Bylaws

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.
NOTICE OF MEETINGS

Section 4.

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

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

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

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

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

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

EMERGENCY MEETINGS

Section 5.

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

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

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

CLOSED MEETINGS
Section 6.

Closed sessions shall be held only in accordance with law.

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.

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1.
a. The president shall appoint a Screening Committee composed of at least three Board members to screen and interview applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board. The president shall designate one Board member as Chair of the Screening Committee.

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

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

**AD HOC COMMITTEES**

*Section 2.*

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

**REPRESENTATIVES**

*Section 3.*

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

**ARTICLE VII**

**Public Hearings: General**

**SUBJECT OF A PUBLIC HEARING**

*Section 1.*

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

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

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.

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.

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.

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ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.

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

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

b. Instructional Quality Commission. The Board appoints 13 of 18 members to serve four-year terms.  
   EC 33530

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

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

OTHER APPOINTMENTS

Section 2.

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

Section 3.

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

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

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

a. The Advisory Commission on Special Education.
b. The Instructional Quality Commission.
c. The Advisory Commission on Charter Schools.
d. The National Association of State Boards of Education, if the Board participates in that organization.
e. The Commission on Teacher Credentialing.

OTHER

Section 2.

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

ARTICLE XIII

Amendment to the Bylaws

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

Abbreviations

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

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CC</td>
<td>Constitution of the State of California</td>
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<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
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### Dates of Adoption and Amendment

<table>
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<tr>
<th>Status</th>
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<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
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<td>Amended</td>
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<td>January 8, 1998</td>
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<td>April 11, 2001</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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SBE Agenda for January 2016

Agenda for the California State Board of Education (SBE) meeting on January 13-14, 2016.

State Board Members

- Michael W. Kirst, President
- Ilene W. Straus, Vice President
- Sue Burr
- Bruce Holaday
- Feliza I. Ortiz-Licon
- Patricia A. Rucker
- Niki Sandoval
- Ting L. Sun
- Trish Williams
- Michael S. McFarland, Student Member
- Vacancy

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

<table>
<thead>
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<th>Schedule of Meeting</th>
<th>Location</th>
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<tr>
<td><strong>Wednesday, January 13, 2016</strong></td>
<td><strong>California Department of Education</strong></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>
</tr>
<tr>
<td><strong>Public Session. Public Session, adjourn to</strong></td>
<td>916-319-0827</td>
</tr>
<tr>
<td><strong>Closed Session – IF NECESSARY.</strong></td>
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Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

<table>
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<th>Schedule of Meeting</th>
<th>Location</th>
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<tr>
<td><strong>Thursday, January 14, 2016</strong></td>
<td><strong>California Department of Education</strong></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>
</tr>
<tr>
<td><strong>The Closed Session will take place at</strong></td>
<td>916-319-0827</td>
</tr>
<tr>
<td><strong>approximately 8:30 a.m.</strong> (The Public may not**</td>
<td><strong>continue to attend)</strong></td>
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The Closed Session (1) may commence earlier than 8:30 a.m.; (2) may begin at 8:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:30 a.m.

CLOSED SESSION AGENDA

Conference with Legal Counsel – 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:

- 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, CA Ct. of Appeal, 2nd Dist., Case No. B260075
- Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley, Notice of Appeal Before the Education Audit Appeals Panel, EAAP Case Nos. 06-18, 06-19-07-07, 07-08 OAH Nos. L2006100966, L2006110025, L20070706022, L2007060728, Los Angeles County Superior Court, Case No. BC 347454
- 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

Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education, Los Angeles County Superior Court, Case No. BC484642, CA Ct. of Appeal 2nd Dist., Case No. B253282, B253310

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.

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 Day 1

Wednesday, January 13, 2016 – 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 DAY 1

**Item 01**

**Subject:** Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act, including reauthorization known as the Every Student Succeeds Act and the implications for state accountability and state plans, and proposed waiver submissions related to Adequate Yearly Progress and Supplemental Educational Services.
Item 02

Subject: Developing a New Accountability System: Update on the Local Control Funding Formula Evaluation Rubrics, including, but not limited to, a discussion on standards and expectations for improvement as specified in California Education Code Section 52064.5 and Implications for State and Federal Accountability.

Type of Action: Action, Information

Item 03

Subject: California Assessment of Student Performance and Progress: Update on Program Activities, including, but not limited to, Smarter Balanced Assessments (Summative, Interim, and Digital Library Resources), Technology, Summative Assessment in Primary Languages Other than English, California Alternate Assessment, California Next Generation Science Standards Assessments, and Outreach Activities.

Type of Action: Action, Information

Item 04

Subject: California Assessment of Student Performance and Progress: Approve the Student Score Report for 2015–16 and Beyond.

Type of Action: Action, Information

Item 04 Attachment 1

Item 05


Type of Action: Information

Item 06

Subject: Golden State Seal Merit Diploma: Approve Changes to Eligibility Criteria.

Type of Action: Action, Information
Item 07

Subject: California Assessment of Student Performance and Progress: Approve General Performance Level Descriptors for the California Alternate Assessment.

Type of Action: Action, Information

Item 08

Subject: English Language Proficiency Assessments for California: Approve General Performance Level Descriptors.

Type of Action: Action, Information

Item 09 -- WITHDRAWN by the California Department of Education on January 7, 2016

Subject: County-District-School Code Regulations: Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Sections 5 through 5.6.

Type of Action: Action, Information

PUBLIC HEARING

A Public Hearing will commence no earlier than 3:30 p.m. on Wednesday, January 13, 2016. The Public Hearing will be held as close to 3:30 p.m. as the business of the State Board permits.

Item 10

Subject: Synergy Education Project: Consider Issuing a Notice of Intent to Revoke Pursuant to California Education Code Section 47607(e).

Type of Action: Action, Information, Hearing

- Item 10 Attachment 1
- Item 10 Attachment 2

END OF PUBLIC HEARING

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.

Equity Length of Time (Equity Length of Time)

**Item W-01**

**Subject:** Request by five school districts to waive California *Education Code* Section 37202(a), the equity length of time requirement for transitional kindergarten and kindergarten programs at the districts’ elementary schools.

**Waiver Numbers:**

- Dunham Elementary School District 3-9-2015
- Glenn County Office of Education 25-10-2015
- John Swett Unified School District 18-10-2015
- Lennox School District 19-8-2015
- Modoc Joint Unified School District 21-10-2015

(Recommended for APPROVAL WITH CONDITIONS)

Employment - Retirement System

**Item W-02**

**Subject:** Request by Sanger Unified School District for a renewal to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree as a classified school bus driver.

**Waiver Number:** 19-10-2015

(Recommended for APPROVAL)

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

**Item W-03**

**Subject:** Request by Santa Monica-Malibu Unified School District to waive portions of California *Education Code* Section 17517, relating to the term of a joint occupancy lease entered into by a school district.

**Waiver Number:** 8-9-2015

(Recommended for APPROVAL)

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

**Item W-04**
Subject: Request by Lake Elsinore Unified School District to waive California *Education Code* sections 17473 and 17474, and portions of 17455, 17466, 17468, 17470, 17472, and 17475, which will allow the district to sell one piece of property using a broker and a “request for proposal” process, maximizing the proceeds from the sale. The district property for which the waiver is requested is located at 21440 Lemon Street, Wildomar, CA.

**Waiver Number:** 1-11-2015

(Recommended for APPROVAL WITH CONDITIONS)

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School Construction Bonds (Bond Indebtedness Limit - Unified S.D.)

**Item W-05**

Subject: Request by Kings Canyon Joint Unified School District to waive California *Education Code* Section 15270(a), to allow the district to exceed its bond indebtedness limit of 2.5 percent of the taxable assessed value of the property. (Requesting 2.85 percent)

**Waiver Number:** 16-10-2015

(Recommended for APPROVAL WITH CONDITIONS)

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School Construction Bonds (Citizens Oversight Committee - Term Limits)

**Item W-06**

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

**Waiver Number:** 2-10-2015

(Recommended for APPROVAL)

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School District Reorganization (Elimination of Election Requirement)

**Item W-07**

Subject: Request by two school districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

**Waiver Numbers:**

- Morgan Hill Unified School District 6-9-2015
- Saugus Union School District 1-10-2015

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

**Item W-08**

**Subject:** Request by 12 local educational agencies 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:**

- Contra Costa County Office of Education 1-9-2015
- Glenn County Office of Education 5-9-2015
- Hilmar Unified School District 14-10-2015
- Lewiston Elementary School District 5-10-2015
- Los Angeles County Office of Education 4-9-2015
- Madera County Office of Education 12-10-2015
- Placer County Office of Education 13-10-2015
- San Mateo County Office of Education 10-10-2015
- Shasta County Office of Education 9-9-2015
- Tahoe-Truckee Unified School District 2-9-2015
- Waugh Elementary School District 17-10-2015

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Extended School Year [Summer School])

**Item W-09**

**Subject:** Request by three local educational agencies 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:**

- Butte County Office of Education 7-10-2015
- Chula Vista Elementary School District 7-9-2015
- Visalia Unified School District 11-10-2015

(Recommended for APPROVAL WITH CONDITIONS)

Charter School Program (Nonclassroom-Based Funding)

**Item W-10**

**Subject:** Request by two local educational agencies to waive portions of *California Code of Regulations*, Title 5,
Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

**Waiver Numbers:**

- El Centro Elementary School District 8-10-2015
- Vallecitos Elementary School District 9-10-2015

(Recommended for APPROVAL)

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

**Item W-11**

**Subject:** Request by Hesperia Unified School District under the authority of California *Education Code* Section 41382, for a renewal 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 Number:** 12-7-2015

(Recommended for APPROVAL WITH CONDITIONS)

**END OF WAIVERS**

**Updated Version 2 of Item 11** *(Posted 07-Jan-2016)*

This version updates the action items listed under the section entitled Summary of Issues. The date of the Preliminary Report of Actions / Minutes to be approved was corrected to November 4-5, 2015, and the reference to a report from the SBE Screening Committee Report was removed.

**Updated Version of Item 11** *(Posted 04-Jan-2016)*

This updated version includes two additional action items regarding the SBE Officer Elections for President and Vice President, and SBE Screening Committee recommendations regarding appointments to the IQC, the CNAC, and the ACCS.

**Item 11**

**Subject:** STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board 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

**ADJOURNMENT OF DAY’S SESSION**
AGENDA ITEMS DAY 2

Item 12

Subject: Approval of the DRAFT “California’s Strategic Workforce Development Plan: Skills Attainment for Upward Mobility; Aligned Services for Shared Prosperity: California’s Workforce Development Plan Under the Workforce Innovation and Opportunity Act (WIOA) for Program Years 2016–2020.”

Type of Action: Action, Information

Item 13

Subject: Approval of the Career Technical Education Incentive Grant: Grantee List.

Type of Action: Action, Information

Item 14

**Type of Action:** Action, Information

**Item 15**

**Subject:** Elementary and Secondary Education Act: No Child Left Behind: Assignment of Corrective Action, Additional Fiscal Resources, and Associated Technical Assistance for the 14 Local Educational Agencies in Cohort 9 of Program Improvement Year 3 and Submission of Annual Evidence of Progress for Local Educational Agencies in Cohorts 1–9 of Program Improvement Year 3.

**Type of Action:** Action, Information

**Item 16**

**Subject:** 2016 United States Senate Youth Program Presentation.

**Type of Action:** Action, Information

**PUBLIC HEARINGS**

Three Public Hearings will commence no earlier than 11:30 a.m. on Thursday, January 14, 2016. The Public Hearings will be held as close to 11:30 a.m. as the business of the State Board permits.

**Item 17**

**Subject:** Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Prepa Tec Los Angeles High School which was denied by the Los Angeles Unified School District and the Los Angeles County Board of Education.

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

**Item 18**

**Subject:** Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Ross Valley Charter which was denied by the Ross Valley School District and the Marin County Board of Education.

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

**Item 19**

**Subject:** Synergy Education Project: Hold a Public Hearing and Consider Revocation Pursuant to California Education Code Section 47607(e).
Item 19 Attachment 1

Item 19 Attachment 2

END OF PUBLIC HEARINGS

Item 20

Subject: Approval of 2015–16 Consolidated Applications.

Type of Action: Action, Information

Item 21

Subject: Elementary and Secondary Education Act: No Child Left Behind: Approval of Local Educational Agency Plans, Title I, Section 1112.

Type of Action: Action, Information

Item 22

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

Type of Action: Action, Information

Item 23

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

Type of Action: Action, Information

Item 24

Subject: California Assessment of Student Performance and Progress: Approve the 2016 Local Educational Agency Apportionment Rates.

Type of Action: Action, Information

Item 25

Type of Action: Action, Information

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**Item 26**

Subject: Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials—Approve Commencement of a Second 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5, Section 9526.

Type of Action: Action, Information

- [Item 26 Attachment 4](#)
- [Accessible Alternative Version (AAV) of Item 26 Attachment 4](#)

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**Item 27**


Type of Action: Action, Information

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**Item 28**

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

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**ADJOURNMENT OF MEETING**

This agenda is posted on the State Board of Education’s Web site ([http://www.cde.ca.gov/be/ag/](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](mailto: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 January 8, 2016, the Friday prior to the meeting.
### SUBJECT

Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act, including reauthorization known as the Every Student Succeeds Act and the implications for state accountability and state plans, and proposed waiver submissions related to Adequate Yearly Progress and Supplemental Educational Services.

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<tr>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
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### 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.

On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA), reauthorizing the ESEA and replacing the No Child Left Behind (NCLB) Act. Most of the provisions do not take effect until the 2017–18 school year.

Since the 2016–17 school year is a transition year, local educational agencies (LEAs) that were identified for Title I Program Improvement (PI) are obligated to continue with their improvement plan activities, such as Supplemental Education Services (SES).

Adequate Yearly Progress (AYP) state accountability systems are in effect until August 1, 2016, and will continue to support schools, including those in PI.

### RECOMMENDATION

The CDE recommends the SBE approve a waiver request to the U.S. Department of Education (ED). Specifically, the CDE seeks to waive the provisions of Section 1116(e) of the ESEA to allow LEAs that have Title I schools in PI to provide extended day intervention strategies to low income students who are academically deficient in English language arts (ELA), mathematics, and/or science using SES set aside funds.

In addition, if needed, the CDE seeks to waive the AYP provisions of Section 1116 of the ESEA so that the state does not need to identify new schools for PI.

The CDE also recommends that the SBE give authority to the SBE President to make technical changes to the waiver before it is submitted to the ED, as deemed necessary.
BRIEF HISTORY OF KEY ISSUES

The ESEA of 1965, signed into law by President Lyndon B. Johnson, set forth a blueprint for the federal government’s funding of elementary and secondary education with the intent of providing equal access to quality education. In 2001, President Bush reauthorized ESEA making some fundamental policy changes and renaming ESEA to NCLB. On December 10, 2015, President Obama signed ESSA, reauthorizing ESEA and replacing NCLB.

Overall, the new law provides a measure of flexibility but preserves the general structure of the ESEA funding formulas. States gain authority on standards, assessments, and interventions while the authority of the ED Secretary is limited. ESSA provisions preserve “supplement, not supplant” requirements; however, it eliminates the Highly Qualified Teacher (HQT) and AYP requirements. The following narrative presents highlights from the new law:

Title I

The ESSA Title I maintains the 1 percent cap on state administrative funds and requires a 7 percent set aside for interventions and technical assistance. States have the option to set aside 3 percent of Title I funds for the Direct Student Services Program with allowable expenditures including: Career Technical Education (CTE) coursework, credit recovery, Advanced Placement (AP), early college high school, AP/International Baccalaureate (IB) exam fees, and transportation services for LEAs implementing school choice.

State Plans

State Plans will be developed in consultation with stakeholders and must be peer reviewed. The plans are required to be approved by the ED Secretary within 120 days unless the Secretary presents research that demonstrates the plan does not meet federal requirements. The plan must provide assurances that the State has adopted challenging academic content standards and aligned academic achievement standards, for all public schools. There is also language in the bill specifically prohibiting the Secretary from approving, supervising, or exercising any discretion over State standards.

The ESSA also requires State Plans to be reviewed by practitioners. Therefore, the SBE will invite applicants for appointment to serve on the existing Title I Committee of Practitioners. The purpose of this committee is to review any State rules and regulations relating to Title I of the ESSA to ensure that they conform to the purposes of Title I.

Statewide Accountability Systems and Interventions

States must develop and implement a single, statewide accountability system that measures academic achievement for each subgroup, high school graduation rate, progress in achieving English learner (EL) proficiency and at least one additional
indicator of school quality that is valid, reliable, comparable, and statewide. The law further requires States to establish a methodology for identifying schools for comprehensive support and improvement that are: (a) at least the lowest-performing five percent, (b) high schools graduating less than two-thirds of students, and (c) schools in which any subgroup, on its own, would be identified as the lowest-performing five percent (and has not improved in a state-determined number of years). Identification of students must start in the 2017–18 school year and occur at least once every three years.

The provisions on interventions require States to notify LEAs of schools that are identified for support and improvement and the LEA then must develop and implement a comprehensive support and improvement plan subject to State approval.

The ESSA introduces significant changes in federal accountability by allowing States to develop and implement accountability systems that meet minimum federal requirements and augment the state’s approach to technical assistance and intervention that will support continuous improvement. California is currently developing a statewide accountability system using a conceptual framework that is similar to the requirements proposed by ESSA (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item02.doc). Many of the components of the developing statewide accountability system, such as the Local Control and Accountability Plans (LCAPs) and the Local Control Funding Formula (LCFF) evaluation rubrics, will be the central drivers in the state’s development of one coherent and comprehensive system that incorporates the federal accountability requirements. As the required components of ESSA evolve through the regulatory and public comment process, CDE and SBE staff will continue to report out to the SBE on the implications of these federal requirements on developing one coherent accountability system.

**State and LEA Report Cards**

State and LEA report cards are required and must include information on academic achievement by subgroup, percentage of students assessed and not assessed, the State’s accountability system, graduation rates, information on indicators of school quality, professional qualifications of teachers in the State, per pupil expenditure of federal/state/local funds, and National Assessment of Educational Progress (NAEP) results.

California will continue to produce the School Accountability Report Card (SARC), a state accountability tool that predates NCLB and ESEA.

**Title II**

The new law adjusts the Title II funding formula, transitioning between enactment and year 2020 to a 20 percent population and 80 percent poverty formula. The intent is to ensure that states with higher numbers of students in poverty receive funding that is reflective of their student populations.
The ED Secretary is prohibited from mandating, directing, controlling evaluation systems, or definitions of teacher/principal effectiveness, professional standards, certification, or licensing. These activities are the responsibility of the States.

Title III

The ESSA moves accountability provisions to Title I and replaces the reference of “limited English proficient” to “English learners” throughout all provisions of the ESSA.

The law mandates reporting on the number and percentage of ELs who: (1) meet state-determined long-term goals, (2) attain English proficiency, (3) meet challenging academic standards for four years after exiting, and (4) have not attained proficiency within five years of classification.

Title IV

The 21st Century Community Learning Centers program was preserved as a stand-alone program while many others were consolidated or eliminated. The AP Test Fee program was not preserved in its entirety. States and LEAs can now use their Title IV Student Support and Academic Enrichment grant funds to reimburse low-income students for all or part of the AP/IB exam fees.

Transition

Full enactment of the ESSA will begin in the 2017–18 school year. A State Plan, standards, and new determinations for improvement need to be in place for the 2016–17 school year with accountability and interventions ready for implementation for the 2017–18 school year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Adequate Yearly Progress

The SBE has submitted amendments to California’s Accountability Workbook each year since the initial submission in January 2003. Most amendments have been in response to changes in California’s assessment system or to changes in federal requirements.

The most recent changes to the Accountability Workbook include:

- For the 2015 AYP, the SBE and CDE submitted seven amendments: (1) add grade three to pair and share, (2) replace the Standardized Testing and Reporting (STAR) Program assessments with the Smarter Balanced assessments for grades three through eight, (3) suspend the use of alternate assessments for 2015 AYP determinations, (4) suspend the use of the Annual Measurable Objectives (AMOs) for reporting and making AYP determinations, (5) revise the definition of the socioeconomically disadvantaged (SED) subgroup to include students who automatically qualify for the Free and Reduced-Price Meals
program (foster youth, homeless, and migrant students), (6) replace the grade ten California High School Exit Examination (CAHSEE) with the grade eleven Smarter Balanced assessment for making AYP determinations, and (7) replace the Academic Performance Index (API) as the additional indicator for elementary and middle schools and elementary and unified school districts with the attendance rate.

- For the 2014 AYP, the SBE and CDE submitted two amendments. The first amendment added an extended-year (six-year) cohort graduation rate, and the second amendment removed the API as an additional indicator for high schools.

- For the 2013 AYP, the SBE and CDE submitted a technical amendment in response to the ED requiring a change to the proposed calculation method used for the five-year cohort graduation rate.

- For the 2012 AYP, the SBE and CDE submitted three amendments. The first amendment was in response to a previous Title I Monitoring Visit finding by the ED. As a result, the CDE agreed to produce all LEA accountability report cards and post them on the CDE Web site. The second amendment was a technical change that revised the definition of the SED subgroup in the Accountability Workbook to align with the definition on the student answer document. A third amendment, approval of a five-year cohort graduation rate, was not approved for 2012 AYP determinations.

Supplemental Educational Services

The ED has granted the SBE an ESEA, Section 9401 waiver of the Title 34, Code of Federal Regulations, sections 200.47(b)(1)(iv)(A) and (B) for the 2009–10, 2011–12, 2012–14, 2014–16, and 2016–18 school years. This waiver allows the CDE to continue to recommend and allow LEAs identified for PI to apply and serve as SBE-approved providers of SES.

FISCAL ANALYSIS (AS APPROPRIATE)

LCFF: When the LCFF was adopted in the 2013–14 budget year, the budget projections for 2015–16 were approximately $47 billion. With rising state revenues, the 2015–16 state budget signed by the Governor allocates $53 billion this year. This provides an increase of $6 billion to support the continued implementation of LCFF and build upon the investment of over $6 billion provided over the last two years. As a result of this increase, the 2015–16 Budget Act provides an opportunity to correct historical inequities and implement the formula well ahead of schedule. Specifically, this investment translates to approximately $3,000 more per student in 2015–16 over the 2011–12 levels and closes more than 51 percent of the remaining LCFF funding target. Additionally, $40 million will be provided to county offices of education (COEs) to support their new responsibilities required under the evolving accountability structure of LCFF and develop greater capacity and consistency within and between COEs.
ESSA: While it is still early in the process to determine how all of the funding mechanisms will work for California, some of the significant changes include the following:

**Title I Formula**

- To date, it is projected that overall authorizations for Title I, Part A will increase by 12.3 percent over the next four years. The fiscal year 2015 appropriation is approximately $15 billion to support school improvement and direct student services activities.

- The 1 percent cap to support state administrative support remains, while the School Improvement Grant has been eliminated and the current law of 4 percent set-aside of Title I, Part A for states to support school improvement activities is increased to 7 percent.

- States may also reserve 3 percent of Title I, Part A to support direct services.

- States can set aside 20 percent of the budget for state and local assessments from Title I, Part B.

- Overtime, more funding will be allocated to states with a higher proportion of the migrant student population from Title I, Part C.

**Weighted Student Funding Pilot**

- This is a pilot program that will include up to 50 districts nationally to consolidate some of their federal funds with state and local dollars to establish a weighted student funding formula. The federal funds for this pilot include Title I, II, and III, in addition to portions of Title IV (Student Support and Academic Enrichment Grants) and Part B of Title V (Rural Education Initiative).

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**ATTACHMENT(S)**

Attachment 1: Timeline for the Proposed Transition to a New Accountability System (2 Pages)

Attachment 2: Every Student Succeeds Act Information (1 Page)
**Timeline for the Proposed Transition to the New Accountability System**

The Local Control and Accountability Plan (LCAP), along with the Annual Update, the evaluation rubrics, and the California Collaborative for Educational Excellence (CCEE) support structure all function as components of the new accountability system. Given the passage in December 2015 of the Every Student Succeeds Act (ESSA) reauthorizing the Elementary and Secondary Education Act (ESEA), the CDE will develop a draft work plan to integrate the required components for the federal accountability system. The timeline below will be revised to reflect the additional time that is necessary to integrate the federal accountability requirements with the draft framework and work plan for the new accountability system as the components of ESSA evolve through the regulatory and public process.

<table>
<thead>
<tr>
<th>SBE Meeting</th>
<th>Proposed Transition to ESSA Requirements</th>
<th>Proposed Development of LCFF Evaluation Rubrics</th>
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<tbody>
<tr>
<td><strong>January 2016</strong></td>
<td>Solicit applications for the Title I Committee of Practitioners (COP).</td>
<td>Present example of quality standards and expectations for improvement using graduation rate as the example.</td>
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<td>Anticipate U.S. Department of Education (ED) providing guidance with intent to publish rules and regulations within six months.</td>
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<td>Public hearing on Every Student Succeeds Act (ESSA) on January 11, 2016, from 9 a.m. to 5 p.m. (EST) and January 19, 2016, from 9 a.m. to 5 p.m. (PT).</td>
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<tr>
<td><strong>March 2016</strong></td>
<td>The State Board of Education Screening Committee recommendations for appointments to the Title I COP.</td>
<td>Present the SBE with final design features of the evaluation rubrics based on User Acceptance Testing (UAT) and feedback.</td>
</tr>
<tr>
<td><strong>May 2016</strong></td>
<td>California Department of Education (CDE) solicits input from stakeholders.</td>
<td>Present the SBE with update on use and evaluation of the rubrics prototype.</td>
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<tr>
<td><strong>July 2016</strong></td>
<td>CDE drafts plans to conform to rules and regulations.</td>
<td>Finalize evaluation rubrics based on guidance from the SBE, feedback from local educational agencies (LEAs), county offices of education (COEs) and as appropriate input from stakeholders.</td>
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<tr>
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<td>CDE solicits input from stakeholders.</td>
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<td>Proposed concepts for integrating federal requirements with state accountability.</td>
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<tr>
<td>SBE Meeting</td>
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<td>Proposed Development of LCFF Evaluation Rubrics</td>
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<tr>
<td>September 2016</td>
<td>CDE revises early draft of ESSA State Plan based on stakeholder input.</td>
<td>Final Local Control Funding Formula (LCFF) Evaluation Rubrics for SBE Adoption.</td>
</tr>
<tr>
<td>November 2016</td>
<td>Draft ESSA State Plan for SBE Review.</td>
<td></td>
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<tr>
<td>January 2017</td>
<td>CDE revises ESSA State Plan based on stakeholder feedback and submits to SBE for approval at January meeting. CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.</td>
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<tr>
<td>June 2017 (or earlier)</td>
<td>Accepted ESSA State Plan is published.</td>
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</tbody>
</table>
**Every Student Succeeds Act Information**


- Implementation and communications questions about ESSA should be directed to [essa.questions@ed.gov](mailto:essa.questions@ed.gov).

- ED released a Request for Information seeking advice and recommendations regarding ESSA regulations under Title I of the [https://www.federalregister.gov/public-inspection](https://www.federalregister.gov/public-inspection).

- Public comments about the ESSA regulations should be submitted electronically to [http://www.regulations.gov](http://www.regulations.gov).
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

ITEM 02
## SUBJECT

Developing a New Accountability System: Update on the Local Control Funding Formula Evaluation Rubrics, including, but not limited to, a discussion on standards and expectations for improvement as specified in California *Education Code* Section 52064.5 and Implications for State and Federal Accountability.

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

California’s new accountability system will build on the foundations of the Local Control Funding Formula (LCFF) consisting of the Local Control and Accountability Plan (LCAP), Annual Update, evaluation rubrics, and the California Collaborative for Educational Excellence (CCEE) support structure. On June 24, 2015, Governor Brown signed Assembly Bill (AB) 104 (Chapter 13, Statutes of 2015), extending the deadline for adoption of the evaluation rubrics to October 1, 2016.

The recent enactment of the Every Student Succeeds Act (ESSA), to reauthorize the Elementary and Secondary Education Act (ESEA), gives states greater discretion to implement academic content standards, administer statewide and local assessments, and set ambitious performance goals to direct evidence-based improvement strategies and interventions to improve student performance.

This item is the sixth in a series of regular updates on California’s progress on transitioning to a new accountability system that coherently supports the goals of multiple measures and continuous improvement as defined by the LCFF. To ensure that the new accountability system and the components of the state and federal accountability requirements are cohesive and well aligned, the State Board of Education (SBE) will need to phase in policy changes as the federal requirements are finalized.

The focus of this item is to review the accountability components of ESSA in relation to California’s emerging work supporting accountability system coherence. The item includes an update on the LCFF evaluation rubrics using graduation rate as an example of standards, and a discussion of this approach in the context of aligning the ESSA with the LCFF.
RECOMMENDATION

The staff recommends that the SBE take action as deemed necessary and appropriate but recommends no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

California’s path to developing a new statewide accountability system originates from the statutory enactment by the Legislature to establish the LCFF signed by the Governor in 2013. The state priorities embedded throughout LCFF provide the foundation for accountability by defining what the state seeks to accomplish for its students and measures the progress of local educational agencies (LEAs) relative to these priorities (Attachment 1). Consisting of the LCAP, Annual Update, evaluation rubrics, and CCEE support systems, the LCFF enhances the allocation of resources by integrating LEA budgets with locally approved goals, services, and actions for LEAs to improve student outcomes.

Recent efforts to align the existing state academic and fiscal accountability components with the LCFF culminated in a draft framework and implementation plan for the new accountability system. The draft framework and implementation plan was presented to the SBE (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item11.doc). As California continues on its path to developing the new accountability system, the enactment of the ESSA introduces an opportunity to integrate federal and state accountability components, including the LCFF, to develop one coherent and unified accountability system. The new accountability system will be designed to strengthen teaching and learning, improve the individual capacity of teachers and school leaders, and increase institutional capacity for continuous improvement for schools, districts, and state agencies.

The SBE envisions a new integrated and comprehensive accountability system that supports continuous improvement. As California transitions to this new system, the following questions should be considered:

- What are the primary goals and purposes of the new accountability system?
- How can California best create one integrated state and federal accountability system?
- What specific technical issues will need to be addressed in aligning the federal accountability requirements with the state accountability system?
- How will data from multiple measures and indicators reflecting the state priorities be used to differentiate the needs of schools and districts needing technical assistance? Will the accountability system use differentiation to acknowledge continuous improvement and systems of local and state support?
• How will the accountability system provide both status and growth information for all indicators, in addition to growth on summative assessments (e.g., Smarter Balanced assessments)? How will information on how well schools and districts are performing and making satisfactory progress be determined?

• What is the necessary timeframe to create a single accountability system? How will the development of the ESSA requirements (e.g., State Plan) fit together with the implementation of the LCFF (e.g., completion of the evaluation rubrics)?

Attachment 1 presents a comparison of the ESSA and LCFF on select accountability components. As the components of the ESSA evolve through the regulatory and public comment process, the California Department of Education (CDE) and SBE staff will continue to report out to the SBE on the implications of these federal requirements on developing one coherent accountability system.

The ESSA and LCFF comparison provides the context for the update on the LCFF evaluation rubrics. Attachment 2 introduces the development of quality standards and expectations for improvement using graduation rate as an example. The four-year cohort graduation rate is included in both the ESSA and LCFF requirements and serves as a relevant example to clarify the technical issues and additional analyses that are necessary to align ESSA with the state’s accountability system to support continuous improvement.

Attachment 3 provides an updated timeline to reflect the additional time that will be necessary to align the federal system with the state’s accountability system. Prior to the enactment of the ESSA, the SBE was on track to adopt the evaluation rubrics in July 2016. The timeline now reflects a revised plan to utilize the entire amount of time authorized in statute (California Education Code (EC) Section 52064.5) to adopt the rubrics by October 1, 2016. In addition, the timeline reflects the process to revise the draft framework and implementation plan for the new accountability system that includes the development of the ESSA State Plan. This attachment also provides updated information on communication and outreach strategies to support the new accountability system, in addition to specific resources to support the LCAP.

Finally, Attachment 4 contains EC sections referencing the LCFF.

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

In November 2015, the SBE received a draft framework and implementation plan for the new accountability system and an update on the LCFF evaluation rubrics that included an overview of the User Acceptance Testing (UAT) pilot (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item11.doc). The UAT is designed for select LEAs to provide input on local data management practices, design options for data displays, and analyses.
In September 2015, the SBE received an update on the LCFF evaluation rubrics that included a conceptual approach for organizing the indicators and metrics identified in statute for each of the state priorities for inclusion in the development of the rubrics (http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item14.doc). Using graduation content as the example, the SBE reviewed a process for defining standards and expectations for improvement using an approach similar to the evidence-based approach used in Alberta, Canada.

In August 2015, the SBE received an Information Memorandum on the review of existing state academic and fiscal accountability components relative to the LCFF state priorities (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-aug15item01.doc).

In July 2015, the SBE received an update on the LCFF evaluation rubrics that included a discussion on the policy framework to develop the evaluation rubrics based on the following: (1) align with state priorities and values related to certain learning conditions (i.e., Williams settlement legislation), graduation, and college and career readiness; (2) incorporate into the evaluation rubrics descriptions of practices for each of the state priorities grounded in research and best practices; and (3) conduct further research to identify relationships and correlations among metrics that will be included in the evaluation rubrics. (http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item01.doc).

In June 2015, the SBE received the following Information Memoranda: (1) research to inform the development of the LCFF evaluation rubrics (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun15item01.doc); and (2) review of measures being used by other states for college and career readiness (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun15item01.doc).

**FISCAL ANALYSIS (AS APPROPRIATE)**

**LCFF:** When the LCFF was adopted in the 2013–14 budget year, the budget projections for 2015–16 were approximately $47 billion. With rising state revenues, the 2015–16 state budget signed by the Governor allocates $53 billion this year. This provides an increase of $6 billion to support the continued implementation of LCFF and build upon the investment of over $6 billion provided over the last two years. As a result of this increase, the 2015–16 Budget Act provides an opportunity to correct historical inequities and implement the formula well ahead of schedule. Specifically, this investment translates to approximately $3,000 more per student in 2015–16 over the 2011–12 levels and closes more than 51 percent of the remaining LCFF funding target. Additionally, $40 million will be provided to county offices of education (COEs) to support their new responsibilities required under the evolving accountability structure of the LCFF and develop greater capacity and consistency within and between COEs.

**ESSA:** While it is still too early in the process to determine how all of the funding mechanisms will work for California, some of the significant changes include the following:
Title I Formula

- To date, it is projected that overall authorizations for Title I, Part A will increase by 12.3 percent over the next four years. The fiscal year 2015 appropriation is approximately $15 billion to support school improvement and direct student services activities.

- The 1 percent cap to support state administrative support remains, while the School Improvement Grant has been eliminated and the current law of 4 percent set-aside of Title I, Part A for states to support school improvement activities is increased to 7 percent.

- States may also reserve 3 percent of Title I, Part A to support direct services.

- States can set aside 20 percent of budget for state and local assessments from Title I, Part B.

- Over time, more funding will be allocated to states with a higher proportion of migrant student population from Title I, Part C.

Weighted Student Funding Pilot

- This is a pilot program that will include up to 50 districts nationally to consolidate some of their federal funds with state and local dollars to establish a weighted student funding formula. The federal funds for this pilot include Title I, II, and III, in addition to portions of Title IV (Student Support and Academic Enrichment Grants) and Part B of Title V (Rural Education Initiative).

ATTACHMENT(S)

Attachment 1: Comparison of Select Accountability Components from the Every Student Succeeds Act and the Local Control Funding Formula (8 Pages)

Attachment 2: Introduction to the Quality Standards for Graduation Rate and Preliminary Summary of the User Acceptance Testing Pilot (6 Pages)

Attachment 3: Timeline for the Proposed Transition to a New Accountability System, Including Communication, Resources, and Outreach (4 Pages)

Attachment 4: California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052 (15 Pages)
Comparison of Select Accountability Components from the Every Student Succeeds Act and the Local Control Funding Formula

The recent enactment of the Every Student Succeeds Act (ESSA) introduces significant changes in federal accountability by allowing States to develop and implement accountability systems that meet minimum federal requirements and augment a State approach to technical assistance and intervention that will support continuous improvement. California is currently developing a statewide accountability system using a conceptual framework that is similar in many respects to the requirements proposed by ESSA. Many of the components of the developing state accountability system, such as the Local Control and Accountability Plan (LCAP) and the Local Control Funding Formula (LCFF) evaluation rubrics, will be the central drivers in California’s development of one coherent and comprehensive system that incorporates the federal accountability requirements. The table below describes select ESSA components on accountability in relation to the LCFF requirements. Given the enhanced discretion in ESSA for states to define accountability systems that meet minimum federal requirements, this comparison provides a preliminary review of ESSA to frame the discussion on aligning the federal requirements with California’s developing accountability system.

<table>
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<tr>
<th>Timeline</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>ESSA</strong></td>
<td><strong>LCFF</strong></td>
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<tr>
<td>The ESSA accountability system and related interventions will take effect in 2017–18.</td>
<td>The State Board of Education (SBE) must adopt the LCFF evaluation rubrics by October 1, 2016.</td>
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### Number of Indicators

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<tr>
<th>ESSA</th>
<th>LCFF</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>Elementary and Middle Schools</strong>&lt;br&gt;<strong>Academic Achievement</strong>&lt;br&gt;- English language arts and mathematics in grades 3 through 8, inclusive&lt;br&gt;- Science in grades 4 and 8&lt;br&gt;&lt;br&gt;<strong>English Proficiency</strong>&lt;br&gt;- Progress of English learners (ELs) in achieving English proficiency&lt;br&gt;&lt;br&gt;<strong>Another Academic Indicator</strong>&lt;br&gt;- Other academic factor that can be broken out by subgroup (this could include growth on assessments)&lt;br&gt;&lt;br&gt;<strong>At Least One Other Indicator</strong>&lt;br&gt;- Additional indicator (e.g., student engagement and school climate/safety)</td>
<td><strong>LCFF State Priorities for School Districts, Charter Schools, and County Offices of Education</strong>&lt;br&gt;<em>Basic</em>: degree to which teachers are appropriately assigned pursuant to <em>Education Code (EC)</em> 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 <em>EC</em> Section 60119; and school facilities are maintained in good repair pursuant to <em>EC</em> Section 17002(d). (Priority 1)&lt;br&gt;&lt;br&gt;<em>Implementation of State Standards</em>: implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils, including English learners ELs. (Priority 2)&lt;br&gt;&lt;br&gt;<em>Parental involvement</em>: 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)&lt;br&gt;&lt;br&gt;<em>Pupil achievement</em>: performance on standardized tests, score on the Academic Performance Index (API), share of pupils that are college and career ready, share of ELs that become English proficient, EL 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)</td>
<td>• Consistent with California’s accountability system, ESSA proposes multiple measures to assess more than just performance on standardized tests.&lt;br&gt;• Measures of growth to reflect continuous improvement are also consistent between ESSA and LCFF.&lt;br&gt;• What has yet to be determined is the methodology for weighting certain indicators more than others, and whether these weights must aggregate into one index or composite score.&lt;br&gt;• The State must determine the selection of the additional academic achievement indicator for elementary and middle schools. Growth scores on assessments is one example.</td>
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1 The description of the LCFF state priorities and associated indicators and metrics is specified in *California Code of Regulations (CCR)*, Title 5 Section 15497.5 and *EC* sections 52060 and 52066. The state priorities are required for all LEAs where applicable and listed in the table in the order of priorities one through ten for discussion purposes.
<table>
<thead>
<tr>
<th>High Schools</th>
<th>LCFF State Priorities for School Districts, Charter Schools, and County Offices of Education</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Academic Achievement**  
- English language arts and mathematics assessed one time in grades 9 through 12  
- Science in grade 11 | *Pupil engagement*: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduation 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)  
*Course access*: pupil enrollment in a broad course of study that includes all of the subject areas described in EC Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)² | - Under ESSA, the State must also determine at least one other indicator for elementary, middle, and high school.  
- Under LCFF, LEAs may select local indicators in addition to the State priority indicators/metrics.  
- What criteria should be used to make the final selection of metrics for the purpose of identifying highest need schools? For example, among the LCFF metrics, using state defined and state collected metrics is preferred when using these data for comparative purposes. |
| **English Proficiency**  
- Progress in achieving English proficiency |  |  |
| **Another Academic Indicator**  
- 4-year adjusted cohort graduation rate (states can add extended rate) |  |  |
| **At Least One Other Indicator**  
- Additional indicator (e.g., opportunity to learn and readiness for post-secondary) |  |  |
| Participation rate of 95% on state tests is a standalone measure |  |  |

² EC section 51210 applies to the adopted course of study for grades 1 to 6, inclusive, in the following areas of study: English, Mathematics, Social Science, Science, Visual and Performing Arts, Health, Physical Education and other studies prescribed by the SBE. EC section 51220 applies to the adopted course of study for grades 7 to 12, inclusive, in the following areas of study: English, Social Sciences, Foreign language or languages, Physical Education, Science, Mathematics, Visual and Performing Arts, Applied Arts, Career Technical Education, Automobile Driver Education, and other studies prescribed by the SBE.
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<th>ESSA</th>
<th>LCFF</th>
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<tr>
<td><strong>Identification of Lowest Performing LEAs for Intervention</strong></td>
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<tr>
<td>• Must “meaningfully differentiate” all schools and subgroups in state; more “substantial” weight on academic indicators</td>
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<tr>
<td>• Must establish methodology for identifying schools for comprehensive support and improvement that are at least the lowest-performing 5 percent (of Title I schools) and all high schools graduating less than 2/3 of students</td>
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<td>• Identification of students must start in 2017–18 and occur at least once every three years</td>
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<tr>
<td><strong>Identification for Technical Assistance</strong></td>
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<td>• For <strong>school districts</strong>, EC Section 52071 specifies that if an LCAP or Annual Update is not approved by the county superintendent of schools or if a local governing body requests assistance, then the county superintendent of schools shall provide technical assistance. Using the evaluation rubrics, the county superintendent shall provide technical assistance to any district that “fails to improve pupil achievement across more than one state priority...for one or more pupil subgroup identified pursuant to Section 52052.”</td>
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<tr>
<td>• For <strong>county offices of education</strong>, EC Section 52071.5 specifies that if an LCAP or Annual Update is not approved by the SPI, or the county board of education requests assistance, the SPI shall provide technical assistance. Using the evaluation rubrics, the SPI shall provide technical assistance to any county office that “fails to improve pupil achievement across more than one state priority...for one or more pupil subgroup identified pursuant to Section 52052.”</td>
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<td>• For <strong>charter schools</strong>, EC Section 47607.3 specifies that the chartering authority shall provide technical assistance, using the evaluation rubrics, to the charter school if the charter school “fails to improve outcomes for three or more pupil subgroups identified pursuant to Section 52052, or, if the charter school has less than three pupil subgroups, all of the charter school’s pupil subgroups, in regard to one or more state or school priority identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, in three out of four consecutive school years.”</td>
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<td>• Once the indicators have been determined, the state must define the methodology to assign more weight to the academic factors when using performance on the indicators to differentiate LEAs.</td>
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<td>• How will the state assign weights within a multiple measures system for identification without creating a composite or single index score?</td>
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Identification for Technical Assistance and Intervention

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<tr>
<th>ESSA</th>
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<tr>
<td><strong>Identification for Intervention</strong></td>
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<td><em>EC Section 52072 specifies that the SPI may, with the approval of the SBE, identify school districts in need of intervention if a district meets both of the following criteria:</em></td>
<td></td>
<td>• Beyond the identification and weighting of indicators to identify the needs for intervention, what are the state and local goals from which to evaluate performance to determine the needs for technical assistance?</td>
</tr>
<tr>
<td>(1) The school district “did not improve the outcomes” for three or more pupil subgroups identified pursuant to <em>EC Section 52052</em> or, if the school district has less than three pupil subgroups, all of the school district’s pupil subgroups, in regard to more than one state or local priority in three out of four consecutive school years.</td>
<td></td>
<td>• Should the new accountability system also include identification to support continuous improvement, such as acknowledgement for improvements (e.g., California Distinguished Schools) and providing service and support (e.g., serving as an exemplary peer provider through the CCEE)?</td>
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<tr>
<td>(2) The CCEE has provided advice and assistance to the school district pursuant to <em>EC Section 52071</em> and submits either of the following findings to the SPI:</td>
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<td>(A) That the school district has failed, or is unable, to implement the recommendations of the CCEE.</td>
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<td>(B) That the inadequate performance of the school district, based upon the evaluation rubrics, is either so persistent or acute as to require intervention by the SPI.</td>
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<td>(A parallel set of conditions is set forth in <em>EC Section 52072.5</em> for county offices of education and similar conditions in <em>EC Section 47607.3</em> for charter schools that also include possible revocation of a charter school)</td>
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<tr>
<td>ESSA</td>
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<td>Comments</td>
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<td><strong>Intervention- Comprehensive Support and Improvement</strong>&lt;br&gt;States must annually notify LEAs of schools that are identified for comprehensive support; LEAs must develop and implement a comprehensive and support improvement plan that:&lt;br&gt;&lt;ul&gt;&lt;li&gt;Is informed by all indicators in the statewide accountability system, including student performance against state goals&lt;/li&gt;&lt;li&gt;Includes evidence-based interventions&lt;/li&gt;&lt;li&gt;Is based on a school-level needs assessment&lt;/li&gt;&lt;li&gt;Identifies resource inequities to be addressed&lt;/li&gt;&lt;li&gt;State must approve plan and monitor intervention&lt;/li&gt;&lt;/ul&gt;</td>
<td><strong>Technical Assistance</strong>&lt;br&gt;<em>EC sections 52071 and 52071.5 specifies that the technical assistance may include, among other things, any of the following:</em>&lt;br&gt;&lt;ul&gt;&lt;li&gt;Identification of LEA strengths and weaknesses in regard to the applicable state priorities, including a review of effective, evidence-based programs that apply to the LEA’s goals;&lt;/li&gt;&lt;li&gt;Assignment of an academic expert or team of academic experts to assist the LEA in identifying and implementing effective programs designed to improve the outcomes for all pupil subgroups identified in <em>EC Section 52052</em>;&lt;/li&gt;&lt;li&gt;Solicitation of another LEA to act as a partner to the LEA in need of technical assistance; and&lt;/li&gt;&lt;li&gt;Request that the SPI assign the CCEE to provide advice and assistance to the LEA (or in the case of the SPI, assign the CCEE to advise and assist the COE).&lt;/li&gt;&lt;/ul&gt;</td>
<td>• ESSA primarily focuses on schools while LCFF is LEA-directed.&lt;br&gt;• The LCFF designs a multi-tiered system of support that includes the COE, the CCEE, and the SPI/CDE.&lt;br&gt;• What is the role of the state systems of support in ESSA?&lt;br&gt;• What are the similarities and differences between the ESSA comprehensive support and improvement plan and the LCAP?</td>
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<tr>
<td><strong>Intervention</strong>&lt;br&gt;<em>EC sections 52072 and 52072.5 specifies that school districts and county offices of education identified as needing intervention, the SPI may, with the approval of the SBE, do one or more of the following:</em>&lt;br&gt;&lt;ul&gt;&lt;li&gt;Make changes to an LCAP adopted by the governing board of the school district.&lt;/li&gt;&lt;li&gt;Develop and impose a budget revision, in conjunction with revisions to the LCAP, that the SPI determines would allow the school district to improve the outcomes for all pupil subgroups identified pursuant to <em>EC Section 52052</em> in regard to state and local priorities.&lt;/li&gt;&lt;/ul&gt;</td>
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<td>ESSA</td>
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<td>Comments</td>
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<tr>
<td><strong>Intervention-Targeted Support and Improvement</strong></td>
<td><strong>Intervention</strong></td>
<td>• What is the relationship between the school level plans, the ESSA Targeted Support and Improvement Plan and the Single Plan for Student Achievement (SPSA)?</td>
</tr>
<tr>
<td>State must notify LEAs of schools where any subgroup is persistently underperforming for targeted support; schools must develop a targeted support and improvement plan that:</td>
<td>Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups identified pursuant to EC Section 52052 in regard to state or local priorities.</td>
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<tr>
<td>• Includes all indicators in the statewide accountability system, including student performance against state goals</td>
<td>• Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.</td>
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<tr>
<td>• Includes evidence-based interventions</td>
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<td>• What is the role of the state in the Targeted Support and Improvement Plan?</td>
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<tr>
<td>• Is approved and monitored by the LEA</td>
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<td>• Will result in additional action if unsuccessful after an LEA-determined number of years</td>
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<td>• Identify resource inequities for subgroups</td>
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### Numerically Significant Subgroups

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<th>ESSA</th>
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<th>Comments</th>
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| **Definition of Student Group**<br>Includes minimum number of students for disaggregation of students by subgroup (e.g., n–size or sample size) that is universal and statistically sound<br>ESSA State Plan must include achievement data disaggregated by subgroup that includes the following:<br>• Each major racial and ethnic group<br>• Economically disadvantaged students as compared to students who are not economically disadvantaged<br>• Children with disabilities as compared to children without disabilities<br>• English proficiency status<br>• Gender<br>• Migrant Status | **Definition of Student Groups**<br>*EC Section 52052 specifies…numerically significant pupil subgroups at the school or school district, including:*
- Ethnic subgroups.
- Socioeconomically disadvantaged pupils.
- English learners.
- Pupils with disabilities.
- Foster youth.
- Homeless youth.
- For purposes of this section, a numerically significant pupil subgroup is one that consists of at least 30 pupils, each of whom has a valid test score.
- …for a subgroup of pupils who are foster youth or homeless youth, a numerically significant pupil subgroup is one that consists of at least 15 pupils.<br>Note: “n” is defined as the sample size. For example, the “n-size” of 30 designates that a subgroup sample with 30 or more students may be included in the analysis that disaggregates data by subgroup. | • Does the state want to report out a consistent “n-size” for all student groups? ESSA recommends the minimum number of students by subgroup is universal across all groups, LCFF requires an n-size of 30 for all subgroups except foster and homeless youth can be reported with a minimum number of 15.<br>• Will the accountability system include consistent reporting of subgroups for all accountability components (e.g., not just achievement data)?<br>• In what ways will the accountability system measure performance, equity, and improvement for all student groups?<br>• Will there be a universal definition for proficiency in English for ELs that will meet the federal and state accountability requirements? |

12-30-15 [State Board of Education and California Department of Education]
Introduction to the Quality Standards for Graduation Rate and Preliminary Summary of the User Acceptance Testing Pilot

The evaluation rubrics are an integral part of the new accountability system. Once developed, the rubrics will direct attention to areas in need of additional support to meet the adopted standards for district and school performance relative to the state priorities. Specifically, the evaluation rubrics will: (1) assist local educational agencies (LEAs) in evaluating their strengths, weaknesses, and areas that require improvement; (2) assist county superintendents of schools in identifying LEAs in need of technical assistance and providing resources for technical assistance; and (3) assist the Superintendent of Public Instruction (SPI) in identifying LEAs for which technical support and/or intervention is warranted. The State Board of Education (SBE) must adopt the evaluation rubrics by October 1, 2016.

In September, the SBE reviewed a sample structure for the rubrics that organized the indicators and metrics into three policy areas: (1) Access and Opportunity, (2) Graduation, and (3) College and Career Readiness. The SBE also discussed an approach for defining standards and expectations for improvement through two types of standards within the evaluation rubrics: (1) Practice Standards, defined as qualitative narrative statements that convey research supported practices, and (2) Quality Standards, defined as measurement-based data displays that demonstrate local progress on the state priorities. These standards align to the SBE’s evaluation rubrics policy areas and provide specific reference to practices and measurements against which an LEA may assess strengths, areas in need of improvement, and local performance.

To review the organizing structure of the evaluation rubrics from the LEA perspective, the SBE recommended that a statewide sample pilot review select components of the LCFF evaluation rubrics to help inform its development. The User Acceptance Testing (UAT) pilot consisted of over 30 LEAs (county offices of education, school districts, and charter schools). The UAT affords LEAs with an opportunity to provide input in three different phases that review the content and structure, standards and design, and online prototype of the evaluation rubrics system. The pilot LEAs provided information on the proposed content and structure using the Graduation policy area as an example in Phase I of the pilot. LEAs reviewed the example to determine its relevance, usefulness, and applicability to support local planning and evaluation of performance relative to the LCFF state priorities. The pilot also included a draft structure map of the evaluation rubrics that defined the key and associated indicators and a complete draft of the practice standards that cover each of the state priority areas.

Defining and Approaching Quality Standards

The sample structure for the quality standards references an approach used by Alberta, Canada (http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item14a3rev.doc). This sample was presented to the SBE and reviewed by the UAT Phase I pilot as an option to support a continuous improvement framework within an accountability system.
Beyond the focus on outcomes, this system includes a measure of improvement that allows for growth to be considered as part of the overall performance.

The Alberta system supports the analysis of Improvement that reflects the percentage change (e.g., growth or decline) in LEA performance. Improvement is classified in one of five ways – Improved Significantly, Improved, Maintained, Declined, and Declined Significantly. The Alberta system also supports the analysis of Outcome that reflects LEA performance relative to the statewide distribution. The Outcome five-point classification includes – Very High, High, Intermediate, Low, and Very Low. The system then combines Improvement and Outcome to create an overall rating. This overall rating or Composite classification includes – Excellent, Good, Emerging, Issue, and Concern that can serve to identify where technical assistance or intervention may be warranted.

The table below presents an overview of the Improvement and Outcome Classifications and how these can be combined to create the overall rating or Composite Classifications. For example, an LEA that scores Maintained on Improvement and Low on Outcome would yield Issue, designated by the color orange, on the overall rating. This designation could then be used to determine the need for technical assistance.

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very High</td>
</tr>
<tr>
<td>Improved Significantly</td>
<td>Excellent</td>
</tr>
<tr>
<td>Improved</td>
<td>Excellent</td>
</tr>
<tr>
<td>Maintained</td>
<td>Excellent</td>
</tr>
<tr>
<td>Declined</td>
<td>Good</td>
</tr>
<tr>
<td>Declined Significantly</td>
<td>Emerging</td>
</tr>
</tbody>
</table>

**Overview of UAT Phase II**

The recent enactment of the Every Student Succeeds Act (ESSA) presents an opportunity to align the new federal requirements with local and state accountability and improvement. The broadening of indicators in the ESSA used for accountability is consistent with the concept and approach under development for the evaluation rubrics. The evaluation rubrics development process continues, and will be coordinated with the development of new approaches to local, state, and federal accountability.

Given the references to graduation rate in both the LCFF state priorities and ESSA, the Phase II UAT expanded upon the graduation rate example provided in Phase I. Specifically, this example provided the calculation of Improvement and Outcome using statewide data based on the methodology that is used by Alberta, Canada. LEAs received a packet of materials that are located on the WestEd LCFF Web site.
Follow-up telephone interviews were conducted with each UAT LEA participant to collect responses to the following questions:

- Does the color-based classification approach support local accountability? Continuous improvement? Please explain.

- What aspect(s) of the rationale/analysis used to determine the quality standard is most compelling?

- Based on what you know about ESSA, should local, state, and federal standards used for accountability be the same or different? In other words, should the quality standards for the evaluation rubrics be the same as federal accountability standard? Please explain.

- What additional advice or questions do you have at this time?

Excerpts from the UAT Phase II packet are presented below to display the graduation rate example that is based on the Alberta accountability system. The example begins with the basis for collecting and reporting the graduation rate followed by an analysis and proposed recommendations for establishing a quality standard for graduation rate.

### Example Analysis of Graduation Rate to Inform Quality Standard

**Background:** In order to graduate from California public high schools, students must complete specified state and local graduation requirements. Local school districts have the authority and responsibility for establishing high school graduation requirements. These requirements vary among school districts. However, California *Education Code* (EC) Section 51225.3 specifies that students must pass a minimum set of required courses and an exit examination. These requirements should be viewed as minimums and support for the regulations are specified by local school boards.

Since 2009–10, the CDE has reported four-year cohort graduate rates, which identify a "cohort" or group of students that could potentially graduate during a four-year time period (grade nine through grade twelve). This cohort is then "adjusted" by adding students who transfer in to the cohort and subtracting the students who transferred to another school that offers a high school diploma, emigrated to another county, or died during the years covered by the cohort rate. Students who drop out during the four-year period remain in the adjusted cohort, as well as students who complete grade 12 and exit the educational system without graduating. Students who take longer than four

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3 Senate Bill (SB) 172 (Liu) was signed by the Governor to suspend the administration of the California High School Exit Examination (CAHSEE) and the requirement that students pass the CAHSEE to receive a high school diploma for the 2015–16, 2016–17, and 2017–18 school years effective January 1, 2016.

years to graduate or remain enrolled after four years are also included as part of the cohort.

Students from the cohort who: (1) pass the General Education Development (GED) test, (2) complete requirements necessary to obtain a special education certificate of completion, or (3) remain enrolled in the 9–12 instructional system without a high school diploma are included in the total cohort population (denominator), but they are not included as graduates or dropouts in the cohort outcome calculations in either the cohort graduation or cohort dropout rates. However, these groups of students receive separate completer rates (GED Completer Rate, Special Education Completer Rate, and Still Enrolled Completer Rate). Thus, the cohort graduation rate and the cohort dropout rate will not sum to 100 percent when one or more of these other completer rates exist within the cohort.\(^5\)

**Analysis:** Graduation rates are a commonly collected metric with most states using comparable definitions. California has shown a steady increase in graduation rates over time, yet gaps between student groups persist. The table below shows California’s 4-year cohort graduation rate from 2009–10 through 2013–14.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>74.7%</td>
<td>77.1%</td>
<td>78.9%</td>
<td>80.4%</td>
<td>81.0%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>68.1%</td>
<td>71.4%</td>
<td>73.7%</td>
<td>75.7%</td>
<td>76.6%</td>
</tr>
<tr>
<td>American Indian</td>
<td>67.3%</td>
<td>68.5%</td>
<td>72.4%</td>
<td>72.8%</td>
<td>70.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>89.0%</td>
<td>90.3%</td>
<td>91.1%</td>
<td>91.6%</td>
<td>92.4%</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>72.3%</td>
<td>74.9%</td>
<td>77.0%</td>
<td>78.4%</td>
<td>80.4%</td>
</tr>
<tr>
<td>Filipino</td>
<td>87.4%</td>
<td>89.9%</td>
<td>90.8%</td>
<td>91.6%</td>
<td>92.2%</td>
</tr>
<tr>
<td>African American</td>
<td>60.5%</td>
<td>62.8%</td>
<td>66.0%</td>
<td>68.1%</td>
<td>68.2%</td>
</tr>
<tr>
<td>White</td>
<td>83.5%</td>
<td>85.7%</td>
<td>86.6%</td>
<td>87.7%</td>
<td>87.6%</td>
</tr>
<tr>
<td>Low Income</td>
<td>68.0%</td>
<td>71.1%</td>
<td>73.0%</td>
<td>74.8%</td>
<td>75.6%</td>
</tr>
<tr>
<td>English Learner</td>
<td>56.4%</td>
<td>61.5%</td>
<td>62.0%</td>
<td>63.1%</td>
<td>65.4%</td>
</tr>
<tr>
<td>Foster Youth</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>56.7%</td>
<td>59.5%</td>
<td>61.1%</td>
<td>61.9%</td>
<td>62.3%</td>
</tr>
</tbody>
</table>

In order to demonstrate the classification system that is consistent with the Alberta accountability methodology, statewide data were analyzed to calculate Outcome and Improvement. Outcome was derived from the three-year average of the cohort graduation rate while Improvement was calculated by measuring the three-year percentile change in cohort graduation rate (e.g., percent growth or decline).

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Based on the three-year averages of Outcome and three-year Improvement calculations, the table below shows the statewide distribution of results by decile. This provides a measure of relative standing for each LEA performance on Outcome and Improvement relative to the statewide distribution.

<table>
<thead>
<tr>
<th>Percentile</th>
<th>Outcome – 3-Year Average</th>
<th>Improvement – 3-Year Percentile Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>90th</td>
<td>96.1%</td>
<td>6.5%</td>
</tr>
<tr>
<td>80th</td>
<td>94.3%</td>
<td>3.9%</td>
</tr>
<tr>
<td>70th</td>
<td>92.3%</td>
<td>2.3%</td>
</tr>
<tr>
<td>60th</td>
<td>90.7%</td>
<td>1.4%</td>
</tr>
<tr>
<td>50th</td>
<td>88.8%</td>
<td>0.7%</td>
</tr>
<tr>
<td>40th</td>
<td>86.4%</td>
<td>-0.2%</td>
</tr>
<tr>
<td>30th</td>
<td>83.3%</td>
<td>-1.2%</td>
</tr>
<tr>
<td>20th</td>
<td>78.7%</td>
<td>-2.8%</td>
</tr>
<tr>
<td>10th</td>
<td>44.8% and below</td>
<td>-6.2%</td>
</tr>
</tbody>
</table>

**Recommended Evaluation Rubrics Standard:** California’s current federal accountability standard/target for graduation rate is 90 percent. Based on the analyses presented above, the 60th percentile corresponds to the 90 percent graduation rate for Outcome. The percent change at the 60th percentile is 1.4 percent growth for Improvement. Therefore, the current policy of a 90 percent graduation rate could be adjusted to correspond to the 60th percentile as the quality standard. Achieving at the 60th percentile or greater for Outcome and Improvement is then classified as “Very High and High.” Based on current data, approximately 40 percent of LEAs would meet or exceed this standard.

**Preliminary Summary and Next Steps**

To solicit input from LEAs on the process to align the ESSA with the LCFF, the UAT participants responded to the following:

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6 To calculate the deciles, the three-year graduation rate averages and percentile change were rank ordered from lowest to highest. The results were then divided into 10 equally sized groups or bands. Note that the deciles reflect the distribution of the results. Because graduation rates are clustered or skewed, the 50th percentile point falls above the average.
Based on what you know about ESSA, should local, state, and federal standards used for accountability be the same or different? In other words, should the quality standards for the evaluation rubrics be the same as federal accountability standard? Please explain.

A preliminary review of the responses reveals that users were generally in favor of aligning the federal accountability requirements with the state accountability requirements to create one coherent statewide accountability system. Although, given what is known at this time, the respondents clarified that the system must include multiple measures and local measures to generate meaningful results. Users also reported that one coherent system that does not require the duplication of submission of information and separate generation of reports for multiple accountability reports should be a goal for the new statewide accountability system.

Overall, the LEAs were pleased to see the ESEA reauthorized and viewed this as an opportunity to “get it right” this time. Therefore, the UAT participants support the proposal to add another phase to the pilot testing of the rubrics in order to have more time to review the research on all of the indicators and metrics to make a final selection for the “other” indicators as required by the ESSA. Further information and discussion on the specific alignment of standards and the role of growth in the context of a continuous improvement accountability system is necessary to ensure the final selection of indicators is relevant for the rubrics and state accountability system.

To establish the context for moving forward with aligning the federal and state accountability systems, a comprehensive summary of the UAT responses from Phase I and II will be shared with the UAT participants. A final summary of these responses will be posted on the WestEd LCFF Web site. The summary of responses will be also presented at future SBE meetings to help frame the conversation and direction of developing the evaluation rubrics system. Given the revised timeline to adopt the LCFF evaluation rubrics (Attachment 3), the UAT pilot process will be revised from the initial schedule of three phases to include a Phase IV. This will allow for an additional phase to present further options for growth and outcome on all of the proposed indicators and metrics for the ESSA and LCFF to support a coherent statewide accountability system.

12-30-15 [State Board of Education]
Timeline for the Proposed Transition to a New Accountability System,
Including Communication, Resources, and Outreach

The Local Control and Accountability Plan (LCAP), along with the Annual Update, the evaluation rubrics, and the California Collaborative for Educational Excellence (CCEE) support structure all function as components of the new accountability system. The California Department of Education (CDE) is developing more resources to support districts with the implementation of the funding formula that are available on the CDE Web site. These include questions and answers to commonly asked questions, an electronic template, funding snapshots, and the CDE LCAP Support Team. Below is additional information about best practices, including examples of executive summaries that succinctly describe local goals and planned actions to improve student outcomes.

In November, the State Board of Education (SBE) reviewed a draft implementation plan and requested the CDE provide a detailed work plan to outline the next steps to implement specific action items to transition to the new accountability system. Given the passage in December 2015 of the Every Student Succeeds Act (ESSA) reauthorizing the Elementary and Secondary Education Act (ESEA), the CDE will develop a draft work plan to integrate the required components for the federal accountability system. The timeline below will be revised to reflect the additional time that is necessary to integrate the federal accountability requirements with the draft framework and work plan for the new accountability system as the components of ESSA evolve through the regulatory process.

**Timeline for the Proposed Transition to the New Accountability System**

<table>
<thead>
<tr>
<th>SBE Meeting</th>
<th>Proposed Transition to ESSA Requirements</th>
<th>Development of LCFF Evaluation Rubrics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January 2016</strong></td>
<td>Solicit applications for the Title I Committee of Practitioners (COP).</td>
<td>Present example of quality standards and expectations for improvement using graduation rate as the example (Attachment 2).</td>
</tr>
<tr>
<td></td>
<td>Anticipate U.S. Department of Education (ED) providing guidance with intent to publish rules and regulations within six months.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public hearing on Every Student Succeeds Act (ESSA) on January 11, 2016, from 9 a.m. to 5 p.m. (EST) and January 19, 2016, from 9 a.m. to 5 p.m. (PT).</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>SBE Meeting</th>
<th>Proposed Transition to ESSA Requirements</th>
<th>Development of LCFF Evaluation Rubrics</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2016</td>
<td>The State Board of Education Screening Committee recommendations for appointments to the Title I COP.</td>
<td>Present the SBE with final design features of the evaluation rubrics based on User Acceptance Testing (UAT) and feedback.</td>
</tr>
<tr>
<td>May 2016</td>
<td>California Department of Education (CDE) solicits input from stakeholders.</td>
<td>Present the SBE with update on use and evaluation of the rubrics prototype.</td>
</tr>
<tr>
<td>July 2016</td>
<td>CDE drafts ESSA State Plan to conform to rules and regulations.</td>
<td>Finalize evaluation rubrics based on guidance from the SBE, feedback from local educational agencies (LEAs), county offices of education (COEs) and as appropriate input from stakeholders.</td>
</tr>
<tr>
<td>September 2016</td>
<td>CDE revises early draft of ESSA State Plan based on stakeholder input.</td>
<td>Finalize evaluation rubrics based on guidance from the SBE, feedback from local educational agencies (LEAs), county offices of education (COEs) and as appropriate input from stakeholders.</td>
</tr>
<tr>
<td>November 2016</td>
<td>Draft ESSA State Plan for SBE Review.</td>
<td>Final Local Control Funding Formula (LCFF) Evaluation Rubrics for SBE Adoption.</td>
</tr>
<tr>
<td>January 2017</td>
<td>CDE revises ESSA State Plan based on stakeholder feedback and submits to SBE for approval at January meeting.</td>
<td>CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.</td>
</tr>
<tr>
<td>June 2017 (or earlier)</td>
<td>Accepted ESSA State Plan is published.</td>
<td>CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.</td>
</tr>
<tr>
<td>July 2017</td>
<td>New Accountability System begins August 2017.</td>
<td>CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.</td>
</tr>
</tbody>
</table>
Communication and Outreach

A summary of the communication and outreach sessions that have been completed since the November 2015 SBE meeting are presented below. The new accountability system will support continuous learning and improvement, equity, and transparency and will be grounded in state and local partnerships to sustain its implementation.

- **Policy Stakeholder Session** – On December 18th 2015, WestEd convened representatives from statewide and community-based organizations to review the draft quality standards for the proposed key indicators in the draft evaluation rubrics. The mock-ups shared with the group were the same sections reviewed and tested through the User Acceptance Testing (UAT) Phase II pilot process. The input provided will be used to help inform the development of the standards and display options of the evaluation rubrics.

- **User Acceptance Testing (UAT)** – representatives from over 30 LEAs participated in the UAT Phase I. These LEAs provided input on draft practice and quality standard content for the Graduation section of the evaluation rubrics (http://lcff.wested.org/local-control-funding-formula-evaluation-rubrics-examples-october-2015/). Participants provided information on local data management practices, design options for data displays and analyses that are user friendly, helpful for local reflective processes, and to determine if technical assistance is necessary. LEAs responded to structured interview questions to help clarify the connection points to the workflow process through their anticipated use of the rubrics (http://lcff.wested.org/evaluation-rubrics-phase-i-user-acceptance-testing-reflection-questions/). Specifically, participants explained the potential interaction between the evaluation rubrics and the planning and development processes for the LCAP and Annual Update development, in addition to other strategic plans and school site plans. Representatives from COEs provided input on the process completing mock district reviews as the role of the service provider. The review of the example evaluation rubrics content helped clarify from the LEAs perspective, what is necessary for planning, reflecting, and evaluating processes to support county, district, and school plans. A preliminary overview of the UAT Phase II is presented in Attachment 2.

Resources

Implementation of the new funding formula and LCAPs have dramatically changed the budgeting process for LEAs. The elimination of more than 40 state categorical programs and a shift away from compliance means less time tracking categorical funds and more time creating systems of support for local students. Recent and substantial funding increases are accelerating improvements. There is evidence of more parent and community engagement, greater collaboration between fiscal and curriculum leaders, improved three-year planning processes, and a focus on the State’s educational priorities.
The SBE and the CDE are continuing to gather feedback on the LCAP template and process with the goal of making another round of improvements before the 2017–18 school year. To date, the vast majority of stakeholders have urged the SBE to keep the current template in place for this year. Future changes will build on existing strengths and address identified barriers to the LCAP serving as a meaningful planning tool that results in clear communication of how local strategic resource decisions are intended to reach specific student outcome goals.

- To support local planning and budgeting, the online posting of resources specific to LCFF information and implementation is located on the CDE LCFF Web page at [http://www.cde.ca.gov/fg/aa/lc/index.asp](http://www.cde.ca.gov/fg/aa/lc/index.asp). Additional Frequently Asked Questions (FAQs) have been posted to help clarify the LCAP process.

- Information on the development of the LCFF evaluation rubrics is located on the WestEd LCFF Web site at [http://lcff.wested.org/](http://lcff.wested.org/).

- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE LCFF listserv. To receive updates regarding the LCFF via e-mail notification, subscribe to the LCFF listserv by sending a "blank" message to join-LCFF-list@mlist.cde.ca.gov.

The list of resources below provides some examples of LEAs that coordinated and synthesized LCAP content through the use of executive summaries.

**LCAP Executive Summaries**


- Huntington Beach Unified School District ([http://www.hbuhsd.edu/ourpages/auto/2015/6/10/43671366/LCAP%202015%20Executive%20Summary%20FINAL.pdf](http://www.hbuhsd.edu/ourpages/auto/2015/6/10/43671366/LCAP%202015%20Executive%20Summary%20FINAL.pdf))


12-30-15 [State Board of Education and California Department of Education]
California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052

Education Code 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 its 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.

Education Code Section 47607.3.
(a) If a charter school fails to improve outcomes for three or more pupil subgroups identified pursuant to Section 52052, or, if the charter school has less than three pupil subgroups, all of the charter school’s pupil subgroups, in regard to one or more state or school priority identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, in three out of four consecutive school years, all of the following shall apply:

(1) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the chartering authority shall provide technical assistance to the charter school.

(2) The Superintendent may assign, at the request of the chartering authority and with the approval of the state board, the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Section 52074.

(b) A chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance pursuant to subdivision (a) and about which it has made either of the following findings, which shall be submitted to the chartering authority:

(1) That the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.
(2) That the inadequate performance of the charter school, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or so acute as to require revocation of the charter.

(c) The chartering authority shall consider increases in pupil academic achievement for all pupil subgroups served by the charter school as the most important factor in determining whether to revoke the charter.

(d) A chartering authority shall comply with the hearing process described in subdivision (e) of Section 47607 in revoking a charter. A charter school may not appeal a revocation of a charter made pursuant to this section.

Education Code Section 52071.
(a) If a county superintendent of schools does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a governing board of a school district, or if the governing board of a school district requests technical assistance, the county superintendent of schools shall provide technical assistance, including, among other things, any of the following:

(1) Identification of the school district’s strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52060, communicated in writing to the school district. This identification shall include a review of effective, evidence-based programs that apply to the school district’s goals.

(2) Assignment of an academic expert or team of academic experts to assist the school district in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups identified pursuant to Section 52052. The county superintendent of schools may also solicit another school district within the county to act as a partner to the school district in need of technical assistance.

(3) Request that the Superintendent assign the California Collaborative for Educational Excellence to provide advice and assistance to the school district.

(b) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the county superintendent of schools shall provide the technical assistance described in subdivision (a) to any school district that fails to improve pupil achievement across more than one state priority described in subdivision (d) of Section 52060 for one or more pupil subgroup identified pursuant to Section 52052.

(c) Technical assistance provided pursuant to this section at the request of a school district shall be paid for by the school district requesting the assistance.

Education Code Section 52071.5.
(a) If the Superintendent does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a county board of education, or if the county board of education requests technical assistance, the Superintendent shall provide technical assistance, including, among other things, any of the following:

(1) Identification of the county board of education’s strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52066, communicated in
writing to the county board of education. This identification shall include a review of effective, evidence-based programs that apply to the board’s goals.

(2) Assignment of an academic expert or team of academic experts, or the California Collaborative for Educational Excellence established pursuant to Section 52074, to assist the county board of education in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups identified pursuant to Section 52052. The Superintendent may also solicit another county office of education to act as a partner to the county office of education in need of technical assistance.

(b) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the Superintendent shall provide the technical assistance described in subdivision (a) to any county office of education that fails to improve pupil achievement in regard to more than one state priority described in subdivision (d) of Section 52066 for one or more pupil subgroups identified pursuant to Section 52052.

(c) Technical assistance provided pursuant to this section at the request of a county board of education shall be paid for by the county board of education receiving assistance.

**Education Code Section 52072.**

(a) The Superintendent may, with the approval of the state board, identify school districts in need of intervention.

(b) The Superintendent shall only intervene in a school district that meets both of the following criteria:

(1) The school district did not improve the outcomes for three or more pupil subgroups identified pursuant to Section 52052 or, if the school district has less than three pupil subgroups, all of the school district’s pupil subgroups, in regard to more than one state or local priority in three out of four consecutive school years.

(2) The California Collaborative for Educational Excellence has provided advice and assistance to the school district pursuant to Section 52071 and submits either of the following findings to the Superintendent:

(A) That the school district has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.

(B) That the inadequate performance of the school district, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention by the Superintendent.

(c) For school districts identified pursuant to subdivision (a), the Superintendent may, with the approval of the state board, do one or more of the following:

(1) Make changes to a local control and accountability plan adopted by the governing board of the school district.

(2) Develop and impose a budget revision, in conjunction with revisions to the local control and accountability plan, that the Superintendent determines would allow the school district to improve the outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state and local priorities.
(3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state or local priorities.

(4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

(d) The Superintendent shall notify the county superintendent of schools, the county board of education, the superintendent of the school district, and the governing board of the school district of any action by the state board to direct him or her to exercise any of the powers and authorities specified in this section.

**Education Code Section 52072.5.**

(a) The Superintendent may, with the approval of the state board, identify county offices of education in need of intervention.

(b) The Superintendent shall only intervene in a county office of education that meets both of the following criteria:

1. The county office of education did not improve the outcomes for three or more pupil subgroups identified pursuant to Section 52052 or, if the county office of education has less than three pupil subgroups, all of the county office of education’s pupil subgroups, in regard to more than one state or local priority in three out of four consecutive school years.

2. The California Collaborative for Educational Excellence has provided advice and assistance to the county office of education pursuant to Section 52071.5 and submits either of the following findings to the Superintendent:

   (A) That the county office of education has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.

   (B) That the inadequate performance of the county office of education, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention by the Superintendent.

(c) For county offices of education identified pursuant to subdivision (a), the Superintendent may, with the approval of the state board, do one or more of the following:

1. Make changes to a local control and accountability plan adopted by the county board of education.

2. Develop and impose a budget revision, in conjunction with revisions to the local control and accountability plan, that the Superintendent determines would allow the county office of education to improve the outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state and local priorities.

3. Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the county office of education from improving outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state or local priorities.
(4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

(d) The Superintendent shall notify the county board of education and the county superintendent of schools, in writing, of any action by the state board to direct him or her to exercise any of the powers and authorities specified in this section.

**Education Code Section 52060.**

(a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by the governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by the governing board of a school district shall include, for the school district and each school within the school district, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as defined in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to former Section 60811.3, as that section read on June 30, 2013, or Section 60811.4, for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including
how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) 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 that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(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, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(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.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs,
and the programs and services that are provided to benefit these pupils as a result of
the funding received pursuant to Section 42238.02, as implemented by Section
42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and
subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), the governing board of
a school district may consider qualitative information, including, but not limited to,
findings that result from school quality reviews conducted pursuant to subparagraph (J)
of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall
be reported in a manner consistent with how information is reported on a school
accountability report card.

(g) The governing board of a school district shall consult with teachers, principals,
administrators, other school personnel, local bargaining units of the school district,
parents, and pupils in developing a local control and accountability plan.

(h) A school district may identify local priorities, goals in regard to the local priorities,
and the method for measuring the school district’s progress toward achieving those
goals.

**Education Code Section 52066.**

(a) On or before July 1, 2014, each county superintendent of schools shall develop, and
present to the county board of education for adoption, a local control and accountability
plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a county board of education shall
be effective for a period of three years, and shall be updated on or before July 1 of each
year.

(c) A local control and accountability plan adopted by a county board of education shall
include, for each school or program operated by the county superintendent of schools,
both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils
identified pursuant to Section 52052, to be achieved for each of the state priorities
identified in subdivision (d), as applicable to the pupils served, and for any additional
local priorities identified by the county board of education.

(2) A description of the specific actions the county superintendent of schools will take
during each year of the local control and accountability plan to achieve the goals
identified in paragraph (1), including the enumeration of any specific actions necessary
for that year to correct any deficiencies in regard to the state priorities listed in
paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions
of existing local collective bargaining agreements within the jurisdiction of the county
superintendent of schools.

(d) All of the following are state priorities:
(1) The degree to which the teachers in the schools or programs operated by the county superintendent of schools are appropriately assigned in accordance with Section 44258.9 and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the schools or programs operated by the county superintendent of schools has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to Section 60811.3 for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the county superintendent of schools makes to seek parent input in making decisions for each individual schoolsite and program operated by a county superintendent of schools, and including how the county superintendent of schools will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:
   (A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.
   (B) The Academic Performance Index, as described in Section 52052.
   (C) 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 that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.
   (D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.
   (E) The English learner reclassification rate.
   (F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.
   (G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(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, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(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.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the program and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(9) How the county superintendent of schools will coordinate instruction of expelled pupils pursuant to Section 48926.

(10) How the county superintendent of schools will coordinate services for foster children, including, but not limited to, all of the following:

(A) Working with the county child welfare agency to minimize changes in school placement.

(B) Providing education-related information to the county child welfare agency to assist the county child welfare agency in the delivery of services to foster children, including, but not limited to, educational status and progress information that is required to be included in court reports.

(C) Responding to requests from the juvenile court for information and working with the juvenile court to ensure the delivery and coordination of necessary educational services.

(D) Establishing a mechanism for the efficient expeditious transfer of health and education records and the health and education passport.

(e) For purposes of the descriptions required by subdivision (c), a county board of education may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.
(g) The county superintendent of schools shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the county office of education, parents, and pupils in developing a local control and accountability plan.

(h) A county board of education may identify local priorities, goals in regard to the local priorities, and the method for measuring the county office of education's progress toward achieving those goals.

**Education Code Section 52064.**

(a) On or before March 31, 2014, the state board shall adopt templates for the following purposes:

1. For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

2. For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.

3. For use by charter schools to meet the requirements of Section 47606.5.

(b) The templates developed by the state board shall allow a school district, county superintendent of schools, or charter school to complete a single local control and accountability plan to meet the requirements of this article and the requirements of the federal No Child Left Behind Act of 2001 related to local educational agency plans pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110. The state board shall also take steps to minimize duplication of effort at the local level to the greatest extent possible. The template shall include guidance for school districts, county superintendents of schools, and charter schools to report both of the following:

1. A listing and description of expenditures for the 2014–15 fiscal year, and each fiscal year thereafter, implementing the specific actions included in the local control and accountability plan.

2. A listing and description of expenditures for the 2014–15 fiscal year, and each fiscal year thereafter, that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply and pupils redesignated as fluent English proficient.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) The state board shall adopt the template pursuant to the requirements of 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 state board may adopt emergency regulations for purposes of implementing this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(e) Notwithstanding subdivision (d), the state board may adopt the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the
Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This subdivision shall become inoperative on January 31, 2018.

(f) Revisions to a template or evaluation rubric shall be approved by the state board by January 31 before the fiscal year during which the template or evaluation rubric is to be used by a school district, county superintendent of schools, or charter school.

(g) The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

*Education Code Section 52052.*

(a) (1) The Superintendent, with the approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools and school districts, especially the academic performance of pupils.

(2) A school or school district shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school or school district, including:

(A) Ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English learners.

(D) Pupils with disabilities.

(E) Foster youth.

(F) Homeless youth.

(3) (A) For purposes of this section, a numerically significant pupil subgroup is one that consists of at least 30 pupils, each of whom has a valid test score.

(B) Notwithstanding subparagraph (A), for a subgroup of pupils who are foster youth or homeless youth, a numerically significant pupil subgroup is one that consists of at least 15 pupils.

(C) For a school or school district with an API score that is based on no fewer than 11 and no more than 99 pupils with valid test scores, numerically significant pupil subgroups shall be defined by the Superintendent, with approval by the state board.

(4) (A) The API shall consist of a variety of indicators currently reported to the department, including, but not limited to, the results of the achievement test administered pursuant to Section 60640, attendance rates for pupils in elementary
schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools.

(B) The Superintendent, with the approval of the state board, may also incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school, and successfully matriculate from middle school to high school.

(C) Graduation rates for pupils in secondary schools shall be calculated for the API as follows:

(i) Four-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be three school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (vi).

(vi) The number of pupils entering grade 9 for the first time in the school year five years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was five school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was five years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(D) The inclusion of five- and six-year graduation rates for pupils in secondary schools shall meet the following requirements:
(i) Schools and school districts shall be granted one-half the credit in their API scores for graduating pupils in five years that they are granted for graduating pupils in four years.

(ii) Schools and school districts shall be granted one-quarter the credit in their API scores for graduating pupils in six years that they are granted for graduating pupils in four years.

(iii) Notwithstanding clauses (i) and (ii), schools and school districts shall be granted full credit in their API scores for graduating in five or six years a pupil with disabilities who graduates in accordance with his or her individualized education program.

(E) The pupil data collected for the API that comes from the achievement test administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, when fully implemented, shall be disaggregated by special education status, English learners, socioeconomic status, gender, and ethnic group. Only the test scores of pupils who were counted as part of the enrollment in the annual data collection of the California Basic Educational Data System for the current fiscal year and who were continuously enrolled during that year may be included in the test result reports in the API score of the school.

(F) (i) Commencing with the baseline API calculation in 2016, and for each year thereafter, results of the achievement test and other tests specified in subdivision (b) shall constitute no more than 60 percent of the value of the index for secondary schools.

(ii) In addition to the elements required by this paragraph, the Superintendent, with the approval of the state board, may incorporate into the index for secondary schools valid, reliable, and stable measures of pupil preparedness for postsecondary education and career.

(G) Results of the achievement test and other tests specified in subdivision (b) shall constitute at least 60 percent of the value of the index for primary schools and middle schools.

(H) It is the intent of the Legislature that the state’s system of public school accountability be more closely aligned with both the public’s expectations for public education and the workforce needs of the state’s economy. It is therefore necessary that the accountability system evolve beyond its narrow focus on pupil test scores to encompass other valuable information about school performance, including, but not limited to, pupil preparedness for college and career, as well as the high school graduation rates already required by law.

(I) The Superintendent shall annually determine the accuracy of the graduation rate data. Notwithstanding any other law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, “dropout recovery high school” means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department or left a school and were not otherwise enrolled in a school for a period of at least 180 days.

(J) To complement the API, the Superintendent, with the approval of the state board, may develop and implement a program of school quality review that features locally
convened panels to visit schools, observe teachers, interview pupils, and examine pupil work, if an appropriation for this purpose is made in the annual Budget Act.

(K) The Superintendent shall annually provide to local educational agencies and the public a transparent and understandable explanation of the individual components of the API and their relative values within the API.

(L) An additional element chosen by the Superintendent and the state board for inclusion in the API pursuant to this paragraph shall not be incorporated into the API until at least one full school year after the state board’s decision to include the element into the API.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

(c) Based on the API, the Superintendent shall develop, and the state board shall adopt, expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the state board pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between the actual API score of a school and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the state board may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement. To meet its growth target, a school shall demonstrate that the annual growth in its API is equal to or more than its schoolwide annual percentage growth target and that all numerically significant pupil subgroups, as defined in subdivision (a), are making comparable improvement.

(d) Upon adoption of state performance standards by the state board, the Superintendent shall recommend, and the state board shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target.

(e) (1) A school or school district with 11 to 99 pupils with valid test scores shall receive an API score with an asterisk that indicates less statistical certainty than API scores based on 100 or more test scores.

(2) A school or school district annually shall receive an API score, unless the Superintendent determines that an API score would be an invalid measure of the performance of the school or school district for one or more of the following reasons:

(A) Irregularities in testing procedures occurred.

(B) The data used to calculate the API score of the school or school district are not representative of the pupil population at the school or school district.
(C) Significant demographic changes in the pupil population render year-to-year comparisons of pupil performance invalid.

(D) The department discovers or receives information indicating that the integrity of the API score has been compromised.

(E) Insufficient pupil participation in the assessments included in the API.

(F) A transition to new standards-based assessments compromises comparability of results across schools or school districts. The Superintendent may use the authority in this subparagraph in the 2013–14 and 2014–15 school years only, with the approval of the state board.

(3) If a school or school district has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

(4) Any school or school district that does not receive an API calculated pursuant to subparagraph (F) of paragraph (2) shall not receive an API growth target pursuant to subdivision (c). Schools and school districts that do not have an API calculated pursuant to subparagraph (F) of paragraph (2) shall use one of the following:

(A) The most recent API calculation.

(B) An average of the three most recent annual API calculations.

(C) Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

(h) For purposes of this section, county offices of education shall be considered school districts.

(i) For purposes of this section, “homeless youth” has the same meaning as in Section 11434a(2) of Title 42 of the United States Code.
California Assessment of Student Performance and Progress: Update on Program Activities, including, but not limited to, Smarter Balanced Assessments (Summative, Interim, and Digital Library Resources), Technology, Summative Assessment in Primary Languages Other than English, California Alternate Assessment, California Next Generation Science Standards Assessments, and Outreach Activities.

SUMMARY OF THE ISSUE(S)

This item reflects the collaboration of the Assessment Development and Administration Division (ADAD), the Educational Data Management Division (EDMD), the Special Education Division (SED), and the Analysis, Measurement, and Accountability Reporting Division (AMARD) of the California Department of Education (CDE) with regard to the California Assessment of Student Performance and Progress (CAASPP) System.

Update on Smarter Balanced Summative Assessments

The CDE plans to launch the 2015–16 Smarter Balanced Summative Assessments on January 19, 2016. Local educational agencies (LEAs) will have access to the Smarter Balanced Summative Assessments only during the LEA’s selected testing window.

Beginning on January 6, 2016, and continuing through February 3, 2016, CAASPP Pretest Workshops will be conducted in 17 locations across the state. These workshops, in addition to the Webcast, will include information for the attendees on the summative achievement testing (including Smarter Balanced Summative Assessments), security, appeals, scoring, and reporting. Specific dates, times, and locations can be found on the CAASPP Web site at http://www.caaspp.org.

Update on Smarter Balanced Interim Assessments

As of December 8, 2015 a total of 1,179,384 interim assessments had been started and 1,053,666 completed across 576 California LEAs.

In November 2015, presentation slides and handouts from the Digital Library and Interim Assessment Clinics were posted on the CDE CAASPP Web page at http://www.caaspp.org/training/dl-and-ia/. These in-person clinics were provided to LEA...
CAASPP coordinators throughout the state by Educational Testing Service (ETS) in October 2015 as part of the CAASPP administration contract.

In December 2015, video recordings and presentation slides from the Interim Assessment Hand Scoring Workshops were posted in the Test Operations Management System, a secure Web site for California educators involved in administering CAASPP assessments. These in-person workshops were provided throughout the state by ETS in October 2015 as part of the CAASPP administration contract.

In January 2016, the CDE plans to post informational videos on the CDE CAASPP Web page to familiarize and train educators to effectively use the Smarter Balanced Interim Assessments. Specific topics to be covered in the videos will include, but not be limited to, an overview of the Smarter Balanced Interim Assessments, the Interim Assessment Viewing System, the Interim Assessment Test Administrator Interface, the Interim Assessment Hand Scoring System, and the Interim Assessment Reporting System.

Update on Smarter Balanced Digital Library of Formative Assessment Resources

As of December 8, 2015, over 259,239 California educators were registered users of the Smarter Balanced Digital Library. Smarter Balanced will conduct a workshop for State Network of Educator (SNE) members across Smarter Balanced member states on January 25-27, 2016, in Portland, Oregon. The SNE is a group of educators from Smarter Balanced member states that are trained to contribute and review resources for inclusion in the Digital Library. The January SNE workshop will focus on:

- Developing and vetting newly-contributed resources using quality criteria.
- Developing playlists of resources. Playlists, which are lists of Digital Library resources regarding specific subjects (i.e., the formative assessment process, assessment literacy) will be a new feature in the Digital Library.
- Reviewing and making necessary adjustments to resource tags. Resource tags are the subject, grade, media type, and end user labels for Digital Library resources and can be used to help identify resources when conducting searches within the Digital Library.

Technology Update

The CDE continues to assist the K–12 High Speed Network (K12HSN) with the implementation of the Broadband Infrastructure Improvement Grant (BIIG) programs, which are designed to assist schools improve their connection to the Internet to administer computer-based assessments. In the first round of funding (BIIG 1.0) from the 2014–15 school year, there are 11 sites completed with data passing through the circuits. There are 13 sites with circuit installation waiting for equipment. There are 137 sites with Work in Progress and 11 pending circuit installation dates.
For additional information about the status of the remaining sites receiving upgraded connections from BIIG 1.0, please visit the K12HSN BIIG Circuit Installation Web page at [https://sites.google.com/a/icoeapps.org/biig/](https://sites.google.com/a/icoeapps.org/biig/). (Note: If the preceding link does not display properly, copy and paste the Web address to a Web browser directly.)

The application deadline for BIIG 2.0 concluded on September 30, 2015, and as of November 16, 2015, 890 sites have been evaluated. Fifty-four of the 58 counties have at least one site included in the application phase representing approximately 600 sites. Of these sites, 14 sites are Priority 1, which are sites that are unable to administer CAASPP assessments on their current network. An additional 200+ sites are Priority 2, which represents schools that have limited bandwidth for administering computer-based assessments. The remaining 400+ sites are Priority 3, which represents underconnected schools. Funding to Priority 3 schools will only be considered if funds are available.

These applications are ranked by the lowest connection capacity. The bid process to solicit solutions for school sites in the application phase closed on December 14, 2015, in which 25+ service providers submitted bids. Over the next three to four weeks bids will be reviewed and recommendations prepared by late January.

Three bidder’s conferences were provided. All three were recorded and will be available online at the BIIG Web site. A total of 38 attendees participated in the first conference:

- **Northern:** 2 (Suddenlink)
- **Central:** 14 (Level 3, Education Super Highway, Zayo, AT&T, Frontier, Wave, Comcast, North Coast Networks, CVIN, Fatbeam)
- **Southern:** 22 (Wilcon, VectorUSA, Conterra, Charter, Praxis, LV.net, Verizon, BrightHouse, WiLine, Time Warner, Sunesys, Zayo, GeoLinks)

Thirty-four applicants participated in the second conference and 19 in the third. The conferences are designed to manage applicant expectations and provide them information related to next steps as well as answer questions and create an online Frequently Asked Questions.

Bidders have until December 4, 2015, to propose solutions and bid on projects to support the sites in Priority 1, 2, 2B, and 3. Evaluations of the bids, which include a Technical Peer Review and Stakeholder Review, will occur in December 2015 and January 2016.

**California Alternate Assessment**

In December, the CDE will update the CDE California Alternate Assessment (CAA) Web page to include new CAA participation guides for teachers and parents. These are two important resources for individualized education program (IEP) teams for making a decision for a student to participate in an alternate assessment.

In December, approximately 24 teachers (who administered the CAA field test, work with students with significant cognitive disabilities and/or who are English language arts
or mathematics teachers who have some experience with the CAA student populations, and are from regions across the state representing teaching either elementary, middle, or high school students) will come together to review over 800 newly developed CAA items in terms of alignment to the Core Content Connectors, and for review of bias and sensitivity. This review is done in preparation for inclusion of the items on the 2016 form.

In December, the CDE received additional information about the potential licensing of assessment items developed by the National Center and State Collaborative. The CDE is reviewing the licensing agreements and will share additional information with the SBE in future meetings.

The CDE is developing an informational video on the transition from the California Alternate Performance Assessment (CAPA) to the new CAA. This video will highlight the new CAA and the enhanced item types. This video will be available in mid-February.

In January, the CDE will provide LEAs with training materials, videos, and Webcasts to support the administration of the 2016 CAA.

**California Next Generation Science Standards Assessments**

In November, the CDE hosted a meeting of representatives from the Stanford University Stanford Network Analysis Project (SNAP) and the Council of Chief State School Officers Science Assessment Item Collaborative (SAIC). Outreach continues in this partnership and with our contractor for the development of a test development plan for the California Next Generation Science Standards (CA NGSS) and CA NGSS–Alternate assessments.

**Outreach and Professional Development Activities**

In October and November 2015, the CDE, through a contract with the Sacramento County Office of Education (SCOE), delivered the first of a two-part CAASPP Institute for LEA teams throughout the state. In November 2015, funding became available to provide up to five additional CAASPP Institutes. The CDE is working with the SCOE on a contract amendment for this additional outreach. The second half of the CAASPP Institute will be delivered in February and March 2016. After the in-person trainings are completed, each part of the CAASPP Institute will be video recorded in a studio environment and made available in modules on the CDE Web site.

**RECOMMENDATION**

This item is for information only. No specific action is recommended at this time.

**BRIEF HISTORY OF KEY ISSUES**

Per California *Education Code (EC)* Section 60640, the CAASPP System succeeded the Standardized Testing and Reporting (STAR) Program on January 1, 2014.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In December 2015, the CDE provided the SBE with two Information Memoranda on the Conducted and Planned Studies of the Validity, Reliability, and Fairness of the California Assessment of Student Performance and Progress System and an Update on the Successor Primary Language Test.

(http://www.cde.ca.gov/be/pn/im/informemodestdec2015.asp) [not posted yet]

In November 2015, the CDE provided the SBE with an update on the various CAASPP activities on the enhancements to the test delivery system, regional trainings held throughout the state, and an Early Assessment Program presentation by Carolina Cardenas, Director, Academic Outreach and Early Assessment.

(http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03a1.pdf)

In October 2015, the CDE provided the SBE with two Information Memoranda on the CAASPP post-test survey and focus group results and the CAASPP 2014–15 Summative Assessment reports.

(http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item02.doc)
(http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item03.doc)

In September 2015, the CDE provided a pre-release CAASPP briefing to the SBE including a preview of the new public reporting Web site to report the results for the English language arts/literacy and mathematics assessments. The CDE also announced the posting of the Parent Guide to the Smarter Balanced Summative Assessments, Overview and Sample Questions for three grade spans (three through five, six through eight, and eleven). These guides are posted on the CDE CAASPP Web page under the Students and Parents tab at


(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01.doc)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01a2.pdf)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01addendum.doc)

In August 2015, the CDE provided the SBE with an Information Memorandum on the California Assessment of Student Performance and Progress: Summary Results from Teacher and Student Feedback Sessions.

(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-aug15item04.doc)
(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-aug15item04a1.pdf)

In June 2015, the CDE provided the SBE with an Information Memorandum on the CAASPP pre-test survey results and an update on the stakeholder meeting for CA NGSS assessments required by the Elementary and Secondary Education Act.

(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item04.doc)
(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item04a1.doc)

In May 2015, the SBE approved ETS as the new CAASPP contractor.

(http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc)
In April 2015, the CDE provided the SBE with an Information Memorandum on the process used to recruit, train, and monitor raters for the hand scoring of the Smarter Balanced Summative Assessment items. (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-apr15item04.doc)

In March 2015, the SBE approved the CAASPP Individual Student Report (ISR) with technical edits. (http://www.cde.ca.gov/be/ag/yr15/documents/mar15item03.doc)

In January 2015, the CDE provided the SBE with an update on the BIIG, the progress of the Smarter Balanced Interim Assessments, the Digital Library, the California Alternate Assessments, and the plan for reporting the 2014–15 CAASPP results. (http://www.cde.ca.gov/be/ag/yr15/documents/jan15item01.doc) (http://www.cde.ca.gov/be/ag/yr15/documents/jan15item01slides.pdf)

In November 2014, the CDE provided the SBE with an update on CAASPP activities, including Smarter Balanced, achievement level setting, and technology. (http://www.cde.ca.gov/be/ag/yr14/documents/nov14item02.doc) (http://www.cde.ca.gov/be/ag/yr14/documents/nov14item02a2.pdf) (http://www.cde.ca.gov/be/ag/yr14/documents/nov14item02slides.pdf)

In November 2014, the SBE approved the State Superintendent of Public Instruction’s recommendations for the full implementation of a technology-enabled assessment system and the administration of the Smarter Balanced Summative Assessments in 2014–15. (http://www.cde.ca.gov/be/ag/yr14/documents/nov14item03.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 Budget Act provides $50 million for the K–12 High Speed Network (K12HSN) for the BIIG program grants for LEAs and $10 million for the K12HSN professional development and technical assistance activities.

The 2015 Budget Act also provides $94 million in funding for CAASPP contract activities in 2015–16. This funding is being utilized for the following CAASPP contracts:

- Contract activities provided by ETS ($83.6 million: $7.6 million in Contract 5417; $76 million in CN150012) were approved by the SBE for test administration and development activities, including the development of CA NGSS and primary language assessments per SBE input

- A contract with the University of California, Los Angeles ($8 million) was approved by the SBE for Smarter Balanced consortium-managed services, including access to the Smarter Balanced Summative Assessments, Interim Assessments, and Digital Library tools

- A contract with the Human Resources Research Association ($774,117) for a multi-year independent evaluation of the CAASPP System per requirements in California EC Section 60649
A contract with SCOE ($1.5 million in one-time funding) for CAASPP support activities, including regional CAASPP Institutes and Senior Assessment Fellows services per authority in the 2015 Budget Act (6100-113-0001, Provision 13)

Funding for 2016–17 and beyond will be contingent upon an annual appropriation being made available from the Legislature in future fiscal years.

ATTACHMENT(S)

Attachment 1: California Assessment of Student Performance and Progress Outreach and Professional Development Activities (5 Pages)
California Assessment of Student Performance and Progress Outreach and Professional Development Activities

The California Department of Education (CDE), in coordination with its assessment contractor and CDE Senior Assessment Fellows, have provided a variety of outreach activities to prepare local educational agencies (LEAs) for the administration of California Assessment of Student Performance and Progress (CAASPP) System. Outreach efforts have included Webcasts, in-person test administration workshops, focus group meetings, and presentations for numerous LEAs throughout the state. The following table lists presentations during November and December 2015. In addition, the CDE continues to release information regarding the CAASPP System, including weekly updates, on its Web site and through e-mail Listservs.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Location</th>
<th>Assessment</th>
<th>Number of Attendees</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/16/15</td>
<td>Northern California</td>
<td>CAASPP System Expansion meetings</td>
<td>16</td>
<td>Advisory Panel Meeting—CDE staff, in collaboration with WestEd and San Joaquin County Office of Education (SJCOE), conducted advisory panel meetings to present and receive feedback on the Guiding Principles that will inform the Superintendent’s recommendations for CAASPP expansion.</td>
</tr>
<tr>
<td>11/17/15</td>
<td>Southern California</td>
<td>CAASPP System Expansion meetings</td>
<td>17</td>
<td>Advisory Panel Meeting—CDE staff, in collaboration with WestEd and SJCOE, conducted advisory panel meetings to present and receive feedback on the Guiding Principles that will inform the Superintendent’s recommendations for CAASPP expansion.</td>
</tr>
<tr>
<td>12/8/15</td>
<td>Sacramento</td>
<td>CAASPP System Expansion meetings</td>
<td>14</td>
<td>Higher Education Advisory Panel Meeting—CDE staff, in collaboration with WestEd and SJCOE, conducted advisory panel meetings to present and receive feedback on the Guiding Principles that will inform the Superintendent’s recommendations for CAASPP expansion.</td>
</tr>
</tbody>
</table>
### Webcasts

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Location</th>
<th>Assessment</th>
<th>Number of Attendees</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/17/15</td>
<td>Webcast</td>
<td>CAASPP Testing</td>
<td>685</td>
<td>This Webcast, presented by both CDE and Educational Testing Service (ETS) staff for LEA CAASPP coordinators and California Longitudinal Pupil Achievement Data System (CALPADS) coordinators, provided information on the CALPADS Integration with CAASPP and Preparing Technology for 2015–16 CAASPP Testing.</td>
</tr>
<tr>
<td>11/19/15</td>
<td>Webcast</td>
<td>CAASPP Stakeholders Meeting</td>
<td>15*</td>
<td>Provided updates and collected feedback on: Student Score Report, CAASPP expansion, California Alternate Assessment (CAA), and feedback on CAASPP Institutes and Clinics.</td>
</tr>
<tr>
<td>12/16/15</td>
<td>Webcast</td>
<td>2016 CAASPP Accessibility and Accommodations</td>
<td>TBD</td>
<td>This Webcast, presented by both CDE and ETS staff for LEA CAASPP coordinators, provided an update regarding the use and assignment of accessibility and accommodations for the 2016 CAASPP assessments.</td>
</tr>
</tbody>
</table>

### ETS Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Location</th>
<th>Assessment</th>
<th>Number of Attendees</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12/15</td>
<td>Los Angeles</td>
<td>Draft CAASPP Student Score Report</td>
<td>10</td>
<td>Gathered feedback from teachers on a draft of the Student Score Report.</td>
</tr>
<tr>
<td>11/12/15</td>
<td>Los Angeles</td>
<td>Draft CAASPP Student Score Report</td>
<td>10</td>
<td>Gathered feedback from parents on a draft of the Student Score Report.</td>
</tr>
<tr>
<td>11/13/15</td>
<td>Sunnyvale</td>
<td>Draft CAASPP Student Score Report</td>
<td>10</td>
<td>Gathered feedback from teachers on a draft of the Student Score Report.</td>
</tr>
</tbody>
</table>
## ETS Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Location</th>
<th>Assessment</th>
<th>Number of Attendees</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/13/15</td>
<td>Sunnyvale</td>
<td>Draft CAASPP Student Score Report</td>
<td>10</td>
<td>Gathered feedback from parents on a draft of the Student Score Report.</td>
</tr>
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## Presentations by CDE Staff

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Location</th>
<th>Event Name</th>
<th>Number of Attendees</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/10/15</td>
<td>Sacramento</td>
<td>Regional Assessment Network</td>
<td>25*</td>
<td>Presented a general update on the CAASPP System.</td>
</tr>
<tr>
<td>11/19/15</td>
<td>Sacramento</td>
<td>Special Education Administrators of County Offices (SEACO)</td>
<td>45*</td>
<td>Overview and update on CAA development and activities.</td>
</tr>
<tr>
<td>11/19/15–11/20/15</td>
<td>Sacramento</td>
<td>Bilingual Coordinators Network</td>
<td>75</td>
<td>Provided updates and collected feedback on: Individual Student Score Report, primary language assessment, and the implementation timeline for the English Language Proficiency Assessments for California (ELPAC).</td>
</tr>
<tr>
<td>11/20/15</td>
<td>Sacramento</td>
<td>Capitol Regional Assessment Network</td>
<td>45*</td>
<td>Overview and update on the CAA development and activities as well as a review of the CAASPP Emergency Regulations adopted by the SBE.</td>
</tr>
</tbody>
</table>
## Presentations by CDE Staff

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Location</th>
<th>Event Name</th>
<th>Number of Attendees</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/2/15 – 12/4/15</td>
<td>Anaheim</td>
<td>California Educational Research Association (CERA) Conference</td>
<td>400</td>
<td>A pre-session conference to attendees of the CERA conference and six individual presentations during the conference. Topics included an assessment overview, practical applications for Digital Library use to support classroom needs, California National Assessment of Educational Progress results, and psychometric research studies on the Smarter Balanced assessments.</td>
</tr>
<tr>
<td>12/3/15</td>
<td>Sacramento</td>
<td>Special Education Local Plan Area (SELPA) Coordinators Meeting</td>
<td>80*</td>
<td>Overview and update on the CAA development and activities as well as a review of the CAASPP Emergency Regulations adopted by the SBE.</td>
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</tbody>
</table>

## CAASPP Presentations by Senior Assessment Fellows

<table>
<thead>
<tr>
<th>Dates</th>
<th>Event Location</th>
<th>Number of Attendees</th>
<th>Target Audience</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/3/15</td>
<td>Imperial County Office of Education (COE)</td>
<td>25</td>
<td>LEA teams</td>
<td>Summative assessments</td>
</tr>
<tr>
<td>11/4/15</td>
<td>Wilsona School District</td>
<td>10</td>
<td>LEA administrators and Teachers-on-Special-Assignment (TOSAs) (coaches)</td>
<td>Interim assessments</td>
</tr>
<tr>
<td>Dates</td>
<td>Event Location</td>
<td>Number of Attendees</td>
<td>Target Audience</td>
<td>Topic</td>
</tr>
<tr>
<td>-------------</td>
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<td>-------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>11/4/15</td>
<td>Imperial COE</td>
<td>25</td>
<td>LEA teams</td>
<td>Formative assessments and Digital Library</td>
</tr>
<tr>
<td>11/5/15</td>
<td>San Diego County Office of Education (COE)</td>
<td>20</td>
<td>LEA teams</td>
<td>Summative assessments</td>
</tr>
<tr>
<td>11/5/15</td>
<td>San Diego COE</td>
<td>30</td>
<td>Region 9 curriculum and assessment leaders</td>
<td>Interim assessments</td>
</tr>
<tr>
<td>11/6/15</td>
<td>Plumas COE</td>
<td>60</td>
<td>Teachers</td>
<td>Interim assessments</td>
</tr>
<tr>
<td>11/6/15</td>
<td>San Diego COE</td>
<td>20</td>
<td>LEA teams</td>
<td>Formative assessments and Digital Library</td>
</tr>
<tr>
<td>11/12/15</td>
<td>San Gabriel Unified School District (USD)</td>
<td>30</td>
<td>TOSAs, staff that piloted the interim assessments, teacher leads, and administrators</td>
<td>Interim assessments</td>
</tr>
<tr>
<td>11/13/15</td>
<td>Rim of the World USD</td>
<td>15*</td>
<td>Central office administrators and classroom teachers</td>
<td>Interim assessments</td>
</tr>
<tr>
<td>11/19/15</td>
<td>San Diego COE</td>
<td>60</td>
<td>LEA teams</td>
<td>Summative assessments</td>
</tr>
<tr>
<td>11/20/15</td>
<td>San Diego COE</td>
<td>60</td>
<td>LEA teams</td>
<td>Formative assessments and Digital Library</td>
</tr>
<tr>
<td>11/20/15</td>
<td>Chula Vista Elementary School District</td>
<td>4</td>
<td>District instructional services leaders</td>
<td>Reporting results from summative assessments</td>
</tr>
<tr>
<td>12/7/15</td>
<td>Victor Valley Union High School District</td>
<td>20</td>
<td>District and site administrators and classroom teachers</td>
<td>Interim assessments</td>
</tr>
<tr>
<td>12/14/15</td>
<td>Victor Valley Union High School District</td>
<td>TBD</td>
<td>District and site administrators and classroom teachers</td>
<td>Formative assessments and Digital Library</td>
</tr>
<tr>
<td>12/16/15</td>
<td>Orange County Department of Education</td>
<td>TBD</td>
<td>LEA assessment administrators/coordinators</td>
<td>CAASPP update</td>
</tr>
</tbody>
</table>

* Estimated number
ITEM 04
SUMMARY OF THE ISSUE(S)

The 2014–15 Student Score Report approved by the State Board of Education (SBE) in March 2015 captured one data point, which represents a baseline score for students taking the California Assessment of Student Performance and Progress (CAASPP). The 2015–16 CAASPP Student Score Reports will provide two years of data (2014–15 and 2015–16) for most students.

Attachment 1 provides four 2015–16 CAASPP Student Score Reports:

- English language arts/literacy (ELA), mathematics, and science scores for students in grades five and eight
- ELA and mathematics scores for students in grades four, six, and seven
- A single data point or score for ELA and mathematics for high school students
- Science scores for grade ten students (who are administered science only)

In May 2016, the California Alternate Assessment Student Score Reports will be brought before the SBE for approval after the achievement level descriptors have been developed for this assessment.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Student Score Report templates (Attachment 1) with the following provisions:

- The 2015–16 Student Score Report will report two data points (i.e., current and previous year), as appropriate.
• Reports in 2016–17 and beyond will provide a maximum of three years of student results (i.e., current and two previous years), as appropriate.

• The CDE will recommend revised Student Score Reports for SBE approval as new assessments are included in the CAASPP System.

• The SBE will authorize the CDE to make technical edits as necessary to the Student Score Reports.

BRIEF HISTORY OF KEY ISSUES

The CDE gathered input from stakeholders (e.g., CAASPP Stakeholder Group, Regional Assessment Network [RAN], Capitol Regional Assessment Network [CRAN], CAASPP Technical Advisory Group) on the 2014–15 Student Score Report to guide improvements for the 2015–16 Student Score Report. The stakeholders had consistent feedback including:

• Reduce reading load
• Simplify the report where possible
• Use graphics to convey information
• Convey multiple scale scores over time
• Keep the score band around the scale score point

Using the stakeholder feedback, Educational Testing Service (ETS) developed 2015–16 Student Score Report mock-ups that were shared with stakeholders (e.g., RAN, CRAN, Bilingual Coordinators Network, parents/guardians, teachers, CAASPP Technical Advisory Group, and CAASPP Stakeholder Group), including meetings in Northern and Southern California with teachers and parents/guardians in mid-November.

All groups expressed preference for the option presented in Attachment 1. Most participants acknowledged the results presented in Student Score Reports are clearly stated. Groups supported providing a Web site URL that would provide additional detailed information.

Groups expressed concern over the “at or near standard” performance level for the areas (claims). Most groups supported the language in the report that the test was just one measure of a child’s achievement. Some participants stated they had some confusion about the different starting and ending points for the vertical scales for the student overall results. In addition, some participants wanted to compare their child’s performance against their peers with percentiles or district or school mean scores. Finally, participants recommended moving the science assessment to the front page with the other scores.
**Highlight of Key Changes.** Based upon the feedback received from the various stakeholders, following are some of the key changes made to the 2015–16 Student Score Report.

- Most students will receive current year and previous year results, with the expectation that three years of results will be provided on the 2016–17 Student Score Report.
- The Student Score Reports are dynamic and display the changes in levels between the grades.
- Added Level Number (1 to 4) to be consistent with interim assessments reports:
  - Level 4—Exceeded Standard
  - Level 3—Standard Met
  - Level 2—Standard Nearly Met
  - Level 1—Standard Not Met
- The student area (claims) results are now presented along side the overall results.
- The performance level for the areas (claims) “at or near standard” has been revised to “near standard.”
- A link to additional resources has been provided to the Parent Guide to Smarter Balanced Assessments and CAASPP Student Score Report Guides.
- A statement of College Readiness is provided for all grade eleven students along with the student’s overall results.

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

In May 2015, the SBE, approved the CAASPP contract budget ([http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc)).

In March 2015, the SBE approved the CAASPP Student Score Report, with technical edits ([http://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item03.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item03.doc)).

In January 2015, the CDE provided the SBE with an update on the California Alternate Assessment and the plan for reporting the 2014–15 CAASPP results ([http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item01.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item01.doc)).
FISCAL ANALYSIS (AS APPROPRIATE)

The costs for reporting CAASPP results to local educational agencies for the 2015–16 through 2017–18 test administrations, including the development and distribution of CAASPP Student Score Reports specific to each test administration, are included in the approved ETS CAASPP contract budget approved by the SBE, the CDE, and the Department of Finance in May 2015.

The 2015 Budget Act includes $76 million for the CAASPP ETS contract work in fiscal year 2015–16. Funding for 2016–17 and beyond will be contingent on an annual appropriation from the Legislature.

ATTACHMENT(S)

Attachment 1: 2015–16 CAASPP Student Score Report Templates (PDF, 7 Pages).
- Grade 4 – Smarter Balanced Summative Assessments, English language arts/literacy and mathematics only (Pages 1–2)
- Grade 5 – Smarter Balanced Summative Assessments, English language arts/literacy, mathematics and science (Pages 3–4)
- Grade 11 – Smarter Balanced Summative Assessments, English language arts/literacy, mathematics and Early Assessment Program (Pages 5–6)
- Grade 10 – Science only (Page 7)
ENGLISH LANGUAGE ARTS/LITERACY

Sophia's overall score for 2016 is: 2495 | Standard Met (Level 3)

Overall Progress: Sophia has made progress and now meets the standard

Sophia met the grade 4 standard for English language arts/literacy and appears ready for future coursework.

<table>
<thead>
<tr>
<th>AREA</th>
<th>Below Standard</th>
<th>Near Standard</th>
<th>Above Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Writing</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Listening</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Research/Inquiry</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MATHEMATICS

Sophia's overall score for 2016 is: 2407 | Standard Not Met (Level 1)

Overall Progress: Sophia has not made enough progress to meet the standard

Sophia did not meet the grade 4 standard for mathematics needed for likely success in future coursework.

<table>
<thead>
<tr>
<th>AREA</th>
<th>Below Standard</th>
<th>Near Standard</th>
<th>Above Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concepts &amp; Procedures</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem Solving and Modeling &amp; Data Analysis</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communicating Reasoning</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The bar around the score shows the degree to which your child's score might have been slightly higher or slightly lower on a different version of the test. The questions on the test your child took are only a sample of the questions that could be used to test the same skills.

To see scale score ranges for all grades or for complete results for schools, districts, or across the state, visit the CDE CAASPP Results Web pages at http://www.cde.ca.gov/.

12/18/2015 1:25 pm
Dear Parent/Guardian of Sophia Jackson:

This report shows how Sophia scored on the California Assessment of Student Performance and Progress (CAASPP) tests for English language arts/literacy and mathematics. These tests are based on California’s rigorous academic standards, which are designed to help every student graduate ready for college and a 21st-century career.

If Sophia took these tests in the third grade, this report also shows her scores from last year. You can compare this year’s scores to last year’s as one measure of her progress. Please keep in mind that as Sophia advances to the next grade, the standards are higher.

While tests are just one way to measure Sophia’s progress, the results can help the teacher(s) and the school focus on areas in which students need more help. I encourage you to be involved in your child’s learning, and discuss these results with Sophia’s teacher(s).

Sincerely,

Tom Torlakson,
State Superintendent of Public Instruction

Statewide Assessments: One Measure of Sophia’s Progress

These results are one measure of Sophia’s academic performance and provide limited information. Like any important measure of your child’s performance, they should be viewed with other available information—such as classroom tests, assignments, and grades—and they can be used to help inform a conversation with Sophia’s teacher about how to progress in English language arts/literacy (ELA) and mathematics.

What is CAASPP?
The CAASPP ELA and mathematics tests reflect California’s state-adopted standards, which will help prepare students for college and a career in the 21st-century job market. These tests contain a wider variety of questions than traditional multiple-choice tests and include tasks that require students to explain how they solve problems. The tests allow students to demonstrate analytical writing, critical thinking, and problem solving skills along with their knowledge of facts in ELA and mathematics. California may also develop new assessments in other subjects, including, but not limited to, science, history, and social science aligned with state-adopted content standards. To learn more about these tests, visit the CDE CAASPP Summative Assessments Web page at http://www.cde.ca.gov/ta/tg/sa/sbacsummative.asp.

What do my child’s scores mean?
There are four levels of scores for ELA and mathematics for 4th grade:

<table>
<thead>
<tr>
<th></th>
<th>Standard Not Met Level 1</th>
<th>Standard Nearly Met Level 2</th>
<th>Standard Met Level 3</th>
<th>Standard Exceeded Level 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGLISH LANGUAGE ARTS/LITERACY</td>
<td>2131–2415</td>
<td>2416–2472</td>
<td>2473–2532</td>
<td>2533–2663</td>
</tr>
<tr>
<td>MATHEMATICS</td>
<td>2204–2410</td>
<td>2411–2484</td>
<td>2485–2548</td>
<td>2549–2659</td>
</tr>
</tbody>
</table>

Score ranges for each level are different for each grade, and the content standards for the next grade are higher than for the previous grade. To understand your child’s overall performance, consider both the score and the achievement level. If your child took the ELA and mathematics tests in the preceding year, you can see on the front of this report how your child’s score and achievement level for 2016 compares to the previous grade. For more information about the ELA and mathematics tests, or to see parent guides with sample test questions and guides to the Student Score Reports, visit the CDE Understanding the CAASPP Student Score Reports Web page at http://www.cde.ca.gov/ta/tg/ca/caasppssreports.asp.
Matthew’s Results on California’s Assessments

ENGLISH LANGUAGE ARTS/LITERACY

Matthew’s overall score for 2016 is: 2512 | Standard Met (Level 3)

Overall Progress: Matthew has made progress and now meets the standard

Matthew met the grade 5 standard for English language arts/literacy and appears ready for future coursework.

<table>
<thead>
<tr>
<th>AREA</th>
<th>Below Standard</th>
<th>Near Standard</th>
<th>Above Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Writing</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Listening</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research/Inquiry</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

MATHEMATICS

Matthew’s overall score for 2016 is: 2450 | Standard Not Met (Level 1)

Overall Progress: Matthew has not made enough progress to meet the standard

Matthew did not meet the grade 5 standard for mathematics needed for likely success in future coursework.

<table>
<thead>
<tr>
<th>AREA</th>
<th>Below Standard</th>
<th>Near Standard</th>
<th>Above Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concepts &amp; Procedures</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Problem Solving and Modeling &amp; Data Analysis</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communicating Reasoning</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To see scale score ranges for all grades or for complete results for schools, districts, or across the state, visit the CDE CAASPP Results Web pages at http://www.cde.ca.gov/ (URL TBD).
Dear Parent/Guardian of Matthew Martin:

This report shows how Matthew scored on the California Assessment of Student Performance and Progress (CAASPP) tests for English language arts/literacy and mathematics. These tests are based on California’s rigorous academic standards, which are designed to help every student graduate ready for college and a 21st-century career. If Matthew took these tests in the fourth grade, this report also shows his scores from last year. You can compare this year’s scores to last year’s as one measure of his progress. Please keep in mind that as Matthew advances to the next grade, the standards are higher. As a fifth-grader, Matthew also took a science test. His results on California’s science assessment can be found on the back of this report.

While tests are just one way to measure Matthew’s progress, the results can help the teacher(s) and the school focus on areas in which students need more help. I encourage you to be involved in your child’s learning, and discuss these results with Matthew’s teacher(s).

Sincerely,

Tom Torlakson,
State Superintendent of Public Instruction

Statewide Assessments: One Measure of Matthew’s Progress

These results are one measure of Matthew’s academic performance and provide limited information. Like any important measure of your child’s performance, they should be viewed with other available information—such as classroom tests, assignments, and grades—and they can be used to help inform a conversation with Matthew’s teacher about how to progress in English language arts/literacy (ELA) and mathematics.

What is CAASPP?
The CAASPP ELA and mathematics tests reflect California’s state-adopted standards, which will help prepare students for college and a career in the 21st-century job market. These tests contain a wider variety of questions than traditional multiple-choice tests and include tasks that require students to explain how they solve problems. The tests allow students to demonstrate analytical writing, critical thinking, and problem solving skills along with their knowledge of facts in ELA and mathematics. California may also develop new assessments in other subjects, including, but not limited to, science, history, and social science aligned with state-adopted content standards. To learn more about these tests, visit the CDE CAASPP Summative Assessments Web page at http://www.cde.ca.gov/ta/tg/sa/sbacsummative.asp.

What do my child’s scores mean?
There are four levels of scores for ELA and mathematics for 5th grade:

<table>
<thead>
<tr>
<th>Standard Not Met</th>
<th>Standard Nearly Met</th>
<th>Standard Met</th>
<th>Standard Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>Level 2</td>
<td>Level 3</td>
<td>Level 4</td>
</tr>
<tr>
<td>ENGLISH LANGUAGE ARTS/LITERACY</td>
<td>2201–2441</td>
<td>2442–2501</td>
<td>2502–2581</td>
</tr>
<tr>
<td>MATHEMATICS</td>
<td>2219–2454</td>
<td>2455–2527</td>
<td>2528–2578</td>
</tr>
</tbody>
</table>

Score ranges for each level are different for each grade, and the content standards for the next grade are higher than for the previous grade. To understand your child’s overall performance, consider both the score and the achievement level. If your child took the ELA and mathematics tests in the preceding year, you can see on the front of this report how your child’s score and achievement level for 2016 compares to the previous grade. For more information about the ELA and mathematics tests, or to see parent guides with sample test questions and guides to the Student Score Reports, visit the CDE Understanding the CAASPP Student Score Reports Web page at http://www.cde.ca.gov/ta/tg/ca/caasppssreports.asp.

Matthew’s Results on the California Standards Test for Science

Matthew’s score is 267—Far Below Basic

Matthew’s score of 267 is in the Far Below Basic level on the California Standards Test for science.

California is transitioning to recently adopted Science Standards. To meet federal test requirements, California administered California Standards Tests for science to all students in grades 5, 8, and 10; these tests are not aligned with California’s new standards. As part of California’s transition to these new standards, tests aligned to the new standards are under development.
Bella's Results on California's Assessments

**ENGLISH LANGUAGE ARTS/LITERACY**

Bella’s overall score for 2016 is: 2602 | Standard Met (Level 3)

**EAP College Readiness:**

*Conditionally Ready for college-level coursework*

Bella met the grade 11 standard for English language arts/literacy and appears ready for success in entry-level credit-bearing college coursework after high school.

**AREA** | **Below Standard** | **Near Standard** | **Above Standard**
--- | --- | --- | ---
**Reading**
How well does your child understand stories and information that he or she reads? |  |  | ✓

**Writing**
How well does your child communicate in writing? | ✓

**Listening**
How well does your child understand spoken information? | ✓

**Research/Inquiry**
How well can your child find and present information about a topic? | ✓

**MATHEMATICS**

Bella’s overall score for 2016 is: 2650 | Standard Met (Level 3)

**EAP College Readiness:**

*Conditionally Ready for college-level coursework*

Bella met the grade 11 standard for mathematics and appears ready for success in entry-level credit-bearing college coursework after high school.

**AREA** | **Below Standard** | **Near Standard** | **Above Standard**
--- | --- | --- | ---
**Concepts & Procedures**
How well does your child use mathematical rules and ideas? | ✓

**Problem Solving and Modeling & Data Analysis**
How well can your child show and apply their problem solving skills? | ✓

**Communicating Reasoning**
How well can your child think logically and express their thoughts in order to solve a problem? | ✓

---

The bar around the score shows the degree to which your child’s score might have been slightly higher or slightly lower on a different version of the test. The questions on the test your child took are only a sample of the questions that could be used to test the same skills.

* Early Assessment Program (EAP) status is provided as an indication of college readiness for all grade 11 students. CAASPP/EAP results are shared with the CSU and CCCs, if the student authorized that release during the time of testing.

To see scale score ranges for all grades or for complete results for schools, districts, or across the state, visit the CDE CAASPP Results Web pages at [http://www.cde.ca.gov/](http://www.cde.ca.gov/).
Statewide Assessments: One Measure of Bella’s Progress

These results are one measure of Bella’s academic performance and provide limited information. Like any important measure of your child’s performance, they should be viewed with other available information—such as classroom tests, assignments, and grades—and they can be used to help inform a conversation with Bella’s teacher about how to progress in English language arts/literacy (ELA) and mathematics.

What is CAASPP?
The CAASPP ELA and mathematics tests reflect California’s state-adopted standards, which will help prepare students for college and a career in the 21st-century job market. These tests contain a wider variety of questions than traditional multiple-choice tests and include tasks that require students to explain how they solve problems. The tests allow students to demonstrate analytical writing, critical thinking, and problem-solving skills along with their knowledge of facts in ELA and mathematics. California may also develop new assessments in other subjects, including, but not limited to, science, history, and social science aligned to state-adopted content standards. To learn more about these tests, visit the CDE CAASPP Summative Assessments Web page at http://www.cde.ca.gov/ta/tg/ca/caasppssreports.asp.

By participating in CAASPP, grade 11 students also receive information about their readiness for college-level courses after graduating from high school. Each CAASPP achievement level corresponds to a different level of college readiness under the Early Assessment Program (EAP). Bella’s scores provide an indication of her readiness for college-level work after graduation. Please see the Early Assessment Program portion of this report for information about steps Bella can take in twelfth grade to be ready for college.

What do my child’s scores mean?
There are four levels of scores for ELA and mathematics for 11th grade:

<table>
<thead>
<tr>
<th>Score Range</th>
<th>Standard Met Level 1</th>
<th>Standard Met Level 2</th>
<th>Standard Met Level 3</th>
<th>Standard Exceeded Level 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGLISH LANGUAGE ARTS/LITERACY</td>
<td>2299–2492</td>
<td>2493–2582</td>
<td>2583–2681</td>
<td>2682–2795</td>
</tr>
<tr>
<td>MATHEMATICS</td>
<td>2280–2542</td>
<td>2543–2627</td>
<td>2628–2717</td>
<td>2718–2862</td>
</tr>
</tbody>
</table>

Score ranges for each level are different for each grade, and the content standards for the next grade are higher than for the previous grade. To understand your child’s overall performance, consider both the score and the achievement level. For more information about the ELA and mathematics tests, or to see parent guides with sample test questions and guides to the Student Score Reports, visit the CDE Understanding the CAASPP Student Score Reports Web page at http://www.cde.ca.gov/ta/tg/ca/caasppssreports.asp.

Grade 11—Early Assessment Program (EAP) Status

The California State University (CSU) and participating California Community Colleges (CCCs) will use the English language arts/literacy and mathematics assessments of the CAASPP System to determine Bella’s 2016 EAP status, which will provide an indicator of Bella’s predicted readiness to take college-level English and mathematics courses when Bella begins college.

The CAASPP overall score and achievement level for English language arts/literacy and mathematics shown on the front of this report can be used to provide an early indicator of Bella’s readiness for college-level coursework, as described below:

- **Standard Exceeded**: Ready for English and/or mathematics college-level coursework.
- **Standard Met**: Conditionally Ready for English and/or mathematics college-level coursework. Students earning a status of Conditionally Ready (Standard Met) can be exempt from the CSU’s placement test and the Early Start Program by taking an approved senior year course and earning a grade of C or better.
- **Standard Nearly Met**: Not yet demonstrating readiness for English and/or mathematics college-level coursework.
- **Standard Not Met**: Not demonstrating readiness for English and/or mathematics college-level coursework.

Review the information on the CSU Success Web page at http://CSUSuccess.org/ to see how this information can help avoid the need for additional testing upon entering a CSU or CCC.
Dear Parent/Guardian of Austin Russell:

This report shows Austin's scores on the California Standards Test (CST) for science.

Next year, Austin will be taking California Assessment of Student Performance and Progress (CAASPP) tests for English language arts/literacy and mathematics. These online assessments are based on California's rigorous academic standards, which are designed to help every student graduate ready for college and a 21st-century career.

While tests such as CAASPP are just one way to measure Austin's progress, the results can help the teacher(s) and the school focus on areas in which students need more help. I encourage you to be involved in your child's learning, and discuss these results with Austin's teacher(s).

Sincerely,

Tom Torlakson,
State Superintendent of Public Instruction

Austin's Results on the California Standards Test for Science

**SCIENCE**

Austin's score is **267—Far Below Basic**

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>267</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Austin's score of 267 is in the Far Below Basic level on the California Standards Test for science.

California is transitioning to recently adopted Science Standards. To meet federal test requirements, California administered California Standards Tests for science to all students in grades 5, 8, and 10; these tests are not aligned with California’s new standards. As part of California’s transition to these new standards, tests aligned to the new standards are under development.

Next Year: A New Kind of Test for Austin

The CAASPP tests for English language arts/literacy and mathematics that Austin will take next year in grade 11 will be more challenging than California’s previously administered exams because they test students on deeper content that is needed to prepare for college and the 21st-century job market.

These new tests contain a wider variety of questions, tasks, and problems than traditional multiple-choice tests. This allows students to demonstrate analytical writing, critical thinking, and problem solving skills along with their knowledge of facts.

Test results are one window into a student’s academic growth; a single test can provide only limited information. Like any important measure of your child’s performance, they should be viewed with other available information, such as classroom tests, assignments, and grades.

Further, assessments represent just one part of California’s comprehensive plan for high-quality teaching and learning. California is phasing in more training for teachers, more resources for students, and more access to technology. These changes take time and effort. They are designed to help students succeed in the long run and achieve their dreams of college and a career. Find out more at your child’s school or on the CDE’s Web site at [http://www.cde.ca.gov/](http://www.cde.ca.gov/).

To see scale score ranges for all grades or for complete results for schools, districts, or across the state, visit the CDE CAASPP Results Web pages at [http://www.cde.ca.gov/[URL-TBD]].
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

ITEM 05
### SUBJECT

### SUMMARY OF THE ISSUE(S)
California Education Code (EC) Section 60640(c)(1) charges the State Superintendent of Public Instruction (SSPI), in consultation with stakeholders, “including but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts” to “make recommendations regarding assessments including the grade level, content, and type of assessment.” The California Department of Education (CDE), in cooperation with the San Joaquin County Office of Education (SJCOE) and WestEd, have developed the attached draft framework to inform decision making for the assessments that should be recommended for inclusion in the California Assessment of Student Performance and Progress (CAASPP) System.

### RECOMMENDATION
The CDE recommends that the State Board of Education (SBE) take no specific action at this time.

### BRIEF HISTORY OF KEY ISSUES
In March 2016, the SSPI will make recommendations that move California toward a more comprehensive system of assessments. The framework structures the vision for a comprehensive system: a system that encompasses the purposes of improving teaching and learning. At the same time, the framework reflects the restraints of time and resources, and supports the development of feasible recommendations.

The framework would not have been possible without the foundational work, Recommendations for Transitioning California to a Future Assessment System, A Report by State Superintendent of Public Instruction Tom Torlakson (January 2013), followed by the continued support and input by subject matter groups, and policy level stakeholders. The 2013 recommendations can be found on the CDE Statewide Pupil Assessment System Web site at http://www.cde.ca.gov/ta/tg/sa/ab250.asp.
In November 2015, (prior to the authorization of the Every Student Succeeds Act (ESSA), the CDE conducted three meetings with the assistance of the SJCOE and WestEd. These first two meetings, attended by education policy advisors, provided the attendees an opportunity to examine the landscape of California’s schools and provide suggestions for the role assessments should play in improving teaching and learning. Specifically, these policy stakeholders also provided suggestions on the state’s role in a comprehensive assessment system.

The SSPI also held a third meeting on December 8, 2015, to gather information from higher education leaders on what they see as the future of the California assessment system. These policy leaders in higher education provided advice on how the kindergarten through grade twelve (K–12) assessment system can be consistent with higher education expectations for entering freshman.

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

In November 2015, the CDE provided the SBE with an update regarding the development of an assessment guiding principles document and the SSPI recommendations for the expansion of the CAASPP System.  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc))

In July and September 2015, the CDE provided the SBE with an update on the primary language and California Next Generation Science Standards (CA NGSS) assessments.  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item03.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item03.doc))  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01.doc))

In May 2015, the SBE designated Educational Testing Service (ETS) as the CAASPP contractor for the 2015–16, 2016–17, and 2017–18 test administrations.  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc))

In May, June, and July 2015, the CDE provided the SBE with updates on the CA NGSS assessments.  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item02.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item02.doc))  
([http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item03.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item03.doc))  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item03.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item03.doc))  

In March 2015, the CDE provided the SBE with an update regarding primary language stakeholder meetings that were conducted in January 2015.  
([http://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item03.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item03.doc))

In November 2014, the SBE was provided with an update regarding science stakeholder meetings that were conducted in July 2014.  
([http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02.doc](http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02.doc))

In May and September 2014, the CDE provided the SBE with an update regarding the format of the NGSS Systems Implementation Plan for California. Updates included
elements, and development process of *The Plan*.  
([http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item05.doc](http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item05.doc))

In September 2013, the SBE adopted the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve* as required by EC Section 60605.85. ([http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item10.doc](http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item10.doc))

In January 2013, the SSPI provided the SBE with comprehensive recommendations for transitioning California to a future assessment system as required by *EC Section 60604.5*. The SSPI’s recommendations report can be found on the CDE Statewide Pupil Assessment System Web page at [http://www.cde.ca.gov/be/ag/ag/yr13/documents/jan13item08.doc](http://www.cde.ca.gov/be/ag/ag/yr13/documents/jan13item08.doc).

**FISCAL ANALYSIS (AS APPROPRIATE)**

None

**ATTACHMENT(S)**

Framework for the Development of California’s Comprehensive K–12 Assessment System:
A Vision for the Future

Prepared for
The California Department of Education

December 11, 2015
Introduction

State Superintendent Tom Torlakson, with support from the California Department of Education (CDE), is seeking to ensure that the California Assessment of Student Performance and Progress (CAASPP) values and supports teaching and learning needs across grades and content areas. As a first step in this process, WestEd researchers, in collaboration with CDE staff, examined a number of key resources and synthesized recommendations from those documents to develop a framework that is designed to inform decision-making about the measures that should be included in the state’s new comprehensive system of assessments.

A state’s assessment system includes all measures—whether developed locally, commercially, or by the state—administered at the classroom, school, district, and state levels that work together to support teaching and learning in a comprehensive, coherent, and connected way. An efficient system will include a wide variety of high-quality assessments that produce trustworthy information about what students know and can do in key grades and content areas with minimal disruption to instruction (CCSSO, 2015).1 Many features of these measures will vary, such as the assessment type (e.g., screening, diagnostic, placement, formative, interim/benchmark, summative), assessment purpose (e.g., for instructional decision-making, for accountability, or for admission to a group or program), and delivery mode (e.g., paper-pencil or computer supported, administered individually or to a group of students). As a whole, these diverse measures provide information that is useful to students, parents, educators, administrators, policymakers, the general public, and/or state leaders.

The CDE plays an important role in shaping the state’s comprehensive assessment system. Its representatives consult on a regular basis with nationally recognized experts in educational measurement and with experienced advisors on the development, administration, scoring, and use of tests. They collect and disseminate information and guidance to support use of particular measures and assess the intended and unintended (positive and negative) consequences of testing. They work closely with state leaders and key stakeholder groups to promote timely communication of expectations to parents, educators, and administrators. To ensure the integrity of their efforts, they involve a wide range of community representatives who bring deep understanding of postsecondary education and training, business, career/technical opportunities, socioeconomic indicators, and school finance. In short, the state education agency is strongly positioned to provide all schools, districts, and county offices of education in California—regardless of geographic location or other characteristics—with the resources they need to make informed decisions about the combination of measures that will be administered in their unique situations.

Methods and Sources

As a first step, WestEd staff gathered seminal research and measurement resources and collected documentation about the design and implementation of assessment initiatives in California. Documents that were reviewed include the following:

- Research and best-practice literature on responsible testing practices from organizations such as the American Educational Research Association; American Psychological Association; National Council on Measurement in Education; CCSSO; National Center for Research on Evaluation, Standards, and Student Testing (CRESST); and National Research Council

- CDE documentation, including:
  - A Blueprint for Great Schools
  - A Blueprint for Great Schools Version 2.0
  - Recommendations for Transitioning California to a Future Assessment System
  - Assembly Bills 250 and 484

- Documented California stakeholder assessment input on a variety of content areas and assessments

- Reports and literature on the Next Generation Science Standards (NGSS), including:
  - Developing Assessments for the Next Generation Science Standards
  - National Science Teachers Association position statement: Assessment
  - Science Assessment Item Collaborative: Assessment Framework for the Next Generation Science Standards


- Assessment practices and policies of select districts within California

- Assessment practices and policies related to the California Local Control Funding Formula

Key elements from each category of documentation have been summarized for inclusion as appendices in this report. Researchers synthesized information from this wide range of resources into a framework that could be used as a foundation for the construction of a comprehensive assessment system for the state of California. Importantly, the principles that appear in this framework are inclusive of research-based recommendations, best-practice expectations from states across the nation and within districts in California, ideas generated through stakeholder input, and experience-based recommendations from the Superintendent and the CDE. It is important to note that the order in which these are presented is not intended
to signal that one is a higher priority than another; the goal is to provide the state with broad
guidance that it can customize to meet its needs. Attending to this information situates the
state as a national model for implementation of a truly innovative comprehensive and cohesive
assessment system.

Framework for the Development of California’s
Comprehensive K–12 Assessment System:
A Vision for the Future

In collaboration with WestEd, the CDE is pleased to present this draft framework to support
decision-making about the design of California’s next-generation coherent and comprehensive
assessment system. Underpinning the framework is a set of principles which can be used to
guide the development and implementation of the system. To develop these principles, a team
of researchers, assessment specialists, and validation experts reviewed a set of key
documents that are described in greater detail in Appendix A of this report.

By synthesizing the information in these sources, the team identified key themes and
consistent messages that describe a vision for the state’s future assessment system and that
are supported by research and best-practice recommendations. Each of these framework
principles is introduced with the following text:

California stakeholders—including students, educators, and parents—
envision and will benefit from...

1. ...an integrated, coherent system of multiple measures, all working in unison to:
   (a) model and enable effective teaching practices that promote student engagement
   and optimal learning; and (b) yield trustworthy performance data that can be used in
   a wide range of content areas.

2. ...a system that communicates and supports state priorities for instruction of all
   students, including expectations for learning related to rigorous college- and career-
   ready standards, qualifying for postsecondary education and training (e.g., a–g
   subject requirements), and critical 21st century skills

3. ...a purpose-driven system in which each measure in this system—whether
   traditional selected response items, a writing prompt, performance- or portfolio-
   based, a culminating project, or other assessment type—serves a specific purpose
   or addresses a particular need.

4. ...an inclusive system in which each measure is developed, administered, and
   scored using research-supported recommendations (e.g., universal design for
   assessment, bias and sensitivity reviews) for ensuring it is fair and accessible to all
students, including English learners and students with disabilities.

5. **a system that is guided by research and industry best-practice-supported expectations** for ensuring that each measure in this system meets high standards for technical quality. For each assessment in this system, the body of evidence to support test use should include a statement of test purpose and target population for testing and specification of the content standards on which the test is based. If designed for high stakes purposes such as school- or state-level accountability, the body of evidence also should include: (a) evidence of alignment to those standards; (b) specification of the rationale for the approach to each measure (e.g., research-based recommendations about best practices in specific content areas such as science); and (c) appropriate evidence of technical quality, including validity for the intended purpose and its reliability.

6. **an innovative system** that capitalizes on existing and emerging technologies that enable effective and efficient testing of all students and the timely and responsible use of results by a range of stakeholders.

7. **a transparent system** that provides clear guidelines for appropriate administration, scoring, reporting, and use of results.

8. **a dynamic, streamlined system** that is feasible, efficient, and cost-effective; designed to yield actionable information about what students or groups of students know and does so in strategic ways (e.g., matrix sampling, frequency of assessment) in order to minimize burden to local educational agency staff and disruption to instruction.

9. **general guidance, resources, and tools from the CDE** that support local-level decision-making about the combination of measures that is most appropriate in each situation.

These framework principles are explored in greater detail in Table 1. Information provided includes key considerations and the specification of primary resources for each principle.
Table 1: Crosswalk of Proposed Framework Principles to Supporting Documentation: How Do Each of the Sources of Information Support the Framework Principles?

<table>
<thead>
<tr>
<th>Framework Principle</th>
<th>California Documents</th>
<th>Research Literature</th>
<th>Stakeholder Input</th>
<th>State Scan</th>
<th>NGSS References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrated and Coherent</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. California stakeholders—including students, educators, and parents—envision and will benefit from an integrated, coherent system of multiple measures, all working in unison to...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1a. Model and enable effective teaching practices that promote student engagement and optimal learning.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>1b. Yield trustworthy performance data that can be used in a wide range of content areas.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Supportive</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. California stakeholders—including students, educators, and parents—envision and will benefit from a system that communicates and supports state priorities for instruction of all students, including expectations for learning related to rigorous college- and career-ready standards, qualifying for postsecondary education and training (e.g., a–g subject requirements), and critical twenty-first century skills.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Framework Principle</td>
<td>California Documents</td>
<td>Research Literature</td>
<td>Stakeholder Input</td>
<td>State Scan</td>
<td>NGSS References</td>
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<td>-----------------</td>
</tr>
<tr>
<td><strong>Purpose-Driven</strong></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3. California stakeholders—including students, educators, and parents—envision and will benefit from a purpose-driven system in which each measure in this system—whether traditional selected response items, a writing prompt, performance- or portfolio-based, a culminating project, or other assessment type—serves a specific purpose or addresses a particular need.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Fair and Inclusive</strong></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4. California stakeholders—including students, educators, and parents—envision and will benefit from an inclusive system in which each measure is developed, administered, and scored using research-supported recommendations (e.g., universal design for assessment, bias and sensitivity reviews) for ensuring it is fair and accessible to all students, including English learners and students with disabilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Supported by Research and Best Practice Recommendations

5. California stakeholders—including students, educators, and parents—envision and will benefit from a system that is guided by research and industry best-practice-supported expectations for ensuring that each measure in this system meets the highest standards for technical quality. For each assessment in this system, the body of evidence to support test use should include...

<table>
<thead>
<tr>
<th>Framework Principle</th>
<th>California Documents</th>
<th>Research Literature</th>
<th>Stakeholder Input</th>
<th>State Scan</th>
<th>NGSS References</th>
</tr>
</thead>
<tbody>
<tr>
<td>5a. A statement of test purpose and target population for testing.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5b. Specification of the content standards on which the test is based.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5c. If designed for high stakes purposes such as school- or state-level accountability, the body of evidence should also include evidence of alignment to those standards.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5d. If designed for high stakes purposes such as school- or state-level accountability, the body of evidence should also include specification of the rationale for the approach to each measure (e.g., research-based recommendations about best testing practices in specific content areas such as science).</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5e. If designed for high stakes purposes such as school- or state-level accountability, the body of evidence should also include appropriate evidence of technical quality, including validity for the intended purpose and its reliability.</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Framework Principle</td>
<td>California Documents</td>
<td>Research Literature</td>
<td>Stakeholder Input</td>
<td>State Scan</td>
<td>NGSS References</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
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<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Innovative, Effective, and Efficient</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>6. California stakeholders—including students, educators, and parents—envision and will benefit from an innovative system that capitalizes on existing and emerging technologies that enable effective and efficient testing of all students and the timely and responsible use of results by a range of stakeholders.</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Clear Guidelines For Administration and Use</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>7. California stakeholders—including students, educators, and parents—envision and will benefit from a transparent system that provides clear guidelines for appropriate administration, scoring, reporting, and use of results.</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Feasible and Cost-Effective

8. California stakeholders—including students, educators, and parents—envision and will benefit from a dynamic, streamlined system that is feasible, efficient, and cost-effective; designed to yield actionable information about what students or groups of students know and does so in strategic ways (e.g., matrix sampling, frequency of assessment) in order to minimize burden to local educational agency (LEA) staff and disruption to instruction.

<table>
<thead>
<tr>
<th>Framework Principle</th>
<th>California Documents</th>
<th>Research Literature</th>
<th>Stakeholder Input</th>
<th>State Scan</th>
<th>NGSS References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feasible and Cost-Effective</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

### Recognizes State Role

9. California stakeholders—including students, educators, and parents—envision and will benefit from general guidance, resources, and tools from the CDE that support local-level decision-making about the combination of measures that is most appropriate in each situation.

<table>
<thead>
<tr>
<th>Framework Principle</th>
<th>California Documents</th>
<th>Research Literature</th>
<th>Stakeholder Input</th>
<th>State Scan</th>
<th>NGSS References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognizes State Role</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
## Appendix A. Synthesis of CDE-Provided Documentation

### A Blueprint for Great Schools and A Blueprint for Great Schools 2.0

<table>
<thead>
<tr>
<th>Assessment System Goals</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Provide a robust, integrated system of indicators that measure standards more fully,</td>
<td>• Provide a complete picture of school performance to students, teachers, and parents</td>
</tr>
<tr>
<td>including higher-order thinking and performance skills</td>
<td>• Provide opportunities for informed decisions about students, teachers, and schools</td>
</tr>
<tr>
<td>• Provide a complete picture of school performance to students, teachers, and parents</td>
<td>• Provide broader measures of growth and learning that better assess 21st century skills and the demands of a technology-driven,</td>
</tr>
<tr>
<td>• Provide opportunities for informed decisions about students, teachers, and schools</td>
<td>knowledge-based society, as well as offer more useful information regarding college and career readiness</td>
</tr>
<tr>
<td>• Provide broader measures of growth and learning that better assess 21st century skills</td>
<td>• Foster meaningful, relevant, and engaging learning that supports the acquisition of the knowledge, language, lifelong learning skills,</td>
</tr>
<tr>
<td>and dispositions needed to succeed in today’s world (e.g., the ability to apply complex</td>
<td>and dispositions needed to succeed in today’s world (e.g., the ability to apply complex knowledge to solve problems, collaborate,</td>
</tr>
<tr>
<td>knowledge to solve problems, collaborate, communicate, inquire, and learn independently)</td>
<td></td>
</tr>
<tr>
<td>• Encourage creativity and flexibility to meet the demands of the future and the full range</td>
<td>• Create multiple pathways to success</td>
</tr>
<tr>
<td>of student needs</td>
<td>• Build on strengths and needs of diverse learners</td>
</tr>
<tr>
<td>• Create multiple pathways to success</td>
<td>• Incorporate a birth-to-grade-three system that includes readiness data and aligned standards and assessments</td>
</tr>
<tr>
<td>• Build on strengths and needs of diverse learners</td>
<td>• Conduct continuous evaluation and improvement of measures through systems of review, judgment, and intervention</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Types of Assessments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Summative</td>
<td></td>
</tr>
<tr>
<td>• Diagnostic</td>
<td></td>
</tr>
<tr>
<td>• Formative</td>
<td></td>
</tr>
<tr>
<td>• Interim or Benchmark</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recommendations &amp; Considerations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Include measures of school capacity, student opportunities to learn, and resources</td>
<td>• Rethink the design of the California High School Exit Examination (CAHSEE) to incorporate diagnostic information over time</td>
</tr>
<tr>
<td>connected to opportunities to learn</td>
<td>• Support the development of the “whole student” (e.g., cognitive, linguistic, health, social, emotional, cultural, community influences)</td>
</tr>
<tr>
<td>• Rethink the design of the California High School Exit Examination (CAHSEE) to</td>
<td>• Support high levels of literacy and bi-literacy</td>
</tr>
<tr>
<td>incorporate diagnostic information over time</td>
<td>• Incorporate measures of physical education opportunities and performance</td>
</tr>
<tr>
<td>• Support the development of the “whole student” (e.g., cognitive, linguistic, health,</td>
<td>• Communicate the shift in California’s student assessment system from “test and judge” to “assess to improve” and the fundamental</td>
</tr>
<tr>
<td>social, emotional, cultural, community influences)</td>
<td>movement from sole reliance on standardized testing to a multiple-measures approach</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Content Standards &amp; Alignment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• California academic content standards</td>
<td></td>
</tr>
<tr>
<td>• 21st century skills</td>
<td></td>
</tr>
<tr>
<td>• Develop standards that address the needs of English language learners and support</td>
<td></td>
</tr>
<tr>
<td>English language and bi-literacy development</td>
<td></td>
</tr>
<tr>
<td>• Develop standards for social and emotional learning (SEL) for pre–K through high</td>
<td></td>
</tr>
<tr>
<td>school, building on existing California and national models</td>
<td></td>
</tr>
</tbody>
</table>

1/7/2016 11:20 AM
## Assembly Bill 250

### Assessment System Goals
- Integration of 21st century skills, critical thinking, problem solving, communication, collaboration, creativity, and innovation, as a competency-based approach to learning in all core academic content areas
- Promote higher-order thinking skills and interdisciplinary approaches that integrate the use of supportive technologies, inquiry, and problem-based learning to provide contexts for students to apply learning in relevant, real-world scenarios that prepare them for college, career, and citizenship in the 21st century

### Types of Assessments
- Assessments based on high-quality, research- and evidence-based academic content standards

### Recommendations & Considerations
- System must encourage educators to move beyond a focus on basic competency in core subjects to promote deeper learning and understanding of academic content at significantly higher levels

### Content Standards & Alignment
- English language arts/literacy (ELA), mathematics, history-social science, science, health education, visual and performing arts, and world languages
- 21st century skills
### Assembly Bill 484

#### Assessment System Goals
- Provide a system of assessments designed to:
  - assist teachers, administrators, parents, and students
  - improve teaching and learning
  - promote high-quality teaching and learning using a variety of assessment approaches and item types
  - produce scores that can be aggregated and disaggregated for the purpose of holding schools LEAs accountable for the achievement of all their students in learning the California academic content standards.
- Provide information on academic status/progress of students for students, parents, and teachers
- Provide information that allows for the improvement of teaching and learning
- Assess pupils for a broad range of academic skills and knowledge including both basic academic skills and the ability of students to apply those skills

#### Types of Assessments
- Summative – Smarter Balanced (ELA and mathematics in grades three through eight and eleven)
- Summative – Science in grades three through five, six through eight, and ten through twelve
- Summative – California Alternate Performance Assessment (ELA and mathematics in grades two through eleven; science in grade three through five, six through eight, and ten through twelve)
- Early Assessment Program
- California High School Exit Examination
- Diagnostic
- Primary language assessment (aligned to ELA standards)
- Interim tools (Smarter Balanced)
- Formative tools (Smarter Balanced)

#### Recommendations & Considerations
- Ensure that all assessment procedures, items, instruments, and scoring systems are independently reviewed to ensure that they meet high standards of statistical reliability, validity, and fairness
- Include assessments that are comparable to the National Assessment of Educational Progress (NAEP) and other national and international assessment efforts, so that California’s local and state test results are reported in a manner that corresponds to the national test results
- Include an appropriate balance of types of assessment instruments
- Minimize the amount of instructional time devoted to assessments administered
- Assessment system should consider the incorporation of additional assessments (proposed by the State Superintendent) in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate (in addition to ELA, mathematics, and science assessments) and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios

#### Content Standards & Alignment
- Academically rigorous content standards and performance standards in all major subject areas
- Performance standards should be designed to lead to specific grade level benchmarks of academic achievement for each subject area tested within each grade level, and be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century
## Recommendations for Transitioning California to a Future Assessment System

### Assessment System Goals
- Include multiple methods for measuring student achievement and be inclusive of all students
- Be designed to use students' testing time and resources as effectively and efficiently as possible
- Provide accurate and timely information on the assessment system and student achievement that is readily available and understandable to parents, teachers, schools, and the public; has a positive influence on instruction; and is appropriate for holding schools and LEAs accountable for student progress
- Be integrated—utilize various types of assessments for different purposes that model effective instruction and include matrix testing to allow for assessment of subjects beyond federal accountability requirements of ELA, mathematics, and science
- Maintain a continuous cycle of improvement

### Types of Assessments
- Summative – Smarter Balanced (ELA and mathematics in grades three through eight and eleven), science
- Summative – Consortia assessments for students with severe cognitive disabilities
- State-provided interim, formative, and diagnostic tools
- State-supported interim, formative, and diagnostic assessments (LEA created) for kindergarten through grade twelve (working group recommendation)
- Primary language assessment (working group recommendation)
- English proficiency assessment (working group recommendation)
- Writing assessments that produce year-to-year comparisons and inform graduation requirements and California Code of Regulations (working group recommendation)
- Alternate assessment for students who score below intermediate on the English Language Proficiency Assessment (ELPA) (working group recommendation)
- End-of-course (EOC) assessments that serve multiple purposes (e.g., graduation requirements) (working group recommendation)

### Recommendations & Considerations
- Assessment system should support valid year-to-year comparisons for individual students (working group recommendation)
- Assessment system should consider including assessments covering literacy, visual and performing arts, world languages, health education, English language development, and history-social science (working group recommendation)
- Assessments must conform to rigorous industry standards for test development, model high-quality teaching and learning activities, have a clear purpose, and if possible, be designed to achieve multiple purposes
- Assessments should promote high-level cognitive skills and innovative (and multiple) ways of demonstrating knowledge
- Determine the continued need and purpose of academic assessments in languages other than English once Smarter Balanced assessments are operational
- Consider approaches to allow for reducing testing (e.g., alternatives to the CAHSEE, the use of matriculation exams, matrix testing)
- Strive for even distribution of testing time across grades (working group recommendation)
- Conduct comparability studies
- Emphasize performance-based assessments that require critical thinking and reasoning
- Provide multiple state-defined pathways for high school graduation (working group recommendation)
<table>
<thead>
<tr>
<th>Content Standards &amp; Alignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Alignment to standards (Common Core State Standards [CCSS]) that will prepare students for the challenges of a constantly changing world and require students to use problem-solving and critical-thinking skills to perform well</td>
</tr>
<tr>
<td>• 21st century skills and promotion of research-based instructional practices</td>
</tr>
<tr>
<td>• Cover the breadth of the curriculum, serve to communicate clear expectations, and encourage teaching the full curriculum while modeling high-quality teaching and learning</td>
</tr>
</tbody>
</table>
References


Assembly Bill 484, Ch. 489. Reg. Sess. (Cali, October 2, 2013).


ITEM 06
SUBJECT
Golden State Seal Merit Diploma: Approve Changes to Eligibility Criteria.

SUMMARY OF THE ISSUE(S)

Per California Education Code (EC) sections 51450–55, the State Board of Education (SBE) determines and adopts, based upon the recommendations of the State Superintendent of Public Instruction (SSPI), the means by which students may demonstrate mastery of high school curriculum in at least six subject matter areas, four of which are mathematics, English language arts (ELA), science, and U.S. history, with the remaining two subject matter areas selected by the student to be awarded the Golden State Seal Merit Diploma (GSSMD).

In previous years, statewide assessment results had been used for GSSMD eligibility. With the state transitioning to a new assessment system, the SBE approved, in November 2014, the use of a combination of qualifying California Standards Test (CST) scores, course grades, and/or results from assessments produced by private providers or local educational agencies (LEAs) for use by LEAs to award the GSSMD to students graduating in 2015. The SBE also requested that eligibility criteria be developed for students in the class of 2016 and beyond to qualify for the GSSMD, with recommendations to be presented to the SBE for action.

RECOMMENDATION

The California Department of Education (CDE) recommends:

- The SBE designate the eligibility requirements specified in Attachment 1 that include a combination of course grades, results from assessments produced by private providers or LEAs, and/or qualifying Smarter Balanced Summative Assessment or CST scores for use by LEAs to award the GSSMD to graduating students, effective January 2016.

- The CDE provide revised recommendations to the SBE related to the use of statewide assessment results for GSSMD eligibility requirements as the implementation of the new assessment system progresses.
BRIEF HISTORY OF KEY ISSUES

The GSSMD is awarded jointly by the SBE and the SSPI to each qualifying high school student who completes all requirements for a high school diploma and demonstrates the mastery of the curriculum in at least six subject matter areas, four of which are mathematics, ELA, science, and U.S. history, with the remaining two subject matter areas selected by the student. EC Section 51452 allows the means designated by the SBE to include, but not be limited to, examinations administered by the state or examinations produced by private providers or LEAs with student performance standards or achievement levels that demonstrate mastery of the curriculum as deemed by the SBE.

The identification of students eligible for GSSMD must be completed by LEAs approximately eight weeks prior to the earliest graduation date scheduled for the high school(s) in the LEA. Eligibility criteria for the class of 2016 must be approved and communicated to LEAs no later than February 2016 for LEAs that have a graduation date in May 2016.

From 1997 through 2003, students qualified using scores from 13 available Golden State Examinations (GSEs). The GSEs were repealed in 2003. From 2004 to 2014, students qualified using scores from 18 specific CSTs administered as part of the Standardized Testing and Reporting Program, previously earned GSE results, or a combination of the two. A listing of the statewide assessments utilized for GSSMD eligibility is provided in Attachment 2 to this item. All of the specified CSTs used for GSSMD eligibility are no longer administered as part of the new California Assessment of Student Performance and Progress (CAASPP) System. The class of 2016 will be the last graduating class of students that were administered the specific CSTs in ELA, mathematics, or science tests approved for use in GSSMD eligibility. The class of 2016 would have taken the GSSMD specific CSTs in grade nine only. Note: The CSTs in science for grade ten, that continue to be administered as part of the new assessment system, were never approved for use for GSSMD eligibility.

The new CAASPP System is still in the early stages of implementation. There are currently two CAASPP high school assessments available to meet only two of the six subject areas required for GSSMD eligibility: (1) the high school Smarter Balanced Summative Assessment for ELA and (2) the high school Smarter Balanced Summative Assessment for mathematics. The State Superintendent of Public Instruction will be putting forth recommendations for the expansion of the CAASPP System of assessments. At this time it has not been determined if the recommendation will include the addition of other high school assessments. It is also important to note that the addition of high school assessments, if recommended, will most likely require the approval of the SBE and Legislature and will also require additional funding. As the implementation of the CAASPP System continues, the CDE will continue its efforts to work with SBE staff to develop, with input from stakeholders, a long-term plan to meet the GSSMD legislative intent to recognize students who have mastered the high school curriculum in at least six subject areas by utilizing current and future resources available to LEAs.
In November 2014, the SBE approved the use of a combination of qualifying CST scores, grades, and/or results from assessments produced by private providers or LEAs for use by LEAs to award the GSSMD to students graduating in 2015. The requirements are posted on the CDE GSSMD Web page at [http://www.cde.ca.gov/ta/tg/ca/gssmdeligibility.asp](http://www.cde.ca.gov/ta/tg/ca/gssmdeligibility.asp). Comments received by the CDE from LEAs through e-mails and by telephone as they utilized the 2015 GSSMD eligibility criteria included the following:

- Concern that the criteria for U.S. history was set too high due to the fact that students had only a single opportunity for meeting the criteria; whereas, the other subject areas include multiple opportunities
- Concern that students in the class of 2015 had one less opportunity to meet the CST requirements for ELA, mathematics, and science compared to previous years
- Desire to return to using statewide assessment results as the sole criteria

In the process of developing a recommendation for the SBE, the CDE identified the following set of goals for GSSMD eligibility criteria:

- Adequate Student Accessibility: Reasonable access for all high school students to any examinations or courses used in the criteria; reasonable number of opportunities provided to a student to meet the eligibility requirements for each subject area
- Appropriate Target Levels: That any result level or grade used is an appropriate target for each individual subject area
- Timeliness of Information: That LEAs have grade and/or assessment result information prior to graduation to identify eligible students in a timely and efficient manner in order to request and affix insignias prior to the earliest graduation date scheduled for the high school(s) in the LEA

CDE and SBE staff have been working on developing a survey requesting input from stakeholders for use in the development of a recommendation of future GSSMD eligibility requirements. There is no set date for release of the survey at this time. The results will be used to make future recommendations to the SBE about revisions to the eligibility criteria.

While there is a desire to develop a set of GSSMD eligibility requirements that will enhance a student’s chance at receiving recognition for mastery of the high school curriculum as well as provide an efficient process for the identification of eligible students, the state is transitioning to a new assessment system and available and uniform access to assessment results for all subject areas required are currently not available. The CDE recommends continuing to allow LEAs to use a combination of grade and/or assessment result information to identify eligible students to receive the GSSMD.
The CDE recommends using the achievement level of “Standard Met” for the high school Smarter Balanced Summative Assessment for GSSMD eligibility. This achievement level is defined as meeting the standard for college and career readiness for students in grade eleven. This achievement level also indicates that the student is on track to be ready for credit bearing college courses after high school graduation and is utilized by the Early Assessment Program.

However, the CDE does not recommend the use of grades for courses taken in grade twelve because they delay when LEAs can finalize their request for insignias in a timely manner in order to affix insignias prior to the first graduation in the LEA.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2014, the SBE approved the use of a combination of qualifying CST scores, course grades, and/or results from assessments produced by private providers or LEAs for use by LEAs to award the GSSMD to students graduating in 2015 (http://www.cde.ca.gov/be/ag/ag/yr14/agenda201411.asp).

In January 2004, the SBE approved regulations to allow the use of specified CST scaled scores, previously earned GSE results, or a combination of the two to qualify for the GSSMD. Those regulations became effective in April 2004 and remain in effect (http://www.cde.ca.gov/be/ag/ag/documents/agenda0104.pdf).

In November 2003, SBE approved the use of a combination of GSE results and CST scaled scores of 370 or above on designated CSTs as the means of demonstrating mastery of the high school curriculum and directed staff to draft regulations (http://www.cde.ca.gov/be/ag/ag/documents/agenda1103.pdf).

In April 2003, the SBE approved a “senior waiver” for seniors graduating in 2003 who were prevented from meeting GSSMD requirements due to the reduction of GSE examinations administered annually. The waiver allowed seniors to use a CST scaled score of 350 or above to meet the subject area requirements (http://www.cde.ca.gov/be/ag/ag/documents/agenda0403.pdf).

FISCAL ANALYSIS (AS APPROPRIATE)

When the GSSMD was established in 1996, $1 million in local assistance funding was appropriated from the general fund, without regard to fiscal year, for the purposes of the GSSMD. The remaining unexpended balance of approximately $100,000 that had been used for the printing of the insignias was reverted back to the General Fund as part of the 2014 State Budget Act. No state operations funding has been provided to the CDE for the work in providing assistance to LEAs and the processing and filling requests for insignias.

EC Section 51455 stipulates that it is the intent of the Legislature that no fee or other cost be charged to any student for the GSSMD itself. However, notwithstanding any other provision of law, a school district receiving Economic Impact Aid funding may
expend any portion of those funds to pay for all or part of the costs of one or more examinations utilized for the GSSMD that are charged to socio-economically disadvantaged students.

There would be no fiscal impact to LEAs if the SBE approves the recommended GSSMD eligibility requirements.

**ATTACHMENT(S)**

Attachment 1: Eligibility Requirements for the Golden State Seal Merit Diploma Effective January 2016 Until Replaced (1 Page)

Attachment 2: Statewide Assessments Utilized for Golden State Seal Merit Diploma Eligibility (1 Page)
Eligibility Requirements for the Golden State Seal Merit Diploma
Effective January 2016 Until Replaced

Local educational agencies (LEAs) are responsible for maintaining appropriate records in order to identify graduating seniors who meet the eligibility requirements for the Golden State Seal Merit Diploma (GSSMD) (California *Education Code* Section 51454). To be eligible for the GSSMD, students must be eligible to receive a high school diploma and have demonstrated the mastery of the curriculum in at least six subject matter areas as follows:

1. **English-language Arts:** Students must have earned one of any of the following:
   a. A grade of B+ (or numerical equivalent) or above in a single course completed in grade nine, ten, or eleven
   b. An achievement level of “Standard Met” for the high school Smarter Balanced Summative Assessment
   c. A scale score of 370 or above on California Standards Tests (CSTs), if available*

2. **Mathematics:** Students must have earned one of any of the following:
   a. A grade of B+ (or numeric equivalent) or above in a single course completed in grade nine, ten, or eleven
   b. An achievement level of “Standard Met” for the high school Smarter Balanced Summative Assessment
   c. A scale score of 370 or above on any of the following CSTs, if available:
      Geometry; Algebra II; Summative High School Mathematics; or Integrated Mathematics 2 or 3*

3. **Science:** Students must have earned one of any of the following:
   a. A grade of B+ (or numeric equivalent) or above in a single course completed in grade nine, ten, or eleven
   b. A qualifying score that demonstrates mastery of the subject as determined by the LEA for an examination produced by a private provider or LEA
   c. A scale score of 370 or above on any of the following CSTs, if available: Biology; Chemistry; Physics; Earth Science; or Integrated/Coordinated Science 1, 2, 3, or 4*

4. **U.S. History:** Students must have earned one of any of the following:
   a. A grade of B (or numerical equivalent) or above upon completion of the required U.S. history course
   b. A qualifying score that demonstrates mastery of the subject as determined by the LEA for an examination produced by a private provider or LEA

5. **Other two subject matter areas:** Students may choose from any of the following:
   a. Any additional qualifying grade or score listed above earned for the subjects of ELA, mathematics, science, or U.S. history not already used to meet eligibility
   b. A grade of B (or numerical equivalent) or above upon the completion of high school courses in other subjects
   c. A qualifying score that demonstrates mastery of other subjects, as determined by the LEA, for an examination produced by a private provider or LEA

*Did not change from the 2015 GSSMD eligibility criteria.
Statewide Assessments Utilized for Golden State Seal Merit Diploma Eligibility

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>From 1998 to 2003, there were a total of 13 Golden State Examinations approved for Golden State Seal Merit Diploma (GSSMD) eligibility:</td>
<td>From 2004 to 2013 there were 18 approved Standardized Testing and Reporting California Standards Tests (CSTs) approved for GSSMD eligibility:</td>
<td>As of the 2014–15 school year, there are two California Assessment of Student Performance and Progress (CAASPP) assessments available for GSSMD eligibility:</td>
</tr>
<tr>
<td>English-language arts (ELA):</td>
<td>ELA:</td>
<td>ELA:</td>
</tr>
<tr>
<td>1. reading/literature</td>
<td>1. Grade 9 ELA</td>
<td>1. High school Smarter Balanced Summative Assessment</td>
</tr>
<tr>
<td>2. written composition</td>
<td>2. Grade 10 ELA</td>
<td>Mathematics:</td>
</tr>
<tr>
<td></td>
<td>3. Grade 11 ELA</td>
<td>2. High school Smarter Balanced Summative Assessment</td>
</tr>
<tr>
<td>Mathematics:</td>
<td>Mathematics:</td>
<td>Science:</td>
</tr>
<tr>
<td>4. geometry</td>
<td>5. Geometry</td>
<td>10. Chemistry</td>
</tr>
<tr>
<td>6. biology</td>
<td>8. Integrated Math 3</td>
<td>13. Integrated/Coordinated Science 1</td>
</tr>
<tr>
<td>7. chemistry</td>
<td></td>
<td>14. Integrated/Coordinated Science 2</td>
</tr>
<tr>
<td>8. second-year coordinated science</td>
<td></td>
<td>15. Integrated/Coordinated Science 3</td>
</tr>
<tr>
<td>9. physics</td>
<td></td>
<td>16. Integrated/Coordinated Science 4</td>
</tr>
<tr>
<td>History:</td>
<td></td>
<td>U.S. History:</td>
</tr>
<tr>
<td>10. U.S. history</td>
<td></td>
<td>17. Grade 11 History-Social Science (United States History)</td>
</tr>
<tr>
<td>Other subjects:</td>
<td></td>
<td>Other subjects:</td>
</tr>
<tr>
<td>11. Economics</td>
<td></td>
<td>18. Grade 10 History-Social Science (World History)</td>
</tr>
<tr>
<td>12. government/civics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Spanish language</td>
<td></td>
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</tr>
</tbody>
</table>
California Assessment of Student Performance and Progress: Approve General Performance Level Descriptors for the California Alternate Assessment.

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60648 states, “… the state board shall adopt, performance standards on the California Assessment of Student Performance and Progress summative tests administered pursuant to this article. The performance levels shall identify and establish the minimum performance required for meeting a particular achievement level expectation.” The California Department of Education (CDE) is submitting the proposed California Alternate Assessment (CAA) general performance level descriptors (general PLDs) and recommends that the State Board of Education (SBE) approve the proposed general PLDs which will be used to guide the development of domain and grade/grade span-specific PLDs (specific PLDs) to be approved at a future SBE meeting.

RECOMMENDATION

The CDE recommends that the SBE approve the proposed general PLDs for the CAA (Attachment 1).

BRIEF HISTORY OF KEY ISSUES

In July 2015, the SBE approved the CAA test blueprints. These blueprints for English language arts (ELA) and mathematics took into account the work of the National Center and State Collaborative (NCSC) and represented the proportions of the items aligned to the California State Standards (CSS). The blueprints also identified the links between the CSSs and the Core Content Connectors (CCCs) upon which the items (currently under development) are to be aligned.

The proposed general PLDs (sometimes referred to as policy level descriptors) included in Attachment 1 establish the number of performance levels and the policy level descriptions of performance at each level of achievement. To develop the proposed general PLDs, the Assessment Development and Administration Division (ADAD) considered the NCSC descriptors as well as feedback from educators. Additionally, the
ADAD, in consultation with the California Assessment of Student Performance and Progress contractor, Educational Testing Service, considered the number of assessment items on the CAA as a basis to propose the use of three levels of performance.

While the proposed general PLDs have similar descriptions as the general PLDs used by NCSC, based on feedback from stakeholders and the test development experts and psychometricians at ETS, the CDE is recommending the use of three levels of achievement to ensure the technical adequacy of the CAA. The assessment developed by NCSC uses four levels of achievement. The approval of the proposed general PLDs will not prohibit the use of the NCSC items should they become available.

Consistent with past practice, each individualized education program (IEP) team is responsible for identifying students who are to be administered the CAA. As with the prior alternate assessment, the CAA is developed for students with significant cognitive disabilities. To assist IEP teams with making a determination, the CDE will be updating the participation criteria. Additionally, the CDE is developing a separate document to assist parents as participants in the IEP process that determines whether their child should participate in the alternate assessment.

It is the intent of the CDE to present specific PLDs for SBE approval in May 2016, prior to the late July/August standard setting, and then in September, present the standard setting findings and a recommendation for performance-level threshold scores.

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

In July 2015, the SBE took action to approve the CAA blueprints for ELA and mathematics (http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item04.doc). The SBE meeting minutes can be found on the SBE Final Minutes Web page at http://www.cde.ca.gov/be/mt/ms/documents/finalminutes0809jul2015.doc.

In April 2015, the SBE received a memorandum from the CDE that provided an update on the development and administration of the CAA field test. The update addressed the CAA content and field test structure as well as outreach activities (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-apr15item03.doc).

In September 2014, the SBE was informed of the CDE’s decision to explore other options for a spring 2015 administration of an alternate assessment (http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item02.doc).

In August 2014, the SBE received a memorandum from the CDE outlining the response it had received from NCSC denying California’s participation in the spring 2015 NCSC administration (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-aug14item03.doc).

In July 2014, the SBE directed the CDE to eliminate the California Alternate Performance Assessment in ELA and mathematics and approved a proposed plan for
full participation for spring 2015 using the NCSC alternate assessment. The SBE also directed the CDE to submit a waiver to eliminate double testing (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item03.doc). The SBE meeting minutes can be found on the SBE Final Minutes Web page at http://www.cde.ca.gov/be/mt/ms/documents/finalminutes0910jul2014.doc.

FISCAL ANALYSIS (AS APPROPRIATE)

None

ATTACHMENT(S)

Attachment 1: California Alternate Assessment Proposed General Performance Level Descriptors (1 page)
California Alternate Assessment
Proposed General Performance Level Descriptors

General (not grade specific) performance level descriptors (general PLDs) for the California Alternate Assessment have been developed, based on the work of the National Center and State Collaborative (NCSC). In December 2015, a team of local educational agency representatives, who were familiar with core content connectors and the target student population, reviewed policy descriptions developed by NCSC and the general PLDs for California’s student population.

In developing the general PLDs, the California Department of Education has determined that the descriptions should include three levels of performance. These levels have not been identified by labels; the general PLDs are currently numbered with level 3 reflecting the highest level of performance.

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Students at this level demonstrate <strong>understanding</strong> of core subject matter in the content area. They are actively working with adapted grade-level content that focuses on the essential knowledge and skills and may need occasional prompts and assistance to complete tasks and activities.</td>
</tr>
<tr>
<td>2</td>
<td>Students at this level demonstrate <strong>foundational understanding</strong> of core subject matter in the content area when provided with frequent prompts and supports. They are actively working with adapted grade-level content that focuses on the essential knowledge and skills and may frequently need supports to complete tasks and activities.</td>
</tr>
<tr>
<td>1</td>
<td>Students at this level demonstrate <strong>limited understanding</strong> of adapted grade level content that focuses on much of the basic knowledge and skills, even with extensive supports.</td>
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</tbody>
</table>
ITEM 08
The California Department of Education (CDE) is responsible for the oversight of the state test of English language proficiency (set forth in California Education Code [EC] sections 313 and 60810). The CDE has made significant strides in transitioning from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC), which will be aligned with the 2012 English Language Development Standards (2012 ELD Standards). The CDE is submitting proposed ELPAC general performance level descriptors (general PLDs) and is recommending that the State Board of Education (SBE) approve these proposed general PLDs which will be used to guide the development of domain and grade/grade span-specific PLDs (specific PLDs) in summer 2016. These definitions are not specific to the ELPAC initial or summative assessment, or to grade or domain (i.e., listening, speaking, reading, or writing). Rather, they are broad descriptors of how well students understand and use language at each level as they progress in learning English and develop proficiency in productive and receptive language skills. Following SBE approval of these proposed general PLDs, the contractor will convene California educators in summer 2016 to develop the specific PLDs to be assessed based on the proposed general PLDs.

**RECOMMENDATION**

The CDE recommends that the SBE approve the proposed general PLDs for the ELPAC. These general PLDs will inform the test design of the ELPAC and will provide a range of measurement for the ELPAC.

**BRIEF HISTORY OF KEY ISSUES**

In November 2012, the SBE adopted the 2012 ELD Standards. The 2012 ELD Standards were developed to guide the instruction and assessment of English learners who are developing the English language skills they need to engage in grade-level academic content. Following the awarding of the contract to Educational Testing
Service (ETS) in July 2015, the CDE and ETS began work to develop a new English language proficiency assessment, the ELPAC, which will be aligned with the 2012 ELD Standards and will replace the CELDT.

In November 2015, the SBE approved the test blueprints and task types for the ELPAC. Those documents are now guiding the development of the items for the ELPAC. The proposed general PLDs are necessary to inform the next step in the assessment development process, which is the test design and establishment of the range of measurement. As set forth in EC 60810(e)(1), the proposed general PLDs shall “provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from no English proficiency to fluent English proficiency with at least two intermediate levels.” In the proposed general PLDs, “no English proficiency” is represented by level 1 (“Emerging” in the 2012 ELD Standards); the “two intermediate levels” are represented by level 2 (early stage “Expanding” in the 2012 ELD Standards) and level 3 (exit stage of the Expanding level in the 2012 ELD Standards); and “fluent English proficiency” is represented by level 4 (“Bridging” in the 2012 ELD Standards). Attachment 1 (the proposed general PLDs) defines both the number of performance levels and the qualitative descriptions of each level that, upon SBE approval, will apply to both the initial and summative assessments.

The Assessment Development and Administration Division has gathered input on the structure and content of the proposed general PLDs from the English Learner Support Division, the ELPAC Technical Advisory Group, and external stakeholders. General PLDs (sometimes called policy level descriptors) provide generic descriptions of student performance level expectations, and are used to guide the development of the specific PLDs.

In summer 2016, the ELPAC contractor will convene California educators to develop the grade- and domain-specific PLDs, which correspond to the overarching expectations in the proposed general PLDs. The grades to which the specific PLDs will apply are: kindergarten, grade 1, and grade 2; and grade spans 3–5, 6–8, 9–10, and 11–12. The specific PLDs inform the standard setting process used to establish “performance-level cut scores” pursuant to EC Section 60810(a)(2). The specific PLDs will identify the skills a student should possess at each performance level, thereby guiding the threshold score recommendations resulting from the standard setting. These performance level threshold score recommendations, with descriptions of the specific PLDs, will be submitted to the SBE for approval pursuant to EC Section 60810(a)(2) following the field tests for the initial and summative assessments.

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

**November 2015:** The CDE recommended, and the SBE approved, the proposed task types and test blueprints for the ELPAC.

(http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item12.doc)
**October 2015:** The CDE submitted an Information Memorandum to the SBE with an update on the activities for the transition to the ELPAC, including the development of test blueprints.  
(http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item01.doc)

**July 2015:** The CDE recommended, and the SBE approved, the Assembly Bill (AB) 899 Correspondence Study Report, and requested that the augmentation document to the 2012 ELD Standards be opened for public comment.  
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item06.doc)

**June 2015:** The CDE submitted an Information Memorandum to the SBE with an update on the CDE’s preparation for an ELPAC contractor in anticipation of the commencement of the contract.  
(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item01.doc)

**April 2015:** The CDE submitted an Information Memorandum to the SBE with an update on the contract award of the ELPAC, and the proposed contractor’s next steps.  
(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-apr15item01.doc)

**November 2014:** The CDE recommended, and the SBE approved, that the SBE authorize the release of the ELPAC Request for Proposals in accordance with EC Section 60810(a)(3).  
(http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item05.doc)

**FISCAL ANALYSIS (AS APPROPRIATE)**

The 2015 Budget Act provided $10.88 million for the development of and transition to the ELPAC. The current ELPAC contract with ETS includes an approved scope of work and budget. This contract was submitted to the Department of Finance and approved by the Department of General Services on August 19, 2015.

**ATTACHMENT(S)**

Attachment 1: English Language Proficiency Assessments for California—Proposed General Performance Level Descriptors (2 Pages)
English Language Proficiency Assessments for California—Proposed General Performance Level Descriptors

This document provides the proposed general performance level descriptors (general PLDs) for the English Language Proficiency Assessments for California. These proposed general PLDs take into account the categories of Emerging, Expanding, and Bridging. The language in the description draws from the language used to describe those categories on page 20 of the 2012 California English Language Development Standards: Kindergarten Through Grade 12 (http://www.cde.ca.gov/sp/el/er/documents/eldstndspublication14.pdf).

Following the field tests for the initial assessment (IA) and summative assessment (SA), the specific performance level threshold score recommendations will be submitted to the State Board of Education (SBE) for approval pursuant to California Education Code Section 60810(2) after the IA and SA standard settings. These proposed general PLDs are structured so that for the summative assessment, a recommendation to consider an English learner for reclassification would be based on the threshold between level 3 and level 4. For the IA, a student whose IA results fall at or above the threshold between level 3 and level 4 would be considered Initial Fluent English Proficient (IFEP). These recommendations for IFEP and reclassification will be reconsidered by the SBE upon adoption of the specific threshold scores.

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>4</td>
<td>English learners at this level have <strong>fully functional</strong> receptive (listening and reading) and productive skills (speaking and writing). They can use English to learn and communicate in meaningful ways that are appropriate to different tasks, purposes, and audiences in a variety of social and academic contexts. They may need occasional linguistic support to engage in familiar social and academic contexts; they may need light support to communicate on less familiar tasks and topics.</td>
</tr>
<tr>
<td>3</td>
<td>English learners at this level have <strong>moderately functional</strong> receptive (listening and reading) and productive skills (speaking and writing). They can sometimes use English to learn and communicate in meaningful ways in a range of topics and content areas. They need light to minimal linguistic support to engage in familiar social and academic contexts; they need moderate support to communicate on less familiar tasks and topics.</td>
</tr>
<tr>
<td>2</td>
<td>English learners at this level have <strong>somewhat functional</strong> receptive (listening and reading) and productive skills (speaking and writing). They can use English to meet immediate communication needs but often are not able to use English to learn and communicate on topics and content areas. They need moderate-to-light linguistic support to engage in familiar social and academic contexts; they need substantial-to-moderate support to communicate on less familiar tasks and topics.</td>
</tr>
<tr>
<td></td>
<td>English learners at this level have <strong>limited to no functional</strong> receptive (listening and reading) and productive English skills (speaking and writing). They tend to rely on learned words and phrases to communicate meaning at a basic level. They need substantial-to-moderate linguistic support to communicate in familiar social and academic contexts; they need substantial linguistic support to communicate on less familiar tasks and topics.</td>
</tr>
</tbody>
</table>
ITEM 10
SYNCHRONIZED EDUCATION PROJECT: CONSIDER ISSUING A NOTICE OF INTENT TO REVOKE PURSUANT TO CALIFORNIA EDUCATION CODE SECTION 47607(e).

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) asserts that there is substantial evidence that Synergy Education Project (SEP) may have engaged in fiscal mismanagement and committed a material violation of the SEP charter. Pursuant to California Education Code (EC) Section 47607(d), the authority that granted the charter shall notify the charter school of any violation and provide the school a reasonable opportunity to remedy the violation.

On November 5, 2015, the State Board of Education (SBE) issued a Notice of Violation (NOV) to SEP because SEP may have engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C) and may have committed a material violation of the SEP charter pursuant to EC Section 47607(c)(1)(A). SEP was required to provide a written response and supporting evidence that addressed all of the violations outlined in the NOV.

On November 13, 2015, SEP submitted a Response to Notice of Violation pursuant to EC Section 47607(d) to the SBE and the CDE. Additionally, this response included seven appendices (Attachment 4 of Agenda Item 02 on the Advisory Commission on Charter Schools [ACCS] December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a4.pdf).

RECOMMENDATION

The CDE recommends that the SBE consider, based on substantial evidence, that SEP has not demonstrated increases in pupil academic achievement for all groups of pupils served by SEP pursuant to EC Section 47607(c)(2), that SEP engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C), and that SEP committed
material violations of the SEP charter pursuant to EC Section 47607(c)(1)(A) as
described in the NOV issued by the SBE to SEP on November 5, 2015.

After consideration of substantial evidence presented, the CDE and the ACCS
recommend that if the SBE finds that SEP has failed to refute, remedy, or propose to
remedy the violations described in the NOV, that the SBE issue a Notice of Intent to
Revoke with a Notice of Facts in Support of Revocation pursuant to EC Section
47607(e), included as Attachment 1.

If the SBE issues a Notice of Intent to Revoke and Notice of Facts in Support of
Revocation of SEP, the CDE also recommends that the SBE hold a public hearing on
January 14, 2016, to consider issuing a Final Decision to Revoke the SEP charter.

Advisory Commission on Charter Schools

The ACCS considered the evidence presented in SEP’s response to the NOV at its
December 2, 2015, meeting. The ACCS voted to move forward the CDE
recommendation that if the SBE finds that SEP has failed to refute, remedy, or propose to
remedy the violations described in the NOV, that the SBE issue a Notice of Intent to
Revoke with Notice of Facts at its January 2016 meeting. The motion passed by a vote
of eight to zero.

BRIEF HISTORY OF KEY ISSUES

The SEP charter petition was denied by the Pittsburg Unified School District (PUSD)
Governing Board on December 15, 2010. SEP submitted an appeal to the Contra Costa
County Board of Education that was denied on February 16, 2011.

The SBE authorized SEP on appeal on November 10, 2011. The SBE agenda item can
be found as Item 12 on the SBE November 9–10, 2011, Agenda Web page at
http://www.cde.ca.gov/be/ag/ag/yr11/agenda201111.asp. The corresponding minutes
for the November 9–10, 2011, SBE meeting can be found on the SBE Minutes Web

At its July 9, 2015, meeting the SBE approved a material revision, with technical
amendments and conditions, to the SEP charter petition to revise its governance
structure via a Memorandum of Understanding (MOU) with Encore Education
Corporation (EEC), and SEP’s educational program with the intention of implementing
EEC’s arts integration program. The SBE agenda item can be found as Item 22 on the
SBE July 8–9, 2015, Agenda Web page at
http://www.cde.ca.gov/be/ag/ag/yr15/agenda201507.asp.
The corresponding minutes for the July 8–9, 2015, SBE meeting can be found on the
SBE Minutes Web page at
SEP’s current charter term under SBE authorization ends June 30, 2017, before which SEP will need to submit renewal documentation to PUSD.

At its November 5, 2015, meeting the SBE issued a NOV to SEP because SEP may have engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C) and may have committed a material violation of the SEP charter pursuant to EC Section 47607(c)(1)(A). The SBE agenda item can be found as Item 19 on the SBE November 4–5, 2015, Agenda Web page at http://www.cde.ca.gov/be/ag/ag/yr15/agenda201511.asp. SEP was required to provide a written response and supporting evidence that addressed all of the violations outlined in the NOV.

EC Section 47607(c)(1) states that a charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(B) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(D) Violated any provision of the law.

Additionally, EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

SEP pupils are below the state average in pupils who met or exceed standards for English language arts and mathematics on the 2014–15 California Assessment of Student Performance and Progress (CAASPP) for the same grades. SEP pupils are below resident schools and the comparable district average of pupils who met or exceed standards for mathematics on the 2014–15 CAASPP for the same grades. SEP pupils are below resident schools and the comparable district average of pupils who met or exceed standards for English language arts on the 2014–15 CAASPP for the same grades (Attachment 3 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a3.doc).

Additionally, SEP pupils have a lower percentage of pupils who passed the California High School Exit Exam in 2015 than the resident district and one of the resident high schools for both English language arts and mathematics (Attachment 3 of Agenda Item
Based on the academic analysis of SEP pupil achievement, the CDE finds that SEP has not demonstrated increases in pupil academic achievement for all groups of pupils served by SEP.

Violation of Law

The CDE has recently been made aware of a number of issues, that if not refuted or resolved immediately by the governing board of SEP, are in violation of EC Section 47607(c)(1)(A) and (C) and may directly impact the ability of SEP to continue operations for the remainder of the 2015–16 school year. The CDE believes that substantial evidence exists to support the finding that the SEP Board has engaged in fiscal mismanagement, has committed a material violation of the conditions and procedures, set forth in the SEP charter, and has not fulfilled specific terms and conditions in the MOU between SEP and the SBE.

Pursuant to EC Section 47607(d) the authority that granted the charter shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violations.

On October 28, 2015, the CDE issued a letter to the SEP Board informing them of the intent of the SBE to consider issuing a NOV at its November 2015 meeting, and that if such a notice were issued, SEP would have until November 13, 2015, to submit evidence that refutes, remedies, or proposes to remedy the violations described in the notice. On November 5, 2015, the SBE issued a NOV to SEP (Attachment 1 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a1.pdf). On November 13, 2015, SEP submitted a response to the NOV (Attachment 4 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a4.pdf).

The CDE conducted an extensive review of the evidence, including, but not limited to, SEP’s written response to the NOV, multi-year budgets submitted by SEP, enrollment history of SEP, the material revision to the SEP charter petition, and the current MOU between SEP and the SBE. Based on this review, the CDE concludes the following:

The SEP Board engaged in fiscal mismanagement (EC Section 47607[c][1][C]).

- **CDE Finding:** The SEP budget has ended with significant deficits for the first three years of operation with little sound evidence of progress towards eliminating the budget deficit. Currently, SEP’s financial condition is insolvent with a negative fund balance as of June 30, 2015, of $793,916. Additionally, SEP currently owes EEC approximately $200,000 bringing the negative end fund balance to $993,916.
The SEP Board states that EEC has failed to provide any documentation regarding the $200,000 of purchases. The SEP Board states that EEC failed to seek approval for any expenditures. EEC has provided letters and invoices to substantiate outstanding payments owed by SEP (Attachments 6, 7, 8, and 9 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp).

**CDE Conclusion:** Not remedied. Although SEP adopted a 2015–16 First Interim Budget and multi-year plan (MYP) that projects to reverse its deficit spending and insolvent financial condition by the end of fiscal year (FY) 2017–18, which is beyond SEP’s current SBE-approved charter term, the CDE concludes that the assumptions used by SEP to build its budget and MYP are not reasonable. SEP overestimated revenues by including enrollment and attendance which will not materialize. SEP understated expenditures by not including all obligations as noted with EEC. Additionally, the CDE concludes that SEP has demonstrated, since its inception, an inability to properly prepare, monitor, and implement balanced budgets. SEP’s budgets for its first three FYs (2012–13, 2013–14, and 2014–15) have ended with out of balance budget deficits.

**CDE Finding:** The SEP Board has demonstrated a continued pattern of deficit spending even though original budgets forecast operating surpluses. SEP has a substantial pattern of projected enrollment not materializing which has negatively impacted revenue flow resulting in an inability to meet its financial obligations as evidenced by SEP’s September 15, 2015, default on a $1.6 million Revenue Anticipation Note (RAN) (Attachments 2 and 5 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp).

**CDE Conclusion:** Not remedied. SEP adopted a 2015–16 First Interim Budget and MYP that projects operating surpluses through FY 2017–18. However, SEP has a pattern of budgeting the year with a net operating surplus, but actually ending each year with a significant operating deficit. Based on SEP’s use of unreasonable assumptions (overestimating enrollment and attendance and understating expenditures), the CDE finds and concludes that SEP’s projected net operating budget surpluses are overstated and that SEP will likely end each FY with net operating budget deficits, further worsening its insolvent financial condition.

**CDE Finding:** The SEP Board failed to pay off a $1.6 million RAN which matured on September 15, 2015. At its July 9, 2015, meeting, the SBE approved a material revision to the SEP charter petition with technical amendments and conditions. One of the conditions requires SEP to provide a plan on how to repay that debt, which is now in default. SEP has not responded to the CDE’s request to provide adequate
documentation regarding the default of the RAN or the subsequent RAN repayment plan.

**CDE Conclusion:** SEP defaulted on its September 15, 2015, payment on a $1.6 million RAN and the terms of the RAN have not been officially restructured. SEP included in its latest budget full repayment of the RAN over a three year period from FY 2015–16 to 2017–18. Since SEP’s current charter term expires on June 30, 2017, an agreement to restructure the note for a period after the charter school term expires adds to the uncertainty that an extended repayment agreement can be reached with the RAN note holders.

- **CDE Finding:** The SEP Board has never met enrollment projections since it began operation in 2012–13. Currently, SEP has 171 pupils enrolled in grade 6 through grade 11; however, projected enrollment included in the SEP material revision authorized in July 2015, is 255 pupils (Attachments 2 and 5 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp).

**CDE Conclusion:** Not remedied. In SEP’s transition plan, approved by the SEP Board on November 5, 2015, the SEP Board acknowledges the financial plan is based on 175 pupils enrolled. The SEP Board further acknowledges that should enrollment significantly decrease such that SEP cannot meet its financial obligations, the SEP Board would instruct SEP staff and management to begin voluntary closure proceedings to close at the end of its current semester, January 22, 2016. The CDE concludes that SEP did not address the declining enrollment concerns in its response to the NOV.

The SEP Board committed a material violation of any of the conditions, standards, or procedures set forth in the charter (EC Section 47607[c][1][A]).

- **CDE Finding:** As of the date of the CDE’s October 9, 2015, letter of concern, SEP did not have a functioning board, which is not consistent with the SEP charter petition or the SEP bylaws.

**CDE Conclusion:** Remedied. Based on documentation provided to the CDE, SEP appears to have a functioning governing board with eight members.

- **CDE Finding:** The SEP Board approved revisions to SEP’s governance structure and educational program, recognizing the critical situation, and sought a partnership with EEC to provide a more sustainable future with regard to governance and fiscal solvency during the remainder of SEP’s charter authorization under the SBE, currently through June 30, 2017. The SEP Board entered into a partnership that was later finalized through an MOU between SEP and EEC on July 1, 2015. This MOU outlined specific duties to be performed by EEC including, but not limited to, providing programmatic services (including an arts program that would increase SEP’s enrollment), administrative services, fiscal management, pupil discipline, and
SEP school administrative staff. This MOU was terminated by EEC effective November 18, 2015.

CDE Conclusion: Not remedied. The SEP Board has included a transition plan as part of its response to the NOV; however, this plan has been conditionally approved by the SEP Board as evidenced in the unofficial minutes from the November 12, 2015, SEP Board meeting. Most concerning is that SEP provided a master schedule to the CDE; however, some teachers listed appear not to hold valid credentials for the subjects listed. The transition plan along with SEP’s response does not address how SEP will revise the charter petition to be in alignment with the new governance structure, now that the MOU with EEC has terminated. Additionally, SEP provides limited information about how attendance reporting services and Special Education services will be provided after EEC terminates its agreement effective November 18, 2015.

- CDE Finding: To date, SEP has A–G approved courses for grade nine only. In its petition, SEP states its goal is to ensure that all A–G courses can be submitted to the University of California (UC) for approval. SEP’s goal is to ensure that 100 percent of graduating students will be able to submit applications to California’s public university system having completed all of California State University/UC requirements.

CDE Conclusion: Partially remedied. The UC’s A–G course submission policy requires all public schools to be accredited in order to establish and maintain an A–G course list. Pursuant to SEP’s charter, SEP currently holds candidacy for accreditation for grade six through grade nine only, with plans to continue on the accreditation path through the Western Association of Schools and Colleges (WASC). However, during the 2013–14 and 2014–15 school years SEP did not submit grade nine course descriptions to the UC for approval.

EEC provided SEP with A–G approved courses for grade nine and submitted these to the UC A–G Web portal. SEP states that it will follow the current A–G approved grade nine curriculums from EEC to ensure transferability of courses for SEP pupils in the interim of SEP course approval. However, as of November 19, 2015, SEP is not offering the A–G approved Art 1 class.

SEP plans to submit all grade 10 and grade 11 courses for approval.

In December 2015, WASC informed CDE that SEP will need to submit grade 10 and grade 11 courses by February 1, 2016, to UC for approval. Additionally, SEP would need to conduct a full WASC self-study review during the 2016–17 school year to receive initial accreditation status. To date, SEP has not provided sufficient documentation to show SEP is prepared to submit course descriptions for all grade ten through grade eleven courses or started the work to successfully complete a self-study review. Additionally, since no course descriptions have been provided, it is unclear if the courses will meet the rigorous approval process set by UC. Therefore,
the CDE maintains that SEP has not provided a viable plan to address a sufficient remedy for the lack of A–G courses offered at SEP.

- **CDE Finding:** At its July 9, 2015, meeting the SBE approved the SEP material revision to revise its governance structure and educational program with the condition to comply with the technical amendments identified by the CDE to the charter petition as a condition of approval. The CDE requested that the technical amendments be completed and the revised SEP petition be resubmitted by August 28, 2015.

**CDE Conclusion:** Not remedied. SEP has not submitted a revised material revision petition with all of the technical amendments identified by the CDE. The CDE also concludes that the SEP Board has not met two of the conditions included in the SBE’s July 2015, approval of the material revision. SEP has failed to present a specific plan to the CDE that adequately addresses how SEP plans to repay the RAN of approximately $1.6 million, which matured on September 15, 2015. This plan was due to the CDE on July 1, 2015. Additionally, SEP provided multi-year projections to the CDE; however, they are based on a RAN repayment plan that has not been submitted for approval to the RAN note holders (Attachments 2 and 5 of Agenda Item 02 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp](http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp)).

At its November 10, 2015, meeting the SEP Board approved authorization for Delta Managed Solutions (DMS) to prepare and submit an exchange offer to the RAN note holders for a proper restructuring of the loan. However, DMS responded that it does not have the expertise to draft the exchange offer and the SEP Board would need to retain outside legal counsel with this expertise in order to prepare and file the exchange offer. On December 2, 2015, the CDE received correspondence from DMS that stated that Stradling, Yocca, Carlson, & Rauth, original RAN Counsel, has provided a preliminary delivery date of the new RAN resolution, exchange offer, and related documents by middle of December 2015. DMS also stated that this item would be added to the December 2015 SEP board agenda. Once approved, this documentation would be filed with US Bank (the paying agent) on December 18, 2015, with responses required from the note holders by December 31, 2015. It should be noted that since SEP’s current charter term expires on June 30, 2017, an agreement to restructure the RAN for a period after the charter school’s SBE-approved term expires adds to the uncertainty that an extended repayment agreement can be reached with the RAN note holders.

- **CDE Finding:** The SEP Board has failed to meet specific requirements of its MOU with the SBE with regard to:
  
  - Section 1.2 Board of Directors and Establishment of Governance Council

    Pursuant to Section 1.2 of the MOU, at all times that SEP is operational, SEP will have the following information posted on the SEP Web site and will
update the information within 30 days of any changes, Articles of Incorporation, bylaws approved by the governing board, and roster and biographies of current governing board members.

**CDE Conclusion:** Partially remedied. SEP established a new board. However, SEP must update its Articles of Incorporation, bylaws, and board roster and biographies and post it on the SEP Web site, by November 30, 2015. As of December 2, 2015, SEP has not met this requirement.

1. **Section 1.3 Board of Directors and Governance Council Responsibilities**
   - Council Meetings
   - Adoption of Policies and Procedures
   - Internal Controls

Pursuant to Section 1.3 of the MOU, SEP shall provide Brown Act training to its governing board members and administrative staff prior to the execution of any duties, and certify to the CDE annually or after any changes to the governing board members or administrative staff, that this training was provided.

**CDE Conclusion:** Not remedied. The newly formed SEP Board did not receive Brown Act training prior to executing any duties. SEP is in violation of this requirement and does not address a remedy in its response to the NOV. As of December 2, 2015, SEP has not met this requirement.

2. **Section 3.5 Reserves**

Pursuant to Section 3.5 of the MOU, SEP is expected to maintain reserves at a level at least equivalent to a school district of similar size as identified in 5 CCR Section 15450.

**CDE Conclusion:** Not remedied. The SEP budget does not reflect any reserves for the remainder of its current 2012–17 charter term with the SBE.

3. **Section 3.7 Oversight Fees**

Pursuant to EC Section 47613, the School will be charged an annual oversight fee not to exceed one percent of the general purpose and categorical block grant funding provided to the School. Invoices are due and payable to CDE within 30 days of receipt.

**CDE Conclusion:** Remedied. SEP is current with their remittance to the CDE of oversight fees.
Based on the conclusions outlined above and in Attachment 2 of the item, the CDE finds that SEP has failed to adequately refute, remedy, or propose to remedy the violations identified in the NOV.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 26 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters
- Eighteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

There would essentially be no state cost related to revocation of the SEP charter. If the SBE were to revoke the charter, some shifting of state expenditures would occur from SEP to other local educational agencies (due to the transfer of students), but state expenditures would essentially be unchanged. There would be a minor loss of revenue to the CDE from the oversight fees collected from SEP. However, the revenue loss would be offset by the reduction in costs for oversight activities.

ATTACHMENT(S)

Attachment 1: Letter of Notice of Intent to Revoke (7 Pages)
Attachment 2: Notice of Facts in Support of Revocation of Synergy Education Project (10 Pages)
January 13, 2016

Rachelle Sullivan, Board Chair
Synergy Education Project
355 East Leland Road
Pittsburg, CA 94565
Email: rachelesulli@yahoo.com

Lawrence Rasheed, Interim Programs Director
Synergy Education Project
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Dear Ms. Sullivan and Mr. Rasheed:

Subject: State Board of Education’s Notice of Intent to Revoke and Notice of Facts in Support of Revocation pursuant to Education Code (EC) Section 47607(e)

This letter serves as the State Board of Education’s Notice of Intent to Revoke and Notice of Facts in Support of the revocation of Synergy Education Project’s (SEP) charter.

EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

EC Section 47607(c) provides that a school’s charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(B) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
(D) Violated any provision of the law.

The SBE issued a Notice of Violation (NOV) dated November 5, 2015, informing SEP that it may have violated EC Section 47607(c)(1)(A) and (c)(1)(C), and (c)(2) that these violations could be the basis for an action to revoke the SEP charter. On November 5, 2015, SEP was notified in writing regarding the violations alleged in the NOV.

The NOV provided SEP with an opportunity to submit evidence to the SBE by November 13, 2015, that refuted, remedied, or proposed to remedy the alleged violations. SEP was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its December 2, 2015, meeting.

After consideration of the evidence presented by SEP, the ACCS, the California Department of Education (CDE), and the SBE conclude that SEP has failed to refute, remedy, or propose to remedy the violations included in the NOV as follows:

The SEP Board engaged in fiscal mismanagement (EC Section 47607[c][1][C]):

- The SEP budget has ended with significant deficits for the first three years of operation with little sound evidence of progress towards eliminating the budget deficit. Currently, SEP's financial condition is insolvent with a negative fund balance as of June 30, 2015, of $793,916. Additionally, SEP currently owes Encore Education Corporation (EEC) approximately $200,000 bringing the negative end fund balance to $993,916. Although SEP adopted a 2015–16 First Interim Budget and multi-year plan (MYP) that projects to reverse its deficit spending and insolvent financial condition by the end of fiscal year (FY) 2017–18, which is beyond SEP’s current SBE-approved charter term, the CDE concludes that the assumptions used by SEP to build its budget and MYP are not reasonable. SEP overestimated revenues by including enrollment and attendance which will not materialize. SEP understated expenditures by not including all obligations as noted with EEC. Additionally, the CDE concludes that SEP has demonstrated, since its inception, an inability to properly prepare, monitor, and implement balanced budgets. SEP’s budgets for its first three FYs (2012–13, 2013–14, and 2014–15) have ended with out of balance budget deficits. The SBE has reviewed and considered the CDE’s conclusions and agree with its findings.

- SEP has demonstrated a continued pattern of deficit spending when original budgets planned for operating surpluses, a pattern of projected enrollment not materializing and negatively impacting SEP’s revenue flow, and an inability to meet financial obligations as evidenced by SEP’s September 15, 2015, default on a $1.6 million Revenue Anticipation Note (RAN). SEP adopted a 2015–16 First Interim Budget and MYP that projects operating surpluses through FY 2017–18. However, SEP has a pattern of budgeting the year with a net operating surplus, but actually ending each year with a significant operating deficit. Based on SEP’s use of unreasonable assumptions (overestimating enrollment and attendance and understating expenditures), the CDE finds and concludes that SEP’s projected net operating budget surpluses are overstated and that SEP will likely end each fiscal year with net operating budget deficits, further worsening its insolvent financial condition. The SBE has reviewed and considered the CDE’s conclusions and agree with its findings.
The SEP Board failed to pay off a $1.6 million RAN which matured on September 15, 2015. At its July 9, 2015, meeting, the SBE approved a material revision to the SEP charter petition with technical amendments and conditions. One of the conditions requires SEP to provide a plan on how to repay that debt, which is now in default. SEP has not responded to the CDE’s request to provide adequate documentation regarding the default of the RAN or the subsequent RAN repayment plan. SEP defaulted on its September 15, 2015, payment on a $1.6 million RAN and the terms of the RAN have not been officially restructured. SEP included in its latest budget full repayment of the RAN over a three-year period from FY 2015–16 to 2017–18. Since SEP’s current charter term expires on June 30, 2017, an agreement to restructure the note for a period after the charter school term expires adds to the uncertainty that an extended repayment agreement can be reached with the RAN note holders.

The SEP Board has never met enrollment projections since it began operation in 2012–13. Currently, SEP has 171 pupils enrolled in grade 6 through grade 11; however, projected enrollment included in the SEP material revision authorized in July 2015, is 255 pupils. In SEP’s transition plan approved by the SEP Board on November 5, 2015, the SEP Board acknowledges the financial plan is based on 175 pupils enrolled. The SEP Board further acknowledges that should enrollment significantly decrease such that SEP cannot meet its financial obligations, the SEP Board would instruct SEP staff and management to begin voluntary closure proceedings to close at the end of its current semester, January 22, 2016. SEP did not address the declining enrollment concerns in its response to the NOV.

The SEP Board committed a material violation of the conditions, standards, or procedures set forth in the charter (EC Section 47607[c][1][A]):

- Governance: SEP is in violation of its charter because the governance structure outlined in the SEP charter petition is no longer in effect, based on the following evidence:
  - Based on documentation provided to the CDE, SEP appears to have a functioning governing board presently with eight members, and thus has remedied CDE’s concern that it did not have a functioning board.
  - SBE approval of the material revision to the SEP charter included a revision to SEP’s governance structure and educational program. SEP recognized the critical situation and sought a partnership with EEC to provide a more sustainable future with regard to governance and fiscal solvency during the remainder of SEP’s charter authorization under the SBE, currently through June 30, 2017. The revised SEP charter petition outlines a possible partnership that was later finalized through a Memorandum of Understanding (MOU) between SEP and EEC on July 1, 2015. This MOU outlined specific duties to be performed by EEC including, but not limited to, providing programmatic services, administrative services, fiscal management, student discipline, and SEP school administrative staff. On October 19, 2015, EEC provided 30 days written notice to the SEP Board and the CDE of the termination of this...
The SBE approved the material revision to the SEP charter petition with four conditions. To date, SEP has not met two of these conditions. SEP has failed to present a specific plan to the CDE that adequately addresses how SEP plans to repay the RAN of approximately $1.6 million, which matured September 15, 2015. This plan was due to the CDE on July 1, 2015. Additionally, SEP provided multi-year budget projections; however, they are based on a RAN repayment plan which has neither been approved by the SEP Board or the RAN note holders.

Additionally, the SEP Board has failed to meet specific requirements of its MOU with the SBE. Specifically, the SEP Board has failed to meet requirements outlined in the following sections:

- **1.2 Board of Directors and Establishment of Governance Council**
  - Pursuant to Section 1.2 of the MOU, at all times that SEP is operational, SEP will have the following information posted on the SEP Web site and will update the information within 30 days of any changes, Articles of Incorporation, bylaws approved by the governing board, and roster and biographies of current governing board members. SEP established a new board. However, SEP must update its Articles of Incorporation, bylaws, and board roster and biographies and post it on the SEP Web site, by November 30, 2015. As of December 2, 2015, SEP has not met this requirement.

- **1.3 Board of Directors and Governance Council Responsibilities**
  - Council Meetings, Adoption of Policies and Procedures, Internal Controls. Pursuant to Section 1.3 of the MOU, SEP shall provide Brown Act training to its governing board members and administrative staff prior to the execution of any duties, and certify to the CDE annually or after any changes to the governing board
members or administrative staff, that this training was provided. As of December 2, 2015, SEP has not met this requirement.

3.5 Reserves

- Pursuant to Section 3.5 of the MOU, SEP is expected to maintain reserves at a level at least equivalent to a school district of similar size as identified in California Code of Regulations, Title 5 Section 15450. The SEP budget does not reflect any reserves for the remainder of its current 2012–17 charter term with the SBE.

Additional Outstanding Documents: The CDE notes that the following requests have not been completed by SEP. The CDE issued a letter of concern to SEP on October 9, 2015, with specific corrective actions and assigned deadlines. The deadlines have passed therefore, the CDE finds it helpful to reiterate the following:

- Technical Amendments: At the July 9, 2015, SBE meeting, the SBE approved the SEP material revision to revise its governance structure and educational program with the condition to comply with the technical amendments identified by the CDE to the charter petition as a condition of approval. SEP submitted a revised charter petition by e-mail to the CDE on August 21, 2015. Upon reviewing the document, the CDE has noted that all of the technical amendments to be incorporated into the SEP petition were not addressed. The CDE requested that the technical amendments be completed and the revised SEP petition be resubmitted by August 28, 2015. The CDE issued one corrective action related to this concern due on November 16, 2015. To date, SEP has not completed this request.

- Suspension and Expulsion: The CDE noted several concerns with the suspension and expulsion policies outlined in the SEP charter petition and requested technical amendments be made to the SEP petition. To date, SEP has not addressed these technical amendments and therefore, it is unclear to the CDE which policies are being implemented with regard to the pupils that the SEP Dean of Students reported were expelled at the beginning of the school year. The CDE issued three corrective actions related to this concern, two were due on October 30, 2015, and one was due November 30, 2015. To date, SEP has not completed this request.

- Local Control Accountability Plan: SEP has not completed a Local Control Accountability Plan for the 2015–18 school years or an annual update for the 2014–15 school year. The CDE issued one corrective action related to this concern due on November 30, 2015. To date, SEP has not completed this request.

- A–G Courses: SEP has A–G approved courses for grade nine only. The CDE issued one corrective action related to this concern which was due on October 30, 2015. The University of California’s (UC) A–G course submission policy requires all public schools to be accredited in order to
establish and maintain an A–G course list. Pursuant to SEP’s charter, SEP currently holds candidacy for accreditation for grade six through grade nine only, with plans to continue on the accreditation path through the Western Association of Schools and Colleges (WASC). However, during the 2013–14 and 2014–15 school years, SEP did not submit grade nine course descriptions to the University of California for approval.

EEC provided SEP with A–G approved courses for grade nine and submitted these to the UC A–G Web portal. SEP states that it will follow the current A–G approved grade nine curriculums from EEC to ensure transferability of courses for SEP pupils in the interim of SEP course approval. However, as of November 19, 2015, SEP is not offering the A–G approved Art 1 class.

SEP plans to submit all grade 10 and grade 11 courses for approval.

In December 2015, WASC informed CDE that SEP will need to submit grade 10 and grade 11 courses by February 1, 2016, to the UC for approval. Additionally, SEP would need to conduct a full WASC self-study review during the 2016–17 school year to receive initial accreditation status. To date, SEP has not provided sufficient documentation to show the school is prepared to submit course descriptions for all grade 10 through grade 11 courses or started the work to successfully complete a self-study review. Additionally, since no course descriptions have been provided, it is unclear if the courses will meet the rigorous approval process set by UC. Therefore, the CDE maintains that SEP has not provided a viable plan to address a sufficient remedy for the lack of A–G courses offered at SEP.

Additionally, EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter. SEP pupils are below the state average in pupils who met or exceed standards for English language arts and mathematics on the 2014–15 California Assessment of Student Performance and Progress (CAASPP) for the same grades. SEP pupils are below resident schools and the comparable district average of pupils who met or exceed standards for mathematics on the 2014–15 CAASPP for the same grades. SEP pupils are below resident schools and the comparable district average of pupils who met or exceed standards for English language arts on the 2014–15 CAASPP for the same grades. Additionally, SEP pupils have a lower percentage of pupils who passed the California High School Exit Exam in 2015 than the resident district and one of the resident high schools for both English language arts and mathematics.

Based on a review and analysis of SEP’s pupil achievement data, the SBE finds that SEP has not demonstrated increases in pupil achievement for all groups of pupils served by SEP.

Notification of Public Hearing: Please be advised that after the SBE issues a Notice of Intent to Revoke on January 13, 2016, staff from the CDE will contact you after the SBE’s action to provide notification of the public hearing on January 14, 2016. You will
be notified via e-mail, using the contact information that you have provided the CDE and as specified below;

Rachelle Sullivan, rachelesulli@yahoo.com
Lawrence Rasheed, power_1906@yahoo.com

You are encouraged to attend the SBE’s meeting on January 14, 2016, to present any evidence you deem necessary to assist the SBE in making its decision. You may watch the SBE’s proceedings online at: http://www.cde.ca.gov/be/ag/ag/sbelivestream.asp.

Please note that materials relative to the Board’s action will be made public in accordance with the Bagley-Keene Open Meetings Act and may be viewed at: http://www.cde.ca.gov/be/ag/ag/index.asp.

If you have any questions or need any additional information regarding this Final Decision to Revoke and Notice of Facts Supporting Revocation, please contact, Cindy Chan, Division Director, Charter Schools Division, by phone at 916-322-6029 or by e-mail at cchan@cde.ca.gov.

Sincerely,

Dr. Michael Kirst, President
California State Board of Education

MWK/km

cc: Karen Stapf Walters, Executive Director, California State Board of Education
    Nick Schweizer, Deputy Superintendent, California Department of Education Services for Administration, Finance, Technology, and Infrastructure Branch
    Cindy S. Chan, Director, Charter Schools Division, California Department of Education
California Department of Education
Analysis of Evidence Submitted to the State Board of Education by
Synergy Education Project on November 13, 2015,
In Response to Notice of Violation Issued by the California State Board of Education
With Subsequent Updates

<table>
<thead>
<tr>
<th>Synergy Education Project (SEP) engaged in fiscal mismanagement pursuant to California Education Code (EC) Section 47607(c)(1)(C).</th>
<th>Summary of Synergy Education Project’s Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015</th>
<th>California Department of Education Analysis of Synergy Education Project’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>California Department of Education Violation as Stated in Notice of Violation Issued on November 5, 2015</strong></td>
<td><em><em>The revisions to SEP’s charter petition approved by the State Board of Education (SBE) on July 9, 2015, were done in part to restructure the school’s staffing in efforts to ameliorate the deficits by operating a most cost effective program. The SEP Board believes this is possible over time since SEP will continue to provide internal school leadership and external management contracts. The SEP Board approved the First Interim Budget (pp. 6–21, Attachment 4</em>). A reduction of staff consistent with lower enrollment and reducing outside management costs has reduced the deficit balance to $507,094 for the 2015–16 school year.</em>*</td>
<td><strong>Not remedied. Although SEP adopted a First Interim budget and multi-year plan (MYP) that projects to reverse its deficit spending and insolvent financial condition by the end of Fiscal Year (FY) 2017–18, the CDE concludes that the assumptions used by SEP to build the budget and MYP plan are not reasonable. The CDE concludes that SEP has demonstrated, since its inception, an inability to properly prepare, monitor, and implement balanced budgets.</strong></td>
</tr>
<tr>
<td><strong>The Synergy Education Project (SEP) budget has ended with significant deficits for the first three years of operation with little sound evidence of progress towards eliminating the budget deficit. Currently, SEP’s financial condition is insolvent with a negative fund balance as of June 30, 2015, of $793,916.</strong></td>
<td><strong>SEP’s attendance ratio for FYs</strong></td>
<td><strong>The CDE notes:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><em><em>1. SEP’s enrollment has historically been over budgeted. From FYs 2012–13 to 2014–15, SEP’s actual enrollment never materialized from what was budgeted. Further, for FY 2015–16, SEP’s latest enrollment is projected at 185. As of November 18, 2015, enrollment has declined to 171. SEP’s projected enrollment appears to be overstated for FYs 2015–16, 2016–17 of 245, and 2017–18 of 285 (p.1, Attachment 5</em>).</em>*</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>2. SEP’s attendance ratio for FYs</strong></td>
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2015–16 through 2017–18 is projected at 95 percent. SEP has historically never reached 95 percent and has exhibited a pattern of overestimating its attendance ratio. For FY 2013–14, SEP budgeted its attendance ratio at 96 percent; however, its actual attendance ratio was 89 percent. For FY 2014–15, SEP’s budgeted attendance ratio was 95 percent, however, its actual attendance ratio was 90 percent. SEP projected its attendance ratio at 95 percent for FYs 2015–16 to 2017–18, which appear to be overstated. The resultant effect is an overstatement of ADA and revenue (p. 2, Attachment 5*).

3. Budgeted operations (p. 3, Attachment 5*) from FYs 2012–13 to 2014–15 were budgeted for net operating surpluses where budgeted revenues exceed budgeted expenditures. For these FYs; however, SEP’s budget actually ended with significant net operating deficits each year. SEP’s projected net operating surpluses for FYs 2015–16 to 2017–18 appear to be overstated.

4. Net Assets from FYs 2012–13 to 2014–15 were consistently overstated. For FYs 2012–13 through 2014–15, SEP projected ending each FY with positive ending fund balances, but SEP actually ended each FY with negative net assets, where total liabilities exceed total assets. SEP is projecting that its net assets will improve to a positive $696,691 by the end of FY 2017–18, which is
<table>
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<th><strong>Addition</strong></th>
<th><strong>Not Remedied</strong></th>
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<tr>
<td>Additionally, SEP currently owes Encore Education Corporation (EEC) approximately $200,000 bringing the negative end fund balance to $993,916.</td>
<td>The CDE notes:</td>
</tr>
<tr>
<td>With respect to what SEP owes EEC beyond the prorated management fee is still completely unknown. EEC has failed to provide any itemized documentation regarding said purchases. EEC failed to seek board approval for any expenditure nor did EEC receive board permission for the removal of the school’s furniture and other assets. SEP will provide an updated budget figure once EEC complies with the request for information.</td>
<td>1. On November 13, 2015, EEC provided the CDE with e-mails and attachments for expense spreadsheets for the months of June, July, August, and September, 2015, respectively. EEC stated that Delta Managed Solutions (DMS) sent these spreadsheets to them (Attachments 8 and 9*).</td>
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<td></td>
<td>2. On November 17, 2015, EEC’s legal counsel, Erica Klein, sent a copy of a letter dated October 26, 2015, to the CDE. This letter is addressed to Jennifer McQuarrie, SEP’s legal counsel, and specifically outlines amounts that are due to EEC from SEP. These amounts owed are noted to include construction-related costs to the SEP facility, EEC management fees pursuant to the MOU, employee related costs that EEC has covered for SEP, and curriculum costs the EEC has covered for SEP (Attachment 6*).</td>
</tr>
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<td></td>
<td>3. On November 17, 2015, EEC’s legal counsel, Erica Klein, sent a copy of a letter dated November 4, 2015, to the CDE. This letter is addressed to Jennifer McQuarrie, SEP’s legal counsel, and lists items of property on the SEP campus that were paid for by EEC and for which EEC has not been...</td>
</tr>
</tbody>
</table>
SEPs has demonstrated a continued pattern of deficit spending when original budgets planned for operating surpluses, a pattern of projected enrollment not materializing and negatively impacting SEPs revenue flow, and an inability to meet financial obligations as evidenced by SEPs September 15, 2015, default on a $1.6 million Revenue Anticipation Note (RAN).

| The SEP Board approved the First Interim Budget on November 5, 2015. | The budget includes a repayment plan on the defaulted RAN. The SEP Board also approved authorization at its November 10, 2015, meeting for DMS to prepare and submit an exchange offer to the RAN note holders for a proper restructuring of the loan. The meeting minutes from the November 10, 2015, meeting are attached as Appendix 3 to the Response to Violation letter dated November 13, 2015. SEPs administrative staff and DMS will keep the CDE staff informed since actions on this item are currently taking place on a daily basis with respect to loan restructuring. | Not remedied. Although SEP submitted a First Interim budget and MYP that projects operating surpluses for FYs 2015–16 thru 2017–18, SEPs net operations has historically been over stated. For FYs 2012–13 to 2014–15, SEP budgeted ending the three FYs with a net operating surplus. However, SEP actually ended FYs 2012–13 through 2014–15 with significant net operating deficits. Based on unreasonable assumptions cited above, SEPs projected net operating surpluses appear to be overstated (p. 3, Attachment 5*). |

| 4. Karl Yoder from DMS indicated that the totals compiled for EEC are preliminary and have not been invoiced by EEC to SEP as of November 6, 2015. SEP’s First Interim Budget and cash flow statement include an estimate of what is owed to EEC. Per Mr. Yoder, amounts are likely subject to negotiation between SEP and EEC and are not reflected as liabilities at this point. |  |  |

SEP has demonstrated a continued pattern of deficit spending when original budgets planned for operating surpluses, a pattern of projected enrollment not materializing and negatively impacting SEPs revenue flow, and an inability to meet financial obligations as evidenced by SEPs September 15, 2015, default on a $1.6 million Revenue Anticipation Note (RAN).

The SEP Board failed to pay off a $1.6 million RAN which matured on September 15, 2015. At its July 9, 2015, meeting, the SBE approved a material revision to the SEP charter petition with technical amendments and conditions. One of the conditions requires SEP to provide a plan on how to repay that debt, which is now in default. SEP has not responded to the CDE’s request to provide any documentation regarding the default of the RAN or the subsequent RAN repayment plan.

The budget includes a repayment plan on the defaulted RAN. The SEP Board also approved authorization at its November 10, 2015, meeting for DMS to prepare and submit an exchange offer to the RAN note holders for a proper restructuring of the loan. The meeting minutes from the November 10, 2015, meeting are attached as Appendix 3 to the Response to Violation letter dated November 13, 2015. SEPs administrative staff and DMS will keep the CDE staff informed since actions on this item are currently taking place on a daily basis with respect to loan restructuring.

Not remedied. Although SEP submitted a First Interim budget and MYP that projects operating surpluses for FYs 2015–16 thru 2017–18, SEPs net operations has historically been over stated. For FYs 2012–13 to 2014–15, SEP budgeted ending the three FYs with a net operating surplus. However, SEP actually ended FYs 2012–13 through 2014–15 with significant net operating deficits. Based on unreasonable assumptions cited above, SEPs projected net operating surpluses appear to be overstated (p. 3, Attachment 5*).
## California Department of Education Violation as Stated in Notice of Violation Issued on November 5, 2015

### Governance:
SEP is in violation of its charter because the governance structure outlined in the SEP charter petition is no longer in effect, based on the following evidence:

- The governance structure outlined in the SEP charter petition is no longer in effect given that EEC is terminating services as outlined in the MOU between SEP and EEC effective November 18, 2015.

### Summary of Synergy Education Project's Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015

- The SEP Board established transition teams to make every effort to replace each vacancy prior to November 18, 2015. The SEP High School Transition Plan states that the SEP Board will continue to implement the charter petition approved on July 9, 2015 (pp. 30-33, Attachment 4*). The SEP Board appointed an Interim Programs Director and Office Manager on November 10, 2015. The SEP Board has approved administrative contracts with outside providers for fiscal services from DMS and student information system services from School Pathways. The SEP Board is receiving quotes for attendance reporting services and will have this service in place by November 30, 2015.

### California Department of Education Analysis of Synergy Education Project's Response

- **Not remedied.** The SEP board has included a transitional plan as part of its response to the NOV, however it has only been conditionally approved by the SEP board. Most concerning is that SEP provided a master schedule to the CDE, however, some teachers listed appear not to hold valid credentials for the subjects listed. SEP’s response does not address how the school will correct the charter petition to be in alignment with the new governance structure. Additionally, SEP provides limited information about how attendance reporting services and Special Education services will be provided after EEC terminates its agreement effective November 18, 2015.

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### The SBE approved the material revision to the SEP charter petition with four conditions. To date, SEP has not met two of these conditions. SEP has failed to present a specific plan to the CDE that adequately addresses how SEP plans to repay the RAN of approximately $1.6 million, which matured September 15, 2015. This plan was due to the CDE on July 1, 2015. Additionally, SEP provided multi-year budget

- The budget includes a repayment plan on the defaulted RAN. The SEP Board also approved authorization at its November 10, 2015, meeting for DMS to prepare and submit an exchange offer to the RAN investors for a proper restructuring of the loan. The meeting minutes from the November 10, 2015, meeting are attached as Appendix 3 to the Response to Violation letter dated November 13, 2015. SEP’s

### Not remedied. SEP defaulted on its September 15, 2015, payment on a $1.6 million RAN and the terms of the RAN have not been officially restructured. SEP included in its latest budget full repayment plan of the RAN over a three-year period from FY 2015–16 to 2017–18. However, since SEP’s current charter term expires on June 30, 2017, an agreement to restructure the note for a period after the charter school term
<table>
<thead>
<tr>
<th>Projections, however, they are based on a RAN repayment plan which has neither been approved by the SEP Board or the RAN note holders.</th>
<th>Administrative staff and DMS will keep the CDE staff informed since actions on this item are currently taking place on a daily basis with respect to loan restructuring.</th>
<th>Expires adds to the uncertainty that an extended repayment agreement can be reached with the RAN note holders.</th>
</tr>
</thead>
<tbody>
<tr>
<td>As of the date of the letter of concern, SEP did not have a functioning board, which is not consistent with the SEP charter petition or the SEP bylaws. The CDE issued two corrective actions related to this concern, one is due on November 16, 2015, and one is due November 30, 2015.</td>
<td>The sole remaining SEP Board member began remediating this issue on October 22, 2015, and appointed new board members at three subsequent board meetings. The following are members of the SEP Board: • Rachele Sullivan, President • Elizabeth Brooking, Vice President • Abraham Seminario, Treasurer • Alonzo Terry, Secretary • Amanda Sevillano, Member • Kathleen Magana, Member • Jade Farrel Paul, Member • Cynthia Ruehlig, Member</td>
<td>Partially remedied. Based on documentation provided to the CDE, SEP appears to have a functioning governing board. The SEP Board still needs to provide revised bylaws to the CDE by November 30, 2015. To date, this requirement has not been met.</td>
</tr>
<tr>
<td><strong>A–G Courses:</strong> SEP has A–G approved courses for grade nine only.</td>
<td>SEP will submit all grade 10 and grade 11 courses to the University of California (UC) Doorways on February 1, 2016. All courses will be made retroactive to the date the school first applied for accreditation in fall 2013.</td>
<td>Partially remedied. EEC provided notification to all SEP parents regarding the A–G status of the SEP and current accreditation status with the Western Association of Schools and Colleges (WASC) on October 30, 2015. In December 2015, WASC informed CDE that SEP will need to submit grade 10 and grade 11 courses by February 1, 2016, to the UC for approval. Additionally, SEP would need to conduct a full WASC self-study review during the 2016–17 school year to receive initial accreditation status. To date, SEP has not provided sufficient documentation to show SEP is prepared to submit course descriptions for all grade 10 through grade 11 courses or started the work to successfully complete a self-study review. Additionally, since no course descriptions have been provided, it is unclear if the courses will meet the rigorous approval process set by UC. Therefore, the CDE maintains that...</td>
</tr>
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</table>
### Technical Amendments:

At the July 9, 2015, SBE meeting, the SBE approved the SEP material revision to revise its governance structure and educational program with the condition to comply with the technical amendments identified by the CDE to the charter petition as a condition of approval. The CDE requested that the technical amendments be completed and the revised SEP petition be resubmitted by August 28, 2015, and then again on November 16, 2015. To date, SEP has not completed this request.

<table>
<thead>
<tr>
<th>SEP provides two different dates that the school will complete and submit technical amendments to the CDE staff:</th>
</tr>
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<tbody>
<tr>
<td>• November 16, 2015 (p. 32, Attachment 4*)</td>
</tr>
<tr>
<td>• November 30, 2015 (p. 4, Attachment 4*).</td>
</tr>
</tbody>
</table>

### Not Remedied.

The CDE did not receive a revised charter petition which addressed all the technical amendments on November 16, 2015, as indicated in the Transition Plan, (pp. 32, Attachment 4*), submitted with SEP's Response to Notice of Violation.

<table>
<thead>
<tr>
<th>SEP established a new board and is working on revising bylaws and fiscal control policies. The revised budget reflects a reserve to occur at the end of the 2017–18 school year. The SEP Board will ensure that any outstanding oversight fees are to be paid no later than November 30, 2015.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEP established a new board. Upon further investigation, the CDE finds that SEP is current with their remittance to the CDE of oversight fees.</td>
</tr>
</tbody>
</table>

### Remedied.

SEP established a new board. However, SEP must update its Articles of Incorporation, bylaws, and board roster and biographies and post this information on the SEP Web site, by November 30, 2015. To date, this requirement has not been met.

### Not Remedied.

Section 1.3 of the MOU states that SEP shall provide Brown Act
| Training to its governing board members and administrative staff prior to the execution of any duties and certify this training to the CDE annually or after any changes to the governing board members or administrative staff that this training was provided.

SEP does not address a remedy to this violation of its MOU with the SBE in its Response to Notice of Violation.

Section 3.5 of the MOU states that SEP is expected to maintain reserves at a level at least equivalent to a school district of similar size as identified in 5 CCR Section 15450.

The SEP budget does not reflect any reserves for the remainder of its current charter with SBE, therefore, SEP does not provide a remedy to this violation of its MOU with the SBE in its Response to Notice of Violation. |
EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

<table>
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<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on November 5, 2015</th>
<th>Summary of Synergy Education Project’s Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015</th>
<th>California Department of Education Analysis of Synergy Education Project’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the most recent California Assessment of Student Performance and Progress data, SEP’s scores are below the state average for the same grades.</td>
<td>The reasoning for seeking a material revision to the charter was to improve the delivery of the academic program. Under the new petition every student has daily study hall class that ensures students remain on track. Recent research indicates a correlation between the full integration of a robust visual and performing arts program and increased student achievement. Dance, choir, drama, and theater arts will remain throughout the transition.</td>
<td>Not remedied. SEP did not provide any academic data to demonstrate increases in pupil achievement for all groups of pupils. The CDE provided an analysis of publicly available data for SEP and compared it to the resident district and resident schools (Attachment 3*). Based on this data, SEP students are being out performed by most pupils in the resident schools SEP students would otherwise attend.</td>
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**Suspension and Expulsion**

<table>
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<tr>
<th>Additional Outstanding Documents</th>
<th>Summary of Synergy Education Project’s Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015</th>
<th>California Department of Education Analysis of Synergy Education Project’s Response</th>
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<tr>
<td><strong>Suspension and Expulsion</strong>: The CDE noted several concerns with the suspension and expulsion policies outlined in the SEP charter petition and requested technical amendments be made to the SEP petition. To date, SEP has not addressed these technical amendments and, therefore, it is unclear to the CDE which policies are being implemented with regard to the pupils that the SEP Dean of Students reported were expelled at the beginning of the school year.</td>
<td>SEP will make the technical amendments to the charter petition by November 30, 2015.</td>
<td>Not remedied, pending. EEC, Dean of Students, provided copies of pupil discipline files and documents to the CDE on November 2, 2015; however these documents failed to provide a reasonable description of the process followed for pupils who were recommended for expulsion. Therefore, the CDE is concerned that SEP may not have followed due process or carried out the manifestation determination for pupils with an Individualized...</td>
</tr>
</tbody>
</table>
The CDE issued three corrective actions related to this concern, two were due on October 30, 2015, and one is due November 30, 2015. Education Plan. The SEP Board had until November 30, 2015, to provide a copy of the SEP Board-approved suspension and expulsion policies. To date, this requirement has not been met.

| Local Control Accountability Plan | A board approved LCAP will be submitted to the CDE staff no later than November 30, 2015. | Not remedied and pending. SEP has not submitted a SEP Board-approved annual update for the 2014–15 school year or a SEP Board-approved Local Control Accountability Plan (LCAP) for 2015–18. The CDE issued one corrective action related to this concern due on November 30, 2015. |

*Attachments referenced above, refer to attachments of Agenda Item 02 on the Advisory Commission on Charter Schools (ACCS) December 2, 2015, Meeting Notice. The attachments can be found on the SBE ACCS Web page located at the links below:

Attachment 3 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a3.doc](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a3.doc)


Attachment 5 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a5.xls](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a5.xls)


Attachment 7 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a7.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a7.pdf)

Attachment 8 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a8.xls](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a8.xls)

WAIVER ITEM W-01
General Waiver

SUBJECT
Request by five school districts to waive California Education Code Section 37202(a), the equity length of time requirement for transitional kindergarten and kindergarten programs at the districts’ elementary schools.

Waiver Numbers: Dunham Elementary School District 3-9-2015
Glenn County Office of Education 25-10-2015
John Swett Unified School District 18-10-2015
Lennox School District 19-8-2015
Modoc Joint Unified School District 21-10-2015

SUMMARY OF THE ISSUES

Dunham Elementary School District (DESD), Glenn County Office of Education (GCOE), John Swett Unified School District (JSUSD), Lennox School District (LSD), and Modoc Joint Unified School District (MJUSD) seek waivers of California Education Code (EC) Section 37202(a), the equity length of time requirement for kindergarten and transitional kindergarten (TK).

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

☐ Approval ☑ Approval with conditions ☐ Denial

The California Department of Education recommends approval of the waivers with conditions. The DESD, GCOE, JSUSD, LSD, and MJUSD will provide information to DESD, GCOE, JSUSD, LSD, and MJUSD families by March 10, 2016, explaining the waiving of EC Section 37202(a), allowing TK students to attend school for fewer minutes than kindergarten students.

SUMMARY OF KEY ISSUES

The DESD, GCOE, JSUSD, LSD, and MJUSD are requesting to waive EC Section 37202(a), the equity length of time requirement for kindergarten programs. Pursuant to EC Section 37202(a), any TK program operated by a district must be of equal length to any kindergarten program operated by the same district. The DESD, GCOE, JSUSD, LSD, and MJUSD currently offer extended-day (full day) kindergarten programs which
exceed the maximum four-hour school day (EC 46111 [a]). The DESD, GCOE, JSUSD, LSD, and MJUSD are requesting flexibility in determining the length of their TK programs in order to provide a modified instructional day, curricula, and developmentally appropriate instructional practices. The DESD, GCOE, JSUSD, LSD, and MJUSD are concerned that holding TK students in excess of the four-hour minimum school day (pursuant to EC 48911) is not in the best educational interest of their TK students.

Demographic Information:

DESD has a student population of 195 and is located in a rural area in Sonoma County.

GCOE has a student population of 169 and is located in a rural area in Glenn County.

JSUSD has a student population of 1,595 and is located in a suburban area in Contra Costa County.

LSD has a student population of 6,000 and is located in an urban area in Los Angeles County.

MJUSD has a student population of 843 and is located in a rural area in Modoc 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

The State Board of Education has approved with conditions all waiver requests to date by local educational agencies to waive EC Section 37202(a), the equity length of time requirement for kindergarten and TK.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would have no known fiscal impact.

ATTACHMENTS(S)

Attachment 1: Summary Table (2 pages)

Attachment 2: DESD General Waiver Request 3-9-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: GCOE General Waiver Request 25-10-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
Attachment 4: JSUSD General Waiver Request 18-10-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: LSD General Waiver Request 19-8-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: MJUSD General Waiver Request 21-10-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
### Information from Districts Requesting Waivers of Equity Length of Time for Transitional Kindergarten

**California Education Code Section 37202(a)**

<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>Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-9-2015</td>
<td>Dunham Elementary School District</td>
<td><strong>Requested:</strong> November 30, 2015 to May 10, 2016</td>
<td>Dunham Teachers Association, Caryn Fisher, President 9/1/2015</td>
<td>September 8, 2015</td>
<td>The public hearing notice was posted at the school and at three public places in the community.</td>
<td>Dunham Site Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Recommended:</strong> November 30, 2015 to May 10, 2016</td>
<td></td>
<td></td>
<td></td>
<td>April 4, 2015</td>
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<tr>
<td></td>
<td></td>
<td><strong>Support</strong></td>
<td></td>
<td></td>
<td></td>
<td>No Objection</td>
</tr>
<tr>
<td>25-10-2015</td>
<td>Glenn County Office of Education</td>
<td><strong>Requested:</strong> November 1, 2015 to June 15, 2018</td>
<td>Since this is a county office of education they have no bargaining unit.</td>
<td>October 27, 2015</td>
<td>The public hearing was advertised on school site, on school Web site, emailed to all families, and local newspaper.</td>
<td>Walden Academy Board of Directors</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Recommended:</strong> August 27, 2015 to June 29, 2017</td>
<td></td>
<td></td>
<td></td>
<td>October 23, 2015</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Support</strong></td>
<td></td>
<td></td>
<td></td>
<td>No Objection</td>
</tr>
<tr>
<td>18-10-2015</td>
<td>John Swett Unified School District</td>
<td><strong>Requested:</strong> August 27, 2013 to June 9, 2016</td>
<td>John Swett Education Association, Magret Nunes, President 10/1/15</td>
<td>October 14, 2015</td>
<td>The public hearing was posted at all district schools, in the community, and on the District Web site.</td>
<td>Rodeo Hills Schoolsite Council</td>
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<td></td>
<td><strong>Recommended:</strong> August 27, 2014 to June 8, 2016</td>
<td></td>
<td></td>
<td></td>
<td>October 5, 2015</td>
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<td><strong>Support</strong></td>
<td></td>
<td></td>
<td></td>
<td>No Objection</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>Bargaining Unit, Representatives Consulted, Date, and Position</td>
<td>Board Approval Date</td>
<td>Public Hearing Advertisement</td>
<td>SSC/Advisory Committee Position</td>
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</tr>
<tr>
<td>21-10-2015</td>
<td>Modoc Joint Unified School District</td>
<td>Requested: August 20, 2015 to June 2, 2016</td>
<td>Modoc Teachers Association Amy Britton, President 10/12/15 Support Teamsters Local #137, Ronda Lindgren, Bargaining Member 10/12/15 Support</td>
<td>October 20, 2015</td>
<td>The public hearing was advertised at the District Office, Modoc High School, Alturas Elementary School, and Modoc County Office of Education.</td>
<td>Modoc Joint Unified School District Board of Trustees October 20, 2015 No Objection</td>
</tr>
</tbody>
</table>
California Department of Education  
WAIVER SUBMISSION - General

CD Code: 4970672  Waiver Number: 3-9-2015  Active Year: 2015

Date In: 9/14/2015 11:23:30 AM

Local Education Agency: Dunham Elementary School District  
Address: 4111 Roblar Rd.  
Petaluma, CA 94952

Start: 11/30/2015    End: 5/10/2016

Waiver Renewal: Y  
Previous Waiver Number: 21-6-2014-W-08  
Previous SBE Approval Date: 9/3/2014

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: (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 school has been closed on account of fire, flood, or other public disaster, 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: The District would like to continue having the transitional kindergarten (TK) day be shorter than length of our regular kindergarten day. We have a small rural 200 student K through 6th grade school district. We have only had three students eligible for a TK program. Under our current structure kindergarten students come to school from 8:00 a.m. to 1:30 p.m. each day, and the TK kids come from 8:00 a.m. to 11:45 p.m. each day. An instructional aide is available in the morning but not the afternoon to better work with the unique developmental needs of the TK kids.

Student Population: 195

City Type: Rural

Public Hearing Date: 9/8/2015  
Public Hearing Advertised: The public hearing was posted at the school and at three public places in the community.

Local Board Approval Date: 9/8/2015
Community Council Reviewed By: Dunham Site Council
Community Council Reviewed Date: 4/4/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Adam Schaible
Position: Superintendent/Principal
E-mail: aschaible@dunhamsd.k12.ca.us
Telephone: 707-795-5050
Fax: 707-795-5050

Bargaining Unit Date: 09/01/2015
Name: Dunham Teachers Association
Representative: Caryn Fisher
Title: President
Position: Support
Comments:
<table>
<thead>
<tr>
<th>California Department of Education</th>
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<td>WAIVER SUBMISSION - General</td>
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<th>CD Code: 1110116</th>
<th>Waiver Number: 25-10-2015</th>
<th>Active Year: 2015</th>
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<tbody>
<tr>
<td>Date In: 10/28/2015 11:11:33 AM</td>
<td></td>
<td></td>
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<tr>
<td>Local Education Agency: Glenn County Office of Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: 1149 W. Wood Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Willows, CA 95988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start: 11/1/2015</td>
<td>End: 6/15/2018</td>
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<td>Waiver Renewal: N</td>
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<td>Previous Waiver Number:</td>
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<tr>
<td>Previous SBE Approval Date:</td>
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</table>

| Waiver Topic: Equity Length of Time |
| Ed Code Title: Equity Length of Time |
| Ed Code Section: 37202(a) |
| Ed Code Authority: 33050 |

Ed Code or CCR to Waive: (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 school has been closed on account of fire, flood, or other public disaster, 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.

Outcome Rationale: We have 5 students enrolled as transitional kindergarten students at Walden Academy. In November, our kindergarten students begin an extended day program where 1/2 of the students remain with the kindergarten teacher on Monday and Tuesday, then the other 1/2 of the students remain on Thursday and Friday for a tailored, structured educational program. This program creates a strong foundation for the kindergarten student as he/she moves to 1st grade. It is our belief that an extended day would be far too long for the transitional kindergarten students. The TK students already receive 60 additional minutes each day over the 180 required, thus the students benefit from additional social and academic time without moving to a full day.

Student Population: 169

City Type: Rural

Public Hearing Date: 10/27/2015
Public Hearing Advertised: Agenda posted on school site, on school website, emailed to all families, and local newspaper.

Local Board Approval Date: 10/27/2015

Community Council Reviewed By: Walden Academy Board of Directors
Community Council Reviewed Date: 10/23/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne Tefs
Position: Co-Director
E-mail: leadershipteam@waldenacademy.org
Telephone: 530-361-6480 x1013
Fax:
California Department of Education  
WAIVER SUBMISSION - General

**CD Code:** 0761697  
**Waiver Number:** 18-10-2015  
**Active Year:** 2015

**Date In:** 10/21/2015 10:04:29 AM

**Local Education Agency:** John Swett Unified School District  
**Address:** 400 Parker Ave.  
**Rodeo, CA 94572**

**Start:** 8/27/2013  
**End:** 6/9/2016

**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:**
(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 school has been closed on account of fire, flood, or other public disaster, 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:** The John Swett Unified School District is a district of 1595 ADA with one elementary school, one middle school, one high school, and one continuation school. The district currently maintains one Transitional Kindergarten class and one Transitional Kindergarten/Kindergarten combination class at the elementary school. All TK students receive the equivalent number of instructional minutes.

Our teaching staff and administration believe that it is in the best interests of the TK students to have a shorter TK school day and is requesting to continue implementing a high quality TK program that provides a modified instructional day, modified curricula, and developmentally appropriate instructional practices. We are requesting a waiver to allow the John Swett Unified District to continue to offer an "Early Friends", "Late Friends" TK program. The "Early Friends" classes run from 8:30 AM -12:35 PM and "Late Friends" from 10:40 AM-2:45 PM. We are respectfully requesting a retroactive waiver and will apply for future waivers on an annual basis.

**Student Population:** 1,595

**City Type:** Suburban

Revised: 11-12-15 1:58 p.m.
Public Hearing Date: 10/14/2015
Public Hearing Advertised: The Public Hearing Notice was posted at all district schools, in the community, and on the District website

Local Board Approval Date: 10/14/2015

Community Council Reviewed By: Rodeo Hills School Site Council
Community Council Reviewed Date: 10/5/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Rob Stockberger
Position: Superintendent
E-mail: rstockberger@jsusd.k12.ca.us
Telephone: 510-245-4300 x2105
Fax:

Bargaining Unit Date: 10/01/2015
Name: John Swett Education Association
Representative: Magret Nunes
Title: JSEA President
Position: Support
Comments:
Local Education Agency: Lennox School District  
Address: 10319 South Firmona Ave.  
Lennox, CA 90304  

Start: 8/19/2015   End: 6/30/2016  
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: 37202(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 school has been closed on account of fire, flood, or other public disaster, 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 schoolsites within the district for different lengths of time during the schoolday.

Outcome Rationale: Implementing a full day kindergarten program throughout the district. Surrounding Districts offer full day kindergarten and this has been a priority for parents and families in the community.

Student Population: 6,000  
City Type: Urban  
Public Hearing Date: 8/25/2015  
Public Hearing Advertised: Advertised with the posting of the board meeting notification  
Local Board Approval Date: 8/25/2015  
Community Council Reviewed By: Lennox School District Board of Education  
Community Council Reviewed Date: 8/25/2015  
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Kevin Franklin
Position: Senior Director of Fiscal Services
E-mail: kevin_franklin@lennox.k12.ca.us
Telephone: 310-695-4000 x4012
Fax:

Bargaining Unit Date: 2/9/15 and 3/23/15
Name: Lennox Teachers Association (LTA)
Representative: Brian Guerrero
Title: LTA President
Position: Support
Comments:
Ed Code or CCR to Waive: 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: Modoc Joint Unified School District is requesting that, as part of our early primary program, we may maintain kindergarten and transitional kindergarten (TK) classes at the same school sites within the District for different lengths of time during the school day. We feel that requiring our TK students to attend school for an extended day would not be in their best educational interest. Our TK program provides students with developmentally appropriate, experiential activities and is preparing them for the more academically rigorous second year of our kindergarten program.

Student Population: 843

City Type: Rural

Public Hearing Date: 10/20/2015
Public Hearing Advertised: Public Notice at the District Office, Modoc High School, Alturas Elementary, and Modoc County Office of Education

Local Board Approval Date: 10/20/2015

Community Council Reviewed By: Modoc Joint Unified School District Board of Trustees
Community Council Reviewed Date: 10/20/2015
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Tom O'Malley
Position: Superintendent
E-mail: tomalley@modoc.k12.ca.us
Telephone: 530-233-7201 x101
Fax:

Bargaining Unit Date: 10/12/2015
Name: Modoc Teachers Association
Representative: Amy Britton
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/12/2015
Name: Teamsters Local #137
Representative: Ronda Lindgren
Title: Bargaining Member
Position: Support
Comments:
WAIVER ITEM W-02
## General Waiver

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by Sanger Unified School District for a renewal to waive California Education Code Section 45134(c), to allow the employment of a State Teachers’ Retirement System retiree as a classified school bus driver.</td>
<td></td>
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</tr>
<tr>
<td>Waiver Number: 19-10-2015</td>
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</table>

### SUMMARY OF THE ISSUES

The Sanger Unified School District (USD) is requesting a waiver of California Education Code (EC) Section 45134(c), to allow a State Teachers’ Retirement System (STRS) retiree to be employed as a classified school bus driver.

**Authority for Waiver:** 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 by the Sanger USD to waive EC Section 45134(c) for the 2015–16 school year.

### SUMMARY OF KEY ISSUES

An employee may continue to receive a retirement allowance while collecting a salary for work in classified service if EC Section 45134(c) is waived. The Sanger USD is requesting a renewal of waivers previously received for the 2013–14 and 2014–15 fiscal years to allow a retired individual to be employed as a substitute bus driver for the district. The district has an ongoing need for substitute bus drivers and since this individual is available and has a good record with the district, they are requesting the waiver to continue to employ him.

**Demographic Information:** Sanger USD has a student population of 11,400 and is located in Fresno County serving the city of Sanger, and the communities of Centerville, Del Rey, Fairmont, Lone Star, Tivy Valley, and portions of the Sunnyside area of metropolitan Fresno.
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 SBE previously approved waivers for the Sanger USD to employ this individual in 2013–14 and 2014–15. In addition, the SBE has approved several similar waivers for EC Section 45134(c), to allow STRS employees to work as janitors, bus drivers, food service workers, and staff assistants.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Sanger Unified School District General Waiver Request 19-10-2015 (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>District's Request</th>
<th>CDE Recommended Action</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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<tbody>
<tr>
<td>19-10-2015</td>
<td>Sanger Unified School District</td>
<td>Requested: July 1, 2015 to June 30, 2016</td>
<td>To allow the district to employ a retired CalSTRS member as a classified bus driver</td>
<td>Approval</td>
<td>9/22/2015</td>
<td>California School Employees Association Chapter 153, Jennifer Herring President 9/17/15 Support</td>
<td>No statewide fiscal impact of waiver approval or denial</td>
<td>Yes</td>
</tr>
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<td></td>
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<td>Recommended: July 1, 2015 to June 30, 2016</td>
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<td>18-10-2014-W-07</td>
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Created by California Department of Education
November 17, 2015
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1062414   Waiver Number: 19-10-2015   Active Year: 2015

Date In: 10/22/2015 9:15:27 AM

Local Education Agency: Sanger Unified School District
Address: 1905 Seventh St.
Sanger, CA 93657


Waiver Renewal: Y
Previous Waiver Number: 18-10-2014-W-07   Previous SBE Approval Date: 1/14/2015

Waiver Topic: Other Waivers
Ed Code Title: Employment - Retirement System
Ed Code Section: 45134(c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 45134(c)

Outcome Rationale: To allow employment of a STRS retiree as a classified school bus driver

Student Population: 11400

City Type: Rural

Public Hearing Date: 9/22/2015
Public Hearing Advertised: Notice posted at each school site

Local Board Approval Date: 9/22/2015

Community Council Reviewed By: Superintendent's Cabinet
Community Council Reviewed Date: 9/14/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Richard Sepulveda
Position: Chief Operations Officer
E-mail: richard_sepulveda@sanger.k12.ca.us
Telephone: 559-524-6521 x6530
Fax: 559-875-4071

Revised: 1/7/2016 11:27 AM
Bargaining Unit Date: 9/07/2015
Name: California School Employees Association Chapter 153
Representative: Jennifer Herring
Title: 2nd Vice President, CSEA Chapter 153
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-03
General Waiver

SUBJECT
Request by Santa Monica-Malibu Unified School District to waive portions of California Education Code Section 17517, relating to the term of a joint occupancy lease entered into by a school district.

Waiver Number: 8-9-2015

SUMMARY OF THE ISSUES
The Santa Monica-Malibu Unified School District (USD) is requesting a waiver of Education Code (EC) Section 17517, which will allow the district to extend a current joint occupancy lease beyond the statutory limit of 66 years.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION
Approval
Approval with conditions
Denial

The California Department of Education recommends approval.

SUMMARY OF KEY ISSUES
Under the provisions of EC sections 33050 through 33053, the district is requesting that the EC relating to the term of joint occupancy leases be waived.

The Santa Monica-Malibu USD is requesting the requirement that joint occupancy lease agreements shall not exceed 66 years be waived. On May 14, 1984, the Santa Monica-Malibu USD entered into a joint occupancy lease agreement with City Developers, Inc. City Developers, Inc. leased land owned by the district with the expiration date of the lease set for June 30, 2051. Since that date, City Developers, Inc. has transferred the lease to PCA I, L.P. (lessee) who currently operates a Doubletree Hotel and a separate office building on the land.

The lessee has approached the district to extend the lease for an additional 31.5 years, through December 31, 2082. In exchange, the lessee will expend approximately $10,000,000 to renovate and upgrade the hotel and modify the current rent structure allowing the district to participate in the gross revenues of the hotel and office building increasing the amount payable to the district. Additionally, the lessee will provide the
district adjacent property where a parking facility will be constructed for exclusive use by high school staff.

**Demographic Information:** Santa Monica-Malibu USD has a student population of 11,565 and is located in an urban area in 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 State Board of Education has not approved any previous waivers regarding the term of joint occupancy leases.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The modification of the joint occupancy lease agreement will provide the district with additional revenue that will directly supplement the district's general fund.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: Santa Monica-Malibu USD General Waiver Request 8-9-2015 (4 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Information from District Requesting a Waiver of the Term of Joint Occupancy Lease Agreements

<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, Representatives Consulted, Date, and Position</th>
<th>Advisory Committee Consulted</th>
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<tbody>
<tr>
<td>8-9-2015</td>
<td>Santa Monica-Malibu Unified</td>
<td>Joint Occupancy located at 4&lt;sup&gt;th&lt;/sup&gt; and Olympic</td>
<td><strong>Requested:</strong> January 11, 2016 to January 10, 2018</td>
<td>September 17, 2015</td>
<td>September 17, 2015</td>
<td>Santa Monica-Malibu Classroom Teachers Association September 4, 2015 Sarah Braff, President Support</td>
<td>Financial Oversight Committee September 15, 2015 No objections</td>
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<td><strong>Recommended:</strong> January 11, 2016 to January 10, 2018</td>
<td></td>
<td></td>
<td>Service Employees International Union September 4, 2015 Michael Haberberger Project Director Support</td>
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Created by California Department of Education
October 14, 2015
| **California Department of Education**
| **WAIVER SUBMISSION - General** |

CD Code: 1964980  
Waiver Number: 8-9-2015  
Active Year: 2015  

Date In: 9/25/2015 3:31:37 PM  

Local Education Agency: Santa Monica-Malibu Unified School District  
Address: 1651 16th St.  
Santa Monica, CA 90404  

Start: 1/1/2016  
End: 1/10/2018  

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:  

Waiver Topic: Sale or Lease of Surplus Property  
Ed Code Title: Lease of Surplus Property  
Ed Code Section: 17517  
Ed Code Authority: 33050  

Ed Code or CCR to Waive: See Attached  
Outcome Rationale: See Attached  

Student Population: 11565  
City Type: Urban  

Public Hearing Date: 9/17/2015  
Public Hearing Advertised: District website: www.smmusd.org; District Bulletin Board on 1651 16th St., Santa Monica CA 90404  

Local Board Approval Date: 9/17/2015  

Community Council Reviewed By: Financial Oversight Committee  
Community Council Reviewed Date: 9/15/2015  
Community Council Objection: N  
Community Council Objection Explanation:  

Audit Penalty YN: N  
Categorical Program Monitoring: N  

Submitted by: Ms. Janece Maez  
Position: Associate Superintendent/Chief Financial Officer  
E-mail: jmaez@smmusd.org  
Telephone: 310-450-8338 x70268  
Fax: 310-581-6720
Bargaining Unit Date: 09/04/2015
Name: Santa Monica-Malibu Classroom Teachers Association
Representative: Sarah Braff
Title: President
Position: Support
Comments:

Bargaining Unit Date: 09/04/2015
Name: Service Employees International Union
Representative: Michael Haberberger
Title: Project Director
Position: Support
Comments:
Attachment

Education Code or California Code of Regulations (CCR) Section to be Waived

[The term of any lease or agreement entered into by a school district pursuant to this article shall not exceed 66 years.]

Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

On May 14, 1984, the Santa Monica-Malibu Unified School District (the "District") entered into a joint occupancy lease (the "Lease") with City Developers, Inc. ("Developer"), whereby Developer ground leased certain land owned by the District (the "Land"). California Education Code § 17517 provides that the term of a joint occupancy lease shall not exceed 66 years; therefore, in accordance with said § 17517, the expiration date for the Lease was set as June 30, 2051.1

Developer subsequently assigned its interest under the Lease and its successor constructed a hotel and office building on the Land. The hotel and office building, together with the leasehold interest in the Land created pursuant to the Lease, were subsequently further transferred and assigned and are currently owned and held by PCA I, L.P. ("Lessee"). Lessee currently operates a DoubleTree Hotel and a separate office building on the Land.

Lessee has approached the District with a proposal whereby Lessee would expend $10,000,000 or more to renovate the hotel and upgrade the hotel flag from a DoubleTree to a Hilton brand or better. In connection with these improvements, Lessee has also proposed a modified rent structure that would allow the District to participate in the gross revenues of the hotel and office building and significantly increase the amount payable to the District pursuant to the Lease. As part of the new rental structure, the District would also receive a percentage of profits derived by Lessee in excess of a minimum return from any future sale of the hotel and/or office building.

Lessee also owns certain real property (the "Adjacent Property") immediately adjacent to the Land. Lessee has offered to convey the Adjacent Property to the District if (i) Lessee is able to secure the governmental entitlements required to expand the existing hotel onto such Adjacent Property and (ii) the District will agree to immediately ground lease the Adjacent Property to Lessee pursuant to the terms of the modified Lease. If the conditions in the preceding sentence are satisfied and the Adjacent Property is conveyed to the District, Lessee has also agreed to construct parking on such Adjacent Property for the adjacent high school; these parking facilities would provide much-needed parking for the District on land that it does not currently own or possess.

Lessor would have no obligation to advance funds to pay for either the parking or the Adjacent Property conveyed to Lessor but would offer a rent credit against the percentage rent payable from the portion of the hotel located on the Adjacent Property to compensate Lessee therefor. Fee title to the Adjacent Property would vest in the District immediately, although the hotel improvements and parking facility would be owned by Lessee until the expiration or earlier

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1 Although the Lease was executed on May 14, 1984, the term of the Lease did not commence immediately but rather commenced on July 1, 1985.
termination of the Lease. According to the District’s projections, the rent credit described above would expire in less than 20 years, resulting in a very significant increase in total rental to the District pursuant to the Lease. Note that this increase is above the already significant improvement in revenue to the District resulting from the hotel upgrade and Lease modification.

Finally, Lessee is also prepared to unionize the hotel as part of the overall transaction described above. Since the original Lease was executed, the District Board has adopted a policy implementing labor peace at the hotel. Labor peace will ensure that the District’s significant financial interest in this project will be protected from the risk of labor disputes. For the past two decades, employees of the hotel and citizens within the District have attempted to unionize the hotel and protested and picketed at the hotel. Compliance with our labor peace policy will ensure that these types of disruptions do not occur in the future.

In order to justify (i) the significant investment required to be made by Lessee to upgrade to the hotel, (ii) the contribution of the Adjacent Property to the District, (iii) Lessee’s construction of parking facilities for the exclusive use of the District, and (iv) the cost of unionizing the hotel, Lessee requires an extension to the Lease term. To realize the significant benefits noted above, the District is prepared to agree to a 31½ year extension to the Lease term extending the expiration date from June 30, 2051 to December 31, 2082.

In addition to the significant additional rental and other funds generated from the proposed modifications to the Lease described above, please note that the District’s existing Land will be materially improved as a result of the proposed transaction. In accordance with the terms of the Lease, the improvements made by Lessee (including improvements to the Adjacent Property) would vest with the District upon expiration of the Lease term.2

As a condition to entering into the Lease modifications described above, the District must secure a waiver of the 66-year term limitation set forth in California Education Code § 17517. The District’s Board has approved the proposed modifications to the Lease described above and this application requesting a waiver of Education Code § 17517 at a noticed public hearing held on September 17, 2015. Prior to such Board approval, the District consulted with its bargaining units in the development of this waiver request without objection and also received approval of the aforesaid Lease modifications (including the extension to the Lease term) and this application from the Financial Oversight Committee, a citizen oversight committee established by the District.

The District is now seeking approval from the State Board of Education to waive California Education Code § 17517 so that it may amend and modify the Lease as generally described above. As mentioned, a waiver of § 17517 is appropriate in this case, because it will provide additional and much-needed revenue to the District that will directly supplement the District’s General Fund (and thereby directly inure to the benefit of the students), it will significantly enhance the value of the District’s Land, it will achieve the District’s stated objective of unionizing the hotel, and it may provide the District with additional real property and much-needed parking facilities free of charge.

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2 Note also that the District would acquire the improvements to the Land, and realize the value thereof, sooner than the expiration of the Lease term if Lessee defaults under the Lease and the Lease is terminated in accordance with the terms thereof.
WAIVER ITEM W-04
General Waiver

SUBJECT
Request by Lake Elsinore Unified School District to waive California Education Code sections 17473 and 17474, and portions of 17455, 17466, 17468, 17470, 17472, and 17475, which will allow the district to sell one piece of property using a broker and a “request for proposal” process, maximizing the proceeds from the sale. The district property for which the waiver is requested is located at 21440 Lemon Street, Wildomar, CA.

Waiver Number: 1-11-2015

SUMMARY OF THE ISSUES

The Lake Elsinore Unified School District (USD) is requesting a waiver of 17473 and 17474 and portions of 17455, 17466, 17468, 17470, 17472, and 17475, which will allow the district to sell one piece of property using a broker and a “request for proposal” process, maximizing the proceeds from the sale.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

☑ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: that the proposal the Lake Elsinore USD 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 sale or lease of surplus property be waived.

The Lake Elsinore USD is requesting the requirement of sealed proposals and the oral bidding process be waived allowing the district to market the property based on the brokerage process, selling at the highest possible value on the most advantageous
terms for the district. The district previously attempted to sell the property through the bid process but did not receive any acceptable bids.

The Lake Elsinore USD is requesting the sale of the Jean Hayman Elementary School site located at 21440 Lemon Street, Wildomar, CA. The school was closed in 2008 and has been vacant since.

**Demographic Information**

Lake Elsinore USD has a student population of 21,726 and is located in an urban area in Riverside 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 State Board of Education has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The district is requesting to waive the same or similar provisions for the sale or lease of surplus property.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The flexibility in property disposition requested herein will allow the Lake Elsinore USD to maximize revenue. The applicant district will financially benefit from the sale of the property.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)


(Original waiver request is signed and on file in the Waiver Office.)
# Information from District Requesting Waiver of Sale or Lease of Surplus Property

<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, Representatives Consulted, Date, and Position</th>
<th>Advisory Committee Consulted</th>
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Public Hearing Advertised: Posted at the district office, Lake Elsinore Library, Vick Knight Community Library, and Jean Hayman Elementary School.
California Department of Education
WAIVER SUBMISSION - General


Date In: 11/5/2015 9:45:20 AM

Local Education Agency: Lake Elsinore Unified School District
Address: 545 Chaney St.
Lake Elsinore, CA 92530


Waiver Renewal: N
Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Sale of Surplus Property
Ed Code Section: 17455, 17466, 17468, 17470, 17472, 17473, 17474, 17475
Ed Code Authority: 33050

Ed Code or CCR to Waive: The Lake Elsinore Unified School District desires to waive the following sections and portions of the Education Code. Specifically, the District requests that the language in brackets [ ] be waived:

EC 17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district[, and shall be made in the manner provided by this article].

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of the Education Code and use an alternative procedure for the sale of the Jean Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell 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 purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that the sale of the Property will be made in the manner provided by this Article but the District is asking that several provisions of the Article be waived and consequently, the sale will not be made in the manner provided in Article 4.

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 the Education Code and use an alternative procedure for the sale of the Jean
Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell 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 purchase and sale 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 conducting a bid process, and cannot predict the timing
of the RFP process and its subsequent negotiations with proposers, it cannot know when
proposals must be brought back to the governing board for consideration. After issuing an RFP
for the sale of the Property and discussing the proposals received from interested parties, the
District will bring proposals to the governing board for further consideration.

EC 17468. If, in the discretion of the board, it is advisable to offer to pay a commission to a
licensed real estate broker who is instrumental in obtaining any proposal, the commission shall
be specified in the resolution. No commission shall be paid unless there is contained in or with
the [sealed] proposal [or stated in or with the oral bid,] which is finally accepted, the name of the
licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any
commission shall, however, be paid only out of money received by the board from the sale or
rental of the real property.

Rationale: The purpose of this request is to allow the District to waive the sealed proposal
requirement of the Education Code and use an alternative procedure for the sale of the Jean
Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell 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 purchase and sale agreement
that provides the most benefit to the District. The deleted language indicates the District will
receive sealed proposals and oral bids to purchase the property at an identified meeting of the
District’s governing board. The District is requesting that the requirement of sealed proposals
and oral bidding to purchase the property be waived, allowing the District to negotiate the sale
of the Property with an interested purchaser.

EC 17470. (a) The governing board of a school district that intends to sell real property
pursuant to this article shall take reasonable steps to ensure that the former owner from whom
the district acquired the property receives notice [of the public meeting prescribed by Section
17466,] in writing, by certified mail[, at least 60 days prior to the meeting].

(b) The governing board of a school district shall not be required to accord the former owner the
right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the
property to the former owner at the tentatively accepted highest bid price.

Rationale: The purpose of this request is to allow the District to waive the sealed proposal
requirement of the Education Code and use an alternative procedure for the sale of the Jean
Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell 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 purchase and sale agreement
that provides the most benefit to the District. The deleted language indicates the Board would be setting a specific meeting to receive proposals for the purchase of the Property. Such a requirement, however, will be removed pursuant to the language stricken within Education Code Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

EC 17472. At the time and place fixed in the resolution for the meeting of the governing body, all [sealed] proposals which have been received shall, in public session, [be opened], examined, and declared by the board. [Of the proposals submitted [which conform to all terms and conditions specified in the resolution of intention to sell or to lease and] which are made by responsible bidders, the proposal is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids].

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of the Education Code and use an alternative procedure for the sale of the Jean Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell 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 purchase and sale 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 sale terms that are more beneficial to the District. Thus, the District seeks to eliminate the language which requires it to sell 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 the Education Code and use an alternative procedure for the sale of the Jean Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell 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 purchase and sale 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 the *Education Code* and use an alternative procedure for the sale of the Jean Hayman Elementary Schoolsite (the “Property”). Specifically, the District desires to sell the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into purchase and sale 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 the *Education Code* and use an alternative procedure for the sale of the Jean Hayman Elementary Schoolsite (“Property”). Specifically, the District desires to sell the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into purchase and sale 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 Lake Elsinore Unified School District (“District”) owns approximately 11.32 acres of property located at 21440 Lemon Street, Wildomar, CA, known generally as the District’s former Jean Hayman Elementary Schoolsite (“Property”). The District’s governing Board declared the Property surplus and decided to sell the Property pursuant to *Education Code* section 17466 et seq. Pursuant to the traditional “bid method” set for in *Education Code* section 17466 et seq, the District must conduct a formal bid hearing process in which the District solicits bids and then enters into a purchase and sale agreement with the winning bidder. The District previously attempted to sell the Property through the bid process but did not receive any acceptable bids. Because of changing market conditions, the District now desires to solicit new proposals through a Request for Proposal (“RFP”) process, as described below, for the sale of the Property.

The District seeks a waiver of certain portions of the sale procedure set forth in *Education Code* section 17466 et seq, so it can use an RFP process in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. This RFP process will allow the District to maximize its return on
the sale 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 purchasers through the RFP process.

The District already tried to sell the Property through the bid process but was unable to attract viable bids which demonstrates that the bid auction scenario is unlikely to attract serious and capable buyers to this Property. The District needs the ability to be flexible and work with potential buyers 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 buyers interested in the Property.

The District will work closely with legal counsel to ensure that the process by which the Property is sold is fair and open. As indicated above, such a process will produce a better result than another bid auction for both the District and the community.

Student Population: 21726

City Type: Urban

Public Hearing Date: 10/15/2015
Public Hearing Advertised: Notice was posted starting on 10/1/15 at the following locations: the District Office, Lake Elsinore Library, Vick Knight Community Library, & the Property, Jean Hayman Elementary School

Local Board Approval Date: 10/15/2015

Community Council Reviewed By: Local Control and Accountability Plan Committee (LCAP Committee)
Community Council Reviewed Date: 9/8/2015
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: 562-653-3200 x3821
Fax:

Bargaining Unit Date: 10/15/2015
Name: Lake Elsinore Teachers Association
Representative: Bill Cavanaugh
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-05
General Waiver

SUBJECT
Request by Kings Canyon Joint Unified School District to waive California Education Code Section 15270(a), to allow the district to exceed its bond indebtedness limit of 2.5 percent of the taxable assessed value of the property. (Requesting 2.85 percent)

Waiver Number: 16-10-2015

SUMMARY OF THE ISSUES
The Kings Canyon Joint Unified School District's bonded indebtedness ratio is 2.32 percent and is unable to issue $16,700,000 in bonds authorized by the district’s voters in November 2012. Therefore, the district is requesting to increase the bonded indebtedness ratio to 2.85 percent.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

The California Department of Education (CDE) recommends that the bonded indebtedness limit be waived with the following conditions: (1) the period of request does not exceed the recommended period on Attachment 1, (2) the total bonded indebtedness limit does not exceed the recommended new maximum shown on Attachment 1, (3) the district does not exceed the statutory tax rate, (4) the waiver is limited to the sale of bonds approved by the voters on the measure noted on Attachment 1, and (5) the district complies with the statutory requirements of Assembly Bill (AB) 182 related to school bonds which became effective January 1, 2014.

SUMMARY OF KEY ISSUES
The California Education Code (EC) provides limits related to a district’s total bonded indebtedness. EC sections 15102 and 15268 limit an elementary or high school district’s total general obligation (G.O.) bond indebtedness to 1.25 percent of the total assessed valuation of the district’s taxable property, whereas EC sections 15106 and 15270(a) limit a unified school district’s to 2.5 percent.
To raise funds to build or renovate school facilities, with voter authorization, school districts may issue G.O. bonds. Prior to 2001, districts needed a two-thirds voter approval. In November 2000, districts were given another option for authorizing and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several administrative requirements, such as establishing an independent Citizens' Oversight Committee to oversee the use of the funds. Once G.O. bonds are authorized, school districts issue the bonds in increments as needed to fund their facility projects. When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, EC sections 15268 and 15270(a) limit the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary school districts, and $60 per $100,000 for unified school districts.

Without a waiver, school districts that are close to their bonding capacity must decide either to issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other more expensive non-bond financing to complete their projects, the costs of which could be paid from district general funds. Therefore, the CDE has historically recommended that the State Board of Education (SBE) approve related waiver requests with the condition that the statutory tax rate levies are not exceeded at the time the bonds are issued.

On October 2, 2013, Governor Brown signed AB 182 (Chapter 477, Statutes of 2013) which established parameters for the issuance of local education bonds that allow for the compounding of interest, including capital appreciation bonds (CABs). AB 182 requires a district governing board to do the following:

- Before the bond sale, adopt a resolution at a public meeting that includes specific criteria, including being publicly noticed on at least two consecutive meeting agendas.

- Be presented with an agenda item at a public board meeting that provides a financial analysis of the overall costs of the bonds, a comparison to current interest bonds, and reasons why the compounding interest bonds are being recommended.

- After the bond sale, present actual cost information at the next scheduled public meeting and submit the cost information of the sale to the California Debt and Investment Advisory Commission.

District Request

Kings Canyon Joint Unified School District requests that its outstanding bonded indebtedness limit be increased to an amount not to exceed 2.85 percent through August 1, 2020. The district seeks to issue the remaining $16.7 million of the $40 million authorized in the 2012 G.O. bond authorizations. The district is unable to issue the remaining $16.7 million as their current outstanding bonded indebtedness of $61.3 million equates to a 2.24 percent ratio. With the addition of the proposed $16.7 million,
total indebtedness would be $78 million and represents 2.84 percent of assessed valuation.

The waiver will allow the district to complete the following voter approved projects:

- Complete the construction of transportation drop-offs at school sites
- Construct shade structures for student playgrounds
- Modernize multi-purpose rooms

**Demographic Information:** Kings Canyon Joint Unified School District has a student population of 9,726 and is located in a rural area of Fresno 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 bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

Note, the SBE has never approved a waiver that would allow the district to exceed the statutory tax rate levy.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver would allow the district to accelerate the issuance of voter approved bonds.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: Kings Canyon Joint Unified School District General Waiver Request 16-10-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
## District(s) Requesting Increase in Bond Indebtedness Limits

California *Education Code (EC)* sections 15102 and 15268 prohibit elementary and high school districts from issuing bonds in excess of 1.25 percent of the assessed valuation of a district's taxable property. *EC* sections 15106 and 15270(a) prohibit unified school districts from issuing bonds in excess of 2.5 percent of the assessed valuation of a district's taxable property. *EC* sections 15268 and 15270(a) limit bonds authorized by a 55 percent majority in elementary and high school districts to $30 per $100,000 of taxable property per election and unified school districts to $60 per $100,000.

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District County/District Code</th>
<th>Period of Request</th>
<th>Total Bonded Indebtedness Limit and Tax Rate per $100,000 Assessed Valuation Allowed by Law or Noted on Voter Pamphlet</th>
<th>District's Request</th>
<th>CDE Recommended (New Maximum)</th>
<th>Bargaining Unit, Representatives Consulted, Date/Position</th>
<th>Public Hearing and Local Board Approval Date</th>
<th>Advisory Committee Consulted, Date/Position</th>
<th>District States it has Complied with Assembly Bill 182 Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-10-2015</td>
<td>Kings Canyon Joint Unified School District</td>
<td>Requested: January 1, 2016 to August 1, 2020</td>
<td>Debt Limit 2.50% Tax Rate $60.00</td>
<td>Debt Limit 2.85% Tax Rate $60.00</td>
<td>Debt Limit 2.84% Limited to Sale of Bonds Approved by Voters on the November 2012 (Measure K) Election</td>
<td>California School Employees Association, Zelda Davila President 10/09/2015 Support</td>
<td>Kings Canyon Teachers Association, Dale Kennedy President 10/12/2015 Support</td>
<td>Local Board Approval 10/13/2015</td>
<td>Public Hearing 10/13/2015</td>
</tr>
</tbody>
</table>
**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1062265  Waiver Number: 16-10-2015  Active Year: 2015

Date In: 10/15/2015 1:26:42 PM

Local Education Agency: Kings Canyon Joint Unified School District
Address: 675 West Manning Ave.
Reedley, CA 93654

Start: 1/1/2016  End: 8/1/2020

Waiver Renewal: N  Previous Waiver Number: 
Previous SBE Approval Date:

Waiver Topic: School Construction Bonds
Ed Code Title: Bond Indebtedness Limit - Unified S.D.
Ed Code Section: 15270
Ed Code Authority: 33050

Ed Code or CCR to Waive: (a) [Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.] The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a unified school district, would not exceed sixty dollars ($60) per year per one hundred thousand dollars ($100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIXA of the California Constitution.

Outcome Rationale: Current Need: The current statutory debt limit for unified school districts is 2.50% of the total assessed valuation of taxable property within a district’s boundaries. The Kings Canyon Joint Unified School District could currently issue an estimated $7.2 million from their approximately $16.7 million of remaining Measure K bond authorization (approved by voters on November 6, 2012). In order to complete the construction of transportation drop-offs at school sites, shade structures for student playgrounds, and modernization of multi-purpose rooms in the current favorable construction environment, the District needs to issue the remaining Measure K authorization of approximately $16.7 million. In order to access the proposed amount of proceeds, the District is requesting an increase in its debt limit to 2.85% of assessed valuation. Based on our analysis of the District’s position, the District should fall below the 2.50% debt limit within 4 years by fiscal year 2018-19. The attached table illustrates the District’s assessed valuation and statutory debt limitation.

Analysis: Attached to this waiver request is the following: i. Notice of Public Hearing (Attachment A) ii. Historical Assessed Values for Fiscal Years 1979 through 2016 (Attachment B) iii. Summary of General Obligation Bonds Indebtedness versus Projected Debt Limits, together with the Tax Rate Analysis (Attachment C) iv. Board Approved Resolution (Attachment D)
Based on the Tax Rate Analysis figures, the District anticipates that the tax rate will not exceed the applicable Proposition 39 tax rate limit for any of its outstanding bonded indebtedness, should the California Department of Education grant this waiver request. The District currently has no Certificates of Participation (COPs) outstanding. The District anticipates the use of only Current Interest Bonds and intends to fully comply with the provisions of Assembly Bill 182, including all notice and disclosure provisions thereto.

Student Population: 9726

City Type: Rural

Public Hearing Date: 10/13/2015
Public Hearing Advertised: The District advertised notice of the public hearing in the local newspaper, the Reedley Exponent. Also advertised on the Board website.

Local Board Approval Date: 10/13/2015

Community Council Reviewed By: Citizens Oversight Committee
Community Council Reviewed Date: 10/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. John Quinto
Position: Assistant Superintendent/CBO-Business Services
E-mail: quinto-j@kcusd.com
Telephone: 559-305-7024
Fax:

Bargaining Unit Date: 10/09/2015
Name: California School Employees Association
Representative: Zelda Davila
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/12/2015
Name: Kings Canyon Teachers Association
Representative: Dale Kennedy
Title: President
Position: Support
Comments:
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-06
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2016 AGENDA

General Waiver

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by Banning Unified School District to waive portions of California Education Code Section 15282, relating to term limits for members of a Citizens’ Oversight Committee for all construction bonds in the district.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waiver Number: 2-10-2015</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SUMMARY OF THE ISSUES

The Banning Unified School District (USD) is requesting a waiver of Education Code (EC) Section 15282(a) to allow the district to have a member of the Citizens’ Oversight Committee (COC) continue for an additional two-year term.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

- Approval
- Approval with conditions
- Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve this request from the Banning Unified School District to waive EC Section 15282(a) to allow the district to have a member of the COC continue for an additional two-year term.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the Banning USD is requesting that specific language of EC Section 15282(a) relating to term limits for members of a COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews reports on the proper expenditure of taxpayers’ money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

The extension of time would allow the continued participation of this member which would aid the district in its efforts to successfully complete the building program and would reserve continuity and enable this member to continue to provide advice and guidance. The district has stated that they have experienced difficulties in finding...
replacements for members that can no longer serve after attempting to find new members by posting in the local newspaper, at the district office, on the district website, along with asking current members if they know of any interested parties.

**Demographic Information:** Banning Unified School District has a student population of 4,548 and is located in a small city in Riverside 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 Citizens’ Oversight Committees. The district is requesting to waive the same provision of the term limits of members of the Citizens’ Oversight Committee.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval or denial.

**ATTACHMENT(S)**

Attachment 1: List of Citizens’ Oversight Committee members (1 page)

Attachment 2: Summary table (1 page)

Attachment 3: Banning Unified School District General Waiver Request 2-10-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
Banning Unified School District
Citizens' Oversight Committee Measure “R”

Richard Krick
Third term ends February 2015

Susan McQuown
Second term ends September 2015

Ron Duncan
First term ends July 2017

Diana Benhar
Second term ends October 2017

Veronica Topete
Second term ends October 2017

Chris McCallum
First term ends April 2016

Kerri Mariner
Second term ends December 2016
## Information from Districts Requesting Waivers of Citizens’ Oversight Committee Term Limits

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School District</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Public Hearing Date</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Advisory Committee Consulted</th>
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Public Hearing Advertised: Advertised in local newspaper, Record Gazette, on September 11, 2015 Neutral
California Department of Education  
WAIVER SUBMISSION - General

<table>
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<tr>
<th>CD Code: 3366985</th>
<th>Waiver Number: 2-10-2015</th>
<th>Active Year: 2015</th>
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Date In: 10/2/2015 11:01:52 AM

Local Education Agency: Banning Unified School District  
Address: 161 West Williams St.  
Banning, CA 92220

Start: 2/3/2015  
End: 2/3/2017

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date: 

Waiver Topic: School Construction Bonds  
Ed Code Title: Citizens Oversight Committee - Term Limits  
Ed Code Section: 15282(a)  
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: The citizens’ oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation [and for no more than three consecutive terms].

Outcome Rationale: Banning Unified School District passed a general obligation bond in November 2006. Thereafter, pursuant to Education Code Section 15278, the Board of Trustees of the District took action to form the District's Citizens' Oversight Committee for Measure R as required by Proposition 39 and the Law and to appoint members to such Committee. The members of the Committee have served the District and the community successfully and have provided valuable information and reports concerning the expenditure of the Measure R construction funds and related matters within the purview of the Committee. Education Code Section 15282 limits the terms of office of the members of the Committee to not more than three 2 year terms. One member, Mr. Richard Krick, is in his third two-year term which ends on September 26, 2015. However, the School Board desires that, given the experience of Mr. Krick as a Committee member, Mr. Krick continue to serve on the Committee for an additional 2-year term. The District has, from time to time, experienced difficulties in finding replacements for Committee members who no longer serve or are no longer eligible to serve on the Committee. For these reasons, and given that the provisions of Education Code Section 15282 are subject to a Waiver by the SBE, the District desires to seek a Waiver from the SBE as to the application of Education Code Section 15282 as to Mr. Krick’s service on the Committee for an additional 2-year term.

Student Population: 4548

City Type: Small

Public Hearing Date: 9/24/2015  
Public Hearing Advertised: By newspaper (Record Gazette) on September 11, 2015.
Local Board Approval Date: 9/24/2015

Community Council Reviewed By: District’s Citizens' Oversight Committee ("Committee") for Measure R
Community Council Reviewed Date: 9/23/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kookie Williams
Position: Executive Secretary - Business Services/Facilities
E-mail: kwilliams@banning.k12.ca.us
Telephone: 951-922-4049
Fax:

Bargaining Unit Date: 09/15/2015
Name: California School Employees Association, Ch. 147
Representative: Jennifer Serrano
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 09/16/2015
Name: California Teachers Association
Representative: Anthony Garcia
Title: President
Position: Neutral
Comments:
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-07
General Waiver

SUBJECT
Request by two school districts to waive California Education Code Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.


SUMMARY OF THE ISSUES
School districts that elect board members at-large face existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California Education Code (EC), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Morgan Hill Unified School District (SD) and the Saugus Union SD request that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval

The California Department of Education (CDE) recommends the SBE approve the requests by the Morgan Hill Unified SD and the Saugus Union SD to waive EC Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

SUMMARY OF KEY ISSUES
Approval of these waiver requests would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board
elections in the school districts. Voters in the districts will continue to elect all board members—however, if the waiver requests are approved, all board members will be elected by trustee areas, beginning with the next board elections.

County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to EC Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election; thus, voters in the districts have final approval.

Many districts in California are facing existing or potential litigation under the CVRA over their at-large election methods. To help avoid potential litigation, the Morgan Hill Unified SD and the Saugus Union SD are taking actions to establish trustee areas and adopt by-trustee-area election methods. In order to establish these trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections. If the SBE approves the waiver requests, by-trustee-area election methods can be adopted in the districts upon review and approval of the County Committees without subsequent local elections to approve the change.

Only the elections to establish trustee areas and election methods will be eliminated by approval of the waiver requests—voters in the school districts will continue to elect all governing board members. Moreover, approval of the waiver requests will not eliminate any existing legal rights of currently seated board members.

The waiver requests have been reviewed by the CDE and it has been determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards of the districts. The CDE has further determined that none of the grounds specified in EC Section 33051, which authorize denial of a waiver, exist. The CDE recommends the SBE approve the requests by the Morgan Hill Unified SD and the Saugus Union SD to waive EC Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

Demographic Information:

The Morgan Hill Unified SD has a student population of 8,715 and is located in a suburban area in Santa Clara County.

The Saugus Union SD has a student population of 10,007 and is located in an urban area in 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.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved more than 120 similar waivers—most recently for the Buena Park Elementary SD (Orange County), the Centralia Elementary SD (Orange County), the Newhall SD (Los Angeles County), and the Oxnard SD (Ventura County) at the September 2015 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the requests will result in additional costs to the Morgan Hill Unified SD and the Saugus Union SD for districtwide elections.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Morgan Hill Unified School District General Waiver Request 6-9-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Saugus Union School District General Waiver Request 1-10-2015 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table

<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>
<tbody>
<tr>
<td>6-9-2015</td>
<td>Morgan Hill Unified School District</td>
<td>Requested: September 15, 2015 to September 13, 2017</td>
<td>Morgan Hill Federation of Teachers, Gemma Ables President 7/31/2015 Support</td>
<td>9/15/2015</td>
<td>The public hearing notice was posted in a local newspaper, on the District Web site, at all school sites, and in the board agenda online.</td>
<td>Reviewed by the Community Advocacy Coalition 9/15/2015 No objections</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recommended: September 15, 2015 to September 13, 2017</td>
<td>Service Employees International Union, Danielle Nunes Chair 8/3/2015 Support</td>
<td>9/15/2015</td>
<td></td>
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</tbody>
</table>
5019 - (d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, [unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.]

5021 - (a) If a proposal for the establishment of trustee areas formulated under Sections 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.
(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

5030 - Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 [and 5020], respectively, may at any time recommend one of the following alternate methods of electing governing board members:

[In counties with a population of less than 25,000,] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Outcome Rationale: Community members within the MHUSD requested that the board consider changing from an at-large trustee representation to by-trustee-area to enable a protected class (Latino) to elect candidates of its choice or its ability to influence the outcome of an election. The district developed 9 map considerations for trustee areas and held 6 (six) public hearings for community input. A final map was approved on September 15, 2015 that met the criteria set forth by the California Voters Rights Act and supported by representatives of the Community Advocacy Coalition (CAC) who originally requested by trustee area consideration. In addition, the Mexican American Legal Defense and Educational Fund (MALDEF) supports this map.

Student Population: 8715

City Type: Suburban

Public Hearing Date: 9/15/2015
Public Hearing Advertised: Local Newspaper, District Website, all school sites, Agenda Online

Local Board Approval Date: 9/15/2015

Community Council Reviewed By: Board of Education
Community Council Reviewed Date: 8/4/2015
Community Council Objection: Y
Community Council Objection Explanation: 3 (three) trustees (minority) and 4 (four) independent community members.

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Steve Betando  
Position: Superintendent  
E-mail: giangrecoj@mhusd.org  
Telephone: 408-201-6001  
Fax: 408-201-6007  

Bargaining Unit Date: 07/31/2015  
Name: Morgan Hill Federation of Teachers  
Representative: Gemma Ables  
Title: President  
Position: Support  
Comments:  

Bargaining Unit Date: 08/03/2015  
Name: Service Employees International Union  
Representative: Danielle Nunes  
Title: Chair  
Position: Support  
Comments:
Elimination of Trustee Area Election
Attachment 3
Page 1 of 6

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964998 Waiver Number: 1-10-2015 Active Year: 2015

Date In: 10/1/2015 2:03:59 PM

Local Education Agency: Saugus Union School District
Address: 24930 Avenue Stanford
Santa Clarita, CA 91355


Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5020 & portions of 5019, 5030, 5021
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Please see Attachment A, attached hereto and incorporated herein by reference.

Outcome Rationale: This waiver is requested to expedite efforts by the Saugus Union School District ("District") to ensure compliance with the California Voting Rights Act (Elections Code sections 14025 et seq) ("CVRA"). By granting this waiver, the District will be able to implement its new "by-trustee area" election system for its November 2016 elections pursuant to a settlement agreement and further to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys' and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure the cuts necessary and valuable District student programs are not needed because of claims brought under the CVRA.

Student Population: 10007

City Type: Urban

Public Hearing Date: 9/29/2015
Public Hearing Advertised: Notice in newspaper, at school sites, District Office, and District Website

Local Board Approval Date: 9/29/2015

Community Council Reviewed By: Parent Advisory Committee
Community Council Reviewed Date: 9/17/2015
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Joan Lucid
Position: Superintendent
E-mail: jlucid@saugususd.org
Telephone: 661-294-5300 x5121
Fax: 661-294-3111

Bargaining Unit Date: 09/25/2015
Name: California School Employees Association, Chapter 1
Representative: Laurie Norman
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 09/29/2015
Name: Saugus Teachers Association
Representative: Debbie Rocha
Title: President
Position: Neutral
Comments:
6. Education Code sections to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election occurring at least 120 days after [its] approval, [unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area]
boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.]

[§ 5020. Presentation of proposal to electors]

[(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.]

[(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.]

[(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.]

[(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.]

[(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:]

["For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."]

["For increasing the number of members of the governing board of ____ (insert name) School District--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District--No."]
District from five to seven—Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No."]

["For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No."]

["For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No."]

["For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No."]

["For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No."]

["For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No."]

[ If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent
board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization [and the registered voters of a district], pursuant to Sections 5019 [and 5020, respectively], may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.
(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.
(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[ In counties with a population of less than 25,000.] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.
CAWB W08
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2016 AGENDA

☐ Specific Waiver

SUBJECT
Request by 12 local educational agencies 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: Contra Costa County Office of Education 1-9-2015
Glenn County Office of Education 5-9-2015
Hilmar Unified School District 14-10-2015
Hornbrook Elementary School District 15-10-2015
Lewiston Elementary School District 5-10-2015
Los Angeles County Office of Education 4-9-2015
Madera County Office of Education 12-10-2015
Placer County Office of Education 13-10-2015
San Mateo County Office of Education 10-10-2015
Shasta County Office of Education 9-9-2015
Tahoe-Truckee Unified School District 2-9-2015
Waugh Elementary School District 17-10-2015

☐ Action
☐ Consent

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 conditions, see Attachment 1.
SUMMARY OF KEY ISSUES

The Contra Costa County Office of Education is requesting a shared SSC with composition change for three schools: Golden Gate Community School (8 teachers serving 107 students in grades six through twelve), Mt. McKinley High School (13 teachers serving 93 students in grades seven through twelve), and Delta Vista High School (6 teachers serving 49 students in grades seven through twelve). All three court and community schools serve highly mobile at-risk students who enroll for short periods of time and tend to move between these schools. Mt. McKinley serves students in Juvenile Hall; Delta Vista is the minimum security camp for offenders who transferred from the Juvenile Hall; and Golden Gate Community School has six classrooms and two independent study programs at four different locations across Contra Costa County. The schools share two principals, common curriculum, teacher collaboration, and professional development. They are located in a suburban area.

The Glenn County Office of Education is requesting a shared SSC with composition change for two small schools: Glenn County (Willowglen) Juvenile Court School (1 teacher serving 10 students in grades seven through twelve) and William Finch School (7 teachers serving 80 students in kindergarten through grade twelve). Both are alternative schools and share a principal. They are located in a small city.

The Hilmar Unified School District is requesting to renew an SSC composition change for one of its alternative schools: Irwin Continuation High School (2 full-time and 4 part-time teachers serving 31 students in grades nine through twelve). The school, the only alternative school in the district, has a half-time principal and follows its own curriculum. The student population is highly mobile with enrollment numbers ranging anywhere from 25 to 50 students. It is located in a rural area.

The Hornbrook Elementary School District is requesting to renew an SSC composition change for a small school: Hornbrook Elementary School (5 teachers serving 55 students in kindergarten through grade eight). The school is located in a rural area.

The Lewiston Elementary School District is requesting an SSC composition change for a small school: Lewiston Elementary School (3 teachers serving 53 students in kindergarten through grade eight). It is the only school in the district and is located in a rural area.

The Los Angeles County Office of Education is requesting seven shared SSCs for 17 small alternative schools based on their respective Principal Administrative Units (PAU):

1. PAU 1: Afflerbaugh-Paige School (12 teachers serving 117 students in grades seven through twelve) and Glenn Rockey School (7 teachers serving 49 students in grades seven through twelve)

2. PAU 2: Barry J. Nidorf Juvenile Hall School (27 teachers serving 196 students in grades six through twelve) and Phoenix Academy Residential CEC (11 teachers serving 93 students in grades seven through twelve)
3. PAU 3: Central Juvenile Hall School (32 teachers serving 261 students in grades six through twelve) and Dorothy Kirby School (7 teachers serving 48 students in grades seven through twelve) 

4. PAU 4: Challenger Jarvis Camp School (15 teachers serving 66 students in grades seven through twelve), Challenger McNair Camp School (8 teachers serving 44 students in grades seven through twelve), and Challenger Onizuka Camp School (10 teachers serving 42 students in grades seven through twelve) 

5. PAU 7: John Munz Camp School (7 teachers serving 51 students in grades seven through twelve) and William Mendenhall Camp School (6 teachers serving 50 students in grades seven through twelve) 

6. PAU 9: Joseph Scott Camp School (5 teachers serving 41 students in grades seven through twelve) and Kenyon Scudder Camp School (4 teachers serving 32 students in grades seven through twelve) 

7. PAU 10: Pacific Lodge Residential CEC (4 teachers serving 37 students in grades seven through twelve), Fred Miller Camp School (11 teachers serving 21 students in grades seven through twelve), David Gonzalez Camp School (7 teachers serving 22 students in grades seven through twelve), and Vernon Kilpatrick Camp School (8 teachers with no enrollment at this time due to renovation, grades seven through twelve) 

These alternative schools do not have enough teachers, staff and students to elect SSCs that meet the minimum composition requirements. They are located in suburban areas.

The Madera County Office of Education is requesting two shared SSCs with composition change for four small schools:

1. Madera County Independent Academy (16 teachers serving 357 students in kindergarten through grade twelve) and Pioneer Technical Center (12 teachers serving 189 students in grades nine through twelve) 

2. Enterprise Secondary/Enterprise Intermediate School (5 teachers serving 49 students in grades six through twelve) and Endeavor/Voyager Juvenile Hall Secondary School (4 teachers serving 49 students in grades seven through twelve) 

These four schools with five sites serve high-risk students and enrollment fluctuates daily making it difficult to maintain regular parent membership. They are located in a small city.

The Placer County Office of Education is requesting a shared SSC for two small alternative schools: Placer County Community Schools with two campuses, Koinonia Community Day School in Loomis and Tahoe Truckee Community Day School in
Truckee (3 teachers serving 38 students in kindergarten through grade twelve), and Placer County Court Schools (2 teachers serving 16 students in kindergarten through grade twelve). The schools are located in a suburban area.

The San Mateo County Office of Education is requesting a shared SSC with composition change for five small schools: Camp Glenwood School (2 teachers serving 20 students in grades nine through twelve), Canyon Oaks Youth Center (2 teachers serving 9 students in grades eight through twelve), Gateway Center (8 teachers serving 71 students in grades nine through twelve), Hillcrest at Youth Services Center (10 teachers serving 60 students in grades five through twelve), and Margaret J. Kemp Court School (1 teacher serving 18 students in grades nine through twelve). These schools serve similar student populations such as incarcerated youth and youth who require alternative placements thus share similar student needs. They also have common goals with staff participating in the same professional development activities. The court schools (Glenwood, Hillcrest, and Kemp) share a principal and administrative staff; and the community schools (Canyon Oaks and Gateway) share a principal and administrative staff. These schools are located in a suburban area.

The Shasta County Office of Education is requesting a shared SSC for three small schools: Career Pathways to Success Community School (4 teachers serving 40 students in grades nine through twelve), Shasta County Independent Study Charter School (5 teachers serving 114 students in grades seven through twelve), and Shasta County Juvenile Court School (1 teacher serving 17 students in grades seven through twelve). The three schools share one principal, resource teachers, and psychological and counseling services. They also have common curriculum, follow the same pacing guides for English-language arts and mathematics. In addition, staff collaborate on curriculum implementation. The students are highly mobile and tend to move back and forth from the Juvenile court school to the independent study charter school or the community school. All schools are located within seven miles of each other in a small city.

The Tahoe-Truckee Unified School District is requesting an SSC composition change for a small school: Donner Trail Elementary School (6 teachers serving 70 students in kindergarten through grade five). Donner Trail is a multi-age magnet school, zoned for Donner Summit families but enrolls students through a lottery system from families in the Truckee area. The school is located in a small city.

The Waugh Elementary School District is requesting to renew a shared SSC for the two schools in the district: Corona Creek Elementary School (25 teachers serving 493 students in kindergarten through grade six) and Meadow Elementary School (22 teachers serving 447 students in kindergarten through grade six). The two schools serve similar student and parent populations, and share a common Parent Teacher Association, English Learning Advisory Committee, and education foundation. In addition, curriculum for both schools is identical and teachers meet together in planning and training. The schools are located less than a mile apart from each other in a suburban 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 (10 Pages)

Attachment 2: Contra Costa County Office of Education Specific Waiver Request 1-9-2015 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Glenn County Office of Education Specific Waiver Request 5-9-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Hilmar Unified School District Specific Waiver Request 14-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Hornbrook Elementary School District Specific Waiver Request 15-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Lewiston Elementary School District Specific Waiver Request 5-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Los Angeles County Office of Education Specific Waiver Request 4-9-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Madera County Office of Education Specific Waiver Request 12-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Placer County Office of Education Specific Waiver Request 13-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 10: San Mateo County Office of Education Specific Waiver Request 10-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Shasta County Office of Education Specific Waiver Request 9-9-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Tahoe-Truckee Unified School District Specific Waiver Request 2-9-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Waugh Elementary School District Specific Waiver Request 17-10-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
## Local Educational Agencies Requesting a Schoolsite Council Waiver

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA for School(s) (CDS Code[s])</th>
<th>LEAs Request</th>
<th>CDE Recommendation</th>
<th>Previous Waiver Yes or No Period of Request/Period Recommended</th>
<th>Collective Bargaining Unit Position/Current Agreement</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
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<tr>
<td>1-9-2015</td>
<td>Contra Costa County Office of Education for Golden Gate Community School (0710074 0730614), Mt. McKinley High School (0710074 0120444), and Delta Vista High School (0710074 0730242)</td>
<td>Shared SSC with composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by parents), and two students (selected by peers).</td>
<td>No Requested: 07/01/2015 to 06/30/2017</td>
<td>Contra Costa County Schools Education Association/California Teachers Association</td>
<td>Steve Repetto President 08/26/2015</td>
<td>Support</td>
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<td>Recommended: 07/01/2015 to 06/30/2017</td>
<td>District-Level English Language Advisory Committee 08/06/2015</td>
<td>No Objection</td>
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Steve Repetto
 Resident
08/26/2015
Support
Public Employees Union Local One
Teresa Moodle-Banks
President General Classified
08/05/2015
Neutral
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<td>5-9-2015</td>
<td>Glenn County Office of Education for Glenn County (Willowglen) Juvenile Court School (1110116 1130087) and William Finch School (1110116 1130103)</td>
<td>Shared SSC 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>
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<td>Hilmar Unified School District for Irwin Continuation High School (2465698 2430080)</td>
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<td>Requested: 08/10/2015 to 06/15/2017</td>
<td>Hilmar Unified Teachers Association Dianna de Matos President 09/22/2015 Support</td>
<td>Irwin Continuation High School SSC 09/17/2015</td>
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<td>Hornbrook SSC 10/12/2015</td>
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<td>Ann Robinson President 10/01/2015</td>
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<td>Lewiston Elementary School District for Lewiston Elementary School (5371746 6053789)</td>
<td>SSC composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), and two parents/community members (selected by parents).</td>
<td>No</td>
<td>Requested: 10/05/2015 to 10/05/2017</td>
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<td>Jeanine Harrison Site Representative 09/21/2015</td>
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<td>4-9-2015</td>
<td>Los Angeles County Office of Education for Afflerbaugh-Paige School (1910199 121921), Glenn Rockey School (1910199 121939), Barry J. Nidorf Juvenile Hall School (1910199 121822), Phoenix Academy Residential CEC (1910199 123604), Central Juvenile Hall School (1910199 121897), Dorothy Kirby School (1910199 121905), Challenger Jarvis Camp School (1910199 122044), Challenger McNair Camp School (1910199 122036), Challenger Onizuka Camp School (1910199 122028), John Munz Camp School (1910199 122002), William Mendenhall Camp School (1910199 122010), Joseph Scott Camp School (1910199 121988), Kenyon Scudder</td>
<td>Shared SSCs (seven)</td>
<td>Approval with conditions: 1. Principal Administrative Units (PAU) 1: Afflerbaugh-Paige School and Glenn Rockey School: 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) 2. PAU 2: Barry J. Nidorf Juvenile Hall School and Phoenix Academy Residential CEC: 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) 3. PAU 3: Central Juvenile Hall School and Dorothy Kirby School: the SSC must consist of one principal, four classroom teachers (selected by peers), one other school</td>
<td>No</td>
<td>Los Angeles County Employees Association</td>
<td>Title I Council 09/01/2015</td>
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Requested: 10/01/2015 to 09/30/2017

Recommended: 10/01/2015 to 09/30/2017

Neutral

Brian Christian President 09/01/2015 No Objection

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<td>Camp School (1910199 121966), Pacific Lodge Residential CEC (1910199 123612), Fred Miller Camp School (1910199 121947), David Gonzalez Camp School (1910199 121970), and Vernon Kilpatrick Camp School (1910199 121954)</td>
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<td>representative (selected by peers), three parents/community members (selected by parents), and three students (selected by peers)</td>
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<td>4. PAU 4: Challenger Jarvis Camp School, Challenger McNair Camp School, and Challenger Onizuka Camp School: 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>
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<td>5. PAU 7: John Munz Camp School and William Mendenhall Camp School: 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>
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<td>Previous Waiver Yes or No</td>
<td>Collective Bargaining Unit Position/ Current Agreement</td>
<td>SSC/Advisory Committee Position</td>
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<td>6.</td>
<td>PAU 9: Joseph Scott Camp School and Kenyon Scudder Camp School: 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>
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<td>7.</td>
<td>PAU 10: Pacific Lodge Residential CEC, Fred Miller Camp School, David Gonzalez Camp School, and Vernon Kilpatrick Camp School: 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>
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Revised: 1/7/2016 11:28 AM
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<th>Previous Waiver Yes or No</th>
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<th>Local Board Approval Date</th>
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<td>12-10-2015</td>
<td>Madera County Office of Education for Madera County Independent Academy (2010207 0117184), Pioneer Technical Center (2010207 2030339), Enterprise Secondary/Enterprise Intermediate School (2010207 2030054) and Endeavor/Voyager Juvenile Hall Secondary School (2010207 2030153)</td>
<td>Shared SSCs with composition change (two)</td>
<td>Approval with conditions: 1. Madera County Independent Academy and Pioneer Technical Center: 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) 2. Enterprise Secondary/Enterprise Intermediate School and Endeavor/Voyager Juvenile Hall Secondary School: 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>
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<td>Chowchilla, Madera, and Charters SSCs</td>
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<td>CDE Recommendation</td>
<td>Previous Waiver Yes or No Period of Request/Period Recommended</td>
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<td>13-10-2015</td>
<td>Placer County Office of Education for Placer County Community Schools (3110314 3130259) and Placer County Court Schools (3110314 3130101)</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>None indicated</td>
<td>Placer County Community Schools and Placer County Court Schools SSCs</td>
<td>10/08/2015</td>
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<td>10-10-2015</td>
<td>San Mateo County Office of Education for Camp Glenwood School (4110413 0113266), Canyon Oaks Youth Center (4110413 0117143), Gateway Center (4110413 0113332), Hillcrest at Youth Services Center (4110413 4130076), and Margaret J. Kemp Court School (4110413 0128652)</td>
<td>Shared SSC with composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and one student (selected by peers)</td>
<td>No</td>
<td>None indicated</td>
<td>English Learner Advisory Committee/District English Learner Advisory Committee</td>
<td>10/07/2015</td>
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<td>Waiver Number</td>
<td>LEA for School(s) (CDS Code[s])</td>
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<td>9-9-2015</td>
<td>Shasta County Office of Education for Career Pathways to Success Community School (4510454 4530317), Shasta County Independent Study Charter School (4510454 0132647), and Shasta County Juvenile Court School (4510454 4530150)</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: 08/16/2015 to 08/17/2017</td>
<td>Recommended: 08/16/2015 to 08/15/2017</td>
<td>Shasta County Certificated Employees Association</td>
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<td>2-9-2015</td>
<td>Tahoe-Truckee Unified School District for Donner Trail Elementary School (3166944 6031298)</td>
<td>SSC 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), and three parents/community members (selected by parents)</td>
<td>No</td>
<td>Requested: 08/31/2015 to 07/01/2016</td>
<td>Recommended: 08/31/2015 to 08/30/2017</td>
<td>Tahoe Truckee Education Association</td>
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<td>Waiver Number</td>
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<td>17-10-2015</td>
<td>Waugh Elementary School District for Corona Creek Elementary School (4970995 6114409) and Meadow Elementary School (4970995 6110324)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents)</td>
<td>Yes</td>
<td>Requested: 08/31/2015 to 08/30/2017</td>
<td>None indicated</td>
<td>Corona Creek Elementary School and Meadow Elementary School shared SSC and English Language Advisory Committee 10/05/2015</td>
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Created by the California Department of Education
September 17, 2015
A schoolsite council shall be established at [each] school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.

At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

Existing schoolwide advisory groups or school support groups may be 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: These three Court and Community schools serve students who are adjudicated, at-risk, or expelled. Students are enrolled from a few days to several months and often move between these schools. Mt. McKinley serves students in Juvenile Hall; Delta Vista is the minimum security camp for offenders who transferred from Juvenile Hall; and Golden Gate Community School has six classrooms and two independent study programs at four different locations across Contra Costa County (Rodeo, Martinez, Pittsburg, and Brentwood). There are two principals: one who supervises the program for Mt. McKinley and Golden Gate West, and the other who is responsible for Delta Vista and Golden Gate East. There is common curriculum, teacher collaboration and professional development for staff in the East and the West. This waiver would allow us one body to plan for the common goals to improve student performance at these schools.

Student Population: 300

City Type: Suburban

Local Board Approval Date: 9/2/2015

Council Reviewed By: District-Level English Language Advisory Committee
Council Reviewed Date: 8/6/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Margo Olson
Position: Administrator of Student Programs
E-mail: molson@cccoe.k12.ca.us
Telephone: 925-942-3487
Fax: 925-934-1057

Bargaining Unit Date: 08/26/2015
Name: Contra Costa County Schools Education Association / California Teachers Association
Representative: Steve Repetto
Title: President
Position: Support
Comments:

Bargaining Unit Date: 08/05/2015
Name: Public Employees Union Local One
Representative: Teresa Moodle-Banks
Title: President General Classified
Position: Neutral
Comments:
Bargaining Unit Date: 08/05/2015
Name: Public Employees Union Local One Instructional Assistants
Representative: Marilyn Nappo
Title: President Instructional Assistants
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1110116 Waiver Number: 5-9-2015 Active Year: 2015

Date In: 9/22/2015 10:01:00 AM

Local Education Agency: Glenn County Office of Education
Address: 311 South Villa Ave.
Willows, CA 95988

Start: 9/1/2015 End: 8/1/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: EC Section 52852-A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.

At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

Outcome Rationale: Willowglen Court School averages 10 students, and William Finch has an average enrollment of 80 students. Both are alternative school sites and share a principal. Willowglen has one certificated staff member and two part-time classified staff. William Finch Charter School has seven certificated staff and 3 classified staff includine a clerk and receptionist. William Finch and Willowglen have experience dificulty meeting the minimum required mebers of the school site council due to a low number of parents/community mebers that are willing to take on this roll. Both schools would like to share a school site council since they share some of the same staff and reduce the school site council composoition to be 1 administrator, one teacher, one staff, two parents and one student.
Student Population: 80

City Type: Small

Local Board Approval Date: 9/9/2015

Council Reviewed By: William Finch and Willowglen School Site Councils
Council Reviewed Date: 5/21/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. April Hine
Position: Special Projects Budget Lead
E-mail: ahine@glenncoe.org
Telephone: 530-934-6575 x3175
Fax: 530-934-6576
Outcome Rationale: Irwin Continuation High School is operated by the Hilmar Unified School District, a small rural district in Merced County. Irwin Continuation High School enrolls approximately 45 students, with 31 students enrolled at the time this waiver request was written. It employs only 2 full-time classroom teachers, three part-time classroom teachers, a part-time special education teacher, a half-time principal, and a full-time secretary. Because this site is an alternative high school setting, the student population is extremely mobile and enrollment numbers can range anywhere from 25 to 50 students.

Despite the continual recruitment efforts of the site principal, most parents are not willing to sit on the School Site Council, and the few that are rarely have students enrolled at the school for very long. The principal will continue to seek out parents willing to serve on the SSC; however, a waiver of the parity requirements of EC Section 52852 is currently needed.

In order to maintain the parity between the school employees and the community/parent/student representation, the proposal of this waiver is to allow Irwin Continuation High School to have a School Site Council composed of four members: the school principal, one teacher, one parent, and one student.

A composition waiver is needed rather than a waiver allowing the sharing of a Site Council with another school because Irwin Continuation High School is the only alternative high school in the district; and as a result, the criteria required for school sharing of a SSC cannot be met: Irwin does not share site administration with any other site in the district, its student
population is much smaller than Hilmar High School's (which currently has an enrollment of 650 students), and Irwin Continuation High School employs a separate curriculum than Hilmar High School.

A composition waiver allowing the Irwin Continuation High School Site Council to be composed of four members: the school principal, one teacher, one parent, and one student, is the only option for this site to meet the parity requirements of Education Code (EC) Section 52852.

Student Population: 31

City Type: Rural

Local Board Approval Date: 10/13/2015

Council Reviewed By: Irwin Continuation High School Site Council
Council Reviewed Date: 9/17/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cecilia Areias
Position: Teacher on Assignment, Categorical Programs
E-mail: careias@hilmar.k12.ca.us
Telephone: 209-669-5463
Fax: 209-664-0639

Bargaining Unit Date: 09/22/2015
Name: Hilmar Unified Teachers Association (HUTA)
Representative: Dianna de Matos
Title: President
Position: Support
Comments:
California Department of Education  
WAIVER SUBMISSION - Specific

<table>
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<th>CD Code: 4770359</th>
<th>Waiver Number: 15-10-2015</th>
<th>Active Year: 2015</th>
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Date In: 10/15/2015 12:59:22 PM

Local Education Agency: Hornbrook Elementary School District
Address: 15430 Oregon Rd.
Hornbrook, CA 96044

Start: 2/1/2015  End: 1/31/2017

Waiver Renewal: Y
Previous Waiver Number: 32-1-2014-W-16  Previous SBE Approval Date: 5/8/2014

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:  
EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

School Site Council composition of a 4 member council. The following composition is requested:
Principal/Teacher
One Teacher
Two Parents

Outcome Rationale: After much recruitment, our small, rural school is unable to get enough parent participation to meet the requirement of 5 parent members. Parents have declined participating in SSC because they are involved in a number other volunteer roles that support the school and/or are working multiple jobs.

Student Population: 55

City Type: Rural

Local Board Approval Date: 10/12/2015

Council Reviewed By: Hornbrook Site Council
Council Reviewed Date: 10/12/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Amy Barker
Position: State and Federal Program Director
E-mail: abarker@siskiyoucoe.net
Telephone: 530-842-8415
Fax:

Bargaining Unit Date: 10/01/2015
Name: Hornbrook Teacher Association and CSEA
Representative: Ann Robinson
Title: HTA President/CSEA President (John)
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5371746 Waiver Number: 5-10-2015 Active Year: 2015

Date In: 10/5/2015 9:59:38 AM

Local Education Agency: Lewiston Elementary School District
Address: 685 Lewiston Rd.
Lewiston, CA 96052

Start: 10/5/2015 End: 10/5/2017
Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: a 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.

The district wishes to form a four-member SSC composed of the principal, one teacher selected by teachers, and two parents or community members selected by parents.

Outcome Rationale: Lewiston School has an enrollment of 53 and finds it difficult to meet SSC membership requirements. There are no other schools in the district, which is why the school is not applying for a shared SSC waiver.

The minimum number of SSC members required for an elementary school is ten. With only three teachers, all three would have to serve every year under Ed Code regulations. We also have difficulty finding enough parents to meet the minimum of five parent/community members.

This waiver will: 1) Allow a reduction in the number of teachers and parents that will be required to serve on the School Site Council; and, 2) Eliminate the requirement to have “other staff” as a member. The functioning School Site council will retain equity between staff and parents, thus providing appropriate oversight of the school’s programs and budget.

Proposed number and composition of the School Site Council:

  1 Principal
  1 Teacher
  2 Parent/Community Members

Revised: 1/7/2016 11:28 AM
Student Population: 53

City Type: Rural

Local Board Approval Date: 9/28/2015

Council Reviewed By: District Advisory Council
Council Reviewed Date: 9/21/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Tim Nordstrom
Position: Superintendent/Principal
E-mail: tnordstrom@tcoek12.org
Telephone: 530-778-6900
Fax:

Bargaining Unit Date: 09/21/2015
Name: Teamsters, CTA
Representative: Cheryl Arnold, Jeanine Harrison
Title: Site Representatives
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1910199    Waiver Number: 4-9-2015    Active Year: 2015

Date In: 9/18/2015 1:32:00 PM

Local Education Agency: Los Angeles County Office of Education
Address: 9300 Imperial Hwy.
Downey, CA 90242

Start: 10/1/2015    End: 9/30/2017

Waiver Renewal: Y
Previous Waiver Number: 3-10-2013-W-14    Previous SBE Approval Date: 3/12/2014

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: Education Code Section 52852: A school site council shall be established at each [school which participates in school based program coordination] Principal Administrative Unit (PAU) and be comprised of representatives from each school site that reports to the principal of that PAU. The council shall be composed of the principal and representatives of teachers selected by teachers at the [school] PAU; other school personnel selected by other school personnel at the [school] PAU; [parents] parents or probation officers in loco parentis of pupils attending the [school] PAU selected by such parents or probation officers; and in secondary schools, pupils selected by pupils attending the [school] PAU.

Outcome Rationale: ESEA and California Education Code 52852 require that each school site council as determined by County District School (CDS) code maintain an active school site council that works collectively to form goals for the school based on the LEA plan, CDS code data and site budget. LACOE schools separated by CDS code are small schools that do not have enough teachers, staff and students to comprise a School Site Council at each location. This waiver would enable Los Angeles County Office of Education Division of Student Programs to form school site councils based on PAU rather than CDS code. This configuration will allow all Title I schools (with separate CDS codes yet supervised by one principal) to form one school site council per PAU. It would allow for a properly elected School Site Council that with proper representation.

Student Population: 7645

City Type: Suburban

Local Board Approval Date: 9/15/2015

Council Reviewed By: Title I Council
Council Reviewed Date: 9/1/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Janice Polley-Augente
Position: Title I Coordinator III
E-mail: Polley-Augente_Jan@lacoe.edu
Telephone: 562-401-5476
Fax: 562-401-5742

Bargaining Unit Date: 09/01/2015
Name: Los Angeles County Employees Association
Representative: Brian Christian
Title: President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2010207  Waiver Number: 12-10-2015  Active Year: 2015

Date In: 10/14/2015 3:27:24 PM

Local Education Agency: Madera County Office of Education
Address: 1105 South Madera Ave.
Madera, CA 93637

Start: 5/1/2015  End: 4/30/2017

Waiver Renewal: Y
Previous Waiver Number: 17-5-2013-W-02  Previous SBE Approval Date: 9/4/2013

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 a 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 other parents of students at the school; students of the school selected by other students of the school].

Outcome Rationale: The Madera County Office of Education (MCOE) operates student programs for high risk youth attending community day school or court school. Student enrollment fluctuates daily, and it is difficult to maintain parent support. Schools are small and have few staff members. MCOE requests to continue the current SSC configuration. Five sites are represented by three SSCs (two schools in Chowchilla, Two charter schools, and court and community schools in Madera). Each site has a different SSC composition: Madera (Enterprise Intermediate, Enterprise Secondary, Endeavor Secondary) - - 1 principal, two teachers, one other school employee and four parents/community members; Charter Schools (Madera County Independent Academy, Chowchilla Pioneer Technical Center, Madera Pioneer Technical Center) - - principal, two teachers (one from each school), three parents or community members, and one student.

Student Population: 650

City Type: Small

Local Board Approval Date: 10/13/2015

Council Reviewed By: SSCs in Chowchilla, Madera, and Charters
Council Reviewed Date: 10/13/2015
Council Objection: N
Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Avo Atoian
Position: Executive Director
E-mail: aatoian@maderacoe.us
Telephone: 559-662-6277 x6277
Fax: 559-661-3551
A schoolsite council shall be established [at each school] which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.

At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

Existing schoolwide advisory groups or school support groups may be 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: The Placer County office of Education (PCOE) closed 1 community school at the of the 14/15 school year, requiring the county office to request a new waiver for the 15/16 school year. The county office operates a court school in the juvenile detention center (Auburn) with 16 students enrolled, a community school in Tahoe with 9 students enrolled and another community school in Loomis with 29 students enrolled. Across the 3 sites, PCOE has 1 administrator, 5 teachers, and 3 paraprofessionals. PCOE would not be able to meet the required number of administrators and teachers at each site. The above mentioned closure reduced the number of teachers and staff across the sites. The combined School Site Council has and will allow for a single vision and plan to best utilize Title I dollars for student achievement and performance across sites that educate students with similar needs.

Student Population: 54

City Type: Suburban

Local Board Approval Date: 10/8/2015

Council Reviewed By: Placer County Court and Community School Site Council
Council Reviewed Date: 9/17/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Phillip Williams
Position: Associate Superintendent
E-mail: pwilliams@placercoe.k12.ca.us
Telephone: 530-745-1389
Fax:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4110413       Waiver Number: 10-10-2015       Active Year: 2015

Date In: 10/14/2015 11:23:58 AM

Local Education Agency: San Mateo County Office of Education
Address: 101 Twin Dolphin Dr.
Redwood City, CA 94065

Start: 7/1/2015       End: 7/1/2017

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: 52852

Outcome Rationale: The San Mateo County Office of Education (SMCOE) is requesting a shared School Site Council (SSC) for 5 small schools: Camp Glenwood, Canyon Oaks Youth Center, Gateway Center, Hillcrest School at the Youth Services Center, and Margaret J. Kemp School. These schools serve incarcerated youth and youth who require an alternative placement for reasons such as expulsion, truancy, low credits, mental health issues, or as a condition of their probation. Each school serves far less than 120 students. The schools share similar student populations and student needs. As a result the schools have common goals, and more often than not participate in the same professional development activities. The Court Schools (Glenwood, Hillcrest, and Kemp) share a principal and administrative staff; and the Community Schools (Canyon Oaks and Gateway) share a principal and administrative staff. In addition to a shared SSC, SMCOE is seeking a reduced composition to increase the opportunity to meet the parity requirements between staff and non-staff members. Reducing the number of SSC members would assist us in this endeavor. Because of the short length of time students are enrolled in our programs, finding parents and students who are willing to participate in an on-going SSC is difficult at best. Another road block in our ability to meet the composition requirements for students is that most of our students are incarcerated or live in a residential treatment facility, which makes it unrealistic that they would be able to attend SSC meetings. Also, the teaching staff is small (22 FTEs program wide), and thus, the number of adjunct duties exceeds the number of teachers available to take on the extra responsibilities that are necessary to run highly effective schools.

Student Population: 174

City Type: Suburban

Local Board Approval Date: 10/7/2015

Revised: 1/7/2016 11:28 AM
Council Reviewed By: English Learner Advisory Committee / District English Learner Advisory Committee
Council Reviewed Date: 9/17/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Melinda Fore
Position: Administrator
E-mail: mfore@smcoe.org
Telephone: 650-802-5460
Fax: 650-802-5503
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: Section to be waived: EC52852 School site councils for small schools sharing common services or attendance areas, administration and other characteristics. Refer to SBE Waiver Policy for Shared SSC’s:
http://www.cde.ca.gov/search/searchresults.asp?cx=001779225245372747843:gpfwm5rhxiw&output=xml_no_dtd&filter=1&num=20&start=0&q=school%20site%20councils. Waivers meeting these conditions go to the SBE Consent Calendar. Specific strike-out language follows.

Outcome Rationale: The Shasta County Office of Education Alternative education schools have circumstances that make it difficult for each site to have their own Site Council. There are three Alternative Education schools with the following composition:

<table>
<thead>
<tr>
<th>Name</th>
<th>Students</th>
<th>Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oasis School</td>
<td>40</td>
<td>4</td>
</tr>
<tr>
<td>Shasta County Independent Study Charter School</td>
<td>114</td>
<td>5</td>
</tr>
<tr>
<td>Juvenile Court School (enrollment varies)</td>
<td>17</td>
<td>1</td>
</tr>
</tbody>
</table>

These schools share a principal. The schools share a common curriculum and follow the same pacing guides for English Language Arts and mathematics. The schools share resource teachers, psychologist services, counseling services and are all represented on the District Leadership Team. Additionally, the staff regularly participate in shared staff meetings and collaboration meetings related to curriculum implementation. For students, there is very high mobility between the schools, with many of the students moving from Juvenile Court to Independent Study or Oasis and vice versa. All of the schools are located with seven miles of each other.

Our District Leadership Team has created district-wide goals based on student academic achievement and needs. These are the goals that become integrated into the school site plans that are implemented and monitored at each site. By combining the Site Councils it is our hope
that the goals of the district can be implemented consistently across all campuses and that student achievement will increase.

Student Population: 175

City Type: Small

Local Board Approval Date: 7/8/2015

Council Reviewed By: School Site Council
Council Reviewed Date: 4/27/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jodie VanOrnum
Position: Executive Director
E-mail: jvanornum@shastacoe.org
Telephone: 530-225-0360
Fax:

Bargaining Unit Date: 05/21/2015
Name: Shasta County Certificated Employees Association
Representative: James Patton
Title: President
Position: Support
Comments:
Ed Code or CCR to Waive: \textit{Education Code} Section 52852 (formerly 52012) specifies that a school improvement plan shall be developed by a school site council (SSC). The law says, “The SSC shall be composed of the principal; representatives of teachers selected by teachers at the school; other school personnel selected by peers 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: Donner Trail Elementary is small multi-age magnet school. It is the zone school for Donner Summit families, and the remaining students spots are filled through a lottery of interested Truckee-town families. Due to the demographics and population of the zone community and choice-nature of the lottery, our students and parents are limited in number and our linguistic and ethnic diversity is typically limited as well. While we have an eager group of involved parents and staff members to participate in Student Site Council duties, the number and composition of the SSC cannot meet the requirements mandated in other settings.

Student Population: 70

City Type: Small

Local Board Approval Date: 8/21/2015

Council Reviewed By: Parent Teacher Organization and SCC
Council Reviewed Date: 8/21/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Outcome Rationale: The Waugh School District has two small elementary schools located less than a mile apart and serve similar student and parent populations. The district has successfully utilized a common SSC for the entire 17 years there have been two school. There is a common PTA, a common ELAC, and a common educational foundation. All curriculum is identical, all district teachers meet together for planning and staff development, and the facilities are essentially identical. The district perceives itself as one body. Both Meadow and Corona Creek are Distinguished schools with the highest District API score in our county, which attests to the effectiveness of remaining together in our planning and training. Since the primary purpose of SSC is to advise on instructional improvement, it makes sense to jointly address issues. To have separate site councils would serve to duplicate efforts and fractionalize employee, parent and student constituencies.

Student Population: 911

City Type: Small

Local Board Approval Date: 10/6/2015

Council Reviewed By: Site Council, English Language Advisory Committee
Council Reviewed Date: 10/5/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Melissa Becker
Position: Principal
E-mail: mbecker@waugh.k12.ca.us
Telephone: 707-762-4905
Fax: 707-782-9666
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-09
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2016 AGENDA

General Waiver

SUBJECT
Request by three local educational agencies 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: Butte County Office of Education 7-10-2015
Chula Vista Elementary School District 7-9-2015
Visalia Unified School District 11-10-2015

SUMMARY OF THE ISSUES

Three 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: *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 three LEAs to provide ESY services for fewer than 20 days with the condition that 60 instructional hours or more be provided to the preschool program, and 80 instructional hours or more be provided to the Kindergarten-Adult (K-Adult) program. A minimum of 76 hours of instruction may be provided to K-Adult 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 Butte County Office of Education (BCOE) proposes to provide ESY services utilizing a 15-day model over a four week period of six hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including
holidays. The BCOE believes that an increase in daily instructional time over a period of 15 days will result in educational benefit for students. The Butte County Board of Education approved the ESY schedule for a two-year period on February 10, 2014.

The Chula Vista Elementary School District (CVESD) proposes to provide ESY services utilizing a 14-day model over a three week period of five hours and 51 minutes per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The CVESD revised the number of instructional hours from the original waiver request from 5 hours and 45 minutes to 5 hours and 51 minutes to meet the requirement of 76 hours of instruction when a holiday is included. The CVESD is undergoing facilities modernization, which requires two different school calendars. During the summer, select schools will be modernized, and those that were modernized the previous year will return to the regular year-round calendar. This will result in a very short break for some school sites, thus the reason for the ESY waiver request.

The Visalia Unified School District (VUSD) proposes to provide ESY services utilizing a four-week program running four days per week for five hours per day for a total of 80 hours. This proposal provides the same number of instructional hours equal to the traditional 20-day calendar and an opportunity for special education staff to participate in staff development opportunities which occur during the summer. Under approved SBE waivers, the VUSD provided ESY programs the past 3 years utilizing this schedule which was successful for staff, for students, and their families. VUSD staff documented that the requirements of the previous waivers were met.

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; and

- Must offer special education and related services during the extended year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://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: Extended School Year Summary Table (3 pages)

Attachment 2: Butte County Office of Education General Waiver Request 7-10-2015 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Chula Vista Elementary School District General Waiver Request 7-9-2015 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Visalia Unified School District General Waiver Request 11-10-2015 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Extended School Year Summary Table

<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</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-10-2015</td>
<td>Butte County Office of Education</td>
<td><strong>Requested:</strong> June 10, 2016 to June 30, 2016 &lt;br&gt; <strong>Recommended:</strong> June 10, 2016 to June 30, 2016</td>
<td>Student population: 140  &lt;br&gt; Area: Rural  &lt;br&gt; County: Butte</td>
<td>2/10/2014</td>
<td>Butte County Teachers Association, Rachel Frank, President 11/20/2013 Support  &lt;br&gt; California School Employees Association #436, Veronica Rosales, President 1/21/2014 Support  &lt;br&gt; California School Employees Association #736, Tammy Long, President 12/16/2013 Neutral</td>
<td>Notice posted at each school and at three other non-school locations</td>
<td>Butte County Board of Education, 2/10/2014  &lt;br&gt; No objection</td>
</tr>
<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>Demographics</td>
<td>Local Board and Public Hearing Approval Date</td>
<td>Bargaining Unit, Representative Consulted, Date, and Position</td>
<td>Public Hearing Advertised</td>
<td>Advisory Committee or Site Council Consulted/ Date</td>
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</tr>
<tr>
<td>7-9-2015</td>
<td>Chula Vista Elementary School District</td>
<td>Requested: June 21, 2016 to July 8, 2016</td>
<td>Student population: 29,000 Area: Suburban County: San Diego</td>
<td>9/9/2015</td>
<td>Chula Vista Classified Employees Organization, Peter Zeitler President 8/20/2015 Support</td>
<td>Notice posted at each school and all district locations</td>
<td>Special Education Parent Committee 8/26/2015 No objection</td>
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<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>Demographics</td>
<td>Local Board and Public Hearing Approval Date</td>
<td>Bargaining Unit, Representative Consulted, Date, and Position</td>
<td>Public Hearing Advertised</td>
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</tr>
<tr>
<td>11-10-2015</td>
<td>Visalia Unified School District</td>
<td>Requested: June 1, 2016 to June 1, 2018</td>
<td><strong>Student population:</strong> 27,000 Area: Urban County: Tulare</td>
<td>10/13/2015</td>
<td>California State Employees Association, Al Martinez President 9/15/2015 Support</td>
<td>Notice posted at the VUSD Office and on the Web site, submitted to local media, e-mailed to all employees</td>
<td>Visalia Unified School Board and VUSD Superintendent’s Cabinet, 10/13/2015</td>
</tr>
</tbody>
</table>

Created by California Department of Education
October 27, 2015
Extended School Year
Attachment 2
Page 1 of 3

**California Department of Education**

**WAIVER SUBMISSION - General**

<table>
<thead>
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<tr>
<td>Local Education Agency: Butte County Office of Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: 1859 Bird St.</td>
<td></td>
<td></td>
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<tr>
<td>Oroville, CA 95965</td>
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<td>Waiver Renewal: Y</td>
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<td>Previous Waiver Number: 89-2-2014-W-04</td>
<td>Previous SBE Approval Date: 5/8/2014</td>
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<td>Waiver Topic: Special Education Program</td>
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<td></td>
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<tr>
<td>Ed Code Title: Extended School Year (Summer School)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Section: CCR, Title 5, Section 3043(d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Code Authority: 33050</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ed Code or CCR to Waive: 5 CCR 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 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). [(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: BCOE has applied for a waiver to Ed Code 5 CCR 3043 which discusses Extended School Year services. The waiver request addressed only the length of days an Extended School Year (ESY) program is offered. CDE has granted the waiver to BCOE since the 2011-12 school year. We are seeking to renew this request for a General Waiver from the California Department of Education. Rationale: Due to the continued fiscal unknowns in California, BCOE proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, six (6.0) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction. Students would receive the same or greater number of instructional minutes. The operation of ESY for 15 days instead of 20 will better match the district calendars of sites where BCOE classes are located allowing students more opportunities to be with their typically developing peers. Surrounding districts, Oroville and Paradise are also seeking a waiver, which will again align services and supports to neighboring districts.
On a fiscal side, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs to districts. Lastly, the proposed model of providing 15 days of service will allow for all the expenses to be accounted for in one fiscal year, rather than two. Note: In 2014 we submitted a waiver request for 2 years, however, it was granted for one month (6/1/15-6/30/15) as per the approval letter dated 5/21/2014. Our County Board and Unions have already approved this request through June 30th, 2016. After speaking with CDE Waiver representative Debra Babyak, it was suggested we submit this new waiver request with the 2016 dates included again since all other criteria were previously met.

Student Population: 140

City Type: Rural

Public Hearing Date: 2/10/2014
Public Hearing Advertised: Notice posted at each school site and at 3 other non-school locations.

Local Board Approval Date: 2/10/2014

Community Council Reviewed By: Butte County Board of Education
Community Council Reviewed Date: 2/10/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Stacy Doughman
Position: Director of Special Education
E-mail: sdoughma@bcoe.org
Telephone: 530-532-5792
Fax: 530-532-5794

Bargaining Unit Date: 11/20/2013
Name: Butte County Teachers Association
Representative: Rachel Frank
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/21/2014
Name: California School Employees Association #436
Representative: Veronica Rosales
Title: President
Position: Support
Comments:
Bargaining Unit Date: 12/16/2013
Name: California School Employees Association #736
Representative: Tammy Long
Title: President
Position: Neutral
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768023            Waiver Number: 7-9-2015            Active Year: 2015

Date In: 9/22/2015 2:59:41 PM

Local Education Agency: Chula Vista Elementary School District
Address: 84 East J St.
Chula Vista, CA 91910


Waiver Renewal: Y
Previous Waiver Number: 6-1-2015-W-04            Previous SBE Approval Date: 5/07/2015

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), requires a minimum of 20 school
days of attendance for an extended school year (summer school) for special education
students.

Note:
*Education Code* does not specify the number of hours for the ESY instructional program. The
number of hours provided per day is based on student IEPs and District scheduling.

Outcome Rationale: Chula Vista Elementary School District requests a waiver to modify the
required Special Education extended school year from 20 days to 14 days (13 actual school
days plus Holiday credit for July 4th). There is no summer school program for general
education students in the District.

Currently, our schools are on two different school calendars due to facilities modernization. The
2016-16 school year ends on June 3 for students and June 8 for teachers who are on a year-
round calendar. The 2015-16 school year ends on June 17 for students on the modernization
calendar. During the summer, new schools will be modernized, and those that were
modernized last year will return to the regular year-round calendar. This will result in a very
short break for some school sites (end June 17 and resume on or about July 20).

In order to provide Extended School Year services to ALL students, we are requesting a
reduced number of days, while still providing the same number of hours as would have been
provided in a 20-day program (80 hours). Without it, we will be unable to provide any summer
break for staff and only three days for students, resulting, we anticipate, in an inability to staff
the program and a lower attendance rate for students.

Our proposal to renew our modified ESY is consistent with our approved waiver for 2015-2016
for the same reasons. The program for K-6 will be: June 21 – July 8, 2016; 5 hours 45
minutes/day (80 hours); PreK will be: June 21 – July 8, 2016; 4 hours 40 minutes/day (60 hours). This will provide an appropriate break for staff and students, and allow us to appropriately staff the program and provide services to all students regardless of their school’s calendar. Students would receive the full 80 hours (K-6) and 60 hours (PreK) of instruction required by Ed Code. In addition, we have learned that longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs.

Student Population: 29000

City Type: Suburban

Public Hearing Date: 9/9/2015
Public Hearing Advertised: Notices posted at all school sites and District locations, in accordance with all Public Hearings

Local Board Approval Date: 9/9/2015

Community Council Reviewed By: Special Education Parent Committee
Community Council Reviewed Date: 8/26/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deann Ragsdale
Position: Executive Director, Pupil Services and Instruction
E-mail: deann.ragsdale@cvesd.org
Telephone: 619-425-9600 x1701
Fax: 619-585-0976

Bargaining Unit Date: 08/20/2015
Name: Chula Vista Classified Employees Organization
Representative: Peter Zeitler
Title: President
Position: Support
Comments:

Bargaining Unit Date: 08/25/2015
Name: Chula Vista Educators
Representative: Manuel Yvellez
Title: President
Position: Support
Comments:
Outcome Rationale: The Visalia Unified School District's Special Education Department is requesting a waiver to maintain our current provision of extended school year services (ESY - Summer School) for students in grades preschool through 12th grade who have disabilities and are eligible for ESY services. *California Code of Regulations, Title 5 (5 CCR), Section 3043* requires the provision of a 20 day ESY program. In the past, VUSD provided a five week program running four days per week for four hours per day, for a total of 80 hours per summer session. For the past three ESY programs, under approved CDE waivers, VUSD has provided a four week program running four days per week for five hours per day, for a total of 80 hours per session. The programs were very successful for staff and for students and their families. For the 2016 ESY program, and for subsequent ESY programs, the district would like to continue providing the four week program. The instructional minutes of the proposed program would be equal to the instructional minutes of all prior years’ programs. The purpose of this proposal is to allow all special education staff the opportunity to participate in staff development opportunities that occur in the summer, to provide flexibility to students and their families for summer planning, and to provide a more economical program with regards to transportation and facility costs.

Student Population: 27000

City Type: Urban

Public Hearing Date: 10/13/2015
Public Hearing Advertised: Agenda posted (physically) for the public and by email to all VUSD employee
Local Board Approval Date: 10/13/2015

Community Council Reviewed By: Visalia Unified School Board and VUSD Superintendent's Cabinet
Community Council Reviewed Date: 10/13/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cara Peterson  
Position: Director, Special Education  
E-mail: cpeterson01@vusd.org  
Telephone: 559-730-7581  
Fax:

Bargaining Unit Date: 09/15/2015  
Name: California State Employees Association  
Representative: Al Martinez  
Title: President, CSEA  
Position: Support  
Comments:

Bargaining Unit Date: 09/11/2015  
Name: Visalia Unified Teachers Association  
Representative: Greg Price  
Title: President, VUTA  
Position: Support  
Comments:
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-10
General Waiver

SUBJECT
Request by two local educational agencies to waive portions of California Code of Regulations, Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

Waiver Numbers: El Centro Elementary School District 8-10-2015
Vallecitos Elementary School District 9-10-2015

SUMMARY OF THE ISSUES

Two local educational agencies are requesting, on behalf of the charter schools identified in Attachment 1, that the California State Board of Education (SBE) waive portions of California Code of Regulations, Title 5 (5 CCR), Section 11963.6(c), in order to allow the charter schools to request a non-prospective nonclassroom-based funding determination for their respective funding period.

Each of the two charter schools identified in Attachment 1 submitted a determination of funding request after the required deadline, thereby making the request retroactive. If the waivers are approved by the SBE, the charter schools may then submit the retroactive funding determination requests for consideration by the Advisory Commission on Charter Schools (ACCS) and the SBE.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

Approval

The California Department of Education (CDE) recommends that the SBE approve the requests by El Centro Elementary School District and Vallecitos Elementary School District to waive specific portions of 5 CCR, Section 11963.6(c), in order to allow the specified charter schools to submit determination of funding requests for the specified fiscal year. Approval of these waiver requests will also allow the SBE to consider the requests, which are retroactive. Without the waiver, the SBE may not consider the
determination of funding request and the charter school’s nonclassroom-based average daily attendance (ADA) may not be funded for the affected fiscal year.

**SUMMARY OF KEY ISSUES**

*EC* sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the SBE. The CDE reviews a charter school’s determination of funding request and presents it for consideration to the ACCS, pursuant to relevant 5*CCR*.

Pursuant to 5*CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year) and in increments of a minimum of two years and a maximum of five years in length. In addition, the funding determination request must be submitted by February 1 of the fiscal year prior to the year the funding determination will be effective.

Each charter school listed in Attachment 1 submitted a determination of funding request after the required deadline, thereby making the request retroactive.

**Demographic Information:**

El Centro Elementary School District is requesting a waiver for the Imperial Valley Home School Academy, which serves a student population of 96 and is located in a small town area in Imperial County.

Vallecitos Elementary School District is requesting a waiver for the Taylion San Diego Academy Charter School, which serves a student population of 150 and is located in a rural area in San Diego 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 similar waiver requests regarding retroactive funding determination requests for charter schools that offer nonclassroom-based instruction.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of these waiver requests will allow the SBE to consider the charter school’s determination of funding request. Subsequent approval of the determination of funding request by the SBE will allow the charter school’s nonclassroom-based ADA to be
funded at the funding determination rate approved by the SBE for the specified fiscal year.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline (1 Page)

Attachment 2: El Centro Elementary School District General Waiver Request 8-10-2015 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Vallecitos Elementary School District General Waiver Request 9-10-2015 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)
### Local Educational Agencies Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency (Charter Authorizer)</th>
<th>Charter School (Charter Number / CDS Code)</th>
<th>First Year of Operation</th>
<th>NCB Funding Determination Period of Request</th>
<th>Public Hearing and Local Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
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Created by California Department of Education
November 19, 2015
**California Department of Education**  
**WAIVER SUBMISSION - General**

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<th>CD Code: 1363123</th>
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Local Education Agency: El Centro Elementary School District  
Address: 1256 Broadway  
El Centro, CA 92243

|-----------------|-----------------|

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Charter School Program  
Ed Code Title: Nonclassroom-Based Funding  
Ed Code Section: 11963.6(c)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: 5 CCR 11963.6(c), any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. [Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective.]

Outcome Rationale: Imperial Valley Home School Academy is El Centro Elementary School District's only district operated charter school. Staff involved in the initial charter school approval process and submittal of the non-classroom based funding determination, are no longer with the district. Current district staff was not aware of the February 1, 2015 filing deadline for the 2015-16 school year determination. Upon recognition of this oversight, the District immediately called CDE and was told to submit a waiver.

Student Population: 96

City Type: Small

Public Hearing Date: 10/13/2015  
Public Hearing Advertised: Posted at District Office and Website

Local Board Approval Date: 10/13/2015

Community Council Reviewed By: Board of Trustees  
Community Council Reviewed Date: 10/13/2015  
Community Council Objection: N  
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kristy Curry
Position: Assistant Superintendent of Administrative Service
E-mail: kcurry@ecesd.org
Telephone: 760-352-5712 x8517
Fax:

Bargaining Unit Date: 09/29/2015
Name: California School Employees Association
Representative: Ramas Morrison
Title: Union President
Position: Neutral
Comments:

Bargaining Unit Date: 09/29/2015
Name: El Centro Elementary Teachers Association
Representative: Shealyn Barker
Title: Union President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

<table>
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<th>Waiver Number: 9-10-2015</th>
<th>Active Year: 2015</th>
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Date In: 10/14/2015 8:27:24 AM

Local Education Agency: Vallecitos Elementary School District
Address: 5211 Fifth St.
Rainbow, CA 92028


Waiver Renewal: N
Previous Waiver Number:  
Previous SBE Approval Date:  

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: Title 5 Section 11963.6(c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Education Code 47634.2 and 5 CCR 11963.6 (c): Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: Due to a change in key administrative positions within the Taylison San Diego Academy Charter School (TSDA), the non-classroom-based funding determination form was not submitted to the California Department of Education by the due date of February 1, 2015. The non-classroom-based funding determination form has now been completed and was mailed to CDE on February 5, 2015.

Student Population: 150

City Type: Rural

Public Hearing Date: 10/13/2015
Public Hearing Advertised: Posted at Vallecitos School District, the Rainbow Oaks Restaurant & Market in Rainbow, CA

Local Board Approval Date: 10/13/2015

Community Council Reviewed By: Vallecitos School District Board
Community Council Reviewed Date: 10/13/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cathy Murphy
Position: Business Manager
E-mail: cmurphy@vallecitossd.net
Telephone: 760-451-8230
Fax:
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

WAIVER ITEM W-11
Specific Waiver

SUBJECT

Request by Hesperia Unified School District under the authority of California Education Code Section 41382, for a renewal 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 Number: 12-7-2015

SUMMARY OF THE ISSUE(S)

Request by Hesperia Unified School District (USD) for a renewal to waive under the authority of California Education Code (EC) Section 41382, portions of EC sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three for fiscal year 2014–15.

Authority for Waiver: EC Section 41382

RECOMMENDATION

Approval with conditions

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the waiver request by Hesperia USD 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 as required by statute.

The CDE also recommends that the SBE find that the class size penalty provisions of EC sections 41376 and/or 41378 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics for students in the classes specified in the district’s application.
SUMMARY OF KEY ISSUES

Statutes Related to Kindergarten Through Grade Three Class Size

There are two different requirements 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 class size penalty to a school district’s LCFF funding if any of the following occur:

- A single kindergarten class exceeds an average enrollment of 33.
- The average enrollment of all kindergarten classes in the district 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 in the district 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 was 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. The 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.

In September 2014, the SBE adopted Policy #14-01, which requires districts to provide certain types of information with their waiver requests commencing with fiscal year 2014–15.

**District’s Request**

The Hesperia USD is 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 for 2014–15, which provide a penalty when a school district exceeds certain class sizes as noted on Attachment 1. The district’s request included the information required by the SBE’s Policy #14-01.

In 2014–15, Hesperia USD’s districtwide class average for grades one through three was 27.9, which is below the required 30 students per teacher and is consistent with the district’s Local Control and Accountability Plan (LCAP). Due to an unexpected growth in the district and the district being unable to install enough portable classrooms in time, a third grade classroom was over the maximum level by one student. This resulted in a penalty of $129,599 in 2014–15. The district is requesting a waiver for 2014–15 and will return to the statutory levels in 2015–16.

The district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The actual and/or estimated annual penalty, should the district increase the class size average without a waiver, is provided on Attachment 1.

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**

Before the September 2009 board meeting, no class size penalty waivers had been submitted since 1999. Due to the state budget crisis and resulting significant reduction in funding, the SBE began receiving a large number of waiver requests beginning in 2009. As a result, the SBE has approved all class size penalty waiver requests through fiscal year 2013–14. Under the LCFF, most districts funding levels will increase over the next several years. However, due to certain factors some districts will not see increases for several years. Therefore, in September 2014, the SBE adopted a policy for the type of information districts should provide when submitting a class size penalty waiver for

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for the penalty amount should the waiver request be denied.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Hesperia Unified School District Specific Waiver Request 12-7-2015 (4 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table

For Kindergarten: Overall average of 31 with no class larger than 33, pursuant to *Education Code (EC)* Section 41378.

For Grades 1–3: Overall average of 30 with no class larger than 32, pursuant to *EC* Section 41376.

<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 (New Maximum)</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit, Representative Consulted, Date, and Position</th>
<th>Penalty Amount Without Waiver</th>
<th>Previous Waivers</th>
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Created by California Department of Education

October 30, 2015

Revised: 1/7/2016 11:29 AM
Outcome Rationale: During budget reduction class sizes were negotiated to be increased to a 33:1 ratio in grades K-3 and 34:1 ratio in grades 4-8 that expired June 30, 2015. Due to unexpected growth the site had a 3rd grade class that had an average of 32.83, with a site average of 30.51 in grades 1-3. Due to the unexpected growth, the campus size was maxed out and portable classrooms were cannot be installed until the summer of 2015 once school had been completed and students were no longer on campus. The construction of portables would have led to disruption to the learning environment far greater than having a single class with a ratio of 33, thus the increased ratio led to improved performances by the class and school site.
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 $118,093 could be incurred by the district without this waiver.

Student Population: 29605
City Type: Rural
Local Board Approval Date: 6/8/2015
Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Steven Rollins
Position: Director, Fiscal Services
E-mail: steven.rollins@hesperiausd.org
Telephone: 760-244-4411
Fax:
Hesperia Unified School District

1. During the past fiscal crisis of California Hesperia Unified School District (the District) was forced to reduce its operation budget to maintain solvency. During the budget reduction process class sizes in grades K-3 were negotiated to have a 33:1 ratio and a 34:1 ratio in grades 4-6 that expired June 30, 2015. The district had unexpected growth of approximately 2%. Of the total growth the District's 3rd Grade enrollment grew by 89 students which represented 19% of the total District growth. As a result of the unexpected growth the District had a school site that had an overall average of 32.83:1 students with a site average of 30.51:1 in grades 1-3, both ratios being within the negotiated limits. In addition, due to the unexpected growth the site used every classroom but did not have any additional classrooms available to add an FTE to reduce the ratio below statutory levels. Due to the fact that the growth was unexpected and exceeded past growth trends the District was not able to add portable classrooms to the school site prior to the start of school. Once school had begun the academic calendar did not provide a large enough window of non-student days to safely add portables to the site, thus the ratio could not be reduced to statutory levels during the school year.

2. The second goal of the District's LCAP is “to provide a physically and emotionally safe climate and learning environment that is culturally responsive to all students.” Had portables been brought in to reduce the class size average to the state approved average it would have created an inherently unsafe climate for the students. Students would have had to remain attentive in class despite the noise pollution that would have been created by bringing in portables during the school year to the campus. In addition to the noise pollution the construction related to adding additional portables would have created a physically unsafe environment as the students would have had to contend with hazards such as construction equipment and building materials.

3. The District emphasizes the use of collaborative learning groups within the classroom. By using collaborative learning groups it allows for teachers to take a large classroom and make it smaller. By using collaborative groups the District’s teachers are able to move around the classroom and provide more focused attention to the needs of each group as opposed to focusing the lesson on an entire class where all of a student’s needs may not be addressed or met.

4. The District brought in additional portables prior to the start of the 2015-16 school year. The additional portables will allow for the district to return to statutory levels. In addition, the District hired additional FTEs to have each school site at a ratio of 26:1 in grades K-3. In addition, in the 2015-16 Budget the District committed additional funds to be expensed in 2016-17 to bring the ratio in grades K-3 to 24:1 at all school sites. The plan initiated by the district will ensure that no site has a class size that exceeds the statutory levels established in the California Education Code.
5. The District feels that the class size provisions would prevent the development of more effective educational programs to improve instruction in reading and mathematics. Bringing in new portables would have disrupted the environment to the point that a larger class size was more conducive to the development of education programs to improve instruction in reading and mathematics.

6. The financial impact of the class size penalty is $129,599.

7. The District is requesting the new maximum individual class size of 33 and overall class size averages of 30 in grades 1-3 for the 2014-15 academic year.

8. The representative is not opposed to the recommendation.
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

UPDATED VERSION 2 of
ITEM 11
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2016 AGENDA

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

SUMMARY OF THE ISSUE(S)
1. Take up Officer Elections for President and Vice President
2. SBE Draft Preliminary Report of Actions/Minutes for the November 4-5, 2015 meeting
3. Board member liaison reports

RECOMMENDATION
The SBE staff recommends that the SBE:
1. Take up Officer Elections for President and Vice President
2. Approve the Preliminary Report of Actions/Minutes for the November 4-5, 2015 meeting. (Attachment 1)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
At each regular meeting, the State Board has traditionally had an agenda item under which to address “housekeeping” matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, Board policy; Board minutes; Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

FISCAL ANALYSIS (AS APPROPRIATE)
Not applicable.

ATTACHMENT(S)
Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the November 4-5, 2015 meeting (22 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

UPDATED VERSION of ITEM 11
STATE BOARD PROJECTS AND PRIORITIES.
Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

SUMMARY OF THE ISSUE(S)

1. Take up Officer Elections for President and Vice President.


3. SBE Screening Committee recommendations regarding appointments to the Instructional Quality Commission, Child Nutrition Advisory Council, and the Advisory Commission on Charter Schools.

4. Board member liaison reports.

RECOMMENDATION(S)

The SBE staff recommends that the SBE:

1. Take up Officer Elections for President and Vice President.

2. Approve the Preliminary Report of Actions/Minutes for the November 13-14, 2014 meeting. (Attachment 1)

3. Consider the SBE Screening Committee recommendations for appointments to the Instructional Quality Commission, Child Nutrition Advisory Council, and the Advisory Commission on Charter Schools. (Attachment 2)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the November 13-14, 2014 meeting (21 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.

Attachment 2: State Board of Education Screening Committee Recommendations for Appointment to the Instructional Quality Commission, Child Nutrition Advisory Council, and the Advisory Commission on Charter Schools. This attachment will be an Addendum.
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

ITEM 11
SUBJECT
STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the November 4-5, 2015 meeting

2. Board member liaison reports

RECOMMENDATION

The SBE staff recommends that the SBE approve the Preliminary Report of Actions/Minutes for the November 4-5, 2015 meeting. (Attachment 1)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the November 4-5, 2015 meeting (22 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.
ITEM 12
The federal Workforce Innovation and Opportunity Act (WIOA) of 2014 requires the Governor, via the California Workforce Development Board (CWDB), and in coordination with WIOA core federal programs overseen by the State Board of Education (SBE) and administered by the California Department of Education (CDE), the Employment Development Department (EDD), and the Department of Rehabilitation (DOR), to submit a unified state plan to the U.S. Department of Labor (DOL) and the U.S. Education Department (ED). The CWDB and WIOA core programs collaboratively developed the draft “California’s Strategic Workforce Development Plan: Skills Attainment for Upward Mobility; Aligned Services for Shared Prosperity: California’s Workforce Development Plan Under the Workforce Innovation and Opportunity Act (WIOA) for Program Years 2016–2020” (the State Plan). The draft State Plan reflects the following:

- Outlines a comprehensive four-year strategy for the investment of federal workforce training and employment services dollars in a manner that aligns, coordinates, and when appropriate, integrates service delivery for the six core programs funded under WIOA. These programs include Title I Adult, Dislocated Worker, and Youth programs; Title II Adult Basic Education and Basic Skills programs; Title III Wagner-Peyser Employment Services programs; and Title IV Vocational Rehabilitation services.

- Provides a framework for aligning other relevant state and federally funded workforce, education, and human services programs. To this end, the draft State Plan initiates the expansion of partnership beyond core programs to other relevant programs such as Temporary Assistance to Needy Families, Carl D. Perkins K–14 Career and Technical Education (CTE) programs, California’s Employment Training Panel incumbent worker training services, as well as state general-funded Adult Basic Education Block Grant (AEBG) programs administered by regional consortia under state statutes, and, as appropriate,
state-funded CTE programs delivered through both the kindergarten through grade twelve (K–12) educational system and California’s community colleges.

The CDE K–12 division programs with responsibilities associated directly and/or indirectly with WIOA Titles I–IV provide services and support to WIOA target populations, including individuals with barriers to employment, as well as veterans, unemployed workers, and youth. These CDE K–12 program services and populations include the following:

- **Adult Education Program** - reaches hard-to-serve students, including emancipated youth, displaced homemakers, low income and homeless adults, incarcerated individuals, and a large immigrant population. Over half a million adults study basic skills, English as a second language (ESL), citizenship preparation, and take classes to earn a high school diploma or its equivalency under federal WIOA, Title II programs and related state-funded programs operated through the state’s 70 AEBG Consortia.

- **CTE Programs** - serve 970,000 secondary students and 59,000 adult CTE students.

- **English Learner Programs** - serve migrant farmworkers, seasonal farmworkers, out of school youth, English learners and immigrant students and their families. The goal of these programs is to provide students with access to the core academic content, and to overcome language barriers and other barriers caused by the migratory patterns of students.

- **The CDE also provides transition services to 137,000 students with disabilities statewide, including 94,000 served by Workability 1 programs; 23,000 at-risk students are served through county run juvenile justice facilities and county community schools.**

The draft State Plan may be accessed on the CWDB WIOA Unified Strategic Workforce Development Plan (Draft) Web page at [http://www.cwdb.ca.gov/WIOA_Unified_Strategic_Workforce_Development%20_Plan.htm](http://www.cwdb.ca.gov/WIOA_Unified_Strategic_Workforce_Development%20_Plan.htm).

California state law requires the CWDB to collaborate with the CDE, the California Community College Chancellor’s Office (CCCCO), and other appropriate state agencies, and local workforce development boards to develop a comprehensive state plan that serves as a framework for public policy, fiscal investment and the operation of all state labor exchange, workforce education, and training programs.

- **State law specifically directs the CWDB to develop a plan that fosters the building of regional alliances between workforce and education professionals and employers to develop programs that meet industry’s workforce needs.**
• State planning requirements anticipate and are consistent with the policy directions prescribed in WIOA. The draft State Plan meets state requirements pertaining to coordination of services and investment in training in a manner that aligns with regional industry needs by making regional organizing efforts around career pathways aligned with regional labor market trends and industry needs, a key focus of the regional workforce plans required under WIOA Section 106.

• This draft State Plan is designed to meet both state and federal planning requirements while also providing a comprehensive framework for partnership between private industry sector leaders and the state’s publically-funded workforce and education systems.

The draft State Plan begins with the Governor’s vision, goals, and strategic policy orientation for the plan. The main areas of the plan are an overview of the general policy orientation informing the plan, and consideration of service delivery and program coordination strategies that will inform day-to-day operations at the state, local, and regional levels.

As mentioned, the draft State Plan under WIOA includes many elements for the K–12 programs. The SBE is responsible for establishing policy for K–12 programs as the designated State Education Agency while the CDE is the administrative and oversight body for K–12 programs, including adult education and literacy programs and CTE. Four divisions within the CDE have program responsibilities associated, directly and/or indirectly, with WIOA. These divisions include the Career and College Transition Division, the Special Education Division, the English Learner Support Division, and the Coordinated Student Support Division, located in two different branches.

Instruction and Learning Support Branch

Career and College Transition Division: Includes programs for adult education, including CTE. Specifically, the adult education programs in the state of California provide adult basic and secondary education skills including English, math, and ESL foundational competencies needed to enter postsecondary education and training as well as citizenship training. In addition to the K–12 adult schools, the CDE, through the WIOA, Title II grant, also funds libraries, community-based organizations, correctional institutions, and several community colleges for these programs.

CTE integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. The federal program to support CTE in California is the Carl D. Perkins Career and Technical Education Act of 2006 which the CDE jointly administers with the CCCCO.

English Learner Support Division: Oversees Every Student Success Act, English Learner Title III and Migrant Title I part C programs and funding for the state of California. The division coordinates K–12 state and federal efforts and programs to serve migrant farmworkers, seasonal farmworkers, out of school youth, English learners
and immigrant students and their families. The goal of these programs is to provide students with access to the core academic content, and to overcome language barriers and other barriers caused by the migratory patterns of students. These programs are often supported through partnerships with Adult Education and WIOA. The parents of the K–12 migrant students, English learner students, immigrant students, and out of school youth benefit from the partnerships with Adult Education and WIOA.

**Student Support and Special Services Branch**

**Special Education Division:** Oversees programs operated by approximately 1,100 local educational agencies (LEAs) to provide students up to age 22, who receive services under an Individualized Education Program, with a free and appropriate public education. Students with disabilities age 16–22 must be provided needed transition services based on their assessed needs, strengths, preferences, and interests to facilitate movement from school to post school activities. These post school activities may include postsecondary education, training, competitive integrated employment, and independent living. Workability I is a state-funded grant program awarded to 280 LEAs to provide an array of transition services to middle and high school students, including work experience for high school students.

**Coordinated Student Support Division:** Oversees the state’s Educational Options programs which work with at-risk K–12 students, including those habitually truant or at risk of not graduating, students who have been expelled or have been placed in a juvenile court facility, those unable to attend school due to a medical problem, and foster youth. These students generally attend a county or district administered school structured to address the student’s individual challenges. The most common educational option school types include county community and juvenile court schools administered by a county office of education, and continuation, community day, and opportunity schools operated by school districts. For students where a classroom setting is not possible or appropriate, schools have a variety of programs available to meet these special needs including home and hospital instruction and independent study. For these schools and programs, the goal of providing students with the environment, curriculum, and supportive services they need to reach their full academic potential, graduating, and successfully transitioning to postsecondary education or employment is often supported through partnerships with WIOA Title I Youth Programs and community based organizations.

The draft State Plan is currently in the process of public comment until mid-January. Based on public comment, the plan will be revised in January 2016 and the final version submitted to the DOL and ED by March 3, 2016.

Failure to approve the draft State Plan may result in the loss or delay of an estimated $86 million in WIOA, Title II: Adult Education and Family Literacy Act (AEFLA) grant funds each year for the period 2016–2020.
RECOMMENDATION

The CDE recommends that the SBE approve the draft “California’s Strategic Workforce Development Plan: Skills Attainment for Upward Mobility; Aligned Services for Shared Prosperity: California’s Workforce Development Plan Under the Workforce Innovation and Opportunity Act (WIOA) for Program Years 2016–2020.”

BRIEF HISTORY OF KEY ISSUES

On July 22, 2014, the President signed into law the WIOA, which includes the reauthorization of Title II, the Adult Education and Family Literacy Act of 1998–2004. As a result of this reauthorization, states are required to submit a unified plan to transition from the Workforce Investment Act to the new WIOA. As the state agency designated by the Governor to manage many of the programs that are now incorporated within the WIOA, the CDE is required to submit any revisions to the SBE, including performance targets and the transition activities, necessary to prepare for the full implementation of WIOA in 2016–17. This new unified plan that includes core programs operated by the CDE, the EDD, and the DOR, must be approved and submitted to the DOL and the ED on March 3, 2016.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved annual revisions to the California State Plan for the previous federal programs under the Workforce Investment Act, Title II: Adult Education and Family Literacy Act. The most recent approval was in May 2015, when the SBE approved the California State Plan for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Transition to Workforce Innovation and Opportunity Act, 2015–16, which included the 2015–16 performance goals and a one-year extension of the plan through June 30, 2016.

FISCAL ANALYSIS (AS APPROPRIATE)

As the largest state in the country with the largest population targeted by the programs within the WIOA, California averages approximately 20 percent of the funds allocated to these federal programs. The CDE’s responsibility, which includes most of the programs within the WIOA, requires full legal and fiduciary management to execute these programs flawlessly. This includes submitting all required documents and reports along with meeting the timelines established by the federal legislation. It demands the actions of over a hundred of CDE’s employees to monitor and provide technical assistance to thousands of educational agencies throughout the state that directly provide services to millions of California’s citizens. It is fiscally prudent that the SBE assist the CDE to meet its responsibility to the other state agencies working on this unified plan so that the draft State Plan can be submitted on time and not jeopardize California’s funding for these vital programs.
Failure to approve the draft State Plan may result in the loss or delay of an estimated $86 million in WIOA, Title II: AEFLA grant funds each year for the period 2016–2020.

ATTACHMENT(S)

None
ITEM 13
SUMMARY OF THE ISSUE(S)

Before the California Department of Education (CDE) can make annual grant awards for the Career Technical Education Incentive Grant (CTEIG), the California Education Code (EC) Section 53074 requires that the CDE submit a list of recommended new and renewal grant recipients to the State Board of Education (SBE) for review and approval. Grant applicants were given the option of two grant submittal deadlines based upon the SBE meeting calendar. LEAs wishing to receive funds in February 2016 have the option to submit the application in December 2015. LEAs wishing to receive funds in April 2016 have to submit applications in February 2016. The CDE will bring a second list of grantees to the March 2016 SBE meeting.

RECOMMENDATION

The CDE recommends that the SBE approve the list of grantees for the grant term of July 1, 2015, through June 30, 2017.

BRIEF HISTORY OF KEY ISSUES

The CTEIG program was established as part of the 2015–16 California State Budget. The CTEIG was created as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten through grade twelve, inclusive, with the knowledge and skills necessary to transition to employment and postsecondary education. The purpose of the CTEIG is to encourage the development of new career technical education (CTE) programs and enhance and maintain current
CTE programs during implementation of the school district and charter school local control funding formula (LCFF).

A grant recipient under EC Section 53072 may consist of one or more, or any combination, of the following:

a. School Districts  
   b. County Offices of Education  
   c. Charter Schools with an active charter number  
   d. Regional Occupational Centers or Programs operated by joint powers authorities (JPA), provided that the application has the written consent of each participating local educational agency (LEA).

The focus of the grant is the delivery and sustainability of high quality Career Technical Education programs. Grant recipients of these funds are expected to implement and maintain a CTE program meeting the elements of a high quality CTE program pursuant to EC Section 53071(c):

1. Offers high quality curriculum and instruction aligned with the California CTE Model Curriculum Standards, including, but not limited to, providing a coherent sequence of CTE courses that enable pupils to transition to postsecondary education programs that lead to a career pathway or attain employment upon graduation from high school.

2. Provide pupils with quality career exploration and guidance.

3. Provide pupil support services, including counseling and leadership development.

4. Provide for system alignment, coherence, and articulation, including ongoing and structural regional or local partnerships with postsecondary educational institutions, with documented formal written agreements.

5. Forms ongoing and structural industry and labor partnerships, documented through formal written agreements and through participation on advisory committees.

6. Provide opportunities for pupils to participate in after school; extended day; and out-of-school internships, competitions, and other work-based learning opportunities.

7. Reflects regional or local labor market demands and focuses on current or emerging high-skill, high-wage, or high-demand occupations.

8. Leads to an industry-recognized credential, certificate, or appropriate postsecondary training/employment.
(9) Is staffed by skilled teachers or faculty and provides professional development opportunities for those teachers or faculty members.

(10) Reports data, as a program participation requirement, to allow for an evaluation of the program.

In addition to meeting the minimum requirements as outlined, the CTEIG requires a proportional dollar-for-dollar match as follows:

a. For the first funding term, $1.00 for every $1.00 received from this program. For the 2015–16 application matching funds may be based on local match expenditures starting July 2015 through June 2017.

b. For the second funding term, July 2017 through June 2018, $1.50 for every $1.00 received from this program.

c. For the third funding term, July 2018 through June 2019, $2.00 for every $1.00 received from this program.

The local match may include funding from school district/charter school LCFF apportionments pursuant to EC Section 42238.02, the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, the California Partnership Academies, the Agricultural Incentive Grant, or any other source except from the California Career Pathways Trust.

Per EC Section 53070, the grant amounts are appropriated in the following subdivisions:

a) For applicants with average daily attendance (ADA) of less than or equal to 140, 4 percent is designated

b) For applicants with ADA of more than 140 and less than or equal to 550, 8 percent is designated

c) For applicants with ADA of more than 550, 88 percent is designated

LEA allocations are determined using the following formula:

- A base amount calculated on an LEA’s proportional share of the total 2014–15 ADA in grades seven through twelve
- A supplemental allocation calculated on each of the following:
  - New CTE programs
  - English-learner, low-income, and foster youth students
  - Higher than average dropout rates
  - Higher than average unemployment rates
Grant applicants were required to validate how the applicant met, or will over the course of the first grant period meet, the minimum eligibility criteria which includes:

- the demonstration of high-quality CTE programs,
- how the applicant would match the dollars received from the CTEIG, and
- the sustainability of CTE programs for three years past the cessation of the grant.

Applicants unable to demonstrate high-quality programs and/or sustainability were not recommended for funding.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE received information regarding the CTEIG in December 2015.

FISCAL ANALYSIS (AS APPROPRIATE)

Funds from the CTEIG are appropriated to the CDE from the General Fund for the CTEIG in the following amounts:

(1) For the 2015–16 fiscal year, $400 million
(2) For the 2016–17 fiscal year, $300 million.
(3) For the 2017–18 fiscal year, $200 million.

ATTACHMENT(S)

Attachment 1: CTEIG Recommended Grant Recipients will be an Addendum.
California State Board of Education
Meeting Agenda Items for January 13-14, 2016

ITEM 14

The Elementary and Secondary Education Act (ESEA) Section 1116(e)(4)(C) requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students. The ESEA also requires the SEA to monitor and evaluate approved SES providers.

While the ESEA has been reauthorized as the Every Student Succeeds Act (ESSA) and signed into law by President Obama on December 10, 2015, most of the provisions of the ESSA will not take effect until the 2017–18 school year.

The California Department of Education (CDE) recommends that the State Board of Education (SBE) remove SES providers from the approved 2013–15, 2014–16, and/or 2015–17 lists who failed to: (1) deliver the basic program to at least 75 percent of the students for whom the provider has an approved local educational agency (LEA) contract (participation) (California Code of Regulations, Title 5 [5 CCR] Section 13075.5[d][3][D]); (2) demonstrate a record of effectiveness in increasing the academic proficiency of students (growth) (5 CCR Section 13075.5[d][3][E]); or (3) submit a complete 2014–15 SES Accountability Report (5 CCR Section 13075.4[a]).

Additionally, the CDE recommends that the SBE remove 5 Star Tutors LLC (CA) from the 2015–17 approved provider list for failure to meet regulatory requirements pursuant to 5 CCR Section 13075.2(b)(7). All SES providers recommended for removal from the 2013–15, 2014–16, and/or 2015–17 approval lists are located in Attachment 1.
BRIEF HISTORY OF KEY ISSUES

Federal law requires an SEA to monitor and evaluate approved SES providers in accordance with ESEA, Title I, Part A Section 1116(e)(4)(D). 5 CCR Section 13075.4(a) requires approved SES providers to submit an annual SES Accountability Report to the CDE by August 1. 5 CCR Section 13075.5(d)(3)(H) allows the SBE to terminate an approved provider for failing to meet the reporting requirements under 5 CCR Section 13075.4.

On August 6, 2015, pursuant to 5 CCR sections 13075.5(d)(1) and (2), the SES providers who did not submit or submitted incomplete SES Accountability Reports by the deadline were given an additional 30 calendar days to submit a complete report. These providers received additional technical assistance from the CDE, and the CDE SES Accountability Report Web page was reopened to allow the submission of corrected reports by the resubmission deadline of September 8, 2015. Attachment 2 is a copy of the notification of the deadline for resubmission.

On October 29, 2015, SES providers that failed to provide evidence of compliance were again notified that the SBE will take action on the recommendation for removal from the state approved provider list at its January 2016 meeting. Attachment 3 is a copy of the notification of recommendation for removal.

An entity is required to submit an application that includes evidence of “a valid business license issued by the California Secretary of State if it intends to provide services statewide, or that holds a valid business license issued by the appropriate local licensing entity where it intends to provide services.”

The SBE may terminate an approved provider if the CDE has issued a written notice to the approved provider it has found to be noncompliant and has specified which sections the provider has violated pursuant to the 5 CCR Section 13075.5(d)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2015 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their SES Accountability Report.
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item08.doc)

At its January 2014 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their SES Accountability Report.
http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item10.doc

At its January 2013 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their SES Accountability Report.
FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: Supplemental Educational Services Providers Recommended for Removal from the 2013–15, 2014–16, and/or 2015–17 Approved Lists for Failure to Meet the Participation Requirement, Growth Criteria, Submit a Complete 2014–15 Supplemental Educational Services Accountability Report, and/or Failure to Meet Regulatory Requirements (2 Pages)

Attachment 2: August 6, 2015, letter from Kimberly Born, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Provider regarding Supplemental Educational Services Accountability Report Extension (1 Page)

Attachment 3: October 29, 2015, letter from Kimberly Born, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to 5 Star Tutors LLC (CA) regarding Business Ownership and License Verification (1 Page)
Supplemental Educational Services Providers Recommended for Removal from the 2013–15, 2014–16, and/or 2015–17 Approved Lists for Failure to Meet the Participation Requirement, Growth Criteria, Submit a Complete 2014–15 Supplemental Educational Services Accountability Report, and/or Failure to Meet Regulatory Requirements

The X indicates each approval period from which the identified provider will be removed if the State Board of Education (SBE) approves the California Department of Education recommendation.

<table>
<thead>
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<th>Provider Business Name</th>
<th>Approval Period</th>
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<tr>
<td>1 to 1 Academic Tutoring</td>
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<td>Achievement Matters, Inc.</td>
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<tr>
<td>Alpha Learning Centers, LLC DBA Sylvan Learning Center Beverly Hills</td>
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<tr>
<td>Alternatives Unlimited, Inc.</td>
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</tr>
<tr>
<td>Foundations Educational Services</td>
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</tr>
<tr>
<td>Friendly Community Outreach Center (FCOC)</td>
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<tr>
<td>Growing Scholars</td>
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<tr>
<td>Jones Reading &amp; Math Clinics, Inc.</td>
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<tr>
<td>Lakeside Learning</td>
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<tr>
<td>New Horizon Foster Care Agency Inc. DBA New Horizons Tutoring</td>
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</tr>
<tr>
<td>Rio Hondo Education Consortium (DBA LEARN)</td>
<td></td>
</tr>
<tr>
<td>STAR, Inc.</td>
<td></td>
</tr>
<tr>
<td>Sure Prep Learning, LLC (DBA Sure Prep Learning)</td>
<td></td>
</tr>
</tbody>
</table>
The following provider is recommended for removal from the SBE approved provider list pursuant to *California Code of Regulations*, Title 5 Section 13075.2(b)(7):

<table>
<thead>
<tr>
<th>Provider Business Name</th>
<th>Approval Period</th>
<th>Justification for Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 STAR Tutors, LLC (CA)</td>
<td>2015–17</td>
<td>Failure to provide: Evidence that it holds a valid business license issued by the California Secretary of State if it intends to provide services statewide, or that it holds a valid business license issued by the appropriate local licensing entity where it intends to provide services</td>
</tr>
</tbody>
</table>
August 6, 2015

Dear Supplemental Educational Services Provider:

SUPPLEMENTAL EDUCATIONAL SERVICES ACCOUNTABILITY REPORT EXTENSION

Our records indicate your organization either did not submit the required 2014–2015 Supplemental Educational Services (SES) Accountability Report by the August 1, 2015, deadline, or the report submitted was incomplete or inaccurate. The California Code of Regulations, Title 5 (5 CCR) for SES requires the submission of the annual SES Accountability Report, and stipulate that failure to submit the report may result in a recommendation to the State Board of Education (SBE) to remove an SES provider from approved provider status.

Pursuant to 5 CCR, Section 13075.5(d)(2), this notice provides you with an additional opportunity for your organization to submit or resubmit a corrected report no later than 5:00 p.m. on September 8, 2015. Failure to submit the report by this deadline will result in the recommendation to the SBE to remove your organization as an approved provider.


If you have questions regarding technical assistance, please contact Clifton Davis, Jr., Associate Governmental Program Analyst, Title I Policy and Program Guidance Office, by phone at 916-322-5140 or by e-mail at SES@cde.ca.gov.

If you have any questions regarding this subject, please contact Sylvia Hanna, Education Programs Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at SES@cde.ca.gov.

Sincerely,

/s/

Kimberly Born, Administrator
Title I Policy and Program Guidance Office

KB:cd
October 29, 2015

[Name Redacted]
5 Star Tutors LLC
3940 Laurel Canyon Boulevard Box 1298
Studio City, CA 91604

Dear [Name Redacted]:

Subject: Business Ownership and License Verification

On August 10, 2015, the California Department of Education (CDE) Title I Policy and Programs Guidance Office requested 5 Star Tutors LLC to provide supporting evidence of: (1) business ownership; (2) a valid business license at the time of the Supplemental Educational Services (SES) application, submitted October 24, 2014; and (3) that a supervisor resides in the state of California.

On September 23, 2015, the CDE granted an extension notice requesting 5 Star Tutors LLC to provide supporting evidence of: (1) business ownership; (2) a valid business license at the time of the SES application, submitted October 24, 2014; and (3) evidence that a supervisor resides in the state of California.

On October 13, 2015, the CDE received documentation from 5 Star Tutors LLC that was hand delivered, in response to the above request. The documents submitted to the CDE were not valid and did not provide sufficient proof of the requested items.

Please be advised that due to the information above, the CDE intends to recommend to the State Board of Education (SBE) termination of the approval status of 5 Star Tutors LLC.

If you have any questions regarding this request, or your response, please contact Sylvia Hanna by phone at (916) 319-0948 or by e-mail at ses@cde.ca.gov.

Sincerely,

/s/
Kimberly Born, Administrator
Title I Policy and Program Guidance Office

KB:cd
ITEM 15
California Education Code (EC) Section 52055.57(c) states that a local educational agency (LEA) identified for corrective action under the federal Elementary and Secondary Education Act (ESEA) of 2001 shall be subject to one or more specific sanctions as recommended by the State Superintendent of Public Instruction (SSPI) and approved by the State Board of Education (SBE).

While the ESEA has been reauthorized as the Every Student Succeeds Act (ESSA) and signed into law by President Obama on December 10, 2015, the new accountability provisions of the ESSA will not take effect until the 2017–18 school year.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE assign Corrective Action 7 and technical assistance resources as indicated in Attachment 1, to each of the 14 LEAs in Cohort 9 of Program Improvement (PI) Year 3, identified in Attachment 2, consistent with federal requirements to provide technical assistance to support the implementation of any corrective action which are still in effect until the 2017–18 school year, and direct those LEAs to proceed with the steps outlined in California EC Section 52055.57.

BRIEF HISTORY OF KEY ISSUES

In accordance with the ESEA Section 1116(c)(10)(C) and California EC Section 52055.57(c), any LEA that has advanced to PI Year 3 shall be subject to one or more of seven federal sanctions as recommended by the SSPI and approved by the SBE.
Since 2007, the SBE assigned a total of 425 Corrective Actions to PI Year 3 LEAs: 338 PI LEAs in Cohorts 1–6 were assigned Corrective Action 6, and 87 PI LEAs in Cohorts 7–8 were assigned Corrective Action 7.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

With the recognition that the landscape of California educational policy, practice, and student achievement has changed significantly since 2007–08, the CDE recommended in November 2013, that the SBE consider assigning the sanction delineated in California EC Section 52055.57(c)(7), instead of the sanction described in California EC Section (c)(6). Also, the adoption of the California State Standards and a significant state appropriation to support their implementation by all LEAs essentially duplicated the previously assigned sanction, Corrective Action 6.

As a result, the SBE approved a change in the assigned federal sanction for Cohorts 7–8 LEAs. The approved sanction was changed to Corrective Action 7, as delineated in California EC Section 52055.57(c)(7).

Corrective Action 7, as defined by the SBE, requires an LEA assigned to corrective action to continue to reserve an amount equal to 10 percent of its Title I allocation to provide professional development for teachers and administrators. As defined in the 2015 General Assurances for Program Improvement Local Educational Agencies Corrective Action Resources, professional development includes, but is not limited to, professional development focused on standards-based/standards-aligned instruction and materials, implementation of the California State Standards, and the use of effective instructional strategies.

The professional development is designed to strengthen the academic achievement of the LEA’s students determined to be in greatest need of assistance. This 10 percent reservation is a continuation of the mandated set-asides for all LEAs identified for improvement in PI Years 1 and 2.

In November 2014, the CDE recommended and the SBE identified and assigned Corrective Action 7 and technical assistance resources to three LEAs in Cohort 8 of PI Year 3. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item15.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 California State Budget, as described in Assembly Bill 93, Item 6100-134-0890, Schedule (2), appropriated approximately $31 million for LEAs in corrective action. California EC Section 52055.57(d) provides a formula to allocate $150,000 per PI school for LEAs with intense performance problems; $100,000 per PI school for LEAs with moderate performance concerns; and $50,000 per PI school for LEAs with minor or isolated (light) performance concerns. No fiscal resources are identified for LEAs in PI Corrective Action that do not have any schools in PI.
There are sufficient funds in Budget Line Item 6100-134-0890 to support the recommendations in Attachments 1 and 2. Funds will be used to support the implementation of assigned corrective actions, including professional development.

**ATTACHMENT(S)**

Attachment 1: Assignment of Corrective Action 7 and Associated Technical Assistance Requirements for Each of the 14 Local Educational Agencies in Cohort 9 of Program Improvement Year 3 (2 Pages)

Attachment 2: Application of Objective Criteria for 14 Local Educational Agencies in Cohort 9 of Program Improvement Year 3 Corrective Action 7 (1 Page)
Assignment of Corrective Action 7 and Associated Technical Assistance Requirements for Each of the 14 Local Educational Agencies in Cohort 9 of Program Improvement Year 3

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take the following individual actions for each of the 14 local educational agencies (LEAs) in Cohort 9 newly identified for Program Improvement (PI) Year 3 based on the 2014–15 Accountability Progress Report:

1. As a result of the overall improvement in student achievement over time associated with the Cohort 9 LEAs, assign the category of light performance concerns to 14 LEAs in Cohort 9.

2. Assign additional resources to each of the 14 LEAs in Cohort 9 of PI Year 3 consistent with federal requirements to provide technical assistance while instituting any corrective action.
   - All Cohort 9 LEAs that have PI schools will be provided with additional fiscal resources to implement the assigned corrective action. Cohort 9 LEAs may utilize the additional fiscal resources to: (1) access technical assistance in order to analyze the needs of the LEA and its schools; (2) review and revise the LEA Plan as necessary; (3) access professional development resources to improve the academic achievement of students determined to be in greatest need of assistance; and (4) continue the implementation of standards-based/standards-aligned instruction and materials. Those LEAs that do not have PI schools will not receive additional fiscal resources to access technical assistance.

3. Require, as established by the SBE at its November 2013 meeting, that each LEA in Cohort 9 continue to reserve an amount equal to 10 percent of its Title I allocation to provide professional development for teachers and administrators to strengthen the academic achievement of the LEA’s students determined to be in greatest need of assistance.
   - Professional development includes, but is not limited to, professional development focused on standards-based/standards-aligned instruction and materials, implementation of the California State Standards, and the use of effective instructional strategies.

4. Require each LEA in Cohorts 1–9 of PI Year 3 to demonstrate progress of corrective action implementation and monitoring through the annual electronic submission of an end-of-year evidence of progress report to the CDE. The report shall include:
   - A summary description of the LEA’s progress towards implementation of the strategies and actions in the LEA Plan.
• An analysis of the LEA’s progress towards student achievement goals in the LEA Plan.

• Documentation of annual communication with the local governing board regarding the end-of-year evidence of progress.
## Application of Objective Criteria for 14 Local Educational Agencies in Cohort 9 of Program Improvement Year 3 Corrective Action 7

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AYP = Adequate Yearly Progress  
PI = Program Improvement
ITEM 16
SUMMARY OF THE ISSUE(S)

The State Superintendent of Public Instruction (SSPI) will announce the selection of the two delegates and first and second alternates to represent California at the 54th annual United States Senate Youth Program (USSYP) held in Washington, DC on March 5–12, 2016.

A news release about the recipients is available on the California Department of Education (CDE) Year 2015 Web page at http://www.cde.ca.gov/nn/ne/yr15/yr15rel88.asp.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) President and the SSPI present the 2016 USSYP awards to the 2016 delegates and alternates. The two delegates are (1) Emily Lu and (2) Zena Meyer. The two alternates are (1) Joseph Rowley and (2) Jade Wong.

BRIEF HISTORY OF KEY ISSUES

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual event at the January SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

None.
ITEM 17
SUMMARY OF THE ISSUE(S)

On March 10, 2015, the Los Angeles Unified School District (LAUSD) voted to deny the petition of Prepa Tec Los Angeles High School (PTLAHS) by a vote of seven to zero. On May 19, 2015, the Los Angeles County Board of Education (LACBE) voted to deny the petition on appeal by a vote of seven to zero.

Pursuant to California Education Code (EC) Section 47605(j), petitioners for a charter school that have 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 California Department of Education (CDE) recommends that the SBE hold a public hearing regarding the petition, and thereafter to conditionally approve, with two conditions and eight technical amendments, the request to establish PTLAHS under the oversight of the SBE, based on the CDE’s findings pursuant to EC sections 47605(b)(2) and California Code of Regulations, Title 5 (5 CCR) Section 11967.5 that the petitioner is likely to successfully implement the program set forth in the petition. The PTLAHS petition is consistent with sound educational practice. Inherent to this recommendation, the CDE proposes the following conditions: (1) PTLAHS must revise its petition, Element 4 – Governance, to reflect that the three parent representative Board members, which shall include a PTLAHS parent, are each active with a current membership term; (2) PTLAHS must revise its petition to include a comprehensive description of a school site council (SSC) including the composition, role, and responsibilities of an SSC. 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. The Meeting Notice for the SBE
Advisory Commission on Charter Schools (ACCS) is located at http://www.cde.ca.gov/be/cc/cs/accsnote120215.asp.

Advisory Commission on Charter Schools

The ACCS considered the PTLAHS charter petition at its December 2, 2015, meeting. The ACCS voted to recommend that the SBE approve the charter petition to establish PTLAHS under the oversight of the SBE. The motion passed with a vote of seven to zero with one recusal.

BRIEF HISTORY OF KEY ISSUES

PTLAHS submitted a petition on appeal to the CDE on October 15, 2015.

The PTLAHS petition asserts that the mission is to provide a world-class education to every pupil through an inquiry and investigation school model that will prepare pupils to meet the challenges of a global 21st century.

The petitioner proposes to serve approximately 168 pupils in grade nine for the first year of operation (2016–17) and expand to 672 pupils in grade nine through grade twelve by the fifth year of operation (2020–21). PTLAHS will predominantly serve the low-income Latino communities of Southeast Los Angeles, including Watts, South Gate, Walnut Park, Cudahy, and Huntington Park. PTLAHS will be operated by Alta Public Schools (APS), which is a private non-profit public benefit corporation that began in January 2008. Currently, APS operates two charter schools authorized by LAUSD: Academia Moderna and Prepa Tec Middle School.

In considering the PTLAHS petition, CDE reviewed the following:


- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a2.xls.


- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at
Board agendas, minutes, and findings from LAUSD and the LACBE regarding the denial of the PTLAHS petition, along with the petitioner’s responses to the LAUSD and LACBE findings, Attachment 7 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a6.pdf.

On March 10, 2015, the LAUSD denied the PTLAHS petition based on the following findings (Attachment 1 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a1.doc).

• The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition.

• The petition does not contain reasonably comprehensive descriptions of all required elements.

On May 19, 2015, the LACBE denied the PTLAHS petition on appeal based on the following findings (Attachment 1 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a1.doc).

• The petitioners are demonstrably unlikely to successfully implement the proposed educational program.

• The petition does not contain a reasonably comprehensive description of all required elements.

• The petition does not satisfy all the required assurances of EC sections 47605(c), 47605(e) through 47605(j), 47605(l), and 47605(m).

Additionally, the LACBE noted the following:

• The petition provides a sound educational program for pupils to be enrolled in the school.

• The petition contains the required number of signatures.

• The petition does contain an affirmation of all specified assurances.

The CDE has conducted a thorough analysis and does not concur with the findings of LAUSD and LACBE. The information in this item provides the analysis that CDE has been able to complete to date with the available information.
Pursuant to EC sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 CCR Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements (Attachment 1 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a1.doc).

Educational Program

While the PTLAHS petition presents a reasonably comprehensive description of the educational program for low-achieving pupils and pupils with disabilities, the petition does not describe a specific program for high-achieving pupils. Additionally, the petition needs to be revised to address the English learner (EL) reclassification process, to include a description of specific program placement for ELs, and a system to monitor and track ELs for a minimum of two years. Finally, the petition does not include specific annual goals or actions to achieve goals for each subgroup of pupils identified pursuant to EC Section 52052, for each of the applicable eight state priorities identified in EC Section 52060(d). The PTLAHS petition only includes annual goals and specific actions schoolwide and for ELs (Attachment 3 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a3.pdf). The CDE has written technical amendments to address these concerns.

Budget

The CDE reviewed the PTLAHS budget and multi-year fiscal plan and concludes that PTLAHS is likely able to successfully implement a fiscal plan that is sustainable and fiscally viable with projected enrollment of 168, 336, and 504 with ending fund balances of $150,686, $629,660, and $1,171,045 in its first three years of operation, respectively. The PTLAHS petition provides an adequate description of 8 of the 16 elements, while 7 elements require a technical amendment and one requirement is listed as a no. Additional information and amendments to the petition would be needed if it is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify elements for monitoring and accountability purposes.

The PTLAHS petition addresses the requirements of EC Section 47605(b)(ii), including a description of the PTLAHS annual goals, for all pupils (i.e. schoolwide) 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 PTLAHS will take to achieve each of the identified annual goals. However, the CDE recommends a technical amendment to include annual goals and actions for each subgroup of pupils identified pursuant to EC Section 52052.

The CDE finds that the petitioner is demonstrably likely to implement the program set forth in the petition and that the PTLAHS petition provides a reasonably comprehensive
description for some of the required elements, while others require a technical amendment pursuant to EC Section 47605(b)(5).

A detailed analysis of the review of the entire PTLAHS petition is provided in Attachment 1 of Agenda Item 04 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item02a1.doc.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 26 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters operating a total of eighteen sites
- Eighteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of PTLAHS for the 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

- **Department of Justice and Subsequent Arrest Notification.** Each State Board of Education (SBE)-authorized charter school shall comply with and remain compliant with the requirements of California *Education Code* (EC) Section 44830.1, pertaining to criminal history record summaries, fingerprints, and subsequent arrest notices (SAN), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the Department of Justice (DOJ). The California Department of Education (CDE), will request written assurance on school letterhead that the School is in compliance with EC Section 44830.1. This assurance must provide evidence that (1) the School, as a local education agency and the employer of record, has a DOJ/SAN account, (2) that all school employees have the appropriate DOJ clearance, (3) that the custodian of records will receive SANs, (4) that the School has a procedure for monitoring the SANs of the designated custodian of records, and (5) employee records are kept secure at the School and available upon request for review. This assurance must be signed by the school administrator and the custodian of record.

- **Insurance Coverage.** Prior to opening, (or such earlier time as the 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 SBE and the 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 *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 and Transportation Services 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 and Transportation Services 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 and the California State Teachers’ Retirement System.

- **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, 2016, approval of the charter is terminated.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2016 AGENDA

SUBJECT
Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Ross Valley Charter which was denied by the Ross Valley School District and the Marin County Board of Education.

 SUMMARY OF THE ISSUE(S)

On August 18, 2015, the Ross Valley School District (RVSD) voted to deny the petition of Ross Valley Charter (RVC) by a vote of five to zero. On October 13, 2015, the Marin County Board of Education (MCBE) voted to deny the petition on appeal by a vote of six to zero, with one board member absent.

Pursuant to California Education Code (EC) Section 47605(j), petitioners for a charter school that have 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 California Department of Education (CDE) recommends that the SBE hold a public hearing regarding the petition, and thereafter to conditionally approve, with one condition and seven technical amendments, the request to establish RVC under the oversight of the SBE, based on the CDE’s findings pursuant to EC Section 47605(b)(2) and California Code of Regulations, Title 5 (5 CCR) Section 11967.5 that the petitioner is likely to successfully implement the program set forth in the petition. The RVC petition is consistent with sound educational practice. Inherent to this recommendation, the CDE proposes the following condition: RVC must revise its petition, Element 4 – Governance, and its bylaws to reconcile the organizational conflict by delineating what discussion and/or decisions that the teacher board member can and cannot participate in. The revision should also include a provision that the teacher board member will recuse himself or herself from any discussion and/or decision relating to any personnel actions. 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. The Meeting Notice for the SBE Advisory Commission on Charter Schools (ACCS) is located at http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp.
Advisory Commission on Charter Schools

The ACCS considered the RVC petition at its December 2, 2015, meeting. The ACCS voted to recommend that the SBE approve the charter petition to establish RVC under the oversight of the SBE. The motion passed by a vote of seven to one.

BRIEF HISTORY OF KEY ISSUES

RVC submitted a petition on appeal to the CDE on October 15, 2015.

The RVC petition expresses that the mission is to provide a public school option that leverages a progressive educational model emphasizing deep inquiry and exploration, hands-on, immersion-based experiences, and active learning-by-doing approaches to prepare pupils to collaborate effectively in teams, think critically, seek information to solve problems, and be lifelong learners and culturally competent members of our diverse global community (Attachment 1 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a1.doc).

The petitioners propose to serve pupils in a transitional kindergarten through grade five program with a projected enrollment of 220 pupils in year one and 222 pupils by year five. The educational philosophy of RVC will grow from the 19-year history and experience developed by parents, teachers, and supporters of the RVSD’s Multi-Age Program.

In considering the RVC petition, CDE reviewed the following:


- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a2.xls.


- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a6.pdf.
• Board agendas, minutes, and findings from the RVSD and MCBE regarding the denial of the RVC petition, along with the petitioner’s response to the RVSD and MCBE findings, Attachment 7 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a7.pdf.

On August 18, 2015, the RVSD denied the RVC petition based on the following findings (Attachment 1 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a1.doc).

• The petition does not contain the number of signatures required by EC Section 47605(b)(3).

• The petitioners are demonstrably unlikely to successfully implement the program presented in the petition.

• The petition does not provide a reasonably comprehensive description of all required 16 elements.

On October 13, 2015, the MCBE denied the RVC petition on appeal based on the following findings (Attachment 1 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a1.doc).

• The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

• The petition does not provide a reasonably comprehensive description of all required 16 elements.

The CDE has conducted a thorough analysis and does not concur with the findings of RVSD and MCBE. The information in this item provides the analysis that CDE has been able to complete to date with the available information.

Pursuant to EC sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 CCR Section 11967.5.1, a charter school petition must provide a reasonably comprehensive description of multiple required elements. The required elements are summarized in Attachment 1 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a1.doc.

Educational Program

While the RVC petition presents a reasonably comprehensive description of the educational program for low-achieving and high-achieving pupils, the petition needs to be revised to include a comprehensive description of the monitoring process for
reclassified English learners for a minimum of two years after reclassification. Additionally, the RVC petition obligates the SBE to defend special education hearings, initiate special education due process hearings or requests for mediation, and settle any matter in special education mediation or due process for RVC. CDE has written technical amendments to address these concerns (Attachment 1 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a1.doc).

**Budget**

The CDE has reviewed the RVC budget and multi-year fiscal plan and concludes that RVC is likely able to successfully implement a fiscal plan that is sustainable and fiscally viable with projected enrollment of 220, 230, and 228 with ending balances of $180,682, $346,058, and $387,883 in its first three years of operation, respectively.

The RVC petition provides an adequate description of 8 of the 16 elements, while 7 elements require a technical amendment and one requirement is listed as a no. Additional information and amendments to the petition would be needed if it is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify elements for monitoring and accountability purposes.

The RVC 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) 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 (Attachment 3 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a3.pdf).

The CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition and that the RVC petition provides a reasonably comprehensive description for some of the required 16 charter elements, while others require a technical amendment pursuant to EC Section 47605(b)(5).

A detailed analysis of the review of the RVC petition is provided in Attachment 1 of Agenda Item 03 on the ACCS December 2, 2015, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item03a1.doc.

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

Currently, 26 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters operating a total of eighteen sites
• Eighteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of RVC for the 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

• Department of Justice and Subsequent Arrest Notification. Each State Board of Education (SBE)-authorized charter school shall comply with and remain compliant with the requirements of California Education Code (EC) Section 44830.1, pertaining to criminal history record summaries, fingerprints, and subsequent arrest notices (SAN), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the Department of Justice (DOJ). The California Department of Education (CDE), will request written assurance on school letterhead that the School is in compliance with EC Section 44830.1. This assurance must provide evidence that (1) the School, as a local education agency and the employer of record, has a DOJ/SAN account, (2) that all school employees have the appropriate DOJ clearance, (3) that the custodian of records will receive SANs, (4) that the School has a procedure for monitoring the SANs of the designated custodian of records, and (5) employee records are kept secure at the School and available upon request for review. This assurance must be signed by the school administrator and the custodian of record.

• Insurance Coverage. Prior to opening, (or such earlier time as the 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 SBE and the 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 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 and Transportation Services 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 and Transportation Services 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 and the California State Teachers’ Retirement System.

- **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, 2016, approval of the charter is terminated.
ITEM 19
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2016 AGENDA

SUBJECT
Synergy Education Project: Hold a Public Hearing and Consider Revocation Pursuant to California Education Code Section 47607(e).

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) believes that there is substantial evidence that Synergy Education Project (SEP) may have engaged in fiscal mismanagement and committed a material violation of the SEP charter. Pursuant to California Education Code (EC) Section 47607(d), the authority that granted the charter shall notify the charter school of any violation and provide the school a reasonable opportunity to remedy the violation.

On November 5, 2015, the State Board of Education (SBE) issued a Notice of Violation (NOV) to SEP because SEP may have engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C) and may have committed a material violation of the SEP charter pursuant to EC Section 47607(c)(1)(A). SEP was required to provide a written response and supporting evidence that addressed all of the violations outlined in the NOV.

On November 13, 2015, SEP submitted a Response to Notice of Violation pursuant to EC Section 47607(d) to the SBE and the CDE. Additionally, this response included seven appendices (Attachment 4 of Agenda Item 02 on the Advisory Commission on Charter Schools [ACCS] December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a4.pdf).

RECOMMENDATION

On January 13, 2016, the SBE will consider issuing a Notice of Intent to Revoke the charter of the SEP. If the SBE issues the Notice of Intent to Revoke, CDE recommends that the SBE hold a public hearing to consider the Final Decision to Revoke the SEP charter.
If the SBE finds sufficient grounds for revocation, the CDE recommends that the SBE adopt the Final Decision to Revoke and Notice of Facts in Support of the Revocation of the SEP charter and that the SBE provide notice to SEP that revocation becomes effective Friday, January 22, 2016, at 4 p.m. (Attachments 1 and 2).

If the SBE takes action to revoke the SEP charter, the CDE recommends that the SBE direct SEP to immediately begin closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between the SBE and SEP, with the exception of keeping the school open until 4 p.m., Friday, January 22, 2016, for the purpose of transitioning all SEP pupils to the resident district or other schools. As set forth in Appendix E, SEP will immediately identify an individual who will serve as the single point of contact for SEP regarding the school’s closure activities and will notify the family of each currently enrolled pupil of SEP’s closure and assist the pupils in the transition.

BRIEF HISTORY OF KEY ISSUES

EC Section 47607(c)(1) states that a charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(B) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(D) Violated any provision of the law.

Additionally, EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

Pursuant to EC Section 47607(d) that specifies, “prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation,” the SBE notified SEP of the alleged violations by issuing a Notice of Violation to SEP at its November 5, 2015, meeting.

SEP was given until November 13, 2015, to submit evidence to the SBE that refuted, remedied, or proposed to remedy the alleged violations. In addition, SEP was given the opportunity to present evidence at the December 2, 2015, meeting of the ACCS. At that
meeting, the ACCS recommended that the SBE issue a Notice of Intent to Revoke the SEP charter.

At its January 13, 2015, meeting the SBE will consider issuing a Notice of Intent to Revoke to the SEP Board, and consider whether there was substantial evidence that SEP was unable to refute, remedy, or propose to remedy the violations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 26 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters
- Eighteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

There would essentially be no state cost related to revocation of the SEP charter. If the SBE were to revoke the charter, some shifting of state expenditures would occur from SEP to other local educational agencies (due to the transfer of students), but state expenditures would essentially be unchanged. There would be a minor loss of revenue to the CDE from the oversight fees collected from SEP. However, the revenue loss would be offset by the reduction in costs for oversight activities.

ATTACHMENT(S)

Attachment 1: Letter of Final Decision to Revoke (7 Pages)

Attachment 2: Notice of Facts in Support of the Revocation of the Synergy Education Project (10 Pages)
January 14, 2016

Rachelle Sullivan, Board Chair  
Synergy Education Project  
355 East Leland Road  
Pittsburg, CA 94565  
Email: rachelesulli@yahoo.com

Lawrence Rasheed, Interim Programs Director  
Synergy Education Project  
355 East Leland Road  
Pittsburg, CA 94565  
Email: power_1906@yahoo.com

Dear Ms. Sullivan and Mr. Rasheed:

Subject: Final Decision to Revoke and Notice of Facts in Support of Revocation Pursuant to California Education Code Section 47607(e)

This letter serves as notification that on January 14, 2016, the State Board of Education (SBE) made a final decision to revoke the Synergy Education Project (SEP) effective Friday, January 22, 2015, at 4 p.m. pursuant to California Education Code (EC) Section 47607(e). SEP is hereby directed to immediately comply with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between SEP and the SBE, with the exception of keeping the SEP open until 4 p.m., Friday, January 22, 2016, for the purpose of transitioning all SEP pupils to the district or other schools. As set forth in Appendix E, SEP will immediately notify the family of each currently enrolled pupil of SEP’s closure and assist the pupils in the transition.

On December 15, 2015, you were sent a letter, and contacted via e-mail, notifying you that the SBE would consider issuing a Notice of Intent to Revoke the SEP charter and a Notice of Facts in Support of Revocation on January 13, 2016, and that, should the SBE issue such a notice, a hearing would be held on January 14, 2016, regarding final revocation of the SEP charter. On January 13, 2016, CDE staff contacted you regarding the Board’s action and provided notice of the hearing on January 14, 2016.
EC Section 47607(c)(1) states that a charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(B) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(D) Violated any provision of the law.

Additionally, EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

SEP pupils are below the state average in pupils who met or exceed standards for English language arts and mathematics on the 2014–15 California Assessment of Student Performance and Progress (CAASPP) for the same grades. SEP pupils are below resident schools and the comparable district average of pupils who met or exceed standards for mathematics on the 2014–15 CAASPP for the same grades. SEP pupils are below resident schools and the comparable district average of pupils who met or exceed standards for English language arts on the 2014–15 CAASPP for the same grades.

Additionally, SEP pupils have a lower percentage of pupils who passed the California High School Exit Exam in 2015 than the resident district and one of the resident high schools for both English language arts and mathematics.

Based on the academic analysis of SEP pupil achievement, the SBE finds that SEP has not demonstrated increases in pupil academic achievement for all groups of pupils served by SEP.

The SBE issued a Notice of Violation (NOV) dated November 5, 2015, informing SEP that it may have violated EC Section 47607(c)(1)(A) and (c)(1)(C), and that these violations could be the basis for an action to revoke the SEP charter. SEP was also notified that based on the most recent CAASPP, SEP’s scores are below the state average for the same grades. On November 5, 2015, SEP was notified in writing regarding the violations alleged in the NOV.

The NOV provided SEP with an opportunity to submit evidence to the SBE by November 13, 2015, that refuted, remedied, or proposed to remedy the alleged violations. SEP was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its December 2, 2015, meeting.

After consideration of the evidence presented by SEP, the ACCS, the California Department of Education (CDE), and the SBE conclude that SEP has failed to refute, remedy, or propose to remedy the violations included in the NOV as follows:
The SEP Board engaged in fiscal mismanagement (EC Section 47607[c][1][C]):

- The SEP budget has ended with significant deficits for the first three years of operation with little sound evidence of progress towards eliminating the budget deficit. Currently, SEP's financial condition is insolvent with a negative fund balance as of June 30, 2015, of $793,916. Additionally, SEP currently owes Encore Education Corporation (EEC) approximately $200,000 bringing the negative end fund balance to $993,916.

- SEP has demonstrated a continued pattern of deficit spending when original budgets planned for operating surpluses, a pattern of projected enrollment not materializing and negatively impacting SEP’s revenue flow, and an inability to meet financial obligations as evidenced by SEP’s September 15, 2015, default on a $1.6 million Revenue Anticipation Note (RAN).

- The SEP Board failed to pay off a $1.6 million RAN which matured on September 15, 2015. At its July 9, 2015, meeting, the SBE approved a material revision to the SEP charter petition with technical amendments and conditions. One of the conditions requires SEP to provide a plan on how to repay that debt, which is now in default. The SEP board has not responded to the CDE’s request to provide adequate documentation regarding the default of the RAN or the subsequent RAN repayment plan.

The SEP Board committed a material violation of the conditions, standards, or procedures set forth in the charter (EC Section 47607[c][1][A]):

- **Governance:** SEP is in violation of its charter because the governance structure outlined in the SEP charter petition is no longer in effect, based on the following evidence:
  - Based on documentation provided to the CDE, SEP appears to have a functioning governing board presently with eight members, and thus has remedied CDE’s concern that it did not have a functioning board.
  - SBE approval of the material revision to the SEP charter petition included a revision to SEP’s governance structure and educational program. SEP recognized the critical situation and sought a partnership with EEC to provide a more sustainable future with regard to governance and fiscal solvency during the remainder of SEP’s charter authorization under the SBE, currently through June 30, 2017. The revised SEP charter petition outlines a possible partnership that was later finalized through a Memorandum of Understanding (MOU) between SEP and EEC on July 1, 2015. This MOU outlined specific duties to be performed by EEC including, but not limited to, providing programmatic services, administrative services, fiscal management, student discipline, and SEP school administrative staff. On October 19, 2015, EEC provided thirty days written notice to the SEP Board and the CDE of the termination of this MOU pursuant to Section 2.5 of the MOU. Based on this correspondence, EEC states that it will no longer provide services to SEP after November 18, 2015. SEP therefore is in violation of its charter because the governance structure outlined in the SEP charter petition is no longer in effect. The SEP Board has included a transition plan as part of its response to the NOV; however, this plan has been conditionally approved by the SEP Board as evidenced in the unofficial
minutes from the November 12, 2015, SEP Board meeting. Most concerning is that
SEP provided a master schedule to the CDE; however, some teachers listed
appear not to hold valid credentials for the subjects listed. The transition plan along
with SEP’s response does not address how the school will revise the charter
petition to be in alignment with the new governance structure, now that the MOU
with EEC has terminated. Additionally, SEP provides limited information about how
attendance reporting services and Special Education services will be provided after
EEC terminates its agreement effective November 18, 2015.

- The SBE approved the material revision to the SEP charter petition with four
  conditions. To date, SEP has not met two of these conditions. SEP has failed to
  present a specific plan to the CDE that adequately addresses how SEP plans to
  repay the RAN of approximately $1.6 million, which matured September 15, 2015.
  This plan was due to the CDE on July 1, 2015. Additionally, SEP provided multi-
  year budget projections; however, they are based on a RAN repayment plan which
  has neither been approved by the SEP Board or the RAN note holders.

- Additionally, the SEP Board has failed to meet specific requirements of its MOU with the
  SBE. Specifically, the SEP Board has failed to meet requirements outlined in the following
  sections:

  - 1.2 Board of Directors and Establishment of Governance Council
    - Pursuant to Section 1.2 of the MOU, at all times that SEP is operational, SEP
      will have the following information posted on the SEP Web site and will
      update the information within 30 days of any changes, Articles of
      Incorporation, bylaws approved by the governing board, and roster and
      biographies of current governing board members. SEP established a new
      board. However, SEP must update its Articles of Incorporation, bylaws, and
      board roster and biographies and post it on the SEP Web site, by November
      30, 2015. As of December 2, 2015, SEP has not met this requirement.

  - 1.3 Board of Directors and Governance Council Responsibilities
    - Council Meetings, Adoption of Policies and Procedures, Internal Controls.
      Pursuant to Section 1.3 of the MOU, SEP shall provide Brown Act training to
      its governing board members and administrative staff prior to the execution
      of any duties, and certify to the CDE annually or after any changes to the
      governing board members or administrative staff, that this training was
      provided. As of December 2, 2015, SEP has not met this requirement.

  - 3.5 Reserves
    - Pursuant to Section 3.5 of the MOU, SEP is expected to maintain reserves
      at a level at least equivalent to a school district of similar size as identified in
      California Code of Regulations, Title 5 Section 15450. The SEP budget
does not reflect any reserves for the remainder of its current 2012–17
      charter term with the SBE.
• **Additional Outstanding Documents:** The CDE notes that the following request has not been completed by SEP. The CDE issued a letter of concern to SEP on October 9, 2015, with specific corrective actions and assigned deadlines. The deadlines have passed therefore, the CDE finds it helpful to reiterate the following:

  o **Technical Amendments:** At the July 9, 2015, SBE meeting, the SBE approved the SEP material revision to revise its governance structure and educational program with the condition to comply with the technical amendments identified by the CDE to the charter petition as a condition of approval. SEP submitted a revised charter petition by e-mail to the CDE on August 21, 2015. Upon reviewing the document, the CDE has noted that all of the technical amendments to be incorporated into the SEP petition were not addressed. The CDE requested that the technical amendments be completed and the revised SEP petition be resubmitted by August 28, 2015. The CDE issued one corrective action related to this concern due on November 16, 2015. To date, SEP has not completed this request.

  o **Suspension and Expulsion:** The CDE noted several concerns with the suspension and expulsion policies outlined in the SEP charter petition and requested technical amendments be made to the SEP petition. To date, SEP has not addressed these technical amendments and therefore, it is unclear to the CDE which policies are being implemented with regard to the pupils that the SEP Dean of Students reported were expelled at the beginning of the school year. The CDE issued three corrective actions related to this concern, two were due on October 30, 2015, and one was due November 30, 2015. To date, SEP has not completed this request.

  o **Local Control Accountability Plan:** SEP has not completed a Local Control Accountability Plan for the 2015–18 school years or an annual update for the 2014–15 school year. The CDE issued one corrective action related to this concern due on November 30, 2015. To date, SEP has not completed this request.

  o **A–G Courses:** SEP has A–G approved courses for grade nine only. The CDE issued one corrective action related to this concern which was due on October 30, 2015. The University of California’s (UC) A–G course submission policy requires all public schools to be accredited in order to establish and maintain an A–G course list. Pursuant to SEP’s charter, SEP currently holds candidacy for accreditation for grade six through grade nine only, with plans to continue on the accreditation path through the Western Association of Schools and Colleges (WASC). However, during the 2013–14 and 2014–15 school years, SEP did not submit grade nine course descriptions to the University of California for approval.

    EEC provided SEP with A–G approved courses for grade nine and submitted these to the UC A–G Web portal. SEP states that it will follow the current A–G approved grade nine curriculums from EEC to ensure transferability of courses for SEP pupils in the interim of SEP course approval. However, as of November 19, 2015, SEP is not offering the A–G approved Art 1 class.
SEP plans to submit all grade 10 and grade 11 courses for approval.

In December 2015, WASC informed CDE that SEP will need to submit grade 10 and grade 11 courses by February 1, 2016, to the UC for approval. Additionally, SEP would need to conduct a full WASC self-study review during the 2016–17 school year to receive initial accreditation status. To date, SEP has not provided sufficient documentation to show the school is prepared to submit course descriptions for all grade 10 through 11 courses or started the work to successfully complete a self-study review. Additionally, since no course descriptions have been provided, it is unclear if the courses will meet the rigorous approval process set by UC. Therefore, the CDE maintains that SEP has not provided a viable plan to address a sufficient remedy for the lack of A–G courses offered at SEP.

Additionally, EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter. Based on the most recent California Assessment of Student Performance and Progress data, SEP’s scores are below the state average for the same grades.

Final Decision to Revoke

Based upon these facts, the SBE hereby issues this Final Decision to Revoke the SEP charter effective 4 p.m., Friday, January 22, 2016. This revocation is pursuant to EC Section 47607(c)(1)(C): that SEP has engaged in fiscal mismanagement that may hinder its ability to continue to operate in the 2015–16 school year; and EC Section 47607(c)(1)(A): that SEP may have committed a material violation of the conditions, standards, or procedures set forth in the charter.

SEP is hereby directed to immediately comply with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between SEP and the SBE, with the exception of keeping the school open until 4 p.m., Friday, January 22, 2016, for the purpose of transitioning all SEP students to a new school. As set forth in Appendix E, SEP will immediately identify an individual who will serve as the single point of contact for SEP regarding the school’s closure activities and will notify the family of each currently enrolled pupil of SEP’s closure and assist the pupils in the transition.

If you have any questions or need any additional information regarding this Final Decision to Revoke and Notice of Facts Supporting Revocation, please contact, Cindy Chan, Division Director, Charter Schools Division, by phone at 916-322-6029 or by e-mail at cchan@cde.ca.gov.

Sincerely,

Dr. Michael Kirst, President
California State Board of Education

MWK/km
cc: Karen Stapf Walters, Executive Director, California State Board of Education
    Nick Schweizer, Deputy Superintendent, California Department of Education
    Services for Administration, Finance, Technology, and Infrastructure Branch
    Cindy S. Chan, Director, Charter Schools Division, California Department of Education
California Department of Education  
Analysis of Evidence Submitted to the State Board of Education by  
Synergy Education Project on November 13, 2015,  
In Response to Notice of Violation Issued by the California State Board of Education  
With Subsequent Updates

| Synergy Education Project (SEP) engaged in fiscal mismanagement pursuant to California Education Code (EC) Section 47607(c)(1)(C). | Summary of  
Synergy Education Project’s  
Response to the Notice of  
Violation Submitted to the  
California Department of  
Education on November 13, 2015 | California Department of  
Education Analysis of Synergy  
Education Project’s Response |
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<td>The Synergy Education Project (SEP) budget has ended with significant deficits for the first three years of operation with little sound evidence of progress towards eliminating the budget deficit. Currently, SEP’s financial condition is insolvent with a negative fund balance as of June 30, 2015, of $793,916.</td>
<td>Not remedied. Although SEP adopted a First Interim budget and multi-year plan (MYP) that projects to reverse its deficit spending and insolvent financial condition by the end of Fiscal Year (FY) 2017–18, the CDE concludes that the assumptions used by SEP to build the budget and MYP plan are not reasonable. The CDE concludes that SEP has demonstrated, since its inception, an inability to properly prepare, monitor, and implement balanced budgets. The CDE notes:</td>
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<td>1. SEP’s enrollment historically been over budgeted. From FYs 2012–13 to 2014–15, SEP’s actual enrollment never materialized from what was budgeted. Further, for FY 2015–16, SEP’s latest enrollment is projected at 185. As of November 18, 2015, enrollment has declined to 171. SEP’s projected enrollment appears to be overstated for FYs 2015–16, 2016–17 of 245, and 2017–18 of 285 (p.1, Attachment 5*).</td>
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<td>2. SEP’s attendance ratio for FYs</td>
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2015–16 through 2017–18 is projected at 95 percent. SEP has historically never reached 95 percent and has exhibited a pattern of overestimating its attendance ratio. For FY 2013–14, SEP budgeted its attendance ratio at 96 percent; however, its actual attendance ratio was 89 percent. For FY 2014–15, SEP’s budgeted attendance ratio was 95 percent, however, its actual attendance ratio was 90 percent. SEP projected its attendance ratio at 95 percent for FYs 2015–16 to 2017–18, which appear to be overstated. The resultant effect is an overstatement of ADA and revenue (p. 2, Attachment 5*).

3. Budgeted operations (p. 3, Attachment 5*) from FYs 2012–13 to 2014–15 were budgeted for net operating surpluses where budgeted revenues exceed budgeted expenditures. For these FYs; however, SEP’s budget actually ended with significant net operating deficits each year. SEP’s projected net operating surpluses for FYs 2015–16 to 2017–18 appear to be overstated.

4. Net Assets from FYs 2012–13 to 2014–15 were consistently overstated. For FYs 2012–13 through 2014–15, SEP projected ending each FY with positive ending fund balances, but SEP actually ended each FY with negative net assets, where total liabilities exceed total assets. SEP is projecting that its net assets will improve to a positive $696,691 by the
Additionally, SEP currently owes Encore Education Corporation (EEC) approximately $200,000 bringing the negative end fund balance to $993,916.

With respect to what SEP owes EEC beyond the prorated management fee is still completely unknown. EEC has failed to provide any itemized documentation regarding said purchases. EEC failed to seek board approval for any expenditure nor did EEC receive board permission for the removal of the school’s furniture and other assets. SEP will provide an updated budget figure once EEC complies with the request for information.

Not Remedied
The CDE notes:

1. On November 13, 2015, EEC provided the CDE with e-mails and attachments for expense spreadsheets for the months of June, July, August, and September, 2015, respectively. EEC stated that Delta Managed Solutions (DMS) sent these spreadsheets to them (Attachments 8 and 9*).

2. On November 17, 2015, EEC’s legal counsel, Erica Klein, sent a copy of a letter dated October 26, 2015, to the CDE. This letter is addressed to Jennifer McQuarrie, SEP’s legal counsel, and specifically outlines amounts that are due to EEC from SEP. These amounts owed are noted to include construction-related costs to the SEP facility, EEC management fees pursuant to the MOU, employee related costs that EEC has covered for SEP, and curriculum costs the EEC has covered for SEP (Attachment 6*).

3. On November 17, 2015, EEC’s legal counsel, Erica Klein, sent a copy of a letter dated November 4, 2015, to the CDE. This letter is addressed to Jennifer McQuarrie, SEP’s legal counsel, and lists items of property on the SEP campus...
### SEP has demonstrated a continued pattern of deficit spending when original budgets planned for operating surpluses, a pattern of projected enrollment not materializing and negatively impacting SEP’s revenue flow, and an inability to meet financial obligations as evidenced by SEP’s September 15, 2015, default on a $1.6 million Revenue Anticipation Note (RAN).

### The SEP Board approved the First Interim Budget on November 5, 2015.

### The budget includes a repayment plan on the defaulted RAN. The SEP Board also approved authorization at its November 10, 2015, meeting for DMS to prepare and submit an exchange offer to the RAN note holders for a proper restructuring of the loan. The meeting minutes from the November 10, 2015, meeting are attached as Appendix 3 to the Response to Violation letter dated November 13, 2015. SEP’s administrative staff and DMS will keep the CDE staff informed since

The SEP Board failed to pay off a $1.6 million RAN which matured on September 15, 2015. At its July 9, 2015, meeting, the SBE approved a material revision to the SEP charter petition with technical amendments and conditions. One of the conditions requires SEP to provide a plan on how to repay that debt, which is now in default. SEP has not responded to the CDE’s request to provide any documentation regarding the default of the RAN or the subsequent RAN repayment plan. **Not remedied.** Although SEP submitted a First Interim budget and MYP that projects operating surpluses for FYs 2015–16 thru 2017–18, SEP’s net operations has historically been over stated. For FYs 2012–13 to 2014–15, SEP budgeted ending the three FYs with a net operating surplus. However, SEP actually ended FYs 2012–13 through 2014–15 with significant net operating deficits. Based on unreasonable assumptions cited above, SEP’s projected net operating surpluses appear to be overstated (p. 3, Attachment 5*).

SEP has not provided documentation regarding the default of the RAN or the subsequent RAN repayment plan. **Not remedied.** SEP defaulted on its September 15, 2015, payment on a $1.6 million RAN and the terms of the RAN have not been officially restructured. SEP included in its latest budget full repayment of the RAN over a three year period from FY 2015–16 to 2017–18. Since SEP’s current charter term expires on June 30, 2017, an agreement to restructure the note for a period after the charter school term expires adds to the uncertainty that an extended repayment agreement can be reached with the

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4. Karl Yoder from DMS indicated that the totals compiled for EEC are preliminary and have not yet been invoiced by EEC to SEP as of November 6, 2015. SEP’s First Interim Budget and cash flow statement include an estimate of what is owed to EEC. Per Mr. Yoder, amounts are likely the subject to negotiation between SEP and EEC and are not reflected as liabilities at this point. 

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that were paid for by EEC and for which EEC has not been reimbursed by the SEP Board. **(Attachment 7*)**
<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on November 5, 2015</th>
<th>Summary of Synergy Education Project’s Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015</th>
<th>California Department of Education Analysis of Synergy Education Project’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance: SEP is in violation of its charter because the governance structure outlined in the SEP charter petition is no longer in effect, based on the following evidence: The governance structure outlined in the SEP charter petition is no longer in effect given that EEC is terminating services as outlined in the MOU between SEP and EEC effective November 18, 2015.</td>
<td>The SEP Board established transition teams to make every effort to replace each vacancy prior to November 18, 2015. The SEP High School Transition Plan states that the SEP Board will continue to implement the charter petition approved on July 9, 2015 (pp. 30-33, Attachment 4*). The SEP Board appointed an Interim Programs Director and Office Manager on November 10, 2015. The SEP Board has approved administrative contracts with outside providers for fiscal services from DMS and student information system services from School Pathways. The SEP Board is receiving quotes for attendance reporting services and will have this service in place by November 30, 2015.</td>
<td>Not remedied. The SEP board has included a transitional plan as part of its response to the NOV, however it has only been conditionally approved by the SEP board. Most concerning is that SEP provided a master schedule to the CDE, however, some teachers listed appear not to hold valid credentials for the subjects listed. SEP’s response does not address how the school will correct the charter petition to be in alignment with the new governance structure. Additionally, SEP provides limited information about how attendance reporting services and Special Education services will be provided after EEC terminates its agreement effective November 18, 2015.</td>
</tr>
<tr>
<td>The SBE approved the material revision to the SEP charter petition with four conditions. To date, SEP has not met two of these conditions. SEP has failed to present a specific plan to the CDE that adequately addresses how SEP plans to repay the RAN of approximately $1.6 million, which</td>
<td>The budget includes a repayment plan on the defaulted RAN. The SEP Board also approved authorization at its November 10, 2015, meeting for DMS to prepare and submit an exchange offer to the RAN investors for a proper restructuring of the loan. The meeting minutes</td>
<td>Not remedied. SEP defaulted on its September 15, 2015, payment on a $1.6 million RAN and the terms of the RAN have not been officially restructured. SEP included in its latest budget full repayment plan of the RAN over a three-year period from FY 2015–16 to 2017–18. However, since SEP’s</td>
</tr>
</tbody>
</table>
matured September 15, 2015. This plan was due to the CDE on July 1, 2015. Additionally, SEP provided multi-year budget projections, however, they are based on a RAN repayment plan which has neither been approved by the SEP Board or the RAN note holders. from the November 10, 2015, meeting are attached as Appendix 3 to the Response to Violation letter dated November 13, 2015. SEP’s administrative staff and DMS will keep the CDE staff informed since actions on this item are currently taking place on a daily basis with respect to loan restructuring. current charter term expires on June 30, 2017, an agreement to restructure the note for a period after the charter school term expires adds to the uncertainty that an extended repayment agreement can be reached with the RAN note holders.

As of the date of the letter of concern, SEP did not have a functioning board, which is not consistent with the SEP charter petition or the SEP bylaws. The CDE issued two corrective actions related to this concern, one is due on November 16, 2015, and one is due November 30, 2015. The sole remaining SEP Board member began remediating this issue on October 22, 2015, and appointed new board members at three subsequent board meetings. The following are members of the SEP Board:
- Rachele Sullivan, President
- Elizabeth Brooking, Vice President
- Abraham Seminario, Treasurer
- Alonzo Terry, Secretary
- Amanda Sevillano, Member
- Kathleen Magana, Member
- Jade Farrel Paul, Member
- Cynthia Ruehlig, Member

**A–G Courses:** SEP has A–G approved courses for grade nine only. SEP will submit all grade 10 and grade 11 courses to the University of California (UC) Doorways on February 1, 2016. All courses will be made retroactive to the date the school first applied for accreditation in fall 2013. **Partially remedied.** Based on documentation provided to the CDE, SEP appears to have a functioning governing board. The SEP Board still needs to provide revised bylaws to the CDE by November 30, 2015. To date, this requirement has not been met.

**Partial remedied.** Based on documentation provided to the CDE, SEP appears to have a functioning governing board. The SEP Board still needs to provide revised bylaws to the CDE by November 30, 2015. To date, this requirement has not been met.

**Partially remedied.** EEC provided notification to all SEP parents regarding the A–G status of the SEP and current accreditation status with the Western Association of Schools and Colleges (WASC) on October 30, 2015. In December 2015, WASC informed CDE that SEP will need to submit grade 10 and grade 11 courses by February 1, 2016, to the UC for approval. Additionally, SEP would need to conduct a full WASC self-study review during the 2016–17 school year to receive initial accreditation status. To date, SEP has not provided sufficient documentation to show SEP is prepared to submit course descriptions for all grade 10 through grade 11 courses or started the work to successfully complete a self-study review. Additionally, since no course descriptions have
Technical Amendments: At the July 9, 2015, SBE meeting, the SBE approved the SEP material revision to revise its governance structure and educational program with the condition to comply with the technical amendments identified by the CDE to the charter petition as a condition of approval. The CDE requested that the technical amendments be completed and the revised SEP petition be resubmitted by August 28, 2015, and then again on November 16, 2015. To date, SEP has not completed this request.

<table>
<thead>
<tr>
<th>Not remedied. The CDE did not receive a revised charter petition which addressed all the technical amendments on November 16, 2015, as indicated in the Transition Plan, (pp. 32, Attachment 4*), submitted with SEP’s Response to Notice of Violation.</th>
</tr>
</thead>
</table>
| SEP provides two different dates that the school will complete and submit technical amendments to the CDE staff:  
  - November 16, 2015 (p. 32, Attachment 4*)  
  - November 30, 2015 (p. 4, Attachment 4*). |

The SEP Board failed to meet specific requirements of the MOU between SEP and the SBE in the following sections:

<table>
<thead>
<tr>
<th>Not Remedied.</th>
<th>Remedied. SEP established a new board. Upon further investigation, the CDE finds that SEP is current with their remittance to the CDE of oversight fees.</th>
</tr>
</thead>
</table>
| • 1.2 Board of Directors and Establishment of Governance Council  
  - 1.3 Board of Directors and Governance Council Responsibilities  
  - 3.5 Reserves |
| SEP established a new board and is working on revising bylaws and fiscal control policies. The revised budget reflects a reserve to occur at the end of the 2017–18 school year. The SEP Board will ensure that any outstanding oversight fees are to be paid no later than November 30, 2015. |

Not Remedied.

Section 1.2 of the MOU states that at all times it is operational, SEP will have the following information posted on the SEP Web site and will update the information within 30 days of any changes:

- Articles of Incorporation  
- Bylaws approved by the governing board  
- Roster and biographies

SEP established a new board. However, SEP must update its Articles of Incorporation, bylaws, and board roster and biographies and post this information on the SEP Web site, by November 30, 2015. To date, this...
Section 1.3 of the MOU states that SEP shall provide Brown Act training to its governing board members and administrative staff prior to the execution of any duties and certify this training to the CDE annually or after any changes to the governing board members or administrative staff that this training was provided.

SEP does not address a remedy to this violation of its MOU with the SBE in its Response to Notice of Violation.

Section 3.5 of the MOU states that SEP is expected to maintain reserves at a level at least equivalent to a school district of similar size as identified in 5 CCR Section 15450.

The SEP budget does not reflect any reserves for the remainder of its current charter with SBE, therefore, SEP does not provide a remedy to this violation of its MOU with the SBE in its Response to Notice of Violation.
EC Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on November 5, 2015</th>
<th>Summary of Synergy Education Project's Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015</th>
<th>California Department of Education Analysis of Synergy Education Project’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the most recent California Assessment of Student Performance and Progress data, SEP’s scores are below the state average for the same grades.</td>
<td>The reasoning for seeking a material revision to the charter was to improve the delivery of the academic program. Under the new petition every student has daily study hall class that ensures students remain on track. Recent research indicates a correlation between the full integration of a robust visual and performing arts program and increased student achievement. Dance, choir, drama, and theater arts will remain throughout the transition.</td>
<td>Not remedied. SEP did not provide any academic data to demonstrate increases in pupil achievement for all groups of pupils. The CDE provided an analysis of publicly available data for SEP and compared it to the resident district and resident schools (Attachment 3*). Based on this data, SEP students are being out performed by most pupils in the resident schools SEP students would otherwise attend.</td>
</tr>
</tbody>
</table>

### Additional Outstanding Documents

<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on November 5, 2015</th>
<th>Summary of Synergy Education Project's Response to the Notice of Violation Submitted to the California Department of Education on November 13, 2015</th>
<th>California Department of Education Analysis of Synergy Education Project’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspension and Expulsion: The CDE noted several concerns with the suspension and expulsion policies outlined in the SEP charter petition and requested technical amendments be made to the SEP petition. To date, SEP has not addressed these technical amendments and, therefore, it is unclear to the CDE which policies are being implemented with regard to the pupils that the SEP Dean of Students reported were expelled at the beginning of the school year.</td>
<td>SEP will make the technical amendments to the charter petition by November 30, 2015.</td>
<td>Not remedied, pending. EEC, Dean of Students, provided copies of pupil discipline files and documents to the CDE on November 2, 2015; however these documents failed to provide a reasonable description of the process followed for pupils who were recommended for expulsion. Therefore, the CDE is concerned that SEP may not have followed due process or carried out the manifestation determination for pupils with an Individualized Education Program.</td>
</tr>
</tbody>
</table>
The CDE issued three corrective actions related to this concern, two were due on October 30, 2015, and one is due November 30, 2015.

Education Plan. The SEP Board had until November 30, 2015, to provide a copy of the SEP Board-approved suspension and expulsion policies. To date, this requirement has not been met.

| Local Control Accountability Plan | A board approved LCAP will be submitted to the CDE staff no later than November 30, 2015. | Not remedied and pending. SEP has not submitted a SEP Board-approved annual update for the 2014–15 school year or a SEP Board-approved LCAP for 2015–18. The CDE issued one corrective action related to this concern due on November 30, 2015. |

*Attachments referenced above, refer to attachments of Agenda Item 02 on the Advisory Commission on Charter Schools (ACCS) December 2, 2015, Meeting Notice. The attachments can be found on the SBE ACCS Web page located at the links below:

Attachment 3 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a3.doc](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a3.doc)


Attachment 5 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a5.xls](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a5.xls)


Attachment 7 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a7.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a7.pdf)

Attachment 8 of Agenda Item 02 on the ACCS December 2, 2015: [http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a8.xls](http://www.cde.ca.gov/be/cc/cs/documents/accs-dec15item04a8.xls)

ITEM 20
SUBJECT

Approval of 2015–16 Consolidated Applications.

SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) for each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs that are eligible to receive categorical funds as designated in the ConApp. The ConApp is the annual fiscal companion to the LEA Plan as required by the federal Elementary and Secondary Education Act (ESEA) of 1965. The State Board of Education (SBE) is asked to annually approve ConApps for approximately 1,830 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2015–16 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 an SBE-approved LEA Plan that satisfies SBE and CDE criteria for utilizing federal categorical funds.

Approximately $2.0 billion of federal funding is distributed annually through the ConApp process. The 2015–16 ConApp consists of six federal-funded programs. The 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).

ConApp data is collected twice a year. The Spring Release, which occurs from May to June, collects new fiscal year application data, end-of-school-year program participation student count, and program expenditure data. The Winter Release, which occurs from January to February, collects LEA reservations and allocations, and program expenditure data.

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, Spring Release, and has no outstanding non-compliant issues or is making satisfactory progress toward resolving one or two non-compliant issues that is/are fewer than 365 days non-compliant. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Spring Release, but has one or more non-compliant 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 non-compliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding non-compliant issues or are making satisfactory progress toward resolving one or two non-compliant issues that is/are fewer than 365 days non-compliant. The CDE recommends regular approval of the 2015–16 ConApp for these 4 LEAs. Fiscal data are absent if an LEA is new or is a charter school applying for direct funding for the first time. Attachment 1 includes ConApp entitlement figures from school year 2014–15 because the figures for 2015–16 cannot be determined until all applications and LEA Plans have been completed.

There are no LEAs with one or more non-compliant issues that is/are unresolved for more than 365 days.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

For fiscal year 2015–16, the SBE approved ConApps for 1,647 LEAs. Attachment 1 represents the third set of 2015–16 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 1,700 LEAs. The cost to track the non-compliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds. CDE staff communicate with LEA staff on an ongoing basis to determine the evidence
needed to resolve issues, review the evidence provided by LEA staff, and maintain a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2015–16) – Regular Approvals (1 pages)
Consolidated Applications List (2015–16) – Regular Approvals

The following 4 local educational agencies (LEAs) have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and have no outstanding noncompliance issues or are making satisfactory progress toward resolving one or two non-compliant issues that are fewer than 365 days non-compliant. The California Department of Education recommends regular approval of these applications.

<table>
<thead>
<tr>
<th>Number</th>
<th>County-District-School Code</th>
<th>LEA Name</th>
<th>Total 2014–15 ConApp Entitlement</th>
<th>2014–15 Total Entitlement Per Student</th>
<th>Total 2014–15 Title I Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>33103300128777</td>
<td>Gateway College and Career Academy</td>
<td>282</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>19650940125393</td>
<td>Insight @ Los Angeles</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>37684030125401</td>
<td>Insight @ San Diego</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>19734370132845</td>
<td>Today's Fresh Start-Compton</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total ConApp entitlement funds for districts receiving regular approval: $ 282
elementary and secondary education act: no child left behind: approval of local educational agency plans, title i, section 1112.

summary of the issue(s)

the elementary and secondary education act (esea) provides federal funding that may be available to local educational agencies (leas) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. currently, six direct-funded charter schools submitted an lea plan as part of the application for eseal funding. california department of education (cde) program staff review lea plans for compliance with the requirements of eseal before recommending approval to the state board of education (sbe).

while the esea has been reauthorized as the every student succeeds act (essa) and signed into law by president obama on december 10, 2015, most of the provisions of the essa will not take effect until the 2017-18 school year.

recommendation

the cde recommends that the sbe approve the six direct-funded charter school lea plans listed in attachment 1.

brief history of key issues

the federal eseal section 1112(e)(2) states that the state educational agency (sea) shall approve an lea plan if the sea determines that the lea plan is designed to enable the lea’s schools to substantially help children meet the academic standards expected for all children. as a requirement for receiving federal funding sub-grants for eseal programs, the local governing board and the sbe must approve the original lea plan. subsequent approval of revisions to lea plans is made by the local governing 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 the eseal.

the purpose of the lea plan is to develop an integrated, coordinated set of actions that leas will take to 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; and
promote efforts regarding graduation rates, dropout prevention, and advanced
placement. If an LEA Plan lacks the required information, CDE program staff work 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 LEA Plan and update the LEA Plan as necessary. Any changes to an LEA
Plan must be approved by the 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 1,818 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)
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>Aspire Richmond California College Preparatory Academy</td>
<td>07 61796 0132100</td>
<td>None available; opened in August 2015.</td>
</tr>
<tr>
<td>Aspire Richmond Technology Academy</td>
<td>07 61796 0132118</td>
<td>None available; opened in August 2015.</td>
</tr>
<tr>
<td>KIPP Ignite Academy</td>
<td>19 64733 0131771</td>
<td>None available; opened in August 2015.</td>
</tr>
<tr>
<td>KIPP Promesa Prep</td>
<td>19 64733 0131797</td>
<td>None available; opened in August 2015.</td>
</tr>
<tr>
<td>Pathways Community School</td>
<td>19 64733 0127878</td>
<td>None available; opened in August 2014.</td>
</tr>
<tr>
<td>Today’s Fresh Start Charter Compton</td>
<td>19 73437 0132845</td>
<td>None available; opened in September 2015.</td>
</tr>
</tbody>
</table>

For 2014, only high schools and high school local educational agencies (LEAs) that enrolled students in grades nine, ten, eleven, and/or twelve on Fall Census Day in October 2013 received an Adequate Yearly Progress (AYP) Report.

Because students in grades three through eight participated in the Smarter Balanced Field Test during the 2013–14 academic year, the U.S. Department of Education approved a determination waiver for California which exempts elementary schools, middle schools, elementary school districts, and unified school districts from receiving a 2014 AYP Report.
ITEM 22
SUBJECT

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

SUMMARY OF THE ISSUE

California *Education Code* (EC) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school’s determination of funding request and presents it for consideration by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 CCR).

Pursuant to 5 CCR, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year). The CDE received completed determination of funding requests from ten charter schools, listed in Attachment 1, after the filing deadline, thereby making these requests retroactive, not prospective. Since each of the charter schools failed to submit a completed request by the regulatory filing deadline, they were required to request a waiver for SBE approval to allow the charter school to request a non-prospective funding determination.

The waivers were submitted to the SBE requesting approval for retroactive funding determinations and were approved by the SBE at its September and November 2015 meetings as specified in Attachment 1. The waiver requests are provided in the Meeting Notice for the SBE Web page located at

http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15w04.doc
http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15w04.doc

RECOMMENDATION

The CDE recommends that the SBE approve the determinations of funding as provided in Attachment 1.
Advisory Commission on Charter Schools Recommendation

The ACCS met on December 2, 2015, and voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The ten charter schools listed in Attachment 1 each submitted a request to obtain a determination of funding by the SBE to establish eligibility to receive apportionment funding.

Pursuant to 5 CCR Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school’s public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and instruction-related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

To qualify for a proposed recommendation of 85 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school’s public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 70 percent of all revenues are to be spent on instruction and instruction-related services.

5 CCR Section 11963.6(c) specifies that a determination of funding approved by the SBE shall be prospective (not for the current year) and shall be in increments of a minimum of two years and a maximum of five years in length.

EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. However, EC Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to EC Section 47612.5(d)(2), the CDE considers the following...
alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher.

When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. As provided in Attachment 1, there are seven charter schools that are requesting a determination of five years. For these charter schools, the CDE proposes to recommend five years for one charter school that meets the API requirement. For the remaining charter schools that do not meet the API requirement, the CDE proposes to recommend four years for three charter schools that have been in operation for three or more years, and three years for three charter schools that have been in operation for less than three years. In addition, the CDE proposes to recommend four years for one charter school that is requesting four years, three years for one charter school that is requesting three years, and two years for one charter school that is requesting two years.

The funding determination requests are provided in Attachments 2 through 11 of ACCS Agenda Item 1 on the ACCS December 2, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice120215.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its September and November 2015 meetings, the SBE approved the CDE’s recommendation to approve the requests to waive specific portions of 5 CCR Section 11963.6(c), which allow the ten charter schools, listed in Attachment 1, to submit a determination of funding request for the non-prospective fiscal period requested by each charter school.

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a non-recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (3 Pages)
<table>
<thead>
<tr>
<th>CDS Code</th>
<th>Charter Authorizer</th>
<th>County</th>
<th>Charter School (Charter Number)</th>
<th>First Year of Operation</th>
<th>Percent Spent on Certificated Staff Compensation^</th>
<th>Percent Spent on Instruction and Instruction-Related Services^</th>
<th>Pupil-Teacher Ratio^</th>
<th>Funding Determination and Years Requested by Charter School</th>
<th>CDE Recommendation Funding Determination and Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-10090-0123521</td>
<td>El Dorado County Office of Education</td>
<td>El Dorado</td>
<td>Charter Alternative Program (0360)</td>
<td>2010–11</td>
<td>53.51%</td>
<td>86.87%</td>
<td>20.00:1</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>*100% for 5 Years (2015–16 through 2019–20)</td>
</tr>
<tr>
<td>09-10090-0930123</td>
<td>El Dorado County Office of Education</td>
<td>El Dorado</td>
<td>Charter Community School Home Study Academy (0005)</td>
<td>1993–94</td>
<td>54.47%</td>
<td>91.87%</td>
<td>16.00:1</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>***100% for 4 Years (2015–16 through 2018–19)</td>
</tr>
<tr>
<td>10-62166-1030642</td>
<td>Fresno Unified School District</td>
<td>Fresno</td>
<td>School of Unlimited Learning (0149)</td>
<td>1998–99</td>
<td>49.41%</td>
<td>83.02%</td>
<td>25.00:1</td>
<td>100% for 3 Years (2015–16 through 2017–18)</td>
<td>***100% for 3 Years (2015–16 through 2017–18)</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Charter Authorizer</td>
<td>County</td>
<td>Charter School (Charter Number)</td>
<td>First Year of Operation</td>
<td>Percent Spent on Certificated Staff Compensation^</td>
<td>Percent Spent on Instruction and Instruction-Related Services^</td>
<td>Pupil-Teacher Ratio^</td>
<td>Funding Determination and Years Requested by Charter School</td>
<td>CDE Recommendation Funding Determination and Years</td>
</tr>
<tr>
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<td>--------------------------------------------------</td>
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<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>29-66407-6113088</td>
<td>Union Hill Elementary School District</td>
<td>Nevada</td>
<td>Union Hill Charter (0082)</td>
<td>1995–96</td>
<td>56.34%</td>
<td>70.20%</td>
<td>25.00:1</td>
<td>85% for 2 Years (2014–15 through 2015–16)</td>
<td>**85% for 2 Years (2014–15 through 2015–16)</td>
</tr>
<tr>
<td>34-67314-6112254</td>
<td>Elk Grove Unified School District</td>
<td>Sacramento</td>
<td>Elk Grove Charter (0027)</td>
<td>1993–94</td>
<td>65.95%</td>
<td>86.40%</td>
<td>13.03:1</td>
<td>100% for 5 Years (2015–16 through 2019-20)</td>
<td>***100% for 4 Years (2015–16 through 2018–19)</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Charter Authorizer</td>
<td>County</td>
<td>Charter School (Charter Number)</td>
<td>First Year of Operation</td>
<td>Percent Spent on Certified Staff Compensation^</td>
<td>Percent Spent on Instruction and Instruction-Related Services^</td>
<td>Pupil-Teacher Ratio^</td>
<td>Funding Determination and Years Requested by Charter School</td>
<td>CDE Recommendation Funding Determination and Years</td>
</tr>
<tr>
<td>---------------</td>
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<td>-----------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------</td>
<td>-------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>37-68338-0106799</td>
<td>San Diego Unified School District</td>
<td>San Diego</td>
<td>The Learning Choice Academy (0659)</td>
<td>2004–05</td>
<td>43.56%</td>
<td>80.11%</td>
<td>21.80:1</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>^^100% for 4 Years (2015–16 through 2018–19)</td>
</tr>
<tr>
<td>50-10504-0129023</td>
<td>Stanislaus County Office of Education</td>
<td>Stanislaus</td>
<td>Stanislaus Alternative Charter School (1607)</td>
<td>2013–14</td>
<td>45.57%</td>
<td>80.16%</td>
<td>23.20:1</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>***100% for 3 Years (2015–16 through 2017–18)</td>
</tr>
</tbody>
</table>

^Spending percentages and pupil-teacher ratio correspond to the charter school’s funding determination request as originally submitted to the California Department of Education.

*Education Code (EC) Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. However, EC Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to EC Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher. At its September 2015 meeting, the State Board of Education (SBE) approved the request to waive specific portions of 5 CCR Section 11963.6(c), for the period of July 1, 2015, through June 30, 2016.

**For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. At its September 2015 meeting, the SBE approved the request to waive specific portions of 5 CCR Section 11963.6(c), for the period of July 1, 2014, through June 30, 2015.

***For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. At its September 2015 meeting, the SBE approved the request to waive specific portions of 5 CCR Section 11963.6(c), for the period of July 1, 2015, through June 30, 2016.

^^For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. At its November 2015 meeting, the SBE approved the request to waive specific portions of 5 CCR Section 11963.6(c), for the period of July 1, 2015, through June 30, 2016.
ITEM 23
SUBJECT

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

Action ☒
Information ☒
Public Hearing ☐

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. California Department of Education (CDE) staff present this routine request for assignment of charter numbers as a standard action item.

RECOMMENDATION

The CDE recommends that the SBE assign a charter number to each charter school identified in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,773 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, nine all-charter districts 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 a charter school that has been approved by a local entity in the chronological order in which it was received. Each number assigned shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. Charter schools that share educational programs and serve similar pupil populations may not be counted as separate schools. This numbering system ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate within California. The cumulative statutory cap for the fiscal year 2015–16 is 1,950. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently authorized by local boards of education as noted. A copy 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. The CDE presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (1 Page)
# Assignment of Numbers for Charter School Petitions

<table>
<thead>
<tr>
<th>Number</th>
<th>Term</th>
<th>Charter Name</th>
<th>County</th>
<th>Authorizing Entity</th>
<th>Classroom-Based/Nonclassroom-Based</th>
</tr>
</thead>
<tbody>
<tr>
<td>1774</td>
<td>7/1/2016-6/30/2021</td>
<td>Summit Public Schools: Tamalpais</td>
<td>Contra Costa</td>
<td>West Contra Costa Unified School District</td>
<td>Classroom-Based</td>
</tr>
<tr>
<td>1775</td>
<td>7/1/2016-6/30/2021</td>
<td>River Islands Technology Academy #2</td>
<td>San Joaquin</td>
<td>San Joaquin County Office of Education</td>
<td>Classroom-Based</td>
</tr>
<tr>
<td>1776</td>
<td>7/1/2016-6/30/2021</td>
<td>California School of the Arts–San Diego County</td>
<td>San Diego</td>
<td>Oceanside Unified School District</td>
<td>Classroom-Based</td>
</tr>
<tr>
<td>1778</td>
<td>7/1/2016-6/30/2021</td>
<td>Rocketship Franklin McKinley</td>
<td>Santa Clara</td>
<td>Santa Clara County Office of Education</td>
<td>Classroom-Based</td>
</tr>
</tbody>
</table>
ITEM 24
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2016 AGENDA

SUBJECT
California Assessment of Student Performance and Progress: Approve the 2016 Local Educational Agency Apportionment Rates.

<table>
<thead>
<tr>
<th>✔️</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Information</td>
</tr>
<tr>
<td>☐</td>
<td>Public Hearing</td>
</tr>
</tbody>
</table>

SUMMARY OF THE ISSUE(S)

California Education Code (EC) Section 60640(l)(B)(2) states that the State Board of Education (SBE) shall annually establish the local educational agency (LEA) apportionment rates for each California Assessment of Student Performance and Progress (CAASPP) test and that the SBE take into account changes to LEA test administration activities, including, but not limited to, the number, type of tests administered, and changes in computerized test registration and administration procedures when establishing the apportionment rates.

EC Section 60644 specifies that the savings realized from the elimination of the grade two standards-based achievement test shall be used by LEAs to administer, at the option and cost of the LEA, a grade two diagnostic assessment identified by the California Department of Education (CDE) as meeting the requirements of EC Section 60644. State CAASPP regulations authorize the CDE to provide this funding to LEAs through the annual apportionment process used for CAASPP apportionments.

RECOMMENDATION

The CDE recommends that the SBE approve the following LEA apportionment rates for tests administered as part of the CAASPP System during the 2015–16 school year:

- $4.00 per pupil administered any portion of the computer-based Smarter Balanced Summative Assessment
- $2.52 per pupil for the completion of demographic information and administration of any portion of the California Standards Test (CSTs) or California Modified Assessment (CMA) in science
- $5.00 per pupil administered any portion of the California Alternate Assessment (CAA)
• $5.00 per pupil for the completion of demographic information and administration of any portion of the California Alternate Performance Assessment (CAPA) in science

• $2.52 per eligible English learner pupil administered, at the option of the LEA, the Standards-based Tests in Spanish (STS)

• $0.38 for each paper-pencil test completed with demographic information prior to testing, were not used for testing (e.g., parent exemption, pupil moved just prior to testing, etc.), and were returned to the contractor per test security requirements

Additionally, the CDE recommends the SBE approve a $2.52 per pupil LEA apportionment reimbursement rate for CDE-certified grade two diagnostic tests administered during the 2015–16 school year at the option and cost of the LEA per EC Section 60644.

**BRIEF HISTORY OF KEY ISSUES**

*EC Section 60640(l)(1)* specifies that the State Superintendent of Public Instruction shall apportion funds to LEAs to enable LEAs to administer the tests within the CAASPP System. Assessment apportionments are not distributed until the following fiscal year when all testing for the previous year has been completed (i.e., LEAs will be reimbursed in 2016–17 for testing that occurs in 2015–16).

The recommended 2016 LEA apportionment rates for the CAA, CSTs, CMA, CAPA, and STS are the same apportionment rates as approved by the SBE for the previous CAASPP System test administration. The Smarter Balanced Summative Assessment rate recommended was increased from $3 per pupil to $4 per pupil tested.

*California Code of Regulations,* Title 5 (5 CCR), Division 1, Chapter 2, Subchapter 3.75, Section 861 stipulates that LEAs are to report to the CDE the number of pupils in grade two who were administered a diagnostic assessment identified by the CDE pursuant to *EC Section 60644.* The amount an LEA will be reimbursed for administering specified grade two diagnostic assessments will be added to the amount an LEA is to receive for CAASPP assessments administered and the total amount will be paid to the LEA in a single payment. The recommended apportionment rate for the grade two diagnostic assessments is the same apportionment rate approved by the SBE for the previous CAASPP test administration.

For the 2015–16 school year, the CAASPP System is comprised of the following assessments that include authorized apportionment funding per state law:

- Computer-based Smarter Balanced Summative Assessment for English language arts (ELA) and mathematics in grades three through eight, inclusive, and grade eleven. Note: Paper-pencil versions of the Smarter Balanced Summative Assessments are available for LEAs that meet specific criteria.
• CAA computer-based summative assessments for ELA and mathematics in grades three through eight, inclusive, and grade eleven.

• Paper-pencil grade-level science CST, CMA, and CAPA assessments in grades five, eight, and ten.

• Optional for LEAs, paper-pencil STS for reading/language arts to Spanish-speaking English learner pupils in grades two through eleven.

State law does not authorize LEA apportionments for the optional Smarter Balanced Interim Assessments or formative (Digital Library) tools that are provided as a part of the CAASPP System.

Apportionments are provided at a per pupil rate (highest rate) for each required CAASPP test, not for each individual subject tested. Additionally, apportionments are made for each optional test administered. For example, if a pupil in grade five takes any portion of the computer-based Smarter Balanced Summative Assessment in addition to the CST for science, the LEA will receive only $4.00 for that pupil, not an additional $2.52 for the CST. However, if that same pupil is an eligible Spanish-speaking English learner, and the LEA chooses to administer the STS as a second test, the LEA will receive an additional $2.52 for that pupil.

The assessment apportionment funds are unrestricted funds to reimburse LEAs for the following costs:

1. All staffing costs, including the district coordinator, and the test site coordinators, staff training, and other staff expenses related to testing

2. All expenses incurred at the LEA-level and school-level related to testing

3. All transportation costs for delivering and retrieving tests and test materials within the school district

4. All costs associated with the collection and submission of pupil demographic information intended to provide the complete and accurate data required for subgroup reporting per state regulations

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

In January 2015, the SBE approved LEA apportionment rates for the 2014–15 CAASPP test administration and CDE-approved grade two diagnostic assessments (http://www.cde.ca.gov/be/ag/ag/yr15/agenda201501.asp).

In January 2014, the SBE approved LEA apportionment rates for the 2013–14 CAASPP test administration (http://www.cde.ca.gov/be/ag/ag/yr14/agenda201401.asp).
FISCAL ANALYSIS (AS APPROPRIATE)

The CDE has provided the Department of Finance (DOF) estimated costs per each test for statewide assessment apportionments to be administered in 2015–16, including approximately $15.2 million for the CAASPP System and $8 million for CELDT apportionments, totaling approximately $23.2 million, for the development of a proposed 2016–17 budget appropriation. Previously, a total of $23.7 million was appropriated for assessment apportionments in the fiscal year 2015–16 for 2014–15 testing.

The projected apportionment costs for 2015–16 utilizing the recommended per pupil rates for 2015–16 CAASPP testing are based on the estimates in the following table:

### Estimated Apportionment Costs for 2015–16 CAASPP Testing

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Grades</th>
<th>Per Pupil Rate</th>
<th>Estimated Pupil Population</th>
<th>Estimated Apportionment for 2015–16 Testing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smarter Balanced summative</td>
<td>3–8 and 11</td>
<td>$4.00</td>
<td>3,200,000</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>CSTs or CMA in science¹</td>
<td>5, 8 and 10¹</td>
<td>$2.52</td>
<td>445,000</td>
<td>$1,121,400</td>
</tr>
<tr>
<td>CAA</td>
<td>3–8 and 11</td>
<td>$5.00</td>
<td>39,000</td>
<td>$195,000</td>
</tr>
<tr>
<td>CAPA in science¹</td>
<td>5, 8 and 10¹</td>
<td>$5.00</td>
<td>5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>STS</td>
<td>2–11</td>
<td>$2.52</td>
<td>9,000</td>
<td>$22,680</td>
</tr>
<tr>
<td>EC 60644 Grade 2 Diagnostic</td>
<td>2</td>
<td>$2.52</td>
<td>420,000</td>
<td>$1,058,400</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$15,222,480</strong></td>
</tr>
</tbody>
</table>

¹ The estimates for CSTs, CMA, or CAPA in science are based on the number of pupils tested annually in grade ten only. LEAs would receive an apportionment for pupils in grades five and eight that are tested with the Smarter Balanced or CAA assessments.

ATTACHMENT(S)

None.
California Department of Education
Executive Office
SBE-003 (REV. 09/2011)
ssssb-sed-jan16item01

CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2016 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

As required by the Individuals with Disabilities Education Act (IDEA) of 2004, Part B, the California Department of Education (CDE), Special Education Division (SED), has developed the State Performance Plan (SPP), a six-year plan covering federal fiscal year (FFY) 2013–2014 through 2018–2019, using the instructions sent to the CDE, SED, by the U.S. Department of Education (ED), Office of Special Education Programs (OSEP). The SED prepares an Annual Performance Report (APR) each year that covers California’s progress on five compliance indicators, eleven performance indicators, and one indicator with both compliance and performance components. The attached report is for program year 2014–2015.

This report provides an overview of the FFY 2014 APR data that will be submitted to the OSEP on February 1, 2016.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) review and approve the Executive Summary of the FFY 2014 APR for Part B of the IDEA covering program year 2014–2015 as prepared by the SED.

BRIEF HISTORY OF KEY ISSUES

California is required to have in place an SPP to guide the state's implementation of Part B of the IDEA and to describe how the state will meet implementation targets. California’s initial plan was submitted to OSEP on December 2, 2005, as approved by the SBE and the State Superintendent of Public Instruction. Each year, the SPP has been updated to reflect changes in federal requirements. The SPP remains current through FFY 2014, program year 2014–15.
The APR is presented to the SBE annually for review and approval as part of the CDE’s annual report to the public on the performance of its local educational agencies (LEAs). The APR documents and analyzes the progress of the LEAs and the state toward meeting the targets and benchmarks identified in the SPP. It also summarizes the statewide activities associated with each of the target indicators in the SPP. The Improving Special Education Services (ISES) stakeholder workgroup assisted the SED in establishing and re-benchmarking performance indicators at meetings held from December 2014 through June 2015. The new targets are included in the Executive Summary.

Similar to last year, this item contains indicators 1 through 16 that document overall progress as measured by state data. Indicator 17 describes improvement activities of the state in the State Systemic Improvement Plan (SSIP) will be prepared for a March item in anticipation of submission to the OSEP in April. The SSIP covers multiple years and is focused on improving outcomes in academic achievement for children with disabilities instead of measuring state and local compliance with special education laws. The SSIP contains broad strategies with detailed improvement activities related to data analysis, identification of areas for improvement, and infrastructure to support improvement and build capacity based on the theory of action presented last year.

On February 1, 2016, the SPP and APR for indicators 1 through 16 will be submitted to the OSEP. Indicator 17 will be presented to the SBE at its March 2016 meeting and submitted to the OSEP on April 1, 2016.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2014, the SBE approved the FFY 2013 APR Executive Summary which reported on the progress of the 2013–2014 compliance and performance indicators as required by the IDEA.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact.

ATTACHMENT(S)

California Department of Education

Special Education Division

Individuals with Disabilities Education Act of 2004

State Annual Performance Report

Executive Summary

Federal Fiscal Year 2014 (Program Year 2014–2015)

January 2016
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Special Education in California

The California Department of Education (CDE) provides state leadership and policy direction for school district special education programs and services for students with disabilities, 0 to 22 years of age. Special Education is defined as specially designed instruction and services, at no cost to parents, to meet the unique needs of children with disabilities. Special education services are available in a variety of settings, including day-care, preschool, regular classrooms, classrooms that emphasize specially designed instruction, the community, and the work environment.

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

Accountability and Data Collection

In accordance with the IDEA of 2004, California is required to report annually to the U.S. Department of Education (ED) on the performance and progress under the State Performance Plan (SPP). This report is the State Annual Performance Report (APR). The APR requires the CDE to report on 17 indicators (Table 1) that examine a comprehensive array of compliance and performance requirements relating to the provision of special education and related services. The California Special Education Management Information System (CASEMIS) is the data reporting and retrieval system used by the CDE. CASEMIS provides the local educational agencies (LEAs) a statewide standard for maintaining a core of special education data at the local level that is used for accountability reporting and to meet statutory and programmatic needs in special education.

The CDE is required to publish the APR for public review. The current APR reflects data collected during Federal Fiscal Year (FFY) 2014, which is equivalent to California’s school year 2014–2015. Please note that there are three indicators that are reported in lag years using data from school year 2013–2014. The 17 federal indicators include eleven performance indicators, five compliance indicators, and one indicator (Indicator 4) with both performance and compliance components. All compliance indicator targets are set by the ED at either 0 or 100 percent. Performance indicator targets were established based on recommendations of the Improving Special Education Services (ISES) stakeholder group, and approved by the State Board of Education (Table 5).
<table>
<thead>
<tr>
<th>Indicator Type</th>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance</td>
<td>1</td>
<td>Graduation Rates</td>
</tr>
<tr>
<td>Performance</td>
<td>2</td>
<td>Dropout Rates</td>
</tr>
<tr>
<td>Performance</td>
<td>3</td>
<td>Statewide Assessments</td>
</tr>
<tr>
<td></td>
<td>3A</td>
<td>Districts Meeting AYP/AMO for Disability Subgroup</td>
</tr>
<tr>
<td></td>
<td>3B</td>
<td>Participation for Students with IEPs</td>
</tr>
<tr>
<td></td>
<td>3C</td>
<td>Proficiency for Students with IEPs</td>
</tr>
<tr>
<td>Combined</td>
<td>4</td>
<td>Suspension and Expulsion</td>
</tr>
<tr>
<td>Performance</td>
<td>4A</td>
<td>Rates of Suspension and Expulsion</td>
</tr>
<tr>
<td>Compliance</td>
<td>4B</td>
<td>Rates of Suspension and Expulsion by Race or Ethnicity</td>
</tr>
<tr>
<td>Performance</td>
<td>5</td>
<td>Education Environments</td>
</tr>
<tr>
<td></td>
<td>5A</td>
<td>Education Environments (In Regular Class ≥ 80% of day)</td>
</tr>
<tr>
<td></td>
<td>5B</td>
<td>Education Environments (In Regular Class &lt; 40% of day)</td>
</tr>
<tr>
<td></td>
<td>5C</td>
<td>Education Environments (Served in separate school or other placement)</td>
</tr>
<tr>
<td>Performance</td>
<td>6</td>
<td>Preschool Environments</td>
</tr>
<tr>
<td></td>
<td>6A</td>
<td>Preschool Environments: Services in the regular childhood program</td>
</tr>
<tr>
<td></td>
<td>6B</td>
<td>Preschool Environments: Separate special education class, school, or facility</td>
</tr>
<tr>
<td>Performance</td>
<td>7</td>
<td>Preschool Outcomes</td>
</tr>
<tr>
<td></td>
<td>7A</td>
<td>Preschool Outcomes: Positive social-emotional skills</td>
</tr>
<tr>
<td></td>
<td>7B</td>
<td>Preschool Outcomes: Acquisition/use of knowledge and skills</td>
</tr>
<tr>
<td></td>
<td>7C</td>
<td>Preschool Outcomes: Use of Appropriate Behaviors</td>
</tr>
<tr>
<td>Performance</td>
<td>8</td>
<td>Parent Involvement</td>
</tr>
<tr>
<td>Compliance</td>
<td>9</td>
<td>Disproportionate Representation</td>
</tr>
<tr>
<td>Compliance</td>
<td>10</td>
<td>Disproportionate Representation in Specific Disability Categories</td>
</tr>
<tr>
<td>Compliance</td>
<td>11</td>
<td>Child Find</td>
</tr>
<tr>
<td>Compliance</td>
<td>12</td>
<td>Early Childhood Transition</td>
</tr>
<tr>
<td>Compliance</td>
<td>13</td>
<td>Secondary Transition</td>
</tr>
<tr>
<td>Performance</td>
<td>14</td>
<td>Post-school Outcomes</td>
</tr>
<tr>
<td></td>
<td>14A</td>
<td>Enrolled in higher education within one year of leaving high school</td>
</tr>
<tr>
<td></td>
<td>14B</td>
<td>Enrolled in higher education or competitively employed within one year of leaving high school</td>
</tr>
<tr>
<td></td>
<td>14C</td>
<td>Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school</td>
</tr>
<tr>
<td>Performance</td>
<td>15</td>
<td>Resolution Sessions</td>
</tr>
<tr>
<td>Performance</td>
<td>16</td>
<td>Mediation</td>
</tr>
<tr>
<td>Performance</td>
<td>17</td>
<td>State Systemic Improvement Plan</td>
</tr>
</tbody>
</table>
Overview of Population and Services

During Fiscal Year (FY) 2014–2015, a total of 717,961 students from ages 0 to 22 years of age, were enrolled in special education. Compared to the total student enrollment in California of 6,235,520, special education students comprise about 11.51 percent of total students. The average age of a special education student in California is 11 years of age. The median grade level is ninth grade. As shown in Figure 1, the majority of students with disabilities in California (48 percent) are between six and twelve years of age. The majority of special education students (68 percent) are male, and 30.3 percent are English-language learners. All tables and figures are based on students 0 to 22 years of age.

California students diagnosed with at least one disability are eligible for services to meet their needs. There are 13 disability categories as identified in Table 2. The majority (39.97 percent) of students are identified as having a “Specific Learning Disability” as their primary disability category. The second most common primary disability designation for students (22.78 percent) is a “Speech/Language Impairment.”

![Figure 1: Ages of Students with Disabilities 2014–2015](image)
### Table 2: Enrollment of Special Education Students by Disability Type

<table>
<thead>
<tr>
<th>Disability</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intellectual Disability</td>
<td>43,750</td>
<td>6.09%</td>
</tr>
<tr>
<td>Hard of Hearing</td>
<td>10,325</td>
<td>1.44%</td>
</tr>
<tr>
<td>Deaf</td>
<td>3,531</td>
<td>0.49%</td>
</tr>
<tr>
<td>Speech and Language</td>
<td>160,071</td>
<td>22.3%</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>3,864</td>
<td>0.54%</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>24,214</td>
<td>3.37%</td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>1,744</td>
<td>0.24%</td>
</tr>
<tr>
<td>Orthopedic Impairment</td>
<td>12,293</td>
<td>1.71%</td>
</tr>
<tr>
<td>Other Health Impairment</td>
<td>76,122</td>
<td>10.6%</td>
</tr>
<tr>
<td>Specific Learning Disability</td>
<td>284,196</td>
<td>39.58%</td>
</tr>
<tr>
<td>Deaf Blindness</td>
<td>116</td>
<td>0.02%</td>
</tr>
<tr>
<td>Multiple Disability</td>
<td>6,435</td>
<td>0.9%</td>
</tr>
<tr>
<td>Autism</td>
<td>90,794</td>
<td>12.65%</td>
</tr>
</tbody>
</table>

Of all special education students in California, Hispanic/Latino youth represent the greatest numbers of students in need of services. Figure 2 shows the total number of special education students by race/ethnicity.

### Figure 2: 2014–2015 Students in Special Education by Race/Ethnicity

![Pie chart showing the distribution of special education students by race/ethnicity](CASEMIS Dec 2014)
The CDE also tracks the type of school or program in which special education students receive the majority of their instructional services. These include public schools, private schools, independent study, charter schools, community schools, correctional programs, higher education, and transition programs. Table 3 shows that the majority (86.12 percent) of special education students are enrolled in a public day school.

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

<table>
<thead>
<tr>
<th>School Type</th>
<th>Number</th>
<th>Percentage</th>
<th>Program</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No School</td>
<td>4,754</td>
<td>0.66%</td>
<td>Adult Education Program</td>
<td>1,666</td>
<td>0.23%</td>
</tr>
<tr>
<td>Public Day School</td>
<td>618,273</td>
<td>86.12%</td>
<td>Charter School</td>
<td>26,133</td>
<td>3.64%</td>
</tr>
<tr>
<td>Public Residential School</td>
<td>619</td>
<td>0.09%</td>
<td>Charter School District</td>
<td>15,239</td>
<td>2.12%</td>
</tr>
<tr>
<td>Special Education Center or Facility</td>
<td>8,935</td>
<td>1.24%</td>
<td>Head Start Program</td>
<td>1,425</td>
<td>0.20%</td>
</tr>
<tr>
<td>Other Public School or Facility</td>
<td>4,747</td>
<td>0.66%</td>
<td>Child Development or Child Care Facility</td>
<td>2,545</td>
<td>0.35%</td>
</tr>
<tr>
<td>Continuation School</td>
<td>5,615</td>
<td>0.78%</td>
<td>State Preschool Program</td>
<td>1,212</td>
<td>0.17%</td>
</tr>
<tr>
<td>Alternative Work Education Center/Work Study Program</td>
<td>629</td>
<td>0.09%</td>
<td>Nonpublic Residential School</td>
<td>777</td>
<td>0.11%</td>
</tr>
<tr>
<td>Independent Study</td>
<td>1,368</td>
<td>0.19%</td>
<td>Extended Day Care</td>
<td>325</td>
<td>0.05%</td>
</tr>
<tr>
<td>Juvenile Court School</td>
<td>1,655</td>
<td>0.23%</td>
<td>Nonpublic Day School</td>
<td>11,428</td>
<td>1.59%</td>
</tr>
<tr>
<td>Community School</td>
<td>2,790</td>
<td>0.39%</td>
<td>Private Preschool</td>
<td>538</td>
<td>0.07%</td>
</tr>
<tr>
<td>Correctional Institution</td>
<td>192</td>
<td>0.03%</td>
<td>Private Day School</td>
<td>2,483</td>
<td>0.35%</td>
</tr>
<tr>
<td>Home Instruction</td>
<td>2,282</td>
<td>0.32%</td>
<td>Private Residential School</td>
<td>20</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hospital Facility</td>
<td>255</td>
<td>0.04%</td>
<td>Nonpublic Agency</td>
<td>176</td>
<td>0.02%</td>
</tr>
<tr>
<td>Community College</td>
<td>253</td>
<td>0.04%</td>
<td>Parochial School</td>
<td>1,627</td>
<td>0.23%</td>
</tr>
</tbody>
</table>

Special education students in California receive a variety of services to address their unique needs. During 2014–2015, there were 1,588,207 services provided to California special education students. Many students receive multiple services. Table 4 describes the type of services provided to students. The most common service provided was Specialized Academic Instruction, followed by Language and Speech Services.
### Table 4: Services Provided To Special Education Students

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Count</th>
<th>Percentage</th>
<th>Description</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialized Services for Ages 0 to 2</td>
<td>13,598</td>
<td>0.82%</td>
<td>Specialized Services/Low Incidence Disabilities</td>
<td>6,438</td>
<td>0.38%</td>
</tr>
<tr>
<td>Specialized Academic Instruction</td>
<td>585,666</td>
<td>35.37%</td>
<td>Services for Students who are Deaf</td>
<td>18,828</td>
<td>1.13%</td>
</tr>
<tr>
<td>Intensive Individual Services</td>
<td>12,327</td>
<td>0.74%</td>
<td>Services for Visually Impaired</td>
<td>10,642</td>
<td>0.64%</td>
</tr>
<tr>
<td>Individual/Small Group Instruction</td>
<td>7,517</td>
<td>0.45%</td>
<td>Specialized Orthopedic Services</td>
<td>3,907</td>
<td>0.23%</td>
</tr>
<tr>
<td>Language and Speech</td>
<td>345,815</td>
<td>20.88%</td>
<td>Reader and Note Taking</td>
<td>188</td>
<td>0.01%</td>
</tr>
<tr>
<td>Adapted Physical Education</td>
<td>41,921</td>
<td>2.53%</td>
<td>College Preparation</td>
<td>92,027</td>
<td>5.55%</td>
</tr>
<tr>
<td>Health and Nursing</td>
<td>13,996</td>
<td>0.84%</td>
<td>Vocational/Career</td>
<td>133,405</td>
<td>8.05%</td>
</tr>
<tr>
<td>Assistive Technology Services</td>
<td>6,959</td>
<td>0.42%</td>
<td>Agency Linkages</td>
<td>8,702</td>
<td>0.52%</td>
</tr>
<tr>
<td>Occupational Therapy</td>
<td>67,896</td>
<td>4.1%</td>
<td>Travel Training</td>
<td>7,472</td>
<td>.45%</td>
</tr>
<tr>
<td>Physical Therapy</td>
<td>9,994</td>
<td>0.6%</td>
<td>Other Transition Services</td>
<td>57,946</td>
<td>3.5%</td>
</tr>
<tr>
<td>Mental Health Services</td>
<td>125,722</td>
<td>7.59%</td>
<td>Other Special Education/Related Services</td>
<td>15,075</td>
<td>.91%</td>
</tr>
<tr>
<td>Day Treatment Services</td>
<td>670</td>
<td>0.04%</td>
<td>Interpreter Services</td>
<td>1,950</td>
<td>0.12%</td>
</tr>
<tr>
<td>Residential Treatment</td>
<td>539</td>
<td>0.03%</td>
<td>Vocational Assessment, Counseling, Guidance, and Career Assessment</td>
<td>65,356</td>
<td>3.95%</td>
</tr>
<tr>
<td>Recreation Services, includes therapeutic recreation (34 CFR 300.24)</td>
<td>957</td>
<td>0.05%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CASEMIS Dec 2014

### 2014–2015 Annual Performance Report Indicators

During FFY 2014, California met 69 percent of the 16 target indicators due by February 2016. Table 5 identifies each indicator, its target, the FFY 2014 state results, and whether or not the target was met. The pages following Table 5 provide an overview of each individual indicator, including a description of the indicator, the target, the data collected, and the results.
<table>
<thead>
<tr>
<th>Indicators</th>
<th>Target</th>
<th>Results</th>
<th>Met Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Graduation Rate</td>
<td>90%</td>
<td>62.2%</td>
<td>No</td>
</tr>
<tr>
<td>2 Dropout Rate</td>
<td>≤14.7%</td>
<td>17.5%</td>
<td>No</td>
</tr>
<tr>
<td>3 Statewide Assessment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3A Adequate Yearly Progress</td>
<td>3A. 59%</td>
<td>3A. 78.5%</td>
<td>Yes</td>
</tr>
<tr>
<td>3B Participation</td>
<td>3B. 95% ELA/Math</td>
<td>3B. 94.2% ELA</td>
<td>No</td>
</tr>
<tr>
<td>3C Elementary, High, and Unified Districts</td>
<td>3C. 11.9% ELA, 9.6% Math</td>
<td>3C 11.9% ELA, 9.6% Math</td>
<td>Yes</td>
</tr>
<tr>
<td>4 Suspension/Expulsion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4A Suspension and Expulsion Rate Overall</td>
<td>≤10%</td>
<td>2.13</td>
<td>Yes</td>
</tr>
<tr>
<td>4B Suspension and Expulsion Rate by Race/Ethnicity</td>
<td>0%</td>
<td>2.31</td>
<td>No</td>
</tr>
<tr>
<td>5 Education Environments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5A Regular class 80 percent or more</td>
<td>≥49.2%</td>
<td>53.3%</td>
<td>Yes</td>
</tr>
<tr>
<td>5B Regular class less than 40 percent</td>
<td>≤24.6%</td>
<td>22.0%</td>
<td>Yes</td>
</tr>
<tr>
<td>5C Separate schools, residential facilities, or homebound/hospital placements</td>
<td>≤4.4%</td>
<td>3.3%</td>
<td>Yes</td>
</tr>
<tr>
<td>6 Preschool Least Restrictive Environment</td>
<td>&gt;32.9%</td>
<td>32.9%</td>
<td>Yes</td>
</tr>
<tr>
<td>6A. Regular preschool</td>
<td>&lt;34.4%</td>
<td>34.4%</td>
<td>Yes</td>
</tr>
<tr>
<td>6B. Separate schools or classes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Preschool Assessment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7A (1 and 2)</td>
<td>7A. 72.7% / 82.1%</td>
<td>7A. 59.5% / 60.9%</td>
<td>No</td>
</tr>
<tr>
<td>7B (1 and 2)</td>
<td>7B. 70% / 82.5%</td>
<td>7B. 60.2% / 59.6%</td>
<td>No</td>
</tr>
<tr>
<td>7C (1 and 2)</td>
<td>7C. 75% / 79%</td>
<td>7C. 65.8% / 65.8%</td>
<td>No</td>
</tr>
<tr>
<td>8 Percent of Parents Reporting the Schools Facilitated Parental Involvement</td>
<td>90%</td>
<td>99.2%</td>
<td>Yes</td>
</tr>
<tr>
<td>9 Disproportionate Representation</td>
<td>0%</td>
<td>.09</td>
<td>No</td>
</tr>
<tr>
<td>10 Disproportional Representation by Disability Category</td>
<td>0%</td>
<td>.87</td>
<td>No</td>
</tr>
<tr>
<td>11 Child Find</td>
<td>100%</td>
<td>96.0%</td>
<td>No</td>
</tr>
<tr>
<td>12 Early Childhood Transition</td>
<td>100%</td>
<td>93.5%</td>
<td>No</td>
</tr>
<tr>
<td>13 Secondary Transition</td>
<td>100%</td>
<td>99.4%</td>
<td>No</td>
</tr>
<tr>
<td>14 Post-School Outcomes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14A Enrolled in higher education</td>
<td>52.3%</td>
<td>50.4%</td>
<td>No</td>
</tr>
<tr>
<td>14B Enrolled in higher education or competitively employed within a year</td>
<td>72.4%</td>
<td>72.4%</td>
<td>Yes</td>
</tr>
<tr>
<td>14C Enrolled in higher education, postsecondary education or training, or competitively employed</td>
<td>81%</td>
<td>82.1%</td>
<td>Yes</td>
</tr>
<tr>
<td>15 Resolution Sessions</td>
<td>56%</td>
<td>30.2%</td>
<td>No</td>
</tr>
<tr>
<td>16 Mediation</td>
<td>56%</td>
<td>62.6%</td>
<td>Yes</td>
</tr>
<tr>
<td>17 State Systemic Improvement Plan</td>
<td>N/A</td>
<td>Not yet available</td>
<td></td>
</tr>
</tbody>
</table>
Indicator 1: Graduation Rates

Description

This is a performance indicator that measures the percent of youth with individual education programs (IEPs) graduating from high school with a regular diploma (20 United States Code [U.S.C] 1416 [a][3][A]). The calculation methods for this indicator were revised in 2008–09 and again in 2009–10, to align with reporting criteria under Title I of the Elementary and Secondary Education Act (ESEA). A new reporting methodology was implemented for the FFY 2012 APR. A Bill addressing the requirement for students to pass the California High School Exit Exam (CAHSEE) is on the Governor’s desk as of the time of this item. State law provides an exemption from this testing requirement for students who otherwise meet the district requirement for graduation.

Target for 2014–2015

- Have a 2014 graduation rate of 90 percent or more or
- Meet the 2014 fixed growth rate of 72.96 percent or more or
- Meet the 2014 variable growth rate of 72.84 percent or more

Measurement

The data are reported in lag years using California Longitudinal Pupil Achievement Data System (CALPADS) data from FFY 2013 (2013–2014). The calculation is based on data from California’s ESEA reporting.

Results for 2014–2015

The graduation rate for FFY 2014 demonstrated that 62.24 percent of students with disabilities graduated with a high school diploma.

Target Met: No

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indicator</strong></td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>1 – Graduation Rates*</td>
</tr>
</tbody>
</table>

*Or other approved consolidated state performance report rate, updated annually
Indicator 2: Dropout Rates

Description

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

Target for 2014–2015

No more than 14.72 percent of students with disabilities will drop out of high school. These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–18.

Measurement

The data are reported in lag years using CALPADS data from FFY 2013 (2013–2014). The calculation is based on data from ESEA reporting.

Results for 2014–2015

For FFY 2014, the Dropout Rate was 17.5 percent.

Target Met: No

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>2 – Dropout Rates</td>
</tr>
</tbody>
</table>
Indicator 3: Statewide Assessments

Description

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

Targets for 2014–2015

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–2018.

3A. The annual benchmarks and six-year target for the percent of districts meeting the state AYP objectives for progress for the disability subgroup is 59 percent.

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

3C. Consistent with the ESEA accountability framework, the 2014–2015 annual benchmarks for the percent proficient on statewide assessments are broken down by subject.

   ELA = 11.9 percent
   Math =  9.6 percent

Measurement

The AYP percent equals the number of districts with a disability subgroup that meets the state minimum “n” size and meets the state AYP targets for the disability subgroup divided by the total number of districts that have a disability subgroup that meets the state minimum “n” size.

Participation rate percent equals the number of children with IEPs participating in the Smarter Balanced Assessment Consortium (SBAC) tests divided by the total number of children with IEPs enrolled on the first day of testing, calculated separately for reading and math.
Proficiency rate percent equals number of children with IEPs enrolled for a full academic year scoring at or above proficient divided by the total number of children with IEPs enrolled for a full academic year, calculated separately for reading and math.

Results for 2014–2015

A. In FFY 2014 for Target A, the results are as follows:

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>59%</td>
<td>78.5%</td>
<td>Yes</td>
</tr>
</tbody>
</table>

B. In FFY 2014 for Target B, the results are as follows:

Percent of Participation for Students with IEPs (3B)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>95</td>
<td>94.2</td>
<td>No</td>
</tr>
<tr>
<td>Math</td>
<td>95</td>
<td>93.8</td>
<td>No</td>
</tr>
</tbody>
</table>

C. In FFY 2014 for Target C, the results are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>11.9</td>
<td>11.9</td>
<td>Yes</td>
</tr>
<tr>
<td>Math</td>
<td>9.6</td>
<td>9.6</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Target Met: 3A No 3B No 3C Yes

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>3A – Adequate Yearly Progress</td>
<td>58%</td>
<td>59%</td>
<td>60%</td>
<td>61%</td>
<td>62%</td>
<td>63%</td>
</tr>
<tr>
<td>3B – Participation</td>
<td>95%</td>
<td>95%</td>
<td>95%</td>
<td>95%</td>
<td>95%</td>
<td>96%</td>
</tr>
<tr>
<td>3C – Proficiency ELA</td>
<td>100%</td>
<td>11.9</td>
<td>12.9</td>
<td>13.9</td>
<td>14.9</td>
<td>15.9</td>
</tr>
<tr>
<td>3C – Proficiency Math</td>
<td>100%</td>
<td>9.6</td>
<td>10.6</td>
<td>11.6</td>
<td>12.6</td>
<td>13.6</td>
</tr>
</tbody>
</table>
Indicator 4A: Rates of Suspension and Expulsion

Description

This is a performance indicator that measures the percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs (20 U.S.C. 1416[a][3][A] and 1412[a][22]). A district is considered to have a significant discrepancy if the districtwide rate for suspension and expulsion exceeds the statewide rate for suspension and expulsion. Districts identified to have a significant discrepancy are required to review their policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The data reported here are from 2013–2014.

Target for 2014–2015

No more than 10 percent of districts will have rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–2018.

Measurement

The data are reported in lag years using the CALPADS data from the FFY 2013 (2013–2014). The percent is calculated by the number of districts that have a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year divided by the number of districts in the state, multiplied by 100.

Results for 2014–2015

In FFY 2014, there were 23 districts (2.13 percent) that had a rate of suspension and expulsion greater than the statewide rate.

Target Met: Yes

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>4A – Suspension/Expulsion</td>
</tr>
</tbody>
</table>
Indicator 4B: Rates of Suspension and Expulsion by Race or Ethnicity

Description:

This is a compliance indicator that measures the percent of districts that have:
(1) Significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (2) Policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards (20 U.S.C. 1416[a][3][A] and 1412[a][22]).

Target for 2014–2015

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

Measurement

The data are reported in lag years using the CALPADS data from the FFY 2013 (2013–2014). This percent is calculated by the number of districts that have: (1) A significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (2) Policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards divided by the number of districts in the state, multiplied by 100.

Results for 2014–2015

In FFY 2014, there were 2.31 percent of districts with significant discrepancies, by race or ethnicity, in the rates of suspension or expulsion of greater than 10 days for students with IEPs.

Target Met: No

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>4B – Suspension/Expulsion</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
Indicator 5: Education Environments

Description

This is a performance indicator that measures the percent of children with IEPs, ages 6 through 21, served inside the regular class 80 percent or more of the day; inside the regular class less than 40 percent of the day, and are served in public or private separate schools, residential facilities, or homebound/hospital placement.

Targets for 2014–2015

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–2018.

5A. 49.2 percent or more of students will be in regular class 80 percent of the day or more;

5B. No more than 24.6 percent will be removed from regular class more than 60 percent of the day; and

5C. No more than 4.4 percent are served in public or private separate schools, residential placements, or homebound/hospital placements.

Measurement

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

5B. The number of children with IEPs served inside the regular class less than 40 percent of the day divided by the total number of students aged 6 through 21 with IEPs.

5C. The number of children with IEPs served in public or private separate schools, residential facilities, or homebound/hospital placements divided by the total number of students ages 6 through 21 with IEPs.

Results for 2014–2015

California did meet the targets for 5A (53.3 percent of students were in regular class 80 percent of the day or more); for 5B, (22 percent of students were in regular class less than 40 percent of the day); and for 5C, (3.3 percent were served in public or private separate schools and facilities).
Target Met: 5A Yes  5B Yes  5C Yes

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>5A – LRE &gt; 80%</td>
<td>49.2%</td>
<td>49.2%</td>
<td>49.2%</td>
<td>50.2%</td>
<td>51.2%</td>
<td>52.2%</td>
</tr>
<tr>
<td>5B – LRE &lt; 40%</td>
<td>24.6%</td>
<td>24.6%</td>
<td>24.6%</td>
<td>23.6%</td>
<td>22.6%</td>
<td>21.6%</td>
</tr>
<tr>
<td>5C – LRE: Separate School</td>
<td>4.4%</td>
<td>4.4%</td>
<td>4.4%</td>
<td>4.2%</td>
<td>4.0%</td>
<td>3.8%</td>
</tr>
</tbody>
</table>
Indicator 6: Preschool Environments

Description

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

- Regular early childhood program and receiving the majority of special education and related service in the regular early childhood program; and
- Separate special education class, separate school, or residential facility (20 U.S.C. 1416[a][3][A]).

Target for 2014–2015

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–2018.

A. 32.9 percent or more of students will be served in settings with typically developing peers.

B. No more than 34.4 percent of students will be served in a separate special education class, separate school, or residential facility.

Measurement

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

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

Results for 2014–2015

A. 32.9 percent of children ages three through five with IEPs attended a regular early childhood program and received the majority of special education and related services in the regular early childhood program.
B. 34.4 percent of children ages three through five with IEPs attended a separate special education class, separate school, or residential facility.

**Target Met:** Yes

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>6A–Preschool, Regular &gt;</td>
<td>32.9%</td>
<td>32.9%</td>
<td>32.9%</td>
<td>33.9%</td>
<td>34.9%</td>
<td>35.9%</td>
</tr>
<tr>
<td>6B–Preschool, Separate &lt;</td>
<td>34.4%</td>
<td>34.4%</td>
<td>34.4%</td>
<td>33.4%</td>
<td>32.4%</td>
<td>31.4%</td>
</tr>
</tbody>
</table>
Indicator 7A: Preschool Outcomes – Positive Social-emotional Skills

Description

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

Targets for 2014–2015

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

- Of those children who were functioning within age expectations in Outcome A, 82.1 percent will function within age expectations by the time they turn six years of age or exit the program.

Measurement

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

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

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

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

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

- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed, multiplied by 100.
Results for 2014–2015

For FFY 2014, for Outcome A, 59.5 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program, and 60.9 percent of students were functioning within age expectations by the time they turned six years of age or exited the program.

Target Met: No

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>7A – Social/Emotional Skills</td>
<td>72.7% / 82.1%</td>
<td>72.7% / 82.1%</td>
<td>72.7% / 82.1%</td>
<td>72.7% / 82.1%</td>
<td>72.7% / 82.1%</td>
<td>72.8% / 82.2%</td>
</tr>
</tbody>
</table>
Indicator 7B: Preschool Outcomes – Acquisition/Use of Knowledge and Skills

Description

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

Targets for 2014–2015

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

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

Measurement

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

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

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

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

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

- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed, multiplied by 100.
Results for 2014–2015

In FFY 2014, for Outcome B, 60.2 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program; and 59.6 percent of students were functioning within age expectations by the time they turned six years of age or exited the program.

Target Met: No

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>7B – Use of Knowledge</td>
<td>70% / 82.5%</td>
<td>70% / 82.5%</td>
<td>70% / 82.5%</td>
<td>70% / 82.5%</td>
<td>70% / 82.5%</td>
<td>70% / 82.6%</td>
</tr>
</tbody>
</table>
Indicator 7C: Preschool Outcomes – Use of Appropriate Behaviors

Description

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

Targets for 2014–2015

- Of those children who entered the program below age expectations in Outcome C, 75 percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.

- Of those children who were functioning within age expectations in Outcome C, 79 percent will function within age expectations by the time they turn six years of age or exit the program.

Measurement

Outcome C: Use of Appropriate Behaviors to meet their needs:

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

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

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

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

- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed, multiplied by 100.
Results for 2014–2015

In FFY 2014, for Outcome C, 65.8 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program; and 65.8 percent of students were functioning within age expectations by the time they turned six years of age or exited the program.

Target Met: No

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>7C – Appropriate Behaviors</td>
<td>75% / 79%</td>
<td>75% / 79%</td>
<td>75% / 79%</td>
<td>75% / 79%</td>
<td>75% / 79%</td>
<td>75% / 79%</td>
</tr>
</tbody>
</table>
Indicator 8: Parent Involvement

Description

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

Target for 2014–2015

Ninety percent of parents will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–2018.

Measurement

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

Results for 2014–2015

The result for Indicator 8 in FFY 2014 was 99.2 percent of parents with a child receiving special education services reported that schools facilitated parental involvement.

Target Met: Yes

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>8 – Parent Input</td>
</tr>
</tbody>
</table>
Indicator 9: Disproportionate Representation

Description

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

Target for 2014–2015

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

Measurement

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

Results for 2014–2015:

For FFY 2014, .09 percent of districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Target Met: No

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 – Disproportionality Overall</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
**Indicator 10: Disproportionate Representation in Specific Disability Categories**

**Description**

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

**Target for 2014–2015**

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

**Measurement**

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

**Results for 2014–2015:**

For FFY 2014, 0.87 percent of districts had disproportionate representation of racial and ethnic groups in specific disability categories that are the result of inappropriate identification.

**Target Met: No**

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>10 – Disproportionality by Disability</td>
</tr>
</tbody>
</table>
Indicator 11: Child Find

Description

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

Target for 2014–2015

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

Measurement

• The number of children for whom parental consent to evaluate was received.

• The number of children whose evaluations were completed within 60 days (or a state-established time line).

Results for 2014–2015

For FFY 2014, 96 percent of eligibility determinations were completed within 60 days for children whom parental consent to evaluate was received.

Target Met: No

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>11 – Child Find</td>
</tr>
</tbody>
</table>
Indicator 12: Early Childhood Transition

Description

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

Target for 2014–2015

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

Measurement

- Number of children who have been served in Part C and referred to Part B (LEA notified pursuant to the IDEA section 637[a][9][A] for Part B eligibility determination).

- Number of children referred determined to be not eligible and whose eligibilities were determined prior to their third birthdays.

- Number of children found eligible who have an IEP developed and implemented by their third birthdays.

- Number of children for whom parental refusal to provide consent caused delays in evaluation or initial services.

Results for 2014–2015

For FFY 2014, 93.5 percent of children referred by Part C of IDEA prior to age three and who were found eligible for Part B of IDEA had an IEP developed and implemented by their third birthday.

Target Met: No

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 – Early Childhood Transition</td>
<td>100% 100% 100% 100% 100% 100%</td>
</tr>
</tbody>
</table>
Indicator 13: Secondary Transition

Description

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

Target for 2014–2015

One hundred percent of youth ages 16 and above will have an IEP that includes appropriate and measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment and transition services.

Measurement

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

Results for 2014–2015

For FFY 2014, 99.4 percent of students with IEPs, ages 16 and above, have all eight postsecondary goals included in their IEPs.

Target Met: No

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>13 – Part C to Part B Transition</td>
</tr>
</tbody>
</table>
Indicator 14: Post-school Outcomes

Description

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

- Enrolled in higher education within one year of leaving high school;
- Enrolled in higher education or competitively employed within one year of leaving high school; or
- Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school (20 U.S.C. 1416[a][3][B]). Data are collected and reported by SELPAs using the June 2014 CASEMIS submission.

Target for 2014–2015

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFY 2013–2018.

A. 52.3 percent or more of youth who had IEPs who are no longer in secondary school will be reported to have been enrolled in some type of postsecondary school within one year of leaving high school.

B. 72.4 percent or more of youth who had IEPs who are no longer in secondary school will be reported to have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

C. 81 percent or more of youth who had IEPs who are no longer in secondary school will be reported to have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

Measurement

A. The number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education within one year of leaving high school divided by the number of respondent youth who are no longer in secondary school.

B. Number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education or competitively employed
within one year of leaving high school divided by the number of respondent youth who are no longer in secondary school.

C. Number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment divided by the number of respondent youth who are no longer in secondary school.

Results for 2014–2015:

A. 50.4 percent of youth who had IEPs who were no longer in secondary school reported to have been enrolled in some type of postsecondary school within one year of leaving high school.

B. 72.4 percent of youth who had IEPs who were no longer in secondary school reported to have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

C. 82.1 percent of youth who had IEPs who were no longer in secondary school reported to have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

Target Met: A. No  B. Yes C. Yes

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>14A – Postsecondary</td>
<td>52.3%</td>
<td>52.3%</td>
<td>52.3%</td>
<td>52.3%</td>
<td>53.3%</td>
<td>54.3%</td>
</tr>
<tr>
<td>14B – Employed/Postsecondary</td>
<td>72.4%</td>
<td>72.4%</td>
<td>72.4%</td>
<td>72.4%</td>
<td>73.4%</td>
<td>74.4%</td>
</tr>
<tr>
<td>14C – Any Education/Employment</td>
<td>81.0%</td>
<td>81.0%</td>
<td>81.0%</td>
<td>81.0%</td>
<td>82.0%</td>
<td>83.0%</td>
</tr>
</tbody>
</table>
Indicator 15: Resolution Sessions

Description

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

Target for 2014–2015

Fifty-six percent of hearing requests will be resolved through session settlement agreements.

Measurement

Percent = (3.1[a] divided by 3.1) multiplied by 100.

<table>
<thead>
<tr>
<th>Section C: Due Process Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) Total number of due process complaints filed</td>
</tr>
<tr>
<td>(3.1) Resolution meetings</td>
</tr>
<tr>
<td>(a) Written settlement agreements</td>
</tr>
<tr>
<td>(3.2) Hearings fully adjudicated</td>
</tr>
<tr>
<td>(a) Decisions with time line (including expedited)</td>
</tr>
<tr>
<td>(b) Decisions within extended time line</td>
</tr>
<tr>
<td>(3.3) Due process complaints pending</td>
</tr>
<tr>
<td>(3.4) Due process complaints withdrawn or dismissed (including resolved without hearing)</td>
</tr>
</tbody>
</table>

Results for 2014–2015: For FFY 2014, 30.2 percent of hearing requests that went to resolution were resolved through resolution session settlement agreements.

Target Met: No

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>15 – Resolution Sessions</td>
</tr>
</tbody>
</table>
Indicator 16: Mediation

Description

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

Target for 2014–2015

Fifty-six percent of mediation conferences will result in mediation agreements.

Measurement

- Percent = (2.1[a][i] + 2.1[b][i]) divided by 2.1, multiplied by 100.

<table>
<thead>
<tr>
<th>Section B: Mediation Requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Total number of mediation request received through all dispute resolution processes</td>
</tr>
<tr>
<td>(2.1) Mediations held</td>
</tr>
<tr>
<td>(a) Mediations held related to due process complaints</td>
</tr>
<tr>
<td>(i) Mediation agreements related to due process complaints</td>
</tr>
<tr>
<td>(b) Mediations held not related to due process complaints</td>
</tr>
<tr>
<td>(i) Mediation agreements not related to due process complaints</td>
</tr>
<tr>
<td>(2.2) Mediations pending</td>
</tr>
<tr>
<td>(2.3) Mediations withdrawn or not held</td>
</tr>
</tbody>
</table>

Results for 2014–2015

For FFY 2014, 62.6 percent of mediation conferences resulted in mediation agreements.

Target Met: Yes

<table>
<thead>
<tr>
<th>Targets for FFY 2013–2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>16 – Mediation</td>
</tr>
</tbody>
</table>
Indicator 17: State Systemic Improvement Plan

Description

This indicator describes how the state identified and analyzed key data, including data from SPP/APR indicators, 618 data collections, and other available data as applicable, to: (1) Select the State-identified Measurable Result(s) for Children with Disabilities, and (2) Identify root causes contributing to low performance. The description must include information about how the data were disaggregated by multiple variables (e.g., LEA, region, race/ethnicity, gender, disability category, placement, etc.). As part of its data analysis, the state should also consider compliance data and whether those data present potential barriers to improvement. In addition, if the state identifies any concerns about the quality of the data, the description must include how the state will address these concerns. Finally, if additional data are needed, the description should include the methods and timelines to collect and analyze the additional data. This indicator will be reported to the SBE in March 2016 and will be submitted to OSEP in April 2016.
ITEM 26
SUBJECT

Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials—Approve Commencement of a Second 15-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Section 9526.

SUMMARY OF THE ISSUE(S)

In order for the California Department of Education (CDE) to conduct reviews of publisher-proposed revisions to State Board of Education (SBE)-adopted instructional materials, as set forth in California Education Code (EC) Section 60200, the attached proposed regulations must be adopted.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the proposed changes to the proposed regulations
- Direct that the proposed changes be circulated for a second 15-day public comment period in accordance with the Administrative Procedure Act
- If no relevant comments to the proposed changes are received during the second 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 Office of Administrative Law (OAL) for approval
- If any relevant comments to the proposed changes are received during the second 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s DATE agenda for action
- 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

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt instructional materials for use in grades one through eight (and, pursuant to EC Section
EC Section 60200 establishes an eight year cycle for the adoption of instructional materials in each subject.

California EC Section 60200(b)(2), authorized by Assembly Bill 1246, Statutes of 2012, allows publishers of instructional materials on the current SBE adoption list to submit proposed revisions of those materials to the CDE for consideration. The law requires that publishers pay for the cost of such a review. These proposed regulations would establish the necessary process and fee schedule.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2015 meeting, the SBE approved the commencement of the rulemaking process to establish the proposed regulations. The public comment period began on April 4, 2015, and ended on May 19, 2015. Two comments were received during the public comment period and two presenters appeared at the public hearing held on May 19, 2015. At its July 2015 meeting, the SBE approved the CDE’s proposal to amend the proposed regulations to allow for flexibility in the window for accepting publisher proposed revisions with language stating “at least once every two years.”

The CDE subsequently submitted the proposed regulations to the California OAL. In its review of the proposed regulations, the OAL took issue with the proposed fee schedule, citing concerns expressed in the previous public comment. The OAL also suggested other minor amendments. Therefore, the CDE has now simplified the proposed fee schedule with a flat $0.13 per word fee, which is a rate aligned with CDE contracts for document review.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Second 15-Day Notice of Modifications (2 pages)
Attachment 2: Proposed Regulations (4 pages)
Attachment 3: Addendum to Final Statement of Reasons (2 pages)
Attachment 4: Economic and Fiscal Impact Statement (STD 399) (6 pages)
January 15, 2016

SECOND 15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS REGARDING PROCEDURES FOR REVIEWING PROPOSED REVISIONS TO ADOPTED INSTRUCTIONAL MATERIALS

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 May 19, 2015.

Changes to the text:

- “Subsection” is changed to “subdivision” for consistency, and
- “Instructional Quality Commission” is changed to “Commission” for consistency throughout the regulations.

Proposed section 9526(a) is amended to identify the minimum interval at which publishers of SBE-adopted instructional materials may submit proposed revisions to the California Department of Education (CDE).

Proposed sections 9526(b)(1) – (4) are added to identify the information that the CDE will provide to publishers when notifying them of the upcoming window for submitting proposed revisions. This information will include the relevant subject matter and original SBE adoption date; the due dates for submission of materials; the number of copies of materials to be delivered; and the shipping addresses.

Proposed section 9526(c) is amended to instruct publishers to ship identified items to addresses provided by the CDE.

Proposed section 9526(c)(1) is amended to clarify the nature of the requested description of the proposed revisions in order to simplify and expedite the review process.

Proposed section 9526(c)(3) is amended to delete a reference to the number of copies to be submitted because this information is now included in section 9526(b)(3); it is further amended to identify the necessary scope of content to be included with text proposed for revision in order to simplify and expedite the review process.
Proposed section 9526(d) is amended to add “and” to “and/or” and to add “collectively reviewers.” The amendments are necessary to provide clarity in purpose.

Proposed section 9526(i) is amended to add the language “at the rate of $0.13 per word.” The amendment is necessary in order to identify a publisher’s cost in submitting a proposed revision. This rate is consistent with other review services currently used by the CDE.

Proposed sections 9526(i)(1) – (2)(C) are deleted because the review rates for various media formats set forth in these deleted sections have been replaced by the flat rate in section 9526(j). The various rates previously proposed did not offer the equitability of a flat rate.

Proposed section 9526(j) is deleted because the flat rate identified in section 9526(i) is now equitable and clear and, therefore, a mechanism for adjustment due to potentially ambiguous factors such as length of content in various media formats is no longer necessary.

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 January 16, 2016 and February 1, 2016, 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 February 1, 2016 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 February 1, 2016, 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 note: Any written comments are to be restricted to the recent modifications as shown in the enclosed language. The SBE is not required to respond to comments received in response to this notice on other aspects of the proposed regulation.
The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined.

The 15-day text proposed to be added is in "bold underline"; deleted text is displayed in "bold strikeout."

The second 15-day text proposed to be added is in "double underline;" deleted text is displayed in "double strikethrough."

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 9. Instructional Materials
Subchapter 1. Elementary Instructional Materials
Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials – Procedures


Reviews of instructional materials appearing on the current list of State Board of Education (SBE) adopted instructional materials, beginning with adoptions occurring after 2013, to determine whether publisher-proposed revisions are consistent with the SBE-adopted content standards, curriculum frameworks and evaluation criteria and the relevant statutes shall be conducted according to the following requirements:

(a) Publishers of instructional materials on the current list adopted by the SBE may submit to the CDE proposed revisions to adopted materials pursuant to a schedule developed by the CDE. The schedule shall invite submissions at least once every two years per subject, once every two years following an SBE primary adoption, but no later than two years prior to the next scheduled primary adoption for the same subject.

(b) The CDE shall notify publishers of adopted programs at least 90 days in advance of the submission period regarding the following for proposed revisions:

(1) The subject matter and original SBE adoption date of instructional materials to be accepted for proposed revision;

(2) The due dates for the submission of instructional materials proposed for revision;

(3) The number of copies of instructional materials to be delivered by the publisher which will be based upon the number of reviewers (see section 9526(d)).
Resource Display Centers (LRDC) (see section 9523), CDE staff members, and SBE and Instructional Quality Commission (Commission) members who will be reviewing the instructional materials; and

(4) The delivery addresses of the reviewers, LRDC, CDE, SBE and Commission members where publishers must ship the instructional materials for review.

(c) Publishers submitting instructional materials for proposed revision shall provide to the CDE ship to the addresses provided pursuant to subdivision (b)(4) by the due date referenced in subdivision (b)(2) an electronic or hard copy version of the following items:

(1) A brief description of the cause for and general nature of the proposed revisions and how specifically the proposed revisions relate to the materials’ continued alignment to the SBE-adopted content standards, curriculum frameworks and evaluation criteria for the corresponding adoption;

(2) A list of the previously adopted instructional materials proposed for revision; and

(3) Up to 10 copies, as specified by the CDE, of each component of a program Sections of instructional materials proposed for revision wherein all content proposed for addition and deletion is clearly and precisely indicated. Each section submitted should be of sufficient breadth in content as to establish the necessary context for the revisions proposed. The publishers shall ship the instructional materials proposed for revision to the addresses provided pursuant to subdivision (b)(2) location(s) specified by the CDE free of shipping, handling, sampling, or other charges.

(d) The CDE and/or its agents shall conduct a review of the proposed revisions for consistency with SBE-adopted content standards, curriculum frameworks and evaluation criteria for the corresponding adoption and the relevant statutes. For this review process the CDE may include previously SBE-appointed Instructional Quality Commission members, instructional materials reviewers, and content experts (collectively “reviewers”).

(e) Any review conducted pursuant to subdivision (d) shall confirm that all proposed revisions comply with the social content standards referenced in section 9518 above.

(f) The review recommendations shall be compiled by the CDE, presented to the Instructional Quality Commission (Commission), and posted on its website at least 10
days before the meeting of the Commission wherein the review recommendations are to be considered.

(g) Prior to recommending to the SBE the approval of proposed revisions for previously adopted instructional materials, the Commission shall do the following:

1. The Commission shall hold a publicly-noticed meeting during which any interested party may provide the Commission with written or oral comments regarding the submitted instructional materials and/or the recommendations contained in the review report. The primary purpose of this publicly-noticed meeting is to afford the Commission an opportunity to receive comment from those who disagree with any part of the review report. The complaining party, and any interested party adverse to the complaining party, shall be provided a full and fair opportunity to present comments.

2. Nothing in this section shall prevent the Commission from having additional publicly-noticed meetings that the Commission deems necessary to receive additional input.

3. Commissioners must evaluate proposed revisions to instructional materials according to the SBE-adopted content standards, curriculum frameworks, evaluation criteria, and social content standards.

4. Not less than 30 days after the Commission meeting discussed in subdivision (g)(1) above, the Commission will hold a publicly-noticed meeting at which time it will determine its recommendations to the SBE regarding proposed revisions to previously adopted instructional materials. The Commission must conduct a roll call vote with at least 9 affirmative votes required for affirming recommendations, or at least 10 affirmative votes required for affirming recommendations when all 18 commissioners vote.

5. The Commission’s recommendations shall be compiled into a document titled “Commission Advisory Report.” The Commission shall act to recommend or not recommend the revisions to instructional materials. The Commission Advisory Report shall be presented to the SBE for consideration of approval.

(h) Following the Commission meetings described above, the SBE will hold at least one publicly-noticed meeting to consider the approval of proposed revisions to previously adopted instructional materials.
(i) For any review conducted pursuant to subdivision (d), the CDE shall charge publishers a fee to cover the costs of the review as follows: at the rate of $0.13 per word.

(1) Print Material Fees: $1.50 per revised page.

(2) Non-Print Material Fees:

(A) Video/DVD: $150.00 per standard Video/DVD (Video – 120 minutes, DVD – 4.7 Gigabytes [GB] or approximately 120 minutes);

(B) Software: $450.00 per standard CD (650-700 megabytes [MB]); or

(C) Online programs: $1,000 per grade level.

(j)(k) The CDE may reduce the publisher fees identified in subdivision (i) in the event actual review costs are lower.

(i)(k) Publisher fees are due within 30 days of receipt of CDE invoice and are non-refundable.

(k)(l) The CDE shall notify publishers or manufacturers in writing of the results of the review.

(l)(m) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the adoption period. This subsection subdivision does not apply to online instructional materials.

ADDENDUM TO FINAL STATEMENT OF REASONS

After the 15-day comment period, held from July 11, 2015 through July 27, 2015, inclusive, the following changes were made to the proposed text of the regulations and sent out for a second 15-Day comment period. In addition, general changes were made to the regulations to include grammatical edits, and renumbering and/or re-lettering to reflect deletions or additions. Additional non-substantive amendments made for consistency are as follows:

- “Subsection” is changed to “subdivision” for consistency, and
- “Instructional Quality Commission” is changed to “Commission” for consistency throughout the regulations.

Proposed section 9526(a) is amended to identify the minimum interval at which publishers of State Board of Education (SBE) adopted instructional materials may submit proposed revisions to the California Department of Education (CDE).

Proposed sections 9526(b)(1) – (4) are added to identify the information that the CDE will provide to publishers when notifying them of the upcoming window for submitting proposed revisions. This information will include the relevant subject matter and original SBE adoption date; the due dates for submission of materials; the number of copies of materials to be delivered; and the shipping addresses.

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Proposed section 9526(j) is deleted because the flat rate identified in section 9526(i) is now equitable and clear and, therefore, a mechanism for adjustment due to potentially ambiguous factors such as length of content in various media formats is no longer necessary.

12-10-15 [California Department of Education]
ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME
Education

CONTACT PERSON
Linda Hakala

EMAIL ADDRESS
lhakala@cde.ca.gov

TELEPHONE NUMBER
319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400
Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials (dated 1-6-15)

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 align to Ed Code and would not impose additional private sector costs.

   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:

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 (Ca/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 __________________________ vs. __________________________
      Court.
   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  The regulations do not impose any additional costs as they further define the Education Code related to publisher-proposed revisions to adopted instructional materials.
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

The regulations do no impose any additional costs as they concur with existing regulations and serve only to define the procedure, including assessment of fees, for publisher-proposed revisions to adopted instructional materials as provided in the Education Code.

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 10, 2015

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
2/19/15

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
Economic and Fiscal Impact Analysis
Proposed Amendments of Title 5, CCR, Regulations
Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed regulations adding section 9526 to Article 2, Subchapter 1, Chapter 9, Division 1, of Title 5, of the California Code of Regulations, relating to the procedures for reviewing proposed revisions to State Board adopted instructional materials.

What would the proposed regulations do?
The proposed regulations are necessary to facilitate the review of publisher-proposed revisions to the adopted instructional materials. The regulations establish the revision review process, including the assessment of a fee as stipulated in statute.

ECONOMIC IMPACT STATEMENT
A. ESTIMATED PRIVATE SECTOR COST IMPACTS
   None. The proposed regulations impose no additional costs upon the private sector.

FISCAL IMPACT STATEMENT
A. FISCAL EFFECT ON LOCAL GOVERNMENT
   None. The proposed regulations impose no additional costs upon local government.

B. FISCAL EFFECT ON STATE GOVERNMENT
   None. The proposed regulations would impose no additional costs upon the state. The fees imposed upon the publishers will cover the cost of the review incurred by the state.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS
   None. The proposed regulations have no impact on a state program with federal funding.

Linda Hakala, Consultant
Government Affairs Division

Monique Ramos, Director
Government Affairs Division

Date

Date
AAV of Item 26 Attachment 4

Accessible Alternative Version (AAV) of Item 26 Attachment 4 for the January 2016 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 26 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for January 2016. The scanned [Item 26 Attachment 4](#) (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement


**Department Name:** Education

**Contact Person:** Linda Hakala

**E-mail Address:** lhakala@cde.ca.gov

**Telephone Number:** 916-319-0658

**Descriptive Title From Notice Register Or From 400:** Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials (dated January 6, 2015)

**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 align to Education Code and would not impose additional private sector costs.

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 6: Other. Explain. The regulations do not impose any additional costs as they further define the Education Code related to publisher-proposed revisions to adopted instructional materials.

**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 regulations do not impose any additional costs as they concur with existing regulations and serve only to define the procedure, including assessment of fees, for publisher-proposed revisions to adopted instructional materials as provided in the Education Code.

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 10, 2015

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: Contains signature dated February 19, 2015

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.

Economic and Fiscal Impact Analysis

Proposed Amendments of Title 5, CCR, Regulations

Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed regulations adding section 9526 to Article 2, Subchapter 1, Chapter 9, Division 1, of Title 5, of the California Code of Regulations, relating to the procedures for reviewing proposed revisions to State Board adopted instructional materials.

What would the proposed regulations do?

The proposed regulations are necessary to facilitate the review of publisher-proposed revisions to the adopted instructional materials. The regulations establish the revision review process, including the assessment of a fee as stipulated in statute.

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS

None. The proposed regulations impose no additional costs upon the private sector.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT

None. The proposed regulations impose no additional costs upon local government.
B. FISCAL EFFECT ON STATE GOVERNMENT
   None. The proposed regulations would impose no additional costs upon the state. The fees imposed upon the
   publishers will cover the cost of the review incurred by the state.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS
   None. The proposed regulations have no impact on a state program with federal funding.

Signed by Linda Hakala, Consultant, Government Affairs Division, dated February 10, 2015

Signed by Monique Ramos, Director, Government Affairs Division, dated February 13, 2015
ITEM 27
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2016 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)
This agenda item is an update to inform the State Board of Education (SBE) and the public regarding comments received during the 45-day review period, recommend the approval of revisions that incorporate appropriate public comments, and recommend a new title for the Augmentation Document: "Integrating the California English Language Development (CA ELD) Standards into K–12 Mathematics and Science Teaching and Learning."

RECOMMENDATION
The State Superintendent of Public Instruction (SSPI) recommends the SBE approve on consent the revisions to the augmentation document to include the public comments received and recommends a new title for the augmentation document: "Integrating the CA ELD Standards into K–12 Mathematics and Science Teaching and Learning."

BRIEF HISTORY OF KEY ISSUES
The United States Department of Education requires states that receive Title III funds establish standards and objectives for raising the level of English proficiency (No Child Left Behind [NCLB] Section 3113[b][2]) of English learners. The standards are required to be aligned with achievement of the challenging State academic content and student academic achievement standards described in NCLB Section 1111(b)(1).

Pursuant to California Education Code (EC) Section 60811.4, the SSPI shall recommend to the SBE modifications to the CA ELD Standards adopted pursuant former Section 60811.3 to link with the California State Standards for Mathematics (CA SM) and the California State Standards in Science (CA SS).

The SSPI, in consultation with the SBE, appointed and convened a panel of experts to review the findings of the Correspondence Study in accordance to the requirements in
California *Education Code (EC)* Section 60811.4. The panel of experts convened on April 2, 2015, to review the findings in the Correspondence Study Report which included examples of the correspondence between the ELD standards and the academic content standards for mathematics and science. Consistent with the Correspondence Study findings, the expert panel agreed that the correspondence between the standards was strong but implicit and, therefore, recommended the integration be further developed to include examples to make the correspondence more explicit. The panel of experts convened on May 28, 2015, to review the edits made to the integration document and again recommended that the correspondence among the ELD and content standards be clearly stated to educators by providing examples and by making reference to the corresponding standards documents and the frameworks. The integration document may be able to assist test developers developing large-scale assessments based on the standards.

WestEd developed an integration document to the CA ELD Standards for mathematics and science based on the recommendations in the Correspondence Study Report and feedback from the panel of experts and the public. The California Department of Education (CDE) presented the Correspondence Study Report, the draft integration document, and a summary of the feedback from the panel of experts and public input to the SBE on July 8, 2015. The SBE approved the Correspondence Study Report and requested that the draft integration document be available for public review and comment for 45 days.

WestEd synthesized the feedback provided by the panel of experts, CDE staff, SBE members, and public comment and developed recommendations for revisions to the draft integration document. The summary of the comments from the 45-day public review and recommendations for revisions to the draft integration document (Attachment 1) details the feedback from the public that was incorporated in the revised document (Attachment 2), which is recommended for adoption.

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

**July 2015:** The SSPI recommended that the SBE approve the Correspondence Study Report and that the integration document to the CA ELD Standards for mathematics and science be open to review and public comment for 30 days and return for SBE approval. The SBE took action by approving the Correspondence Study Report and requested that the draft integration document to the CA ELD Standards for mathematics and science be available for public review and comment for 45 days. A summary of the public comments will be presented to the SBE in January 2016.

**April 2015:** The CDE informed the SBE of the process for recommendation and appointment of a panel of experts in consultation with SBE liaisons and approved by the SSPI.

**October 2014:** The CDE informed the SBE of AB 899 and the implementation timeline for completion of the correspondence of the CA ELD Standards to the CA SM and the CA SS.
FISCAL ANALYSIS (AS APPROPRIATE)

The Correspondence Study Report and Integration Documents are available only electronically. Funding was not allocated to print the documents. It is estimated it would cost $75,000 to print 10,000 copies. Funding was provided to contract with WestEd to conduct the analysis and for CDE to convene a Panel of Experts.

ATTACHMENT(S)

Attachment 1: Summary of Comments from the Public (A link from a CDE website) (69 pages)
http://www.cde.ca.gov/sp/el/er/documents/publiccomntsab899final.doc

Attachment 2: Revised Augmentation Document– Integrating the CA ELD Standards into K–12 Mathematics and Science Teaching and Learning (A link from a CDE website (369 pages)
http://www.cde.ca.gov/sp/el/er/documents/fnl1516agmnteldstndab899.doc
ITEM 28
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.

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.