts must make progress towards or maintain a K–3 class size average of 24 or less at each school site, unless the district agrees to a collectively bargained alternative. If the annual independent audit of a school district shows that a school district did not comply with this condition, the CDE will retroactively reduce the school district's funding.

The adoption of regulations, under the authority of EC Section 33031, is necessary to define terms in EC Section 42238.02, to provide clarity, and to establish a uniform, auditable methodology for calculating the K–3 class size averages and measuring progress.

RECOMMENDATION

The CDE recommends the State Board of Education (SBE) take the following actions:

• Approve the Final Statement of Reasons.

• Formally adopt the proposed regulations in Attachment 2.

• Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval.

• Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

BRIEF HISTORY OF KEY ISSUES
In June 2013, Governor Brown signed Assembly Bill 97 (Chapter 47, Statutes of 2013) to enact the LCFF, which eliminated and replaced the decades old revenue limit formula and dozens of categorical programs. LEAs are funded through LCFF commencing with the 2013–14 school year. However, the Department of Finance (DOF) estimates that full funding levels will not be reached until 2020–21. In the intervening years, LCFF funding levels will be phased in, whereby the CDE will raise an LEA’s funding level in order to decrease the gap between the funding the LEA would have received under the legacy funding formula and the LEA’s “LCFF target.”

The LCFF target represents what an LEA would receive if LCFF were fully funded. Its main components are a base grant, a supplemental grant, and a concentration grant. Additionally, the LCFF target for school districts and charter schools includes the K–3 GSA that increases the base grant for K–3 by 10.4 percent. Pursuant to EC Section 42238.02, as a condition of receiving this adjustment, school districts must meet one of the following conditions:

- If a school site’s average class enrollment in K–3 was more than 24 pupils in the prior year, make progress toward maintaining, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- If a school site’s average class enrollment in K–3 was 24 pupils or less in the prior year, maintain, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- Agree to a collectively bargained alternative to the statutory K–3 GSA requirements.

The conditions for the K–3 GSA are subject to the annual audit process and will be recommended for inclusion in the audit guide followed by independent auditors, commencing with audits of the 2014–15 school year. If a school district is found out of compliance with the conditions of apportionment, the CDE will retroactively reduce the school district’s funding. These conditions may not be waived by the State Superintendent of Public Instruction (SSPI) or the SBE.

**Other Funding Laws Related to K–3 Class Sizes**

In addition to the class size requirements that school districts must meet in order to receive the K–3 GSA, EC sections 41376 and 41378 provide for class size penalties if individual classes or district averages exceed certain levels. These class size penalties have been in existence since the late 1960s, before revenue limits. Title 5 of the California Code of Regulations defines the terms and sets the methodology for calculating the averages. The following table summarizes the two K–3 requirements.

<table>
<thead>
<tr>
<th>K–3 Grade-Span Adjustment</th>
<th>K–3 Class Size Penalties</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>(At full-implementation of LCFF)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong></td>
<td>Applies to all district schools unless the district has collectively bargained an alternative. Applies to all elementary and unified district schools except very small districts or schools.</td>
</tr>
</tbody>
</table>
| **Requirement** | Maintain at each school site an average K–3 class size of 24 or less. Individual class requirement: Average for class not to exceed  
• 33 in kindergarten  
• 32 in grades 1 through 3  
Districtwide requirements: Average of all individual classes not to exceed  
• 31 in kindergarten  
• 30 in grades 1 through 3 |
| **Penalty** | Loss of grade span adjustment, which will also reduce supplemental and concentration grant funding. Generally, the penalty is equal to the loss of all funding for ADA above 31 in kindergarten classes or above 30 in first through third grade classes. |
| **Waiver** | May not be waived by SBE or SSPI. May be waived. |

*EC Section 52120 et seq. also includes requirements related to the K–3 Class Size Reduction Program. However, this program was eliminated with LCFF and the statutes no longer apply.*

**Purpose of Regulations for the K–3 GSA**

Regulations are necessary to define terms and to establish a uniform, auditable methodology for calculating the K–3 class size averages and for measuring progress. Specifically, the proposed regulations establish the timing and frequency of class size counts, specify the classes or students that are included in the counts, establish how combination classes are counted, and set rules for rounding.

The DOF estimates that LCFF funding will not be fully phased-in until the 2020–21 fiscal year. Until that time, school sites with K–3 class size averages above 24 may close the gap between their prior year class size average and 24 in proportion to the percentage of gap funding that they receive. For purposes of this calculation, the proposed regulations establish rules for new school sites that do not have a prior year class size average and establish that districts may use the gap funding percentage estimated by the DOF annually in its May revision, since the actual percentage will not be known until the school year is complete.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the March 2014 board meeting, the SBE took the following actions:

- Approved the Finding of Emergency (FOE).
- Adopted the proposed emergency regulations.
- Directed the CDE to circulate the required Notice of Proposed Emergency Action and submit the emergency regulations to the OAL for approval.

On March 13, the FOE, the Notice of Proposed Emergency Action and emergency regulations were sent to the parties on CDE’s interested parties’ list. On March 20, the CDE filed the emergency regulation package with the OAL. On April 1, 2014, the OAL approved the emergency regulations and the FOE. The emergency regulations became effective on April 1, 2014, and expire on September 30, 2014.

Also at the March 2014 board meeting, the SBE took the following additional actions:

- Approved the Notice of Proposed Rulemaking (Notice);
- Approved the Initial Statement of Reasons (ISOR);
- Approved the proposed regulations;
- Directed the CDE to commence the rulemaking process; and
- Authorized the CDE, in consultation with SBE staff, to take any necessary action, consistent with the SBE’s direction, to respond to any direction or concern expressed by the OAL during its review of the Notice, ISOR, and proposed regulations.

No written comments were received during the 45-day comment period which commenced on March 29, 2014, and ended at 5:00 p.m. on May 13, 2014. CDE staff conducted a public hearing on May 13, 2014, at 2:00 p.m. No commenters appeared at the public hearing.

The proposed regulations vary in two non-substantive respects from the proposed regulations adopted at the March 2014 SBE meeting. The heading to Section 15498.3 was modified slightly, and Section 15498.3, subdivision (f), was omitted from the proposed regulations in order to address concerns regarding clarity and necessity raised by the OAL during the approval process for the emergency regulations.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is included as Attachment 3.
ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (1 Pages)
Attachment 2: Proposed Regulations (4 Pages)
Attachment 3: Economic and Fiscal Impact Statement (STD. 399) (5 Pages)
FINAL STATEMENT OF REASONS
LOCAL CONTROL FUNDING FORMULA, KINDERGARTEN AND GRADES ONE THROUGH THREE GRADE SPAN ADJUSTMENT

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from March 28, 2014 through May 13, 2014. No comments were received during the 45-day comment period.

A public hearing was held at 2:00 p.m. on May 13, 2014, at the California Department of Education. No commenters appeared at the public hearing.


No written comments were received during the 45-day public comment period.

ALTERNATIVES DETERMINATION

The State Board of Education has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

5-13-14 [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.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 14.6. Local Control Funding Formula Kindergarten and Grades One Through Three Grade Span Adjustment

Article 1. Apportionments and Allowances

§ 15498. Purpose.

The Superintendent of Public Instruction (SSPI) deems this chapter necessary for the effective administration of the kindergarten and grades one through three grade span adjustment as specified in Education Code section 42238.02(d)(3), and for the determinations thereby required of the SSPI in computing apportionments and allowances from the State School Fund.


§ 15498.1. Definitions.

For the purposes of administering the provisions of this chapter and the provisions of Education Code section 42238.02(d)(3), the following definitions apply:

(a) "Class" means a group of pupils scheduled to report regularly at a particular time to a particular teacher during the regular school day as defined by the school district governing board, excluding special day classes. Classes in the evening and summer schools are not classes for purposes of this section.

(b) Where the type of teaching in kindergarten and grades 1, 2, and 3 is other than in self-contained classes, the “class” is the basic homeroom where all of the following applies for a pupil:

1. Attendance is recorded and investigation of absences is instigated.
2. The pupil has his or her desk, locker, or drawer.
3. The teacher handles the administrative routines such as keeping cumulative records, collecting basic data about the pupil, distributing items to go home, collecting meal money, and distributing and collecting report cards.
(4) The teacher is the usual contact with the pupil’s parents.

(5) Some planned instruction is given.

(c) “Kindergarten” includes transitional kindergarten as defined by Education Code section 48000.

(d) “Active enrollment count” for purposes of subdivision (e) means the count of pupils enrolled in the class on the first day of the school year on which the class was in session, plus all later enrollees, minus all withdrawals since that first day. A pupil who is enrolled in independent study pursuant to Article 5.5 of Chapter 5 of Part 28 of the Education Code for the full regular school day shall not be included. An active enrollment count shall be made on the last teaching day of each school month that ends prior to April 15 of the school year.

(e) The “average number of pupils enrolled per class” for kindergarten and grades 1, 2, and 3 is the number obtained by dividing the sum of the active enrollment counts made under subdivision (d) for each of the classes in those grades, by the total number of those active enrollment counts.

(f) “Average class enrollment” means the sum of the average number of pupils enrolled per class determined pursuant to subdivision (e) for all kindergarten and grades 1, 2, and 3 classes at a school site, divided by the number of classes, then rounded to the nearest half or whole integer.

(g) “Maximum average class enrollment” for purposes of section 15498.3 means the amount determined by subtracting the current year average class enrollment adjustment pursuant to Education Code section 42238.02(d)(3)(B)(v) from the prior year average class enrollment pursuant to Education Code section 42238.02(d)(3)(B)(i), then rounded to the nearest half or whole integer. Commencing with the 2014-15 school year, the prior year average class enrollment for purposes of Education Code section 42238.02(d)(3)(B)(i) is the maximum average class enrollment in the prior year.

§ 15498.2. Combined Grades.

For the purposes of this chapter, any class combining pupils in any grade other than kindergarten or grades 1, 2, or 3 with pupils in kindergarten or grades 1, 2, or 3, shall be considered a class of kindergarten and grades 1, 2, and 3. All of the pupils in said classes shall be included in an active enrollment count.


§ 15498.3. Class Size Requirements of the Local Control Funding Formula.

For purposes of determining if a school district meets the conditions for receiving the kindergarten and grades one through three grade span adjustment, pursuant to Education Code section 42238.02(d)(3)(B), the following shall apply:

(a) Every school district that elects to receive the kindergarten and grades one through three grade span adjustment shall calculate the maximum average class enrollment for each school site.

(b) A district’s average class enrollment at each school site shall not exceed the maximum average class enrollment for each school site, unless the school district has agreed to a collectively bargained alternative annual average class enrollment for each school site pursuant to Education Code section 42238.02(d)(3)(B) for the applicable year.

(c) The prior year average class enrollment for a school site that did not exist in the prior year shall be the median prior year average class enrollment in kindergarten and grades 1, 2, and 3 of the other school sites in the district.

(d) In the case of a school district that reorganizes subsequent to fiscal year 2012-13, the provisions of Education Code section 42238.02(d)(3)(C) shall not apply unless all school sites in the reorganized school districts were at or below an average class enrollment of 24 in kindergarten and grades 1, 2, and 3.

(e) A school district may determine the percentage of need met as specified in Education Code section 42238.02(d)(3)(B)(iii) utilizing the estimated percentage of statewide funded need for the applicable year as calculated by the Department of Finance (DOF) based on its estimate of statewide need and the amount that it
proposes to appropriate to the SSPI for allocation pursuant to Education Code section 42238.03(b) and stated in DOF’s May revision to the Governor’s Budget.


3-28-14 [California Department of Education]
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 business 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
   [X] h. None of the above (Explain below):

   The regulations would not impose any additional costs to the private sector.

   If any box in Items 1a through g is checked, complete this Economic Impact Statement.
   If box in Item 1h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The ___________________________ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:
   [ ] Below $10 million
   [ ] Between $10 and $25 million
   [ ] Between $25 and $50 million
   [ ] Over $50 million [If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]

3. 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:

   ___________________________

4. Enter the number of businesses that will be created: ___________________________ eliminated: ___________________________

   Explain:

   ___________________________

5. Indicate the geographic extent of impacts:
   [ ] Statewide
   [ ] Local or regional (List areas):

   ___________________________

6. Enter the number of jobs created: ___________________________ and eliminated: ___________________________

   Describe the types of jobs or occupations impacted:

   ___________________________

7. 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:

   ___________________________
ECONOMIC IMPACT STATEMENT (CONTINUED)

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: $ __________
   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 of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State’s environment: ____________________________________________

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? $ __________

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: ____________________________________________

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:

Regulation: Benefit: $__________ Cost: $__________
Alternative 1: Benefit: $__________ Cost: $__________
Alternative 2: Benefit: $__________ Cost: $__________

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.

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million? □ YES □ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _______________________________________________________________

Alternative 2: _______________________________________________________________

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost $__________ Cost-effectiveness ratio: $__________

Alternative 1: Total Cost $__________ Cost-effectiveness ratio: $__________

Alternative 2: Total Cost $__________ Cost-effectiveness ratio: $__________

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

□ YES □ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State:
________________________________________________________________________

The incentive for innovation in products, materials or processes:
________________________________________________________________________

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state’s environment and quality of life, among any other benefits identified by the agency:
________________________________________________________________________
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 in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ ____________________________

☐ a. Funding provided in

________________________________________________________

Budget Act of ______________________ or Chapter ______________, Statutes of ______________

☐ b. Funding will be requested in the Governor's Budget Act of

________________________________________________________

Fiscal Year: ______________________

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ ____________________________

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in

________________________________________________________

☐ b. Implements the court mandate set forth by the ______________________ Court.

Case of: ____________________________________________ vs. _______________________.

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No.

________________________________________________________

Date of Election: ______________________

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected:

________________________________________________________

________________________________________________________

☐ e. Will be fully financed from the fees, revenue, etc. from:

________________________________________________________

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:

________________________________________________________

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in

________________________________________________________

3. Annual Savings. (approximate)

$ ____________________________

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

☐ 6. Other. Explain

Actions required of school districts by the proposed regulations are attributable to state statute and therefore would not impose a cost.
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 in the current State Fiscal Year. (Approximate)

$ __________________________

*It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the __________________________ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ __________________________

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain ____________________________________________________________

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 in the current State Fiscal Year. (Approximate)

$ __________________________

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ __________________________

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

☐ 4. Other. Explain ____________________________________________________________

FISCIAL OFFICER/SIGNATURE ________________________________ DATE 3/14/14

[Signature]

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 departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY ________________________________ DATE 3/10/14

[Signature]

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER ________________________________ DATE

[Signature]
Economic and Fiscal Impact Statement


Department Name: Education
Contact Person: Carolyn Nealon
E-mail Address: cnealon@cde.ca.gov
Telephone Number: 916-319-0295

Descriptive Title From Notice Register Or From 400: Local Control Funding Formula (LCFF): K-3 Grade Span Adjustment - Emergency Regs (February 28, 2014)

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.
- Option H explanation: The regulations would not impose any additional costs to the private sector.

If any box in Items 1a through g is checked, complete this Economic Impact Statement. If box in Item 1h is checked, complete the Fiscal Impact Statement as appropriate.

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 6: Other. Explain. Actions required of school districts by the proposed regulations are attributable to state statute and therefore would not impose a cost.

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. 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. This regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature: Signed by Carolyn Nealon dated March 6, 2014

The signature attests that the agency has completed the STD. 399 according to the instructions in the State Administrative Manual (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.
Agency Secretary: Signed by Jeannie Oropeza dated March 10, 2014

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

Department of Finance Program Budget Manager: No signature.
SUBJECT

Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.

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

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 1,672 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, eight 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 2014–15 is 1,850. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (1 page)
<table>
<thead>
<tr>
<th>Number</th>
<th>Term</th>
<th>Charter Name</th>
<th>County</th>
<th>Authorizing Entity</th>
<th>Classroom Based/ Nonclassroom Based</th>
</tr>
</thead>
<tbody>
<tr>
<td>1673</td>
<td>2014–19</td>
<td>Dozier-Libbey Medical High School, Dependent Charter School</td>
<td>Contra Costa</td>
<td>Antioch Unified School District</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1674</td>
<td>2014–19</td>
<td>Highlands Community Charter School</td>
<td>Sacramento</td>
<td>Twin Rivers Unified School District</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1675</td>
<td>2013–15</td>
<td>B. Roberto Cruz Leadership Academy</td>
<td>Santa Clara</td>
<td>East Side Union High School District</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1676</td>
<td>2014–17</td>
<td>Conservation Corps of Long Beach Gateway Cities Charter</td>
<td>Los Angeles</td>
<td>Glenn County Office of Education</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1677</td>
<td>2014–19</td>
<td>Mosaica Online Academy of Los Angeles</td>
<td>Los Angeles</td>
<td>Acton-Agua Dulce Unified School District</td>
<td>Nonclassroom Based</td>
</tr>
<tr>
<td>1678</td>
<td>2014–19</td>
<td>Beacon Classical Academy Elementary</td>
<td>San Diego</td>
<td>Julian Union Elementary School District</td>
<td>Nonclassroom Based</td>
</tr>
<tr>
<td>1679</td>
<td>2014–19</td>
<td>Independence Charter Academy</td>
<td>San Bernardino</td>
<td>Helendale School District</td>
<td>Nonclassroom Based</td>
</tr>
<tr>
<td>1680</td>
<td>2014–19</td>
<td>EPIC de Cesar Chavez</td>
<td>Nevada</td>
<td>Nevada County Office of Education</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1681</td>
<td>2013–15</td>
<td>Luis Valdez Leadership Academy</td>
<td>Santa Clara</td>
<td>East Side Union High School District</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1682</td>
<td>2014–17</td>
<td>Clear Passage Educational Center</td>
<td>Los Angeles</td>
<td>Long Beach Unified School District</td>
<td>Nonclassroom Based</td>
</tr>
<tr>
<td>1683</td>
<td>2014–19</td>
<td>Intermountain STEM Academy</td>
<td>Lake</td>
<td>Kelseyville Unified School District</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1684</td>
<td>2014–19</td>
<td>Vista Oaks Charter School</td>
<td>Contra Costa</td>
<td>Byron Union School District</td>
<td>Nonclassroom Based</td>
</tr>
<tr>
<td>1685</td>
<td>2014–19</td>
<td>Anahuacalmecac International University Preparatory High School</td>
<td>Los Angeles</td>
<td>State Board of Education</td>
<td>Classroom Based</td>
</tr>
<tr>
<td>1686</td>
<td>2014–19</td>
<td>Magnolia Science Academy—Santa Ana</td>
<td>Orange</td>
<td>State Board of Education</td>
<td>Classroom Based</td>
</tr>
</tbody>
</table>
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2014 AGENDA

SUBJECT
Charter Revocation: Adopt Proposed California Code of Regulations, Title 5, Section 11968.5.

SUMMARY OF THE ISSUE(S)
The regulatory criteria specified in California Code of Regulations, (5 CCR) Title 5, Section 11968.5 is inconsistent with recently enacted Senate Bill (SB) 1290 and SB 97. Repealing the regulation defining sustained and substantial departure from measurably successful practices returns oversight of expected academic outcomes to the local authorizer. The California Department of Education (CDE) recommends the State Board of Education (SBE) take the actions necessary to repeal the regulations.

RECOMMENDATION
The CDE recommends the SBE take the following actions:

- Approve the Final Statement of Reasons.
- Formally adopt the proposed regulations approved by the SBE at the July 2014 meeting. No amendments or edits have been made to the proposed regulations.
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval.
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

BRIEF HISTORY OF KEY ISSUES
This year, legislative changes related to academic progress resulted both in inconsistencies with and negating necessity for the current regulation. SB 1290, enacted January 1, 2013, amends Education Code (EC) Section 47607 to now require the chartering authority to consider increases in pupil academic achievement for all groups and subgroups of pupils served by the charter school as the most important factor in determining whether to revoke a charter, or grant a charter renewal. SB 97,
enacted in July, 2013, establishes new funding formula and accountability plans that allow for greater flexibility in measuring a charter’s success. As a result of these significant statutory changes, Section 11968.5 is now a regulation which imposes requirements and criteria without accurate statutory authority. As such, it should be repealed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the first year of implementation, 16 charter schools were identified as low performing based on academic data from the 2010–11 school year. In March 2012, the SBE’s action was to continue to work with the authorizer and make further recommendations as appropriate.

In the second year of implementation, 18 charter schools were identified as low performing based on academic data from the 2011–12 school year. Four of these schools were in the second year of identification. In March 2013, the SBE’s action was to continue to work with the authorizer and make further recommendations as appropriate.

In the third year of implementation, 18 charter schools were identified as low performing based on academic data from the 2012–13 school year. Two of these schools were in the third consecutive year of identification. Eight of these schools were in the second consecutive year of identification. In March 2014, the SBE’s action was to continue to work with the authorizer and make further recommendations as appropriate.

At the March 2014 board meeting, the SBE approved commencement of the rulemaking process to repeal California Code of Regulations, Title 5, Section 11968.5. No written comments were received during the 45-day comment period which commenced on March 29, 2014, and ended at 5:00 p.m. on May 13, 2014. CDE staff conducted a public hearing on May 13, 2014, at 9:30 a.m. No commenters appeared at the public hearing. At the April Advisory Commission for Charter Schools (ACCS), the proposed regulations were presented and discussed. No comments were made.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 3.
ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (1 page)

Attachment 2: Proposed Regulations (3 pages)

FINAL STATEMENT OF REASONS
Charter Revocation

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from March 29, 2014 through May 13, 2014. No comments were received during the 45-day comment period.

A public hearing was held at 9:30 a.m. on May 13, 2014, at the California Department of Education. No commenters appeared at the public hearing.


No written comments were received during the 45-day public comment period.

ALTERNATIVES DETERMINATION

The State Board of Education has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

5-13-14 [California Department of Education]
The State Board of Education has illustrated changes to the original text in the following manner: text proposed to be deleted is displayed in strikeout.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 2. General Provisions

§ 11968.5. Revocation of, or Other Action Related to, a Charter by the State Board of Education Upon Recommendation by the State Superintendent of Public Instruction (SSPI) Pursuant to Education Code Section 47604.5(c).

(a) The California Department of Education (CDE) on or before November 1 of each year shall identify and notify the State Board of Education (SBE) of each charter school that meets the conditions specified in subdivision (e) and any other charter school that the SSPI determines warrants action pursuant to Education Code section 47604.5(c).

(b) On or before November 1 of each year, the CDE shall notify the charter schools identified pursuant to subdivision (e) of these regulations and each school’s authorizer in writing that:

   (1) the SSPI may recommend, among other actions, revocation of the school’s charter; and

   (2) the SBE will consider the SSPI’s recommendation and take appropriate action, including, but not limited to, revocation of the school’s charter.

(c) The notice provided pursuant to subdivision (b) of these regulations shall provide that the charter school and the authorizer shall be given an opportunity to provide information in writing to the SSPI and the SBE as to why the school’s charter should not be revoked. Such information may include, but is not limited to, action by the school or the local authorizer to address the departures such as the initiation of a plan of corrective action or other local authorizer board action.

(d) Any action to revoke a charter school shall be effective at the end of the fiscal year in which the action is taken, to allow sufficient time for transition in accordance with school closure regulations in section 11962 of these regulations, unless the SBE
identifies cause for immediate revocation and closure and makes a public finding that the departures at the school are so significant as to require the immediate revocation and closure of the charter school. At the beginning of the revocation review, the CDE shall require any school being reviewed to immediately provide, at their own expense, written notification to every parent, guardian, or caregiver that fully describes the revocation process, all options including specific schools available to students to transfer if it is needed or desired, and any administrative assistance required for a timely transfer.

(e) Substantial and sustained departure from measurably successful practices that jeopardize the educational development of a school’s pupils within the meaning of subdivision (c) of Education Code section 47604.5 occurs when a charter school:

1. is in operation five years or more, and
2. the charter school has not qualified for the Alternative School Accountability Model pursuant to subdivision (h) of Education Code section 52052, and
3. The charter school has met each of the following:
   1. a statewide rank of 1 on API base data for the last two years, and
   2. did not achieve a cumulative API growth of at least 50 points over the last three API cycles (i.e., an API cycle represents the difference between a current year growth API and the prior year’s base API).

4. These criteria do not limit the discretion of the SSPI and SBE to recommend or take action relating to a charter school that does not meet these criteria, but which otherwise demonstrates a substantial and sustained departure from measurably successful practices that jeopardize the educational development of a school’s pupils within the meaning of subdivision (c) of Education Code section 47604.5.

(f) Nothing in this section shall be interpreted to relieve the chartering authority of its duties as a charter authorizer.

(g) After the CDE determines the conditions in subdivision (e) exist for any charter school, and makes notifications in accordance with subdivisions (b) and (c), the following shall occur:

1. If the charter school or the authorizer choose to submit any supporting materials, the materials shall be received by the CDE by 5:00 p.m. on December 1.
(2) The SSPI shall deliver his/her recommendation to the executive director of the SBE no later than January 15.

(3) No later than February 1, the CDE shall send notification to the charter school and its authorizer of the SSPI’s recommendation and the date of the SBE meeting when the recommendation is scheduled to be heard.

(4) The SBE shall hold a public hearing and consider action in accordance with Education Code section 47604.5 no later than March 31.

(h) The authority of the SBE pursuant to Education Code section 47604.5 is not limited to revocation. Based on additional information provided by the charter school, the school’s authorizer, or teachers and parents of pupils at the school, which may include data on more recent academic gains, similar schools rankings and other analysis of similar student populations, and school safety, the SBE may offer the charter school an opportunity to take specific corrective actions in lieu of revocation for the remaining term of the charter. The specific corrective actions shall address the sustained low academic achievement and may include, but is not limited to, a plan to address any subgroups failing to make academic progress. Corrective actions may include, but are not limited to, restructuring of the school’s staffing or governance to ensure that the school and all numerically significant subgroups have substantial promise of increasing academic performance in subsequent years.

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE
ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)
STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME
Education

CONTACT PERSON
Linda M. Hakala

EMAIL ADDRESS
lhakala@cde.ca.gov

TELEPHONE NUMBER
(916) 319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400
Revocation of, or Other Action Related to, a Charter by the State Board of Education

NOTICE FILE NUMBER
Z

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 business 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):

   The regulations would not impose any additional costs to the private sector.

   If any box in Items 1a through g is checked, complete this Economic Impact Statement.
   If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _______________________________ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
   - Below $10 million
   - Between $10 and $25 million
   - Between $25 and $50 million
   - Over $50 million (If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment
     as specified in Government Code Section 11346.3(c))

3. 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:

4. Enter the number of businesses that will be created: ___________ eliminated: ___________

   Explain: _________________________________

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

6. Enter the number of jobs created: ___________ and eliminated: ___________

   Describe the types of jobs or occupations impacted:

7. 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: $ __________
   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 of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment:
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

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? $ __________

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation:
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

### 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.

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million? □ YES □ NO

   If YES, complete E2. and E3
   If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1:
   Alternative 2:

   (Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

<table>
<thead>
<tr>
<th>Regulation:</th>
<th>Total Cost $</th>
<th>Cost-effectiveness ratio: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1:</td>
<td>Total Cost $</td>
<td>Cost-effectiveness ratio: $</td>
</tr>
<tr>
<td>Alternative 2:</td>
<td>Total Cost $</td>
<td>Cost-effectiveness ratio: $</td>
</tr>
</tbody>
</table>

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented? □ YES □ NO

   If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

   The increase or decrease of investment in the State:

   The incentive for innovation in products, materials or processes:

   The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency:
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 in the current State Fiscal Year which are reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).
   $ ____________________________
   a. Funding provided in
      Budget Act of ________ or Chapter ________, Statutes of ________
   b. Funding will be requested in the Governor's Budget Act of ________

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).
   $ ____________________________
   Check reason(s) this regulation is not reimbursable and provide the appropriate information:
   a. Implements the Federal mandate contained in
   b. Implements the court mandate set forth by the ________________ Court.
      Case of: ___________________________________ vs. ___________________________
      Date of Election: ____________________________
   d. Issued only in response to a specific request from affected local entity(s).
      Local entity(s) affected:
      ____________________________________________________________
   e. Will be fully financed from the fees, revenue, etc. from:
      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;
   g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in

3. Annual Savings. (approximate)
   $ ____________________________

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain
   Repeal of these regulations will not result in increased costs as the local authorizers are currently responsible for oversight and review during the normal renewal cycle.
# Economic and Fiscal Impact Statement

**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 in the current State Fiscal Year. (Approximate)
  - $ ____________
  
  *It is anticipated that State agencies will:
  - a. Absorb these additional costs within their existing budgets and resources.
  - b. Increase the currently authorized budget level for the ____________ Fiscal Year.*

- 2. Savings in the current State Fiscal Year. (Approximate)
  - $ ____________

- 3. No fiscal impact exists. This regulation does not affect any State agency or program.

- 4. Other. Explain The repeal of the regulations would result in no cost savings as the CDE has not been provided with funding to perform the tasks as outlined in the regulations.

**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 in the current State Fiscal Year. (Approximate)
  - $ ____________

- 2. Savings in the current State Fiscal Year. (Approximate)
  - $ ____________

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

- 4. Other. Explain ____________________________

---

**FISCAL OFFICER SIGNATURE**

[Signature]

**DATE**

February 20, 2014

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 departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

**AGENCY SECRETARY**

[Signature]

**DATE**

2/20/14

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

**DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER**

[Signature]

**DATE**

PAGE 5
AAV of Item 19 Attachment 3

Accessible Alternative Version (AAV) of Item 19 Attachment 3 for the July 2014 SBE Meeting Agenda.

This page is the Accessible Alternative Version of Item 19 Attachment 3 from the California State Board of Education Meeting Agenda for July 2014. The scanned Item 19 Attachment 3 (PDF; 1MB) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement


Department Name: Education

Contact Person: Linda M. Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: Revocation of, or Other Action Related to, a Charter by the State Board of Education

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)
- Option H explanation: The regulations would not impose any additional costs to the private sector.

If any box in Items 1a through g is checked, complete this Economic Impact Statement. If box in Item l.h. is checked, complete the Fiscal Impact Statement as appropriate.

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 6: Other. Explain.
- Option 6 explanation: Repeal of these regulations will not result in increased costs as the local authorizers are currently responsible for oversight and review during the normal renewal cycle.

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. Explain.
- Option 4 explanation: The repeal of the regulations would result in no cost savings as the CDE has not been provided with funding to perform the tasks as outlined in the regulations.

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. This regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature: Signed by Linda Hakala dated February 20, 2014

The signature attests that the agency has completed the STD. 399 according to the instructions in the State Administrative Manual (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.

Agency Secretary: Signed by Jeannie Oropeza dated February 21, 2014

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

Department of Finance Program Budget Manager: No signature.
SUBJECT
Approval of 2013–14 Consolidated Applications.

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 2013–14 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 2013–14 ConApp consists of six federal-funded programs and only one state-funded program. The state funding source is Economic Impact Aid carryover (which is used for State Compensatory Education and/or English learners). The federal funding sources include:
• Title I, Part A Basic Grant (Low Income);
• Title I, Part D (Delinquent);
• Title II, Part A (Teacher Quality);
• Title III, Part A (Immigrant);
• Title III, Part A (Limited English Proficient Students); and
• Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds. There are no LEAs awaiting conditional approval at this time.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2013–14 ConApp for these 3 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2012–13 because the figures for 2013–14 have not yet been determined. Fiscal data are absent if an LEA is new or is a direct funded charter applying for funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2013–14 ConApps for 1,655 LEAs. Attachment 1 represents the fifth set of 2013–14 ConApps presented to the SBE for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,600 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid carryover funds. Through the Federal Program Monitoring process, 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 (2013–14) - Regular Approvals (1 page)
Consolidated Applications List (2013–14) – 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 2012–13 ConApp Entitlement</th>
<th>2012–13 Total Entitlement Per Student</th>
<th>Total 2012–13 Title I Entitlement</th>
<th>2012–13 Entitlement Per Free and Reduced Lunch K-12 Student</th>
<th>2012–13 Percent At or Above Proficiency - Language Arts (APR)</th>
<th>2012–13 Percent At or Above Proficiency – Math (APR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>19647330124008</td>
<td>Animo Charter Middle No. 2</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>36738580000000</td>
<td>Baker Valley Unified</td>
<td>$95,082</td>
<td>$508</td>
<td>$42,168</td>
<td>$579</td>
<td>38.8</td>
<td>48.5</td>
</tr>
<tr>
<td>33672496114748</td>
<td>San Jacinto Valley Academy</td>
<td>$3,880</td>
<td>$4</td>
<td>$0</td>
<td>$10</td>
<td>54.6</td>
<td>58.6</td>
</tr>
</tbody>
</table>

Total Number of LEAs in the report: 3  
Total ConApp entitlement funds for LEAs receiving regular approval: $98,962
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, six direct-funded charter schools submitted an LEA Plan 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 six 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 1,744 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (1 Page)
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>Alliance College-Ready Academy High No. 20</td>
<td>19-64733-0127217</td>
<td>None available; opened in August 2014</td>
</tr>
<tr>
<td>Alliance College-Ready Middle Academy No. 8</td>
<td>19-64733-0128033</td>
<td>None available; opened in August 2014</td>
</tr>
<tr>
<td>Alliance College-Ready Middle Academy No. 9</td>
<td>19-64733-0128041</td>
<td>None available; opened in August 2014</td>
</tr>
<tr>
<td>Alliance College-Ready Middle Academy No. 10</td>
<td>19-64733-0128009</td>
<td>None available; opened in August 2014</td>
</tr>
<tr>
<td>Alliance College-Ready Middle Academy No. 12</td>
<td>19-64733-0128058</td>
<td>None available; opened in August 2013</td>
</tr>
<tr>
<td>Green Valley Charter School</td>
<td>24-65755-0125575</td>
<td>See Attachment 2.</td>
</tr>
</tbody>
</table>
## Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

| LEA Name: Green Valley Charter School  
<table>
<thead>
<tr>
<th>CDS CODE: 24-65755-0125575</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>Met 2013 AYP Criteria?</td>
<td>Percent At or Above Proficient (89.2%)</td>
<td>Met 2013 AYP Criteria?</td>
<td>Percent At or Above Proficient (89.5%)</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, met 2 of 4</td>
<td>25.0</td>
<td>No</td>
<td>21.4</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Asian</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>25.0</td>
<td>**</td>
<td>15.0</td>
<td>**</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>25.0</td>
<td>**</td>
<td>18.8</td>
<td>**</td>
</tr>
<tr>
<td>English Learners</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
</tbody>
</table>

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2013 API criteria for meeting federal AYP: a minimum "2013 Growth API" score of 740 OR "2012–13 Growth" of at least one point.
†“N/A” means the data were not applicable, i.e., the school or LEA had fewer than 50 valid scores.
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2014 AGENDA

SUBJECT

Update on California Assessment of Student Performance and Progress Activities, Including, but not limited to, the Spring 2014 Smarter Balanced Field Test including Field Test administration counts, results from mid-testing and post-testing surveys and focus groups.

SUMMARY OF THE ISSUE(S)

This item reflects the collaboration among the Assessment Development and Administration Division (ADAD) and the Education Data Management Division (EDMD) of the California Department of Education (CDE).

California Assessment of Student Performance and Progress

The California Assessment of Student Performance and Progress (CAASPP) system is the new student statewide assessment system. The CAASPP system includes Smarter Balanced computer-based assessments that are aligned to the Common Core State Standards (CCSS), specified state-developed paper-pencil assessments that were previously administered through the Standardized Testing and Reporting (STAR) program, and new assessments to be recommended by the CDE with stakeholder input and approved by the State Board of Education (SBE).

This item provides an update on CAASPP development activities, including the Smarter Balanced Field Test administration counts and results from field testing surveys, and focus groups, the Smarter Balanced Digital Library, and information about the Smarter Balanced achievement level setting efforts.

Final Smarter Balanced Field Test Update

From March 25 to June 13, 2014, over 3 million students in California participated in the Smarter Balanced Field Test in grades 3–8, 9, 10 and 11. This new computer-based assessment marked significant changes in the way students are assessed; and students were administered tests aligned to the CCSS for the first time since their adoption by the SBE in 2010. Coordinated efforts and supports from the California State Legislature, the CDE, the SBE, the Smarter Balanced Assessment Consortium, and various service and system providers, allowed local educational agencies (LEAs) to
successfully transition to computer based testing. Extensive outreach to LEAs included, in-person training, direct phone support, video training modules, regular news flashes and many other activities that helped prepare LEAs to administer the Smarter Balanced Field Test. Allowing LEAs to participate in a no-stakes trial run gave teachers and students the opportunity to become familiar with online assessments before the launch of the operational summative assessments in 2014–15. The response from LEAs regarding the Smarter Balanced Field Testing has been informative and generally positive.

The Field Test was staged in windows to stagger the numbers of testing students. The CDE extended the test windows one week as warranted. For example, the window was extended to LEAs in the San Diego region that were affected by the fires and school closures. By the time the first window closed on April 4, over 2,600 schools had finished testing in 237 LEAs. After window 2 closed on April 25, over 1,838,171 students had begun testing and 1,753,597 had completed testing in California. At the end of window three on May 16, over three million students had completed testing. The information on Table 1, provided by Educational Testing Service (ETS), shows the number of LEAs, schools, and student participants throughout the Smarter Balanced Field Test.

Table 1. California Field Test Status Updates by Testing Window

<table>
<thead>
<tr>
<th>Testing Window (Dates)</th>
<th>Total Number of LEAs Started Testing</th>
<th>Total Number of Schools Started Testing</th>
<th>Total Number of Students Started Testing</th>
<th>Total Number of Students Completed Testing</th>
<th>Cumulative Total Number of Students Started Testing</th>
<th>Cumulative Total Number of Students Completed Testing</th>
<th>Average Number of Concurrent Users</th>
<th>Maximum Number of Concurrent Users</th>
</tr>
</thead>
<tbody>
<tr>
<td>Window 1 (3/25–4/4)</td>
<td>237</td>
<td>2,630</td>
<td>228,500</td>
<td>143,900</td>
<td>228,500</td>
<td>143,900</td>
<td>22,234</td>
<td>26,183</td>
</tr>
<tr>
<td>Window 2 (4/7–4/25)</td>
<td>1,509</td>
<td>8,754</td>
<td>1,609,671</td>
<td>1,609,697</td>
<td>1,838,171</td>
<td>1,753,597</td>
<td>63,425</td>
<td>142,770</td>
</tr>
<tr>
<td>Window 3 (4/28–5/16)</td>
<td>150</td>
<td>759</td>
<td>1,199,507</td>
<td>1,251,904</td>
<td>3,037,678</td>
<td>3,005,501</td>
<td>95,508</td>
<td>184,448</td>
</tr>
<tr>
<td>Window 4 (5/19–6/13)</td>
<td>0*</td>
<td>0*</td>
<td>101,286</td>
<td>108,658</td>
<td>3,138,964</td>
<td>3,114,159</td>
<td>8,572</td>
<td>22,509</td>
</tr>
</tbody>
</table>

*LEAs and schools were not assigned to Testing Window 4, which was part of the testing time for Window 3, and for test extensions as needed.

Across the country, more than 4.2 million students participated in the Smarter Balanced Field Test. This represents the largest online assessment ever, giving students and teachers the opportunity to experience the assessment under real-world conditions and prepare for the administration in spring 2015. Important information was learned about test administration and technology readiness that will be used to improve assessments next year. Nationwide, member states conducted surveys of students, teachers, and administrators to elicit feedback about the test and testing process.

Smarter Balanced is commissioning a thorough, independent review of this feedback, and will release a complete report later this summer. Table 2 describes the testing conducted by states along with the percentage of tests completed by students.
Table 2. Final Smarter Balance Field Test Counts by State – June 16, 2014

<table>
<thead>
<tr>
<th>State</th>
<th>Cumulative Tests Started</th>
<th>Cumulative Tests Completed</th>
<th>Percentage of Cumulative Tests Completed</th>
<th>Unique Students Started</th>
<th>Unique Students Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>8,987,972</td>
<td>8,720,941</td>
<td>97%</td>
<td>3,139,235</td>
<td>3,115,519</td>
</tr>
<tr>
<td>Connecticut</td>
<td>1,040,412</td>
<td>1,030,084</td>
<td>99%</td>
<td>264,529</td>
<td>263,856</td>
</tr>
<tr>
<td>Delaware</td>
<td>27,202</td>
<td>25,482</td>
<td>94%</td>
<td>14,243</td>
<td>13,784</td>
</tr>
<tr>
<td>Hawaii</td>
<td>66,122</td>
<td>54,599</td>
<td>83%</td>
<td>21,318</td>
<td>20,268</td>
</tr>
<tr>
<td>Idaho</td>
<td>639,517</td>
<td>562,247</td>
<td>88%</td>
<td>164,660</td>
<td>161,706</td>
</tr>
<tr>
<td>Iowa</td>
<td>14,717</td>
<td>14,438</td>
<td>98%</td>
<td>6,791</td>
<td>6,728</td>
</tr>
<tr>
<td>Maine</td>
<td>46,573</td>
<td>42,441</td>
<td>91%</td>
<td>17,567</td>
<td>16,827</td>
</tr>
<tr>
<td>Michigan</td>
<td>177,940</td>
<td>166,258</td>
<td>93%</td>
<td>79,136</td>
<td>76,214</td>
</tr>
<tr>
<td>Missouri</td>
<td>52,328</td>
<td>50,118</td>
<td>96%</td>
<td>28,262</td>
<td>27,510</td>
</tr>
<tr>
<td>Montana</td>
<td>285,419</td>
<td>279,362</td>
<td>98%</td>
<td>73,158</td>
<td>72,883</td>
</tr>
<tr>
<td>Nevada</td>
<td>73,109</td>
<td>71,378</td>
<td>98%</td>
<td>37,950</td>
<td>37,446</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>24,277</td>
<td>21,951</td>
<td>90%</td>
<td>11,585</td>
<td>11,179</td>
</tr>
<tr>
<td>North Carolina</td>
<td>4,139</td>
<td>4,068</td>
<td>98%</td>
<td>2,135</td>
<td>2,124</td>
</tr>
<tr>
<td>North Dakota</td>
<td>13,931</td>
<td>13,313</td>
<td>96%</td>
<td>5,751</td>
<td>5,663</td>
</tr>
<tr>
<td>Oregon</td>
<td>63,464</td>
<td>58,593</td>
<td>92%</td>
<td>25,936</td>
<td>25,075</td>
</tr>
<tr>
<td>South Carolina</td>
<td>17,074</td>
<td>16,151</td>
<td>95%</td>
<td>9,456</td>
<td>9,075</td>
</tr>
<tr>
<td>South Dakota</td>
<td>279,137</td>
<td>278,184</td>
<td>100%</td>
<td>70,560</td>
<td>70,479</td>
</tr>
<tr>
<td>US Virgin Islands</td>
<td>9,978</td>
<td>9,694</td>
<td>97%</td>
<td>2,608</td>
<td>2,584</td>
</tr>
<tr>
<td>Vermont</td>
<td>18,409</td>
<td>17,817</td>
<td>97%</td>
<td>4,761</td>
<td>4,735</td>
</tr>
<tr>
<td>Washington</td>
<td>716,533</td>
<td>696,021</td>
<td>97%</td>
<td>187,836</td>
<td>186,823</td>
</tr>
<tr>
<td>West Virginia</td>
<td>30,172</td>
<td>29,548</td>
<td>98%</td>
<td>15,872</td>
<td>15,707</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>102,614</td>
<td>97,700</td>
<td>95%</td>
<td>53,111</td>
<td>52,097</td>
</tr>
<tr>
<td>Wyoming</td>
<td>8,690</td>
<td>8,335</td>
<td>96%</td>
<td>3,822</td>
<td>3,745</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12,699,729</strong></td>
<td><strong>12,268,723</strong></td>
<td><strong>97%</strong></td>
<td><strong>4,240,282</strong></td>
<td><strong>4,202,027</strong></td>
</tr>
</tbody>
</table>

Technology Update

The Smarter Balanced Field Test provided LEAs an opportunity to test the use of devices and network bandwidth in a low stakes environment. To further assist LEAs with this effort, the 2014–15 State Budget approved by the California State Legislature and signed into law by the Governor includes an additional $26,689,000 for the K−12 High Speed Network (K12HSN) to support network connectivity infrastructure grants and perform a comprehensive network connectivity assessment. The grant funding is to be distributed to fund projections critical for implementation of computer adaptive tests during the 2014–15 school year. The statewide report of network connectivity infrastructure is to be completed by the K12HSN in consultation with the CDE and SBE by March 1, 2015, and submitted to the Department of Finance, the Legislative Analyst’s Office, and the budget committees of each house of the Legislature.

The Smarter Balanced Technology Readiness Tool (TRT), which has been in use since 2012, will be retiring on August 1, 2014. The TRT was used to collect data regarding the level and types of technology used by local educational agencies (LEAs) to administer the Smarter Balanced assessments, including the number of types of devices, the Internet and internal network connection speeds, and gauging levels of preparedness for conducting the online assessments. In preparation for the 2014–15 school year, the
CDE plans to provide additional training and support for LEAs’ information technology staff assisting with the deployment of the Smarter Balanced assessments.

Results of the Mid-test Surveys

The Mid-test survey of the Smarter Balanced Field Test was first sent out to LEA test coordinators of test window one to collect feedback about their testing experience. The mid-test survey was also sent out to LEA test coordinators of test windows two, three, and four after each group had begun testing. As of June 6, 2014, ETS had received 344 responses. The completed surveys provided information on perspectives, procedures, and best practices.

Outreach

The majority of respondents were “satisfied” or “very satisfied” with the information updates from the CDE and ETS, including Field Test Flash updates, the California Technical Assistance Center (CalTAC), the CDE Smarter Balanced Web page and Webcasts. In assessing LEA technology, the majority of respondents reported that their testing devices, network and internet worked as expected or better than expected.

Test Administration Systems

With regard to the Field Test systems most respondents were satisfied with the Test Information Distribution Engine (the student registration site), the Test Administrator Interface (the site for creating test sessions), and the Test Administrator Practice and Training Site.

Readiness for Operational Assessments

Ninety-five percent of respondents rated their LEA’s preparedness for the 2015 operational testing as prepared, well prepared, or very well prepared. Of those that described their LEA as unprepared, most identified an insufficient number of testing devices, insufficient technology infrastructure, and insufficient staff capacity. When asked about additional resources needed by LEAs for operational testing in 2015, respondents identified:

- Earlier availability of training resources (sixty-five percent)
- More guidance on designated supports and accommodations (sixty-one percent)
- More practice testing for students (sixty-four percent)
- More staff training opportunities on use of testing systems (fifty-six percent)
- More/newer testing devices (forty-three percent)
- Longer testing windows (forty-five percent)
- Increased network capacity (thirty-three percent)
- Improved Internet service (twenty-nine percent)
Post-test Survey and Focus Groups

The purpose of the online post-test survey was to collect information about Smarter Balanced Field Test preparation including technology readiness, the test delivery system, the Field Test format, scheduling, and the use of resources and training materials. The survey also sought to identify best practices used before and during the Field Test, and materials and procedures that needed improvement.

Focus groups of students/parents and teacher/administrators representative of California will be conducted in summer 2014 to collect information and measure Field Test perceptions. Special attention was given to include diverse representation (e.g. students with disabilities and English language learners) for recruitment purposes within these focus groups.

The online Post-Test survey for the California Smarter Balanced Field Test seeks to target key participants for feedback about their testing experience. The survey was made available to California educators in June, and will continue to be accessible until August 30, 2014. The participant groups include:

- LEA CAASPP Coordinator
- LEA Technology Coordinator
- Test Site Coordinator
- School Site Technology Coordinator
- Test Administrator

Each respondent has their choice of three or more specific topic areas in which they can provide feedback. Topic areas require anywhere from two to eight minutes to complete. The survey is designed to allow highly detailed questioning without overwhelming any one respondent. Topic areas include:

- Training
- Troubleshooting/Support
- Information, Tools, and Resources
- Technology
- Scheduling
- Universal Tools, Designated Supports, and Accommodations
- CALPADS/TIDE
- TA Interface, Appeals, and Online Reporting System (ORS)
- Field Test Format

The above listed topics target areas of preparation and practice for the Smarter Balanced Field Tests, district and school site technology capabilities for hosting online assessments for students, an assessment of tools and resources made available to all levels of test administrators for the purposes of assisting in the implementation of the Field Test, an assessment of problem areas and troubleshooting solutions, and an assessment of teachers and students experience and interaction with the Field Tests.
The California Department of Education will also conduct a series of focus groups for selected local educational agency (LEA) CAASPP coordinators, Site Coordinators, or Test Administrators during the week of July 21, 2014. The purpose of these focus groups is to collect feedback on the Field Test administration. These in-person groups will be independently facilitated, with three meetings to be held in southern California and five meetings scheduled for northern California. Each meeting will consist of 8-10 California educators who participated in the spring 2014 Smarter Balanced Field Test. Two meetings in northern California will be dedicated to the testing topics as they relate to special student populations; one group reviewing questions regarding students with disabilities and one group reviewing questions pertaining to English learners. Each group will participate in a two-to-three hour meeting. Specific questions and topics will be tailored to the roles of the participants.

The Smarter Balanced Updated Practice Tests

The Smarter Balanced Practice Tests were updated on May 19, 2014. The newly refreshed Practice Tests were designed to more closely replicate the Smarter Balanced Operational assessments for 2015. The tests include new questions and performance tasks. Each enhanced Practice Test consists of 30 content area questions and one performance task. The new Practice Tests also include additional embedded universal tools, designated supports, and accommodations that were available for the Field Test. Some of those features include spoken language supports, native-language glossaries, and stacked Spanish translations.

- New mathematics features include:
  - Range of item types expected to appear on the operational assessment
  - Range of difficulty for a grade level will span from “very easy” to “very difficult”; performance tasks will utilize more open-ended response types to allow students to explain their thinking on complex, real world problems
  - Improvements to question wording, format, and directions based on input from experts in content and accessibility and accommodations experts

- New English–language arts/literacy features include:
  - New or revised reading and listening passages
  - Improvements to wording, format, and directions based on input from experts in content and accessibility and accommodations experts
  - Questions that include the range of item types expected to appear on the operational assessment, including matching tables and short-text questions
  - Revised scoring rubrics for teacher use
• Usability, accessibility, and accommodations features include:
  – For the math assessment in every grade tested, glossaries are available in ten languages, including:
    ▪ Arabic
    ▪ Cantonese
    ▪ Filipino
    ▪ Korean
    ▪ Mandarin
    ▪ Punjabi
    ▪ Russian
    ▪ Spanish
    ▪ Ukrainian
    ▪ Vietnamese
  – Stacked Spanish translation

Smarter Balanced Digital Library Webinar

On May 29, 2014 the CDE hosted an informal Webinar on the Smarter Balanced Digital Library. The purpose of this Webinar was to provide an overview and a demonstration of the library functions. A preview of the Digital Library became available on June 3, 2014, and will continue through September 30, 2014. The Smarter Balanced Digital Library will be available to all California K–12 teachers on October 1, 2014. It will be comprised of exemplar resources for instructional practices and professional learning; these resources will assist teachers in using formative assessment processes.

California’s Recruitment Efforts for the Achievement Level Setting Panels

In October, 2014, educators, parents, and business/community leaders from the Smarter Balanced governing states will collaborate to develop common achievement levels that are rigorous, fair, and accurate for the Smarter Balanced operational assessments. Opportunities to participate will include an In-Person Panel, an Online Panel, and a Vertical Articulation Committee. Each group has specific tasks that will help inform achievement level cut scores. Also known as standard setting, panelists will recommend achievement levels that demonstrate how much students should know or be able to do in order to be on track for eventual college and career readiness.

Achievement level determination is an important step in linking the new state assessments to an operational definition of college content readiness. Achievement level descriptors (ALDs) articulate the knowledge, skills, and processes expected of students at different levels of performance on the Smarter Balanced assessments. The work of the panels described below includes the identification of and consensus for cut-score recommendations and standard-setting guidance. Their work will include numerous rounds of review for identifying achievement level differences. This work will inform the criteria that will be used to develop score reporting and interpretation. More information about achievement levels can be found at http://www.smarterbalanced.org/achievement-levels/.
The rigorous activities and procedures being used to create performance bands for the Smarter Balance summative assessments are fully supported by the Technical Advisory Committee. The components and the activities of each work group are described below:

- The In-Person Panel will review the field test impact data, individual item analysis, along with the recommendations of the Online Panel, to establish common expectations for students at each level of performance on the Smarter Balanced assessments. Nominations of highly qualified representatives for this panel come from member states, and are intended to provide equal representation, with roughly twenty-one to twenty-seven participants from each state. The In-Person Panel will consist of approximately 500 participants to engage in a comprehensive review of questions on the assessments and to make recommendations for the four Achievement Level bands that will describe student performance. For grades three through eight, the panel will be composed primarily of educators and content specialists. The high school panel will include K–12 educators and higher-education faculty. Parents, administrators, and community leaders will also be included.

These panel meetings organized by grade span will take place October 13–19, 2014. Selected nominees will participate in one of three segments of the panel, based on their grade level and subject area expertise (see Table 3).

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School English–language Arts/Literacy and Mathematics</td>
<td>October 13</td>
<td>October 15</td>
</tr>
<tr>
<td>Grade 6–8 English–language Arts/Literacy and Mathematics</td>
<td>October 15</td>
<td>October 17</td>
</tr>
<tr>
<td>Grades 3–5 English–language Arts/Literacy and Mathematics</td>
<td>October 17</td>
<td>October 19</td>
</tr>
</tbody>
</table>

- A Vertical Articulation Committee composed of 60 panelists who will have participated in the In-Person Panel will review impact data from the Field Test results with the feedback from both the In-Person Panel and the Online Panel to make achievement level recommendations. The process of comparing panel recommendations to the Field Test results will help ensure a balanced view of achievement for test-takers from grades three through high school. These recommendations will be submitted to the Smarter Balanced governing states.

- The Online Panel will be the first large scale outreach for feedback of its kind. The purpose is to collect input from a diverse, wide range of nationwide representatives including parents, teachers, school and district administrators, college and faculty administrators, and business/community leaders. Open to all who register within Smarter Balanced member states, the Online Panel will allow thousands to contribute input to establish consistent measures of progress for the assessments. Participation in the Online Panel for Achievement Level Setting will occur during a two-day window within the October 5–17, 2014, time...

- The final recommendations from the In-Person Panel, the Vertical Articulation Committee, and the Online Panel will be presented to the Smarter Balanced governing states. The governing states will review the recommendations for consideration and endorsement, in order to establish a common set of initial achievement levels for mathematics and English–language arts/Literacy across grades 3–8 and high school.

Results of these processes will be provided publicly following the approval of the Smarter Balanced governing states, which is expected in late October or early November. State Superintendent of Public Instruction, Tom Torlakson, will provide an update at the November 2014 board meeting about the recommended achievement levels. EC Section 60648 states that exclusive of consortium summative assessments, the Superintendent shall recommend, and the state board shall adopt, performance standards for the summative tests administered as part of the CAASPP assessment system. The performance levels shall identify and establish the minimum performance required for meeting a particular achievement level expectation. Once adopted, these standards shall be reviewed by the state board every five years to determine whether adjustments are necessary.

The CDE has encouraged this recruitment to ensure sufficient representation of California educators, parents, and community members in these processes. A recruitment e-mail was sent to 13 educator and community organizations on May 14, 2014, for dissemination to their respective members. A follow-up e-mail was sent to these same organizations on May 22, 2014 to announce a one week extension of the deadline for nominee submission. Some of the organizations who responded to recruitment efforts included:

- California Teachers Association
- Regional Assessment Network
- Association of California School Administrators
- California County Superintendents Educational Services Association
- California School Boards Association
- California Federation of Teachers
- California State Parent Teachers Association
- Title III Coordinators
- Special Education Directors/SELPA Directors
- Instructional Quality Commission
- Common Core Systems Implementation Office
- Los Angeles Area Chamber of Commerce
- California Business Roundtable
On May 30, 2014, 885 nominations of California representatives were provided to Smarter Balanced.

**Future Outreach Activities for the 2015 Smarter Balanced Operational Assessments**

A plan to support the Smarter Balanced Operational Assessments for the 2014–15 has been developed by the collaborative efforts of the CDE, the Assessment Development and Administration Division, the Assessment Fellows, and the associated contractors.

Work has already begun to prepare for the 2015 Smarter Balanced Operational Assessments. In January of 2014, CDE announced the appointment of four Senior Assessment Fellows to help enhance the collaboration, relationships, and communication between CDE and LEAs to ensure the successful implementation of the CAASPP. The fellows, Gina Koency, Paula Carroll, Kathy Caric, and Mary Tribbey, along with the Assessment Division Director, have begun to map out anticipated activities and resource needs for the coming year. Current work is focused on working within the Assessment Division, across divisions, and with CDE contractors to target needs, create timely planning, and begin initial steps to support the launch of next year’s operational summative assessments.

Activities under development include:

- Use of Assessment Tools and Processes
- Field Understanding and Instructional Use of the Designated Supports and Accommodations
- Support for LEAs with a Focus on Charters
- CAASPP Web page Re-design
- Central Web Library of all CAASPP Resources
  - Training
  - Videos
  - PPTs
  - Web pages
- Calendar of Events and Trainings for the Field
- Parent Communications
- Field Assistance for LEAs for Scheduling the Operational Assessments

**RECOMMENDATION**

This item is for information only. No specific action is recommended.
BRIEF HISTORY OF KEY ISSUES

California Assessment of Student Performance and Progress

Per California Education Code (EC) 60640, the Measurement of Academic Performance and Progress (MAPP), subsequently named and referenced in proposed regulations as the CAASPP succeeded the STAR Program on January 1, 2014. The new statewide assessment system supports the full implementation of CCSS.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2014, the CDE provided the SBE with an update on the progress of the Smarter Balanced Field Test, details of the Smarter Balanced Practice and Training Tests, an updates on the Digital Library and the Smarter Balanced Field Test Online Reporting System, and an update on the National Center and State Collaborative (NCSC) for the development of alternate assessments. (Please see item #3)

In March 2014, the CDE provided the SBE with an update on CAASPP activities, outreach efforts to prepare LEAs for the Smarter Balanced Field Test, the Smarter Balanced Digital Library, spring 2014 Smarter Balanced Field Test, NCSC activities, and planning of the science assessment stakeholder meetings. (Please see item #13)

In January 2014, the CDE provided the SBE with an update on statewide assessment transition activities, including the establishment of the CAASPP assessment system, the spring 2014 Smarter Balanced Field Test preparation activities, information about the Smarter Balanced Usability, Accessibility, and Accommodations Guidelines, the CDE and ETS training modules for California LEAs, and a CAASPP technology update. (Please see item #4)

In November 2013, the CDE provided the SBE with highlights of AB 484, information on the availability of the Smarter Balanced Usability, Accessibility, and Accommodations Guidelines, an update on the Technology Readiness Tool, an update on changes to the new registration system with the California Longitudinal Pupil Achievement Data System, and an update on collaboration activities of the CDE and the K–12 High Speed Network. (Please see item #8)

In September 2013, the CDE presented information to the SBE on Smarter Balanced assessment development activities, including legislative developments, findings from the CDE Technology Preparedness Survey, a report on research regarding the costs of statewide student testing, research regarding computer-based versus paper-based testing, an update on the draft Accessibility and Accommodations Guidelines, development activities for the spring 2014 Field Test, and a comparison of costs for the development and administration of the English–language arts and mathematics portions of the STAR Program and the Smarter Balanced assessment system. (Please see item #3)
FISCAL ANALYSIS (AS APPROPRIATE)

EC Section 60640(f)(2) requires that, for the 2013–14 school year, the STAR contract be amended to administer CAASPP and that cost savings from the suspension of certain STAR assessments be used to fund the spring 2014 Smarter Balanced Field Test. The total costs for the 2013–14 test administration is $51,206,814, including $8,196,000 in costs to be incurred in 2014–15 and included in the Governor’s 2014–15 budget to support the scoring and reporting of paper-pencil tests, the analyses of test results, special studies, and annual technical reports for the assessments administered as part of the CAASPP in the 2013–14 school year.

Funding for the CAASPP system is included in the Governor’s Budget Act. The final budget for the contract is negotiated and approved by CDE, SBE, and the Department of Finance.

ATTACHMENT(S)

None.
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.

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.