California State Board of Education
Meeting Agenda Items for July 13-14, 2016
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.

5 CCR 18460
TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 2.

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

5 CCR 18463
EC 33031

WAIVER BY PRESIDING INDIVIDUAL

Section 3.

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

5 CCR 18464
EC 33031

ARTICLE VIII

Public Hearings: School District Reorganization

SUBMISSION OF PROPOSALS AND PETITIONS

Section 1.

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

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

CCR 18570

ARGUMENTS PRESENTED AT THE PUBLIC HEARING: ORIGINAL SUBMISSION

Section 2.

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

CCR 18571

RESUBMISSION OF THE SAME OR ESSENTIALLY IDENTICAL PROPOSAL OR PETITION

Section 3.

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

CCR 18572

ARTICLE IX

Public Records

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

GC 6250 et seq.

ARTICLE X

Parliamentary Authority

RULES OF ORDER

Section 1.

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

Section 2.

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

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

Section 4.

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

Section 5.

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

ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.

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

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

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

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

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

OTHER APPOINTMENTS

Section 2.

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

Section 3.

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

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

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

- a. The Advisory Commission on Special Education.
- b. The Instructional Quality Commission.
- 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>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
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Joint Powers Agreement Establishing the Far West Laboratory for Educational Research and Development, originally entered into by the State Board of Education on February 11, 1966, and subsequently amended

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<th>Status</th>
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<td>Amended</td>
<td>February 11, 1987</td>
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<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 July 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>
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<th>Schedule of Meeting</th>
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<tr>
<td>Wednesday, July 13, 2016 8:30 a.m. Pacific Time ±</td>
<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
</tr>
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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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<tbody>
<tr>
<td>Thursday, July 14, 2016 8:30 a.m. Pacific Time ±</td>
<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
</tr>
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</table>

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:
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, July 13, 2016

Wednesday, July 13, 2016 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

Call to Order
Saltue 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: California Assessment of Student Performance and Progress: Approve California Next Generation Science Standards Alternate Assessment Concept and Provide an Update on Program Activities Related to the California Assessment of Student Performance and Progress System.

Type of Action: Action, Information

For the Local Control Funding Formula/Accountability item (Item 2) and the Local Control and Accountability Plan Template item (Item 3), individual speakers will be limited to one minute each. A group of five speakers may sign up together and designate one speaker who will be allocated a total of three minutes for the group.

Item 02

Subject: Developing a New Accountability System: Update on the Local Control Funding Formula, including, but not limited to, Proposed Standards for the State Indicators, Options to Set Standards for all Local Control Funding Formula Priorities, Progress on the Evaluation Rubrics Prototype and Options to Meet State and Federal Accountability Requirements, Proposed Revisions to the Local Control and Accountability Plan Template, and Timeline for Transitioning to an Integrated Local, State, and Federal Accountability System.

Type of Action: Action, Information
Item 02 Addendum (Posted 07-Jul-2016)

Item 03

Subject: Update on the Proposed Revision of the Local Control and Accountability Plan Template, *California Code of Regulations*, Title 5, Section 15497.5.

Type of Action: Action, Information

Item 04


Type of Action: Action, Information

PUBLIC HEARING

The Public Hearing will commence no earlier than 3:00 p.m. on Wednesday, July 13, 2016. The Public Hearing listed below will be held as close to 3:00 p.m. as the business of the State Board permits.

After the 10 minute presentations provided by both the proponents and opponents, members of the public may provide comments. For the following public hearing item, individual speakers will be limited to one minute each.

Item 05

Subject: Flex Public Schools: Consider Issuing a Notice of Intent to Revoke Pursuant to California *Education Code* Section 47607(e).

Type of Action: Action, Information, Hearing

- Item 05 Attachment 1
- Item 05 Attachment 2
- Item 05 Attachment 3
- Item 05 Attachment 4
- Item 05 Attachment 5
- Item 05 Attachment 6
- Item 05 Attachment 7
- Item 05 Attachment 8
- Item 05 Attachment 9
- Item 05 Attachment 10
- Item 05 Attachment 11
- Accessible Alternative Version (AAV) of Item 05 Attachment 11
- Item 05 Attachment 12
- Accessible Alternative Version (AAV) of Item 05 Attachment 12
- Item 05 Attachment 13

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.

Federal Program Waiver (Carl D. Perkins Vocational and Technical Education Improvement Act)

Item W-01

Subject: Request by 10 school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Numbers:

- Big Valley Joint Unified School District Fed-10-2016
- Fort Sage Unified School District Fed-8-2016
- Maxwell Unified School District Fed-6-2016
- Port of Los Angeles High School Fed-9-2016
- Southern Trinity Joint Unified School District Fed-7-2016
- Stony Creek Joint Unified School District Fed-13-2016
- Surprise Valley Joint Unified School District Fed-14-2016
- Tulelake Basin Joint Unified School District Fed-12-2016
- Upper Lake Union High School District Fed-5-2016

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

Item W-02

Subject: Request by Folsom-Cordova Unified School District for a renewal to waive portions of California Education Code Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each ten school days for students in grades nine through twelve in order to implement a block schedule at Vista del Lago High School.

Waiver Number: 29-4-2016

(Recommended for APPROVAL) EC 33051(b) will apply

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

Item W-03

Subject: Request by Shasta County Office of Education for a renewal to waive California Code of Regulations, Title
Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Taylor Hanson to continue to provide services to students until June 30, 2017, under a remediation plan to complete those minimum requirements.

**Waiver Number:** 15-4-2016

(Recommended for APPROVAL WITH CONDITIONS)

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

**Item W-04**

**Subject:** Request by four local educational agencies to waive California Code of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

**Waiver Numbers:**

- El Centro Elementary School District 8-3-2016
- Hanford Elementary School District 12-3-2016
- Imperial County Office of Education 6-4-2016
- Imperial County Office of Education 7-4-2016
- South Bay Union School District 31-3-2016

(Recommended for APPROVAL WITH CONDITIONS)

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Administrator/Teacher Ratio (Administrator/Teacher Ratio in High School District)

**Item W-05**

**Subject:** Request by Upper Lake Union High School District to waive California Education Code Section 41402(b) and (c), the requirement which sets the ratio of administrators to teachers for unified school districts at eight for every 100 teachers, and for high schools at seven for every 100 teachers. Upper Lake Union High School District would like to have two full-time administrators with 14.5 teachers for the 2015–16 and four full-time administrators with 42 teachers for the 2016–17 school year.

**Waiver Number:** 9-3-2016

(Recommended for APPROVAL)

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Equity Length of Time

**Item W-06**

**Subject:** Request by 12 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:**

- Belleview Elementary School District 14-4-2016
- Brisbane Elementary School District 21-3-2016
Instructional Time Requirement Audit Penalty (Charter - Minimum Instructional Time)

**Item W-07**

**Subject:** Request by Edison Charter Academy under the authority of California *Education Code* Section 47612.6(a) to waive *Education Code* Section 47612.5(c), the audit penalty for offering reduced instructional time in second grade (shortfall of 6,170 minutes).

**Waiver Number:** 15-2-2016

(Recommended for APPROVAL WITH CONDITIONS)

Out-of-State Use of Funds and Transportation Allowances

**Item W-08**

**Subject:** Request by Siskiyou County Office of Education to waive a portion of California *Education Code* Section 35330(b)(3), to authorize expenditures of school district funds for students to travel to Oregon, to experience the Ashland Shakespeare Festival, Science Works Museum, and to tour Southern Oregon University.

**Waiver Number:** 20-3-2016

(Recommended for APPROVAL) EC 33051(b) will apply

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

**Item W-09**

**Subject:** Request by two school districts to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

**Waiver Numbers:**

- Huntington Beach City Elementary School District 18-4-2016
- Napa Valley Unified School District 23-3-2016

(Recommended for APPROVAL WITH CONDITIONS)
School Construction Bonds (Bond Indebtedness Limit - Non-Unified after 2000)

**Item W-10**

**Subject:** Request by Heber Elementary School District to waive California *Education Code* section 15102, to allow the district to exceed its bonded limit of 1.25 percent of the taxable assessed value of property. (Requesting 2.00 percent)

**Waiver Number:** 10-3-2016

*(Recommended for APPROVAL WITH CONDITIONS)*

School District Reorganization (Elimination of Election Requirement)

**Item W-11**

**Subject:** Request by Fullerton Joint Union High School District 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 Number:** 3-5-2016

*(Recommended for APPROVAL)*

School District Reorganization (Elimination of Election Requirement)

**Item W-12**

**Subject:** Request by Mendocino County Office of Education, on behalf of Mendocino-Lake Community College District, to waive California *Education Code* Section 74230, which requires an election for approval of a transfer of territory from Redwoods Community College District to Mendocino-Lake Community College District.

**Waiver Number:** 6-5-2016

*(Recommended for APPROVAL)*

School District Reorganization (Lapsation of a Small District)

**Item W-13**

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

**Waiver Number:** 30-3-2016

*(Recommended for APPROVAL)*

Schoolsite Council Statute (Number and Composition of Members)
**Item W-14**

**Subject:** Request by seven 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:**
- Big Lagoon Union Elementary School District 15-3-2016
- Colton Joint Unified School District 29-2-2016
- Cuyama Joint Unified School District 13-4-2016
- Del Norte County Unified School District 11-4-2016
- Newark Unified School District 19-3-2016
- Pacific Elementary School District 2-3-2016
- Pleasanton Unified School District 3-3-2016

(Recommended for APPROVAL WITH CONDITIONS)

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**Special Education Program (Algebra I Requirement for Graduation)**

**Item W-15**

**Subject:** Request by two local educational agencies to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2015–2016 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for nine special education students based on *Education Code* Section 56101, the special education waiver authority.

**Waiver Numbers:**
- Fresno Unified School District 17-3-2016
- Fresno Unified School District 30-2-2016
- Natomas Unified School District 28-3-2016

(Recommended for APPROVAL WITH CONDITIONS)

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**State Testing Apportionment Report**

**Item W-16**

**Subject:** Request by seven local educational agencies to waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 1225(b)(3)(A), regarding the California High School Exit Examination; or Title 5, Section 862(b)(2)(A) prior to February 2014, regarding the Standardized Testing and Reporting Program; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

**Waiver Numbers:**
- El Dorado Union High School District 17-4-2016
- Eureka City Schools District 21-4-2016
- Fairfield-Suisun Unified School District 12-4-2016
Charter School Program (Nonclassroom-Based Funding)

**Item W-17**

**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 a determination of funding request regarding nonclassroom-based instruction.

**Waiver Numbers:**

- Chawanakee Unified School District 24-4-2016
- Glenn County Office of Education 27-3-2016

(Recommended for APPROVAL)

Special Education Program (Resource Teacher Caseload)

**Item W-18**

**Subject:** Request by three local educational agencies under the authority of *California Education Code* Section 56101 and *California Code of Regulations*, Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

**Waiver Numbers:**

- Chico Unified School District 19-2-2016
- Pacifica School District 2-4-2016
- Pacifica School District 3-4-2016
- Pacifica School District 4-4-2016
- Poway Unified School District 4-3-2016
- Poway Unified School District 19-4-2016
- Poway Unified School District 20-4-2016

(Recommended for APPROVAL WITH CONDITIONS)

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

**Item W-19**

**Subject:** Request by San Luis Coastal Unified School District to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Kathryn Robasciotti to continue to provide services to students until June 30, 2016, under a remediation plan to complete those minimum requirements.
Waiver Number: 27-2-2016

(Recommended for DENIAL)

Special Education Program (Resource Teacher Caseload)

Item W-20

Subject: Request by Moreland School District under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100, to waive Education Code Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 1-4-2016

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

Item 06

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

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session Day 2

Thursday, July 14, 2016
Public notice is hereby given that special presentations for informational purposes may take place during this session.

AGENDA ITEMS

Agenda Items

Adjournment

AGENDA ITEMS DAY 2

PUBLIC HEARINGS

The Public Hearings will commence no earlier than 9:00 a.m. on Thursday, July 14, 2016. The first Public Hearing listed below will be held as close to 9:00 a.m. as the business of the State Board permits.

After the 10 minute presentations provided by both the proponents and opponents, members of the public may provide comments. For the following public hearing items, individual speakers will be limited to one minute each.

Item 07

Subject: History–Social Science Framework for California Public Schools, 2016 Revision: Public Hearing and Adoption.

Type of Action: Action, Information, Hearing

Item 08

Subject: Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Audeo Charter School II, which was denied by the Carlsbad Unified School District and the San Diego County Board of Education.

Type of Action: Action, Information, Hearing

Item 09


Type of Action: Action, Information, Hearing

Item 10


Type of Action: Action, Information, Hearing

Item 11

Subject: Rocketship Mt. Diablo: Consider a Material Revision of the Charter to Change Grade Levels Served in 2016–17 from Transitional Kindergarten Through Grade Five to Kindergarten Through Grade Two and Reduce Enrollment.
**Item 12**

**Subject:** Flex Public Schools: Hold a Public Hearing and Consider Revocation Pursuant to California *Education Code* Section 47607(e).

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

- [Item 12 Attachment 1](#)
- [Item 12 Attachment 2](#)

**END OF PUBLIC HEARINGS**

**Item 13**

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

**Type of Action:** Action, Information

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**Item 14**

**Subject:** Pupil Instruction: Courses Without Educational Content: Adopt Proposed *California Code of Regulations*, Title 5, Section 1700.

**Type of Action:** Action, Information

- [Item 14 Attachment 3](#)
- [Accessible Alternative Version (AAV) of Item 14 Attachment 3](#)

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**Item 15**

**Subject:** School Accountability Report Card: Approve the Template for the 2015–16 School Accountability Report Card.

**Type of Action:** Action, Information

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**Item 16**

**Subject:** Approval of 2015–16 Consolidated Applications.

**Type of Action:** Action, Information

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**Item 17**
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 18

Subject: 2017 History–Social Science Instructional Materials Adoption: Approval of the Schedule of Significant Events (Timeline) and the Application to Serve on the Review Panel (Application).

Type of Action: Action, Information

Item 19

Subject: Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Section 9517.3 for the History-Social Science Instructional Materials Adoption.

Type of Action: Action, Information

- Item 19 Attachment 4
- Accessible Alternative Version (AAV) of Item 19 Attachment 4

Item 20

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 21

Subject: Consideration of a Retroactive Request for Determination of Funding with “Reasonable Basis”/Mitigating Circumstances as Required for a Nonclassroom-based Charter School 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 22

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

Type of Action: Action, Information

Item 23

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

**Type of Action:** Information

**ADJOURNMENT OF MEETING**

This agenda is posted on the State Board of Education’s Web site at [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, with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, please submit these and any related materials to our office by 12:00 Noon on July 8, 2016, the Friday prior to the meeting. If you do not meet the deadline, please provide 25 copies to distribute at the meeting.
SUMMARY OF THE ISSUE(S)

This agenda item reflects the collaborative efforts of several divisions within the California Department of Education (CDE) to provide an update on the California Assessment of Student Performance and Progress (CAASPP) System and is an action item to seek approval of the concept for the California Next Generation Science Standards (CA NGSS) alternate assessment.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) approve the conceptual design for the CA NGSS alternate assessment and directs the CDE to implement the conceptual design for the 2016–2017 pilot administration.

BRIEF HISTORY OF KEY ISSUES

CURRENT HIGHLIGHTS

This new section to the CAASPP update item is designed to provide highlights about recently completed assessment projects and activities that directly support local educational agencies (LEAs) and other stakeholders.

- Student scores for the Smarter Balanced Summative Assessments continued to be delivered to LEAs within a three week timeframe throughout the spring test administration.

- The CDE, along with its testing contractor, conducted 11 regional post-test workshops and a Webcast for local educational agency (LEA) teams. This year, the post-test workshop focused specifically on connecting the summative assessment data to teaching and learning. In contrast to previous years’ post-test workshops, “Connecting Assessment to Instruction” has been designed on the
premise that multiple staff within the LEA will be responsible for sharing how the summative assessment data are best and most effectively used. The meetings were dynamic, with time provided for LEA teams to interact with materials, ask questions of experts, and plan next steps. Over 1,000 registered participants attended the day long training, which was also archived on the CAASPP.org Portal under the training tab for the current administration at http://www.caaspp.org/training/caaspp/index.html and made available for LEAs who were unable to attend.

- The CDE is proposing an innovative approach to the CA NGSS alternate assessment. The concept allows for authentic assessment that is embedded within the CA NGSS alternate assessment curriculum. This is an action item that will be expanded upon later in this item.

**Update on Smarter Balanced Summative Assessments**

*Public Reporting Web Site—Redesigned*

The redesigned CDE CAASPP public reporting Web page is scheduled to be released in August. The Web page now has the capacity to add new assessments, such as the California Alternate Assessments (CAAs) for this year, and other assessments currently under development, such as science and primary language. The Web page also offers the following additional features which will allow users to:

- View results for both 2014–15 and 2015–16 school years to see progress over two years.
  - Overall student progress can be viewed at statewide, county, LEA or school levels as well as by subgroups.

- View aggregate reports of up to three entities (i.e., statewide, county, LEA, or school) side by side.
  - While results can be viewed by entities side by side within a single year, caution is recommended in making comparisons of the summary results or achievement levels unless the entities have a similar student demographic profile.

**New Test Score Guide Web Page Now Available**

The Smarter Balanced Assessment Consortium developed, in collaboration with the CDE, a Test Score Guide Web page that was launched on June 13, 2016. On this new interactive Web page, located at http://testscoreguide.org, parents can look up information related to their child’s performance on the Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics. Parents can use the information from the CAASPP Student Score Report (SSR) to understand what an overall score means as well as how well a student performed in specific areas or claims. Several sample test items are currently available for both mathematics and ELA.
that reflect the types of items that may be encountered by a student who scored at a particular achievement level for a particular grade.

The new Web page:

- Explains the knowledge and skills that are expected at each grade level by subject area.
- Explains how student performance by claim and subject area is reported.
- Provides sample items that are associated with a particular achievement level by subject area.

Resources for the Smarter Balanced Assessments Posted

Teacher Guides to the Smarter Balanced Assessments (Teacher Guides) were posted in June 2016, and can be found on their Web page at: http://www.cde.ca.gov/ta/tg/ca/sbteacherguides.asp.

The Teacher Guides for ELA and mathematics are designed to assist teachers in understanding, interacting with, and utilizing the Smarter Balanced assessments (i.e., both interim and summative assessments), and thereby to serve as a bridge between the assessments and their corresponding instructional frameworks. The Teacher Guides are available for grades three through five, grades six through eight, and grade eleven. The Teacher Guides were created in collaboration with WestEd, and included input from the California Teachers Association and the California Federation of Teachers. The Guides are available on the CDE CAASPP Web page under the Teacher Tab at http://www.cde.ca.gov/ta/tg/ca/sbteacherguides.asp.

Additional resources for parents and students can also be found on the CDE CAASPP Student Score Report Information Web page at http://www.cde.ca.gov/ta/tg/ca/caasppssrinfo.asp. Some of the additional resources found on the CAASPP Student Score Report Information Web page include: (1) sample student score reports in both English and Spanish, (2) brief videos in English and Spanish that highlight the features of the student score report, and (3) a two page informational flyer called Understanding Your Student Score Report that is available in English, Spanish and seven other languages.

Student Progress

The Assessment Development and Administration Division is continuing to explore options for modifying the 2016–17 CAASPP SSR to include more information on student progress. Please note how student progress is displayed is independent from how student growth is measured and incorporated in an accountability system. Our goal is to display student results in a clear and user-friendly format to allow easy access for students, parents, educators, and other stakeholders. In April 2016, the CDE prepared an Information Memorandum to the SBE describing this approach. We will continue to
provide progress reports to the SBE and propose the revised draft student score report to the SBE in the fall of 2016–17.

Peer Review Update

On June 11, 2016, the CDE sent in its submission of evidence to the U.S. Department of Education (ED) Peer Review of Standards and Assessment Systems. The submission included information documenting the procedures used to administer, score, and report the results of the Smarter Balanced assessments in ELA and mathematics. The submission included over 200 documents including samples of training videos, administration manuals, technical reports, and reporting materials. CDE should receive feedback on the submission in late July. Additional tests, such as the CAAs for ELA and mathematics, that are used to meet federal obligations will be submitted one year after they are operational.

The peer review process is ongoing and iterative. After review by the ED, the CDE and Smarter Balanced will receive feedback from the ED that may include requests for additional evidence. Also, each component of the CAASPP System used to meet federal requirements will need to go through peer review in the year following the first operational administration. The CAAs first operational administration was in the spring of 2016, so peer review evidence will be assembled for submission in the spring of 2017. The new science assessments will also need to undergo peer review once they have been administered operationally.

Smarter Balanced Digital Library Update

On June 15–17, 2016, the CDE hosted a collaboration workshop for California members of the Digital Library State Network of Educators (SNE). Thirty-three California educators, nine CDE staff, and two Smarter Balanced staff participated in this workshop. The focus of the workshop was on developing and vetting formative assessment resources for the Digital Library and on identifying Digital Library resources to support educators in using the Smarter Balanced Interim Assessments. These Digital Library resources will be made available on the CDE Web site in late summer.

Interim Assessments Update for the 2016–17 School Year

The CDE will make available approximately 11 new mathematics and 18 new ELA IABs in the 2016–17 school year. The 2016–17 school year interim assessments are expected to be available at the beginning of September.

<table>
<thead>
<tr>
<th>Grade</th>
<th>English Language Arts</th>
<th>Mathematics</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Language and Vocabulary Use Revision*</td>
<td>Number and Operations in Base 10</td>
</tr>
<tr>
<td></td>
<td>Language and Vocabulary Use Editing*</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Language and Vocabulary Use Revision*</td>
<td>Geometry</td>
</tr>
<tr>
<td></td>
<td>Language and Vocabulary Use Editing*</td>
<td>Measurement and Data</td>
</tr>
<tr>
<td>5</td>
<td>Language and Vocabulary Use Revision* Editing*</td>
<td>Geometry Operations and Algebraic Thinking</td>
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<tr>
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</tr>
<tr>
<td>6</td>
<td>Language and Vocabulary Use Revision* Editing*</td>
<td>The Number System Statistics and Probability</td>
</tr>
<tr>
<td>7</td>
<td>Language and Vocabulary Use Revision* Editing*</td>
<td>Geometry Statistics and Probability</td>
</tr>
<tr>
<td>8</td>
<td>N/A</td>
<td>Expressions and Equations II</td>
</tr>
<tr>
<td>High School</td>
<td>Language and Vocabulary Use Revision* Editing*</td>
<td>Statistics and Probability</td>
</tr>
</tbody>
</table>

*The 2015–16 Edit/Revise IAB has been separated into two IABs.


**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. As of May 2016, 74 sites from the first round of funding have been completed, with data passing through the circuits. There are 17 sites with circuits installed waiting for equipment, and 75 sites with work in progress. Two sites are pending and three are proceeding with solutions procured through the second round of funding. In total, 156 unique sites are moving forward in the second round of BIIG funding.

Additional information about the status of the remaining sites receiving upgraded connections from BIIG 1.0 is available on 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 directly into a Web browser.)

Twenty-nine sites were approved to use paper-based versions of the CAASPP for the 2016 administration. As of May 2016, 70 LEAs have requested braille paper-based versions of the Smarter Balanced Summative Assessments for the 2016 or 2017 administration.
California Alternate Assessment for Science Concept

This item seeks direction for the CDE to develop an embedded performance tasks design plan for the California Alternate Assessment for Science (CAA for Science), as well as conduct the 2017 pilot.

Educational Testing Service (ETS) provided three options for the CDE’s consideration in the development of the new CAA for Science (see Attachment 2). These options included:

- Multi-stage, adaptive, on-demand assessment
- Linear, on-demand assessment
- Embedded performance tasks

In processing/developing the options, the CDE sought input from members of the Advisory Committee on Special Education, the CAASPP Stakeholder Group, the Special Education Administrators of County Offices, Special Education Local Plan Area Directors, ETS NGSS Design Team, California Science Teachers Association (CSTA), and California Alliance for Next Generation Science Standards (Alliance) to develop a plan for the CAA for Science. On June 13, 2016, the CDE cohosted a meeting on the conceptual design with representatives of the Alliance and CSTA. This meeting allowed for a deeper discussion on the potential benefits of a design that moves an assessment as close to CA NGSS instruction as possible and continues to encourage science instruction in all grades for all students.

In response to this input, the CDE is proposing the development of a collection of embedded performance tasks for the CAA for Science. This authentic assessment approach is being recommended because it: (1) provides meaningful information to both students and educators, (2) supports and promotes the transition to the new science standards, (3) embeds an assessment event into instructional practice, and (4) is developmentally appropriate.

ETS, the current contractor for the CAASPP System, is responsible for developing the CAA for Science. The Concept Paper: California Alternate Assessment for Science (Attachment 2), represents the concept the CDE is currently recommending for eligible students with significant cognitive disabilities. The proposed timeline in the chart below provides an extra year to pilot this new approach.

<table>
<thead>
<tr>
<th>Year</th>
<th>CAA for Science</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Pilot test</td>
</tr>
<tr>
<td>2018</td>
<td>Pilot test</td>
</tr>
<tr>
<td>2019</td>
<td>Field test</td>
</tr>
<tr>
<td>2020</td>
<td>Operational test</td>
</tr>
</tbody>
</table>
If this conceptual design is approved, this action would direct the CDE to begin the work of developing a high-level test design, as well as begin the development of materials for the 2017 pilot. The test design would deliberately take into consideration the feasibility from the perspectives of the state and educators.

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

In May 2016, the CDE provided the SBE with an update on the CAASPP activities and approved both the 2015–16 CAASPP CAA SSR templates and the proposed CAA performance level descriptors ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item07.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item07.doc)). In addition, the SBE approved two letters to the ED requesting a waiver (under Title 1, part A, Section 8401) to waive the:

- Double testing of the science requirement ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item08.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item08.doc))

In March 2016, the SBE approved the development of three online CA NGSS summative assessments to meet the requirements of the federal Every Student Succeeds Act and California Education Code (EC) Section 60640(b)(2)(B) consistent with the proposed test design in grades five and eight and high school ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item02.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item02.doc)). In addition, the CDE provided the SBE with an update on the CAASPP activities ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item03.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item03.doc)).

In January 2016, the CDE provided the SBE with an update on the CAASPP activities ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item03.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item03.doc)). In addition, the CDE presented the CAASPP SSRs for approval ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item04.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item04.doc) and [http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item04a1.pdf](http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item04a1.pdf)). Lastly, the SBE approved the general performance level descriptors for the CAAs ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item06.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item06.doc)).

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 CAASPP System ([http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-avad-dec15item01.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-avad-dec15item01.doc)) and an Update on the Successor Primary Language Test ([http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-avad-dec15item02.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-avad-dec15item02.doc)).

In November 2015, the CDE provided the SBE with an update on the various CAASPP activities including the enhancements to the test delivery system, regional trainings held throughout the state, ([http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc](http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc)) 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/nov15item03a1.pdf).

In October 2015, the CDE provided the SBE with two Information Memoranda on the Summary of Post-Test Survey and Focus Group Results from the 2015 CAASPP Administration of the Smarter Balanced Online Assessments (http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item02.doc) and the California Assessment of Student Performance and Progress: Annual Assessment Results for 2014–15 (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 ELA 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).


FISCAL ANALYSIS (AS APPROPRIATE)

The costs for reporting CAASPP results to LEAs for the 2015–16 through 2017–18 test administrations, including the development and distribution of CAASPP SSRs 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.

The 2015 Budget Act provides $50 million for the 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 CAA for Science and primary language assessments.
• 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) was approved by the SBE for a multiyear independent evaluation of the CAASPP System per requirements in California EC Section 60649.

• A contract with the Sacramento County Office of Education ($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. The proposed Governor’s budget for 2016–17 includes $93.03 million for ongoing costs for the CAASPP contracts listed above. However, the proposed budget does not include ongoing funding for the Senior Assessment Fellows’ services.

ATTACHMENT(S)

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

Attachment 2: Concept Paper: California Alternate Assessment for Science (10 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, has provided a variety of outreach activities to prepare local educational agencies (LEAs) for the administration of the 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 May and June 2016. In addition, the CDE continues to release information regarding the CAASPP System, including weekly updates, on its Web site and through listserv e-mail.

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Concept Paper:
California Alternate Assessment for Science
Contract #5417

Prepared for the California Department of Education by Educational Testing Service
Presented June 6, 2016

ETS
Measuring the Power of Learning™
Table of Contents

Section 1   Background ........................................................................................................................................... 3
Section 2   Assessment Options .......................................................................................................................... 4
Section 3   Embedded Performance Tasks ........................................................................................................... 6
Section 4   Benefits and Challenges of Embedded Performance Assessments ..................................................... 9
Appendix A: References ..................................................................................................................................... 10

List of Tables

Table 1. Typical Division of Responsibilities Associated with Embedded Performance Assessment Systems ....... 8
Section 1 Background

The term alternate assessment typically refers to an assessment of academic performance that is designed specifically for students with significant cognitive disabilities. James Ysseldyke, who is thought to have first used the term in this context in the 1990s, defined alternate assessment as “any assessment that is a substitute way of gathering information on the performance and progress of students who do not participate in the typical state assessment used with the majority of students who attend school” (Ysseldyke, Olsen, & Thurlow, 1997).

Since that time, considerable attention has been devoted to improving the design, development, and implementation of alternate assessments. Research and development in this area reveal that successful implementation of alternate assessments requires balancing the standardization of system components with the necessary and appropriate flexibility to accommodate the particular needs of students with significant cognitive disabilities.
Section 2 Assessment Options

As the California Department of Education (CDE) launches development of its new California Alternate Assessment for Science (CAA for Science), it has considered a range of options for how students with significant cognitive disabilities may be most appropriately assessed on the California Next Generation Science Standards (CA NGSS.) These options include:

- **A collection of embedded performance tasks**: This model of assessment evaluates student performance on the basis of a body of a student’s work that is collected over time, typically by the student’s classroom teacher. Please see additional details in Section 3 below.

- **Multistage, adaptive, on-demand assessment**: This type of assessment presents a student with questions that vary in difficulty according to the student’s ability. The student’s responses to questions in the first stage of the test are used to determine whether questions presented subsequently will become progressively easier or more difficult. The student responds to questions on demand within one or more test administration sessions that occur within a pre-established testing window. This assessment model is used for the California Alternate Assessments for English language arts/literacy and mathematics.

- **Linear, on-demand assessment**: In this model, the student is presented with a fixed set of questions that are presented in the same order to all students (i.e., ordered by the difficulty of the questions). Starting points and stopping points may be used to eliminate questions that may be too easy or too difficult and, therefore, have little or no measurement value. The student responds to questions on demand within one or more test administration sessions that occur within a pre-established testing window.

The CDE has considered each of these options in consultation with Educational Testing Service, California educators, and others with expertise in serving students with significant cognitive disabilities. For each of these options, the CDE evaluated the extent to which each option has the potential to:

1) provide meaningful information to both students and educators;
2) support and promote educators’ implementation of the CA NGSS;
3) integrate assessment into instructional practice; and
4) maximize developmental appropriateness.

Based on the CDE’s evaluation of these options, it has determined that an alternate assessment based on a collection of embedded performance tasks appears best suited to serve as the basis for the CAA for Science.

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1 Sometimes referred to as portfolio assessments.
This particular assessment model offers tremendous promise. In cases where implementation has been particularly successful, alternate assessments based on a collection of embedded performance tasks (sometimes referred to as portfolio assessments) have been shown to leverage higher academic learning expectations for this population of students while promoting enhanced curricular and instructional supports for teachers (Gong & Marion, 2006).

The assessment is to be based on the CA NGSS Core Content Connectors (Connectors), which have been developed to represent the CA NGSS with appropriate levels of challenge and rigor for this population of students. Even though the Connectors represent alternate achievement standards, it is expected that they may pose a considerable academic challenge for many of the students in this population. An assessment based on a collection of embedded performance tasks allows students to demonstrate their content knowledge and skills over the course of time in an environment that is minimally burdensome and minimally stressful to students. The state’s relatively small population of students with significant cognitive disabilities who are eligible for an alternate science assessment at grades three, five, and high school (~15,000) also make the use of this assessment model practically and fiscally viable.
Section 3 Embedded Performance Tasks

Embedded performance tasks may be collected through: (1) locally developed classroom tasks/assignments that are aligned with state assessment academic objectives; (2) state-developed classroom tasks/assignments that are aligned with state assessment academic objectives; or (3) a combination of these two approaches. In each approach, the California assessment academic objectives would be linked to the California Next Generation Science Standards (CA NGSS) by the Core Content Connectors (Connectors). The specification of performance expectations (PEs) and Connectors, for which evidence of student performance would be collected, is akin to a traditional assessment blueprint.

Typically, work products included in an embedded performance assessment are sampled at particular intervals as specified by the state, and are administered and recorded by the student’s primary teacher. Student responses to embedded performance tasks, similar to the contents of a student portfolio, are typically scored according to state-defined scoring criteria, usually through the application of a scoring rubric to the varying samples of student work (Roebuck, 2002).

There are a variety of models for scoring student responses to embedded performance tasks, ranging from fully centralized systems to those where all student responses are exclusively scored locally. A mixed model, which relies primarily on local scoring with state-audited scores (e.g., 10 percent read-behinds), has proven an effective means of helping teachers integrate instruction and assessment goals and activities for their students while also providing external validation of results.

The evaluation of the student’s body of work is usually based, minimally, on completeness and accuracy. In one example of a state-mandated alternate portfolio program, a student’s body of work is evaluated on the basis of five characteristics:

- completeness of materials submitted;
- demonstration of the level of complexity at which the student addresses the learning standards in each content area;
- demonstration of the accuracy of the student’s responses and performance on each product;
- evidence of the degree of independence the student demonstrated in performing each task or activity; and
- evidence of the student’s ability to make decisions and/or self-evaluate as he or she engages in a task or activity (Massachusetts Department of Education, 2002).

Professional development is an especially important component of successful implementation of embedded performance assessment systems. In particular, teachers typically require training in the following areas:

- the state’s assessment blueprint and associated content standards (i.e., PEs and Connectors)
• sample instructional modules and embedded performance tasks associated with target standards (i.e., Connectors); and

• the process of scoring student responses on the basis of established criteria to support score accuracy and reliability.

While there are a variety of effective models for delivering training and technical support to teachers, a model that has proven to be particularly practical and effective for many states, including California, is a train-the-trainer model.

Table 1 on the next page lists some of the major components and activities associated with a state assessment system based on a collection of embedded performance tasks, and shows the typical division of responsibilities between the state and schools/teachers.
Table 1. Typical Division of Responsibilities Associated with Embedded Performance Assessment Systems

<table>
<thead>
<tr>
<th>No.</th>
<th>Major Component or Activity</th>
<th>Entity Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Establish content standards (i.e., Connectors) for which student work must (minimally) be collected (i.e., embedded performance assessment blueprint).</td>
<td>X</td>
</tr>
<tr>
<td>2.</td>
<td>Establish protocols for teachers to collect and store student responses, and for their submission to the state at the end of the school year.</td>
<td>X</td>
</tr>
<tr>
<td>3.</td>
<td>Provide examples of model instructional units with associated classroom assignments based on the Connectors required by the embedded performance assessment blueprint.</td>
<td>X</td>
</tr>
<tr>
<td>4.</td>
<td>Provide training that will help teachers integrate instructional activities with the collection of evidence of student performance required by embedded performance tasks/assignments.</td>
<td>X</td>
</tr>
<tr>
<td>5.</td>
<td>Participate in state and local training and professional development activities provided to support the use of embedded performance tasks/assignments.</td>
<td>X</td>
</tr>
<tr>
<td>6.</td>
<td>Provide ongoing training, professional development, and technical support to aid teachers with all facets of the system. (This may be offered through a train-the-trainer approach.)</td>
<td>X</td>
</tr>
<tr>
<td>7.</td>
<td>Provide criteria (e.g., scoring rubrics, annotated student responses, anchor papers) for scoring student responses and for evaluating the student responses to embedded performance tasks/assignments.</td>
<td>X</td>
</tr>
<tr>
<td>8.</td>
<td>Score student work and log scores according to state protocol.</td>
<td>X</td>
</tr>
<tr>
<td>9.</td>
<td>Audit local scoring by conducting read-behinds and evaluating the authenticity of the source of work samples submitted.</td>
<td>X</td>
</tr>
<tr>
<td>10.</td>
<td>Establish metrics for reporting student performance.</td>
<td>X</td>
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</table>
Section 4 Benefits and Challenges of Embedded Performance Assessments

**Benefits**

Some of the major benefits of an assessment system for students with significant cognitive disabilities that is based on a collection of embedded performance tasks are listed below.

Embedded performance assessments:

- provide an opportunity for students to demonstrate, in real time, concrete evidence of knowledge, skills, and abilities through classroom work samples based on state assessment academic objectives specified by the embedded performance assessment blueprint;

- allow for individualized instruction and classroom work assignments to be integrated with summative assessment goals and outcomes;

- build on the principles of universal design for learning;

- offer the least restrictive environment possible for teachers/students to select/produce evidence in a variety of instructional settings, from inclusive general education to self-contained, special day class–settings;

- generate data that can be used by educators to improve teaching and student learning outcomes;

- allow for a process that is minimally burdensome and typically less stressful for students than on-demand assessments; and

- support teachers in delivering challenging, yet developmentally appropriate, academic content to their students.

**Challenges**

Some of the challenges associated with the development and implementation of embedded performance assessments are listed below.

- Depending on the particulars of implementation, some educators may see the use of embedded performance tasks as distinct from the instructional process and, therefore, as additional work. Successful implementation typically requires significant, long-term investment in professional development to build educators’ understanding of and support for the system.

- Scoring and professional development activities can be costly. Care must be taken to adopt models that maximize cost-effectiveness.

- States and testing vendors must be diligent in ensuring the technical integrity of the results of this assessment model. This can be done, in part, by standardizing, to the greatest extent possible, key components, such as content representation requirements and validation of score accuracy and reliability.
Appendix A: References


Massachusetts Department of Education. (2002). Requirements for the participation of students with disabilities in MCAS, including test accommodations and alternate assessment. Malden: The Commonwealth of Massachusetts.


CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

SUBJECT

Developing a New Accountability System: Update on the Local Control Funding Formula, including, but not limited to, Proposed Standards for the State Indicators, Options to Set Standards for All Local Control Funding Formula Priorities, Progress on the Evaluation Rubrics Prototype and Options to Meet State and Federal Accountability Requirements, Proposed Revisions to the Local Control and Accountability Plan Template, and Timeline for Transitioning to an Integrated Local, State, and Federal Accountability System.

SUMMARY OF THE ISSUE(S)

California’s new accountability and continuous improvement system will build on the foundations of the Local Control Funding Formula (LCFF). This item is the ninth in a series of regular updates on California’s progress towards transitioning to an integrated local, state, and federal accountability and continuous improvement system based on multiple measures, as defined by the LCFF.

RECOMMENDATION

Staff recommend that the SBE take the following action related to the design of the LCFF evaluation rubrics:

1. Approve a measure of college and career readiness, as specified in Attachment 1, including:
   a. Adopting the College and Career Indicator (CCI), which combines Grade 11 test scores on English Language Arts (ELA) and Math and other measures of college and career readiness, as a state indicator (formerly called “key indicators”);¹

¹ A June 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item01.doc) updated the terminology on indicators, replacing the term “key” indicator with “state” indicator and replacing the term “associated” indicator with “local” indicator (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item02.doc). Staff believe that these changes provide user-friendly terms that more accurately reflect the specific intended uses of the state indicators and reinforce the importance of the remaining indicators, now referred to as local indicators, and the expectation that they will continue to be used locally, including in the LCAP and Annual Update process.
b. Using the CCI to establish standards for Priority 7 (Access to Broad Course of Study) and Priority 8 (Outcomes in a Broad Course of Study) based on the approved methodology of calculating performance for state indicators;

c. Modifying the state indicator for student test scores on ELA and Math (Priority 4 – Pupil Achievement), approved at the May 2016 Board meeting, to remove the Grade 11 scores, in order to avoid double-counting those test scores in two state indicators; and

d. Directing staff to prepare a recommendation for the September 2016 Board meeting on the final technical specifications for the CCI.

2. Approve a methodology for establishing standards, as specified in Attachment 2 for:


   b. Priority 2 (Implementation of State Academic Standards),

   c. Priority 3 (Parent Engagement),

   d. County Office of Education (COE) Priority 9 (Coordination of Services for Expelled Students), and

   e. COE Priority 10 (Coordination of Services for Foster Youth).

3. Approve inclusion of a standard for the use of local climate surveys to support a broader assessment of performance on Priority 6 (School Climate), as specified in Attachment 2.

4. Approve inclusion of an Equity Report, which identifies instances where any student subgroup is in the two lowest performance categories (currently Red or Orange) on a state indicator, within the top-level summary data display, as specified in Attachment 4.

**BRIEF HISTORY OF KEY ISSUES**

The LCFF evaluation rubrics will support the accountability processes that are taking place at the local level through the Local Control and Accountability Plan (LCAP) and Annual Update. The LCFF evaluation rubrics development coincides with the revisions to the LCAP and Annual Update template [http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc) and the development of the Every Student Succeeds Act (ESSA) State Plan [http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item05.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item05.doc).

The SBE will take action to adopt the initial phase of the LCFF evaluation rubrics at the September 2016 meeting. The SBE anticipates that the LCFF evaluation rubrics will evolve through the first couple of years of implementation.

Attachment 1 provides an overview of the proposed standards for graduation rate, scores on the California Assessment of Student Performance and Progress (CAASPP),
suspension rates, progress of English learners toward English proficiency, and college and career readiness.

Attachment 2 summarizes the options for proposed standards for the LCFF priorities not addressed by the approved state indicators.

Attachment 3 presents an overview of the LCFF evaluation rubrics and the draft statements of model practices.

Attachment 4 recommends specific design concepts for the top-level data display as part of the draft rubrics prototype.

Attachment 5 contains *Education Code (EC)* sections referencing the LCFF.

Due to the SBE’s anticipated approval of the initial phase of the evaluation rubrics and adoption of a revised LCAP and Annual Update template in September 2016, a timeline for the integrated local, state, and federal accountability and continuous improvement system is not included in this item. An updated timeline of activities that will occur beyond September 2016 will be included in the September 2016 item on accountability.

The decision points and recommendations in this item were informed by stakeholder input, including the California Practitioners Advisory Committee (CPAG). The CPAG met on June 22 to provide feedback on the following topics:

- Standards for graduation rate, scores on the CAASPP, suspension rates, progress of English learners toward English proficiency, and college and career readiness (Attachment 1);
- Options for setting standards for the LCFF priorities that are not addressed by the state indicators (Attachment 2); and
- Example top-level data display for the LCFF evaluation rubrics (Attachment 4).

CDE staff will present the final recommended cut scores and standards for each of the state indicators at the September 2016 Board meeting.

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

In June 2016, the SBE received the following information memoranda:

- A summary of the decisions on accountability and continuous improvement that were approved at the May 2016 meeting ([http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item01.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item01.doc))
- Draft statements of model practices ([http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item02.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item02.doc))
In May 2016, the SBE approved a design for the LCFF evaluation rubrics that includes:

- A set of state indicators; a methodology for calculating performance as a combination of status and change\(^2\) for the state indicators in order to differentiate performance at the LEA and school levels, and for student subgroups; a component that supports the use of local data; and concepts for a top-level display. The SBE also directed staff to prepare a recommendation for the July 2016 Board meeting for establishing standards for the LCFF priorities that are not addressed by the state indicators and options for incorporating college and career readiness, local climate surveys, and an English learner composite into the overall LCFF evaluation rubrics design (http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item02revised.doc).

In April 2016, the SBE received the following information memoranda:

- A summary of the decisions on accountability and continuous improvement that were approved at the March 2016 meeting (http://www.cde.ca.gov/be/pn/im/documents/memo-amard-apr16item01.doc).
- Further analysis on potential key indicators (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item02.doc).
- Additional analysis on the graduation rate to inform the methodology to set standards for performance and expectations for improvement (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc).

In March 2016, the SBE reviewed the proposed architecture of the single, coherent accountability and continuous improvement system and options for developing a concise set of state indicators for accountability and continuous improvement purposes. The SBE took action to direct staff to proceed with further analysis and design work to develop a complete draft of the LCFF evaluation rubrics prototype (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc).

In February 2016, the SBE received a series of information memoranda on the following topics:

- Updated timeline that details the proposed transition to the new accountability and continuous improvement system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item01.doc).
- Common terminology and definition of terms used to describe the proposed architecture for the new accountability and continuous improvement system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item02.doc).
- Draft architecture that clarifies how the pieces of the emerging, integrated accountability system will fit together (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item03.doc).

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2 Prior materials have also used the terms “outcome” and “improvement” in describing the methodology. Staff received feedback that the term “improvement” can be confusing, because there may be declines over time. Staff will present final proposed terminology on all aspects of the evaluation rubrics at the September 2016 Board meeting.
Further analysis on the graduation rate indicator to illustrate potential standards (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item04.doc).

Options for key indicators that satisfy the requirements of the LCFF and ESSA (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc).


**FISCAL ANALYSIS (AS APPROPRIATE)**

The 2016-17 state budget includes $71.9 billion in the Proposition 98 Guarantee. This includes an increase of more than $2.9 billion to support the continued implementation of LCFF and builds upon the investment of more than $12.8 billion provided over the last three years. This increase will bring the formula to 96 percent of full implementation.

**ATTACHMENT(S)**

Attachment 1: Proposed Standards for Graduation Rate, scores on the California Assessment of Student Performance and Progress, Suspension Rates, Progress of English learners Toward English Proficiency, and College and Career Readiness (6 Pages)

Attachment 2: Proposed Standards for the Local Control Funding Formula Priority Areas Not Addressed by the Approved State Indicators (6 Pages)

Attachment 3: Additional Components of the Local Control Funding Formula Evaluation Rubrics–Draft Statements of Model Practices (4 Pages)

Attachment 4: Additional Components of the Local Control Funding Formula Evaluation Rubrics–Top-Level Summary Data Display (2 Pages)

Attachment 5: California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052 (15 Pages)
Proposed Standards for Graduation Rate, Scores on the California Assessment of Student Performance and Progress, Suspension Rates, Progress of English Learners Toward English Proficiency, and College and Career Readiness

At the May 2016 State Board of Education (SBE) meeting, the Board approved the methodology for calculating performance for state indicators within California’s accountability and continuous improvement system. The adopted methodology uses equally weighted percentile cut scores for status and change to determine a performance category for each state indicator. It applies to all local educational agencies (LEAs), including charter schools and county offices of education, and to individual school sites, as required by federal law, and presents performance data disaggregated by student subgroups.

This methodology will support local improvement efforts, in conjunction with the annual Local Control and Accountability Plan (LCAP) and Annual Update process, by providing clear and transparent information for decision makers and stakeholders. The performance categories will assist county superintendents, the Superintendent of Public Instruction/California Department of Education and/or the California Collaborative for Educational Excellence in determining which LEAs and schools are eligible for assistance, support, and more intensive state intervention as provided under the Local Control Funding Formula and the federal Every Student Succeeds Act.

Methodology

“Status” is determined using the current year performance (i.e., current year graduation rate) and “Change” is the difference between performance from the current year and the prior year, or between the current year and a multi-year average (i.e., the difference between the current year graduation rate and the three-year average). To determine the percentile cut scores for “Status” for each state indicator, LEAs and schools were categorized from highest to lowest, and four cut points within the distribution were selected. These cut points created five “Status Levels” (very high, high, median, low, and very low).

For “Change” cut scores, LEAs and schools were categorized into two different distributions, one where there was positive change and one where there was negative change. Four cuts points were selected to create five “Change Levels” (improved significantly, improved, maintained, decreased, and decreased significantly). Combining the results of both “Status” and “Change” results in a “Performance Category,” represented by a color (e.g., red, orange, yellow, green, or blue).

More detail about the methodology is available from materials presented at the June 22, 2016 meeting of the California Practitioners Advisory Group (CPAG):
- http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-jun16item01.doc;
State Indicators

At the May 2016 SBE meeting, the Board approved the following state indicators:

- Graduation Rate
- Academic Indicator (initially based on student test scores on English Language Arts (ELA) and Math for grades 3-8 and grade 11)
- Suspension Rate by Grade Span
- Progress of English Learners Toward Proficiency

The Board directed California Department of Education (CDE) staff to consider a composite measure for English learner progress that would include English language acquisition, reclassification rates, and long-term English learner (LTEL) rates. In addition, the Board requested that CDE staff explore options for a College and Career Indicator (CCI). CDE staff identified a composite English Learner Indicator (ELI) and CCI, which are valid and reliable and can be analyzed using the approved methodology.

English Learner Indicator (ELI). The CDE received input from the Bilingual Coordinator’s Network (BCN) and the Technical Design Group (TDG) to develop the proposed ELI. The BCN and TDG support having the new accountability measure hold LEAs and schools accountable for moving students up one performance level each year on the English language test. Additionally, the BCN and TDG support dividing the current language test into six performance levels (instead of the five levels) for accountability purposes only. Using six performance levels acknowledges the substantial growth students make due to the large range of scores in the California English Language Development Test (CELDT) intermediate level. When the new English Language Proficiency Assessments for California (ELPAC) becomes operational, the ELI will continue to have six performance levels using scale scores, if deemed appropriate. Because this approach works for both the CELDT and the ELPAC, it will support continuity for accountability purposes as the state shifts from using the CELDT to the ELPAC in 2018-19.

The TDG also recommended the incorporation of reclassification rates in the proposed ELI, and limit LTEL data to the LEA level, when the data becomes available. (Note: In 2015, legislation substantially changed the definition of LTEL. Therefore, the 2015–16 LTEL data is not comparable to the prior two years of data.) The CDE, in partnership with the California Comprehensive Center at WestEd, will convene a work group of experts to discuss options for reporting this data for accountability purposes.

College and Career Readiness. In 2014, in response to legislation that required additional indicators be included to the Academic Performance Index (API), the CDE began discussions of various measures to incorporate in a CCI with the TDG and the Public Schools Accountability Act (PSAA) Advisory Committee. Based on CDE simulations, it was determined that a single universal measure was not adequate to determine if students were ready for postsecondary success in a manner that fairly compares all schools and still allows students to pursue various options. As a result, the
PSAA Advisory Committee and the TDG recommended that the CCI should contain multiple measures.

To assist in determining which measures to include in the CCI, in 2014 the CDE held one statewide Webinar and six regional meetings. Approximately 500 people attended the meetings and 146 attendees provided public comment. Based on the regional meeting feedback, the CDE conducted a statewide survey to obtain feedback on the CCI methodology and measures and received 1,768 responses.

Additionally, in 2014 and 2015 the CDE contracted with the Educational Policy Improvement Center (EPIC), with Dr. David Conley as the project lead, to conduct a literature review of the most valid and reliable measures for determining whether or not students were prepared for postsecondary. Dr. Conley presented six papers to the PSAA Advisory Committee and presented the final paper at the May 2015 SBE meeting (http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item10.doc). The information obtained from the literature reviews and feedback from the regional meetings and statewide survey informed the current proposed measures in the CCI, which are described below.

**Proposed Performance Categories for State Indicators**

The CDE conducted multiple simulations on various approaches to setting the “Status” and “Change” cut scores for each state indicator and obtained feedback from the TDG. The TDG recommended that cut scores be set separately for each indicator (i.e., each indicator will have its own unique set of cut points) to reflect the differences in performance levels among the indicators. For example, the range of graduation rates differs significantly from the range of proficiency rates on the California Assessment of Student Performance and Progress (CAASPP) mathematics assessment, which differ significantly from the range of suspension rates. The TDG also recommended using the second highest performance category (green) to serve as the state’s long-term goal, a requirement in the ESSA. (Note: Because a separate accountability system is being developed for alternative schools, their data were excluded from these simulations.)

CDE staff presented the methodology and recommended cut points for “Status” and “Change” for each indicator at the California Practitioners Advisory Group (CPAG) meeting on June 22, 2016. The following are links to the presented materials from the CPAG agenda for each indicator:

1. Graduation Rate Indicator
   [http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides1rev.pdf](http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides1rev.pdf)

2. Academic Indicator
   [http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides3.pdf](http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides3.pdf)
3. English Learner Indicator  
   http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides4.pdf

4. Suspension Rate Indicator  
   http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides5.pdf

5. College and Career Indicator  
   http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item02slides2revised.pdf

The CPAG was supportive of the recommended cut points for all the above indicators. The members were also supportive of the approach to calculating “Status” and “Change” for the ELI, and the inclusion of the reclassification data as part of the ELI. They also requested the incorporation of LTEL data when it becomes available, but stressed the need to revisit the cut points for “Status” and “Change” when the ELPAC becomes operational.

The CPAG supported the approach for calculating the CCI and including the CCI as a state indicator and discussed the importance of using multiple measures; however, members voiced a concern regarding the ability for special education students to demonstrate progress, specifically those with the most severe cognitive disabilities. They also recommended a review of the specific criteria for the four performance levels.

Although the CDE completed a significant amount of work on researching the proposed CCI measures, work still needs to be completed on the criteria that would set the postsecondary preparedness level for each measure.

Since the CDE will be completing additional work on the CCI, additional considerations for a grade eight indicator that assesses high school readiness will also be explored. Measures that may be reviewed include, but are not limited to, attendance, grade eight course grades in ELA or mathematics courses, or performance on grade 8 assessments in ELA and/or mathematics.

CDE staff will present the final recommended cut scores for each of the state indicators at the September 2016 Board meeting. Based on the TDG and CPAG feedback, the CDE recommends the SBE take the following action at the July 2016 Board meeting:

- Adopt the CCI as a state indicator;
- Use the CCI to establish standards for Priority 7 (Access to Board Course of Study) and Priority 8 (Outcomes in a Broad Course of Study) based on the approved methodology of calculating performance for state indicators;
- Modify the state indicator for student test scores on ELA and Math (Priority 4 – Pupil Achievement), approved at the May 2016 Board meeting, to remove the Grade 11 scores, in order to avoid double-counting those test scores in two state indicators; and
- Direct staff to prepare a recommendation for the September 2016 Board meeting on the final technical specifications for the CCI.
2016–17 College and Career Indicator Model¹

<table>
<thead>
<tr>
<th>WELL PREPARED</th>
<th>Does the student meet at least 1 measure below?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Career technical education (CTE) pathway completion with “C” or better</td>
<td></td>
</tr>
<tr>
<td>• Scored “Ready” on both math and ELA EAP²</td>
<td></td>
</tr>
<tr>
<td>• 3 or more Advanced Placement (AP) exams (score 3 or higher)</td>
<td></td>
</tr>
<tr>
<td>• 3 or more years of dual enrollment</td>
<td></td>
</tr>
<tr>
<td>• International Baccalaureate (IB) Diploma</td>
<td></td>
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</tbody>
</table>

<table>
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<th>PREPARED</th>
<th>Does the student meet at least 1 measure below?</th>
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</thead>
<tbody>
<tr>
<td>• A-G completion with a “C” or better plus one other CCI measure</td>
<td></td>
</tr>
<tr>
<td>• Articulated CTE Pathway completion with “C” or better</td>
<td></td>
</tr>
<tr>
<td>• Scored “Ready” and “Conditionally Ready” on EAP</td>
<td></td>
</tr>
<tr>
<td>• CTE concentrator plus one year of dual enrollment</td>
<td></td>
</tr>
<tr>
<td>• 2 years of dual enrollment</td>
<td></td>
</tr>
<tr>
<td>• 2 AP exams (score 3 or higher)</td>
<td></td>
</tr>
<tr>
<td>• At least 4 IB exams (score 4 or higher)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROACHING PREPARED</th>
<th>Does the student meet at least 1 measure below?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A-G completion with “C” or better</td>
<td></td>
</tr>
<tr>
<td>• 1 or more non-articulated CTE pathway completion</td>
<td></td>
</tr>
<tr>
<td>• CTE Concentrator (2 courses in the same pathway)</td>
<td></td>
</tr>
<tr>
<td>• Scored “Conditionally Ready” on both the ELA and math EAP</td>
<td></td>
</tr>
<tr>
<td>• Scored “Ready” and “Not Ready” on the EAP</td>
<td></td>
</tr>
<tr>
<td>• 1 year of dual enrollment</td>
<td></td>
</tr>
<tr>
<td>• 1 AP exam (score 3 or higher)</td>
<td></td>
</tr>
<tr>
<td>• 2-3 IB exams (score 4 or higher)</td>
<td></td>
</tr>
</tbody>
</table>

| NOT YET PREPARED | The student did not meet any of the measures above. The student has not yet demonstrated readiness for college and career |

¹ Based on student data from the California Longitudinal Pupil Achievement Data System (CALPADS) four-year graduation cohort (i.e., original ninth grade class plus data from CSAC)

Elements to be Added in the 2017–18 School Year

- State Seal of Biliteracy
- Golden State Seal of Merit Diploma

Elements that Need Further Data Analysis

- California Student Aid Commission (CSAC) Grade Point Average (GPA) of 3.0 or higher\(^3\) (Prepared)
- CSAC GPA of 2.0 or higheri (Approaching Prepared)\(^4\)
- Completing A-G courses without maintaining an average grade of C or better
- Completion of state-approved portfolio (requires development of a state approval process for well-developed instruments like student portfolio)
- Industry credential and/or career assessment

Local Elements

LEAs may possibly include local data on college and career to augment the CCI model.

7-1-16 [California Department of Education and State Board of Education]

\(^3\) CSAC uses two cut points for senior GPA (which is unweighted and excludes PE, ROTC, and remedial courses): A minimum 3.00 high school GPA is required for Cal Grant A; a minimum 2.00 GPA is required for Cal Grant B.

\(^4\) CSAC uses two cut points for senior GPA (which is unweighted and excludes PE, ROTC, and remedial courses): A minimum 3.00 high school GPA is required for Cal Grant A; a minimum 2.00 GPA is required for Cal Grant B.
Proposed Standards for the Local Control Funding Formula Priority Areas Not Addressed by the Approved State Indicators

At its May 2016 meeting, the State Board of Education (SBE) approved the following state indicators as part of the Local Control Funding Formula (LCFF) evaluation rubrics design (the relevant LCFF priority for each state indicator is noted in parentheses):

- student test scores in English Language Arts (ELA) and Math for grades 3-8 and grade 11, including a measure of individual student growth for grades 3-8, when feasible, and results on the Next Generation Science Standards (NGSS) assessment, when available (Priority 4);
- progress of English learners toward English language proficiency (Priority 4);
- high school graduation rate (Priority 5); and
- measures of student engagement, including suspension rates by grade span (Priority 6) and chronic absence (Priority 5), when available.

The SBE also directed staff to provide an update in July about how to include comparable data on college and career readiness, school climate, and a composite measure of English learner proficiency in the evaluation rubrics.

The state indicators approved by the SBE in May 2016 address only three LCFF priorities—Priority 4 (Pupil Achievement), Priority 5 (Pupil Engagement) and Priority 6 (School Climate). The approved state indicators do not address five LCFF priorities that apply to school districts, county offices of education (COEs), and charter schools:

- Priority 1 ( Appropriately Assigned Teachers, Access to Curriculum-Aligned Instructional Materials, and Safe, Clean and Functional School Facilities)
- Priority 2 (Implementation of State Academic Standards)
- Priority 3 (Parent Engagement)
- Priority 7 (Access to a Broad Course of Study)
- Priority 8 (Outcomes in a Broad Course of Study)

Additionally, two LCFF priorities that apply only to COEs are not addressed by the approved state indicators:

- Priority 9 (Coordination of Services for Expelled Students)
- Priority 10 (Coordination of Services for Foster Youth)

Accordingly, the SBE directed staff to prepare a recommendation for the July 2016 Board meeting on a method for establishing standards for these LCFF priority areas and how those standards will inform an LEA’s eligibility for technical assistance and intervention. In developing this recommendation, staff also considered combining local climate surveys with suspension rates as a broader indicator for Priority 6 (School Climate).

Following the May 2016 SBE meeting, staff continued ongoing analysis and research on these LCFF priorities and sought further input from stakeholders. The California
Practitioners Advisory Group (CPAG) also considered this issue at its June 22, 2016 meeting. The CPAG did not take action on a formal recommendation to the SBE.

Policy Context

*Education Code (EC)* Section 52064.5(c) provides that the evaluation rubrics must include "standards for [local educational agency] and individual school site performance and expectations for improvement in regard to each" LCFF priority.

A February 2016 information memorandum ([http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc)) identified indicators that meet the criteria of being valid and reliable measures, that currently have comparable, state-level data, and that can be disaggregated by student subgroups. These criteria ensure a common and comparable way of measuring performance on the indicators across the state. The approved state indicators allow that type of comparison, as demonstrated by the approved methodology for calculating performance for the indicators.

Only a limited number of indicators currently meet those criteria, and several LCFF priorities have no indicators that meet those criteria. The LCFF statute nonetheless requires that the evaluation rubrics include standards for all LCFF priorities. The remaining LCFF priorities are important to the multidimensional, holistic approach to assessing LEA and school performance that is reflected in the intent of the LCFF.

Staff have therefore considered various alternate methodologies for establishing standards, given the limitations of currently available state-level data. The remainder of this Attachment summarizes the recommended approach for establishing standards for the following LCFF priorities:

- Priority 1 (Appropriately Assigned Teachers, Access to Curriculum-Aligned Instructional Materials, and Safe, Clean and Functional School Facilities)
- Priority 2 (Implementation of State Academic Standards)
- Priority 3 (Parent Engagement)
- Priority 7 (Access to a Broad Course of Study)
- Priority 8 (Outcomes in a Broad Course of Study)
- Priority 9 (Coordination of Services for Expelled Students)
- Priority 10 (Coordination of Services for Foster Youth)

Staff also propose including a standard for Priority 6 (School Climate) related to the use of local climate surveys to compliment the suspension rate state indicator.

This recommendation focuses only on the approach for the initial year of the LCFF evaluation rubrics as the state transitions to an integrated local, state and federal accountability and continuous improvement system. As noted in an earlier information memorandum ([http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun16item02.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun16item02.doc)), the California Department of Education (CDE) is convening a working group to provide advice to the Superintendent of Public Instruction on the potential use...
of a state-supported local survey or assessment tool for measuring and reporting progress on many of the LCFF priorities addressed in this Attachment.

This review will look at school climate broadly, including measures of student safety and connectedness, conditions of learning, implementation of state academic standards, access to broad courses of study, and the coordination of services. As potential new indicators are identified, the evaluation rubrics are likely to evolve over time. This will necessarily include revisiting the approach to setting standards for these LCFF priorities.

The following sections describe the recommended methodology for establishing standards for the remaining LCFF priorities. The description is organized into three separate sections because of differences in the approaches recommended for certain LCFF priorities.

**Proposed Approach for LCFF Priorities 7 and 8 – College and Career Readiness**

As noted in Attachment 1, staff recommend including a measure of college and career readiness as a state indicator. As with other state indicators, the Red performance category for the proposed College and Career Indicator (CCI) would serve as the assistance and support standard.

The proposed CCI includes measures that are relevant to LCFF Priority 7 (Access to a Broad Course of Study) and Priority 8 (Outcomes in a Broad Course of Study). For the initial phase of the evaluation rubrics, staff recommend that the CCI indicator be used to determine eligibility for technical assistance for both Priority 7 and Priority 8. As noted in Attachment 1, this is likely to evolve as additional measures, including measures applicable to K-8 and measures identified by the working group on local climate surveys, become available.

**Proposed Approach to Establishing Standards for Remaining LCFF Priorities – Priorities 1, 2, 3, 9 and 10.**

Staff recommend that the evaluation rubrics include standards for each remaining LCFF priority that are objective descriptions of practices that, if implemented locally, are likely to enhance local decision making for the relevant LCFF priority.

For example, a local educational agency (LEA) can determine whether it conducts a self-assessment that is relevant to implementation of the state academic standards. Conducting such a self-assessment would inform local decision making, including developing the Local Control and Accountability Plan (LCAP) and Annual Update. Sharing the results of the self-assessment publicly would broaden opportunities for stakeholder engagement.

This approach emphasizes the importance of these LCFF priorities and also begins to establish a baseline of locally reported information to inform future policymaking.
Proposed Standards. The proposed standards for each remaining LCFF priority are described below. The first bullet under each LCFF priority identifies the proposed standard; the second bullet identifies the relevant evidence for assessing progress relative to the standard; and the third bullet describes the criteria that LEAs would use to assess progress toward meeting the standard (i.e., [Met / Not Met / Not Met for Two or More Years]).

Priority 1: Appropriately Assigned Teachers, Access to Curriculum-Aligned Instructional Materials, and Safe, Clean and Functional School Facilities

- **Standard:** LEA / School meets Williams settlement requirements at 100%, promptly addresses any complaints or other deficiencies identified throughout the academic year, and provides information on progress meeting this standard in the evaluation rubrics.
- **Evidence:** LEAs would use locally available information, including data currently reported through the School Accountability Report Card, and determine whether they report progress in the evaluation rubrics.
- **Criteria:** LEAs would assess their performance on a [Met / Not Met / Not Met for Two or More Years] scale.

Priority 2: Implementation of State Academic Standards

- **Standard:** LEA completes a self-assessment* included within LCFF evaluation rubrics and reports the results in the evaluation rubrics.
- **Evidence:** LEAs would determine whether they completed the self-assessment and reported the results, including ratings on each prompt and the overall rating, through the local data selection option in the evaluation rubrics.
- **Criteria:** LEAs would assess their performance on a [Met / Not Met / Not Met for Two or More Years] scale.

*Note: The self-assessment instrument would address the LEA’s implementation of adopted state academic standards. LEAs would rate their performance (e.g., using a 1-to 5-point scale) on distinct aspects of implementation. Staff will present the proposed self-assessment at the September 2016 SBE meeting, after further consultation with stakeholders.

Priority 3: Parent Engagement

- **Standard:** LEA measures its progress and reports the results in the evaluation rubrics using one or more specified** indicators for (1) involving parents in decision making and (2) promoting parental participation in programs.
- **Evidence:** LEAs would determine whether they measure and report progress on the selected indicators annually through the local data selection option of the evaluation rubrics.
- **Criteria:** LEAs would assess their performance on a [Met / Not Met / Not Met for Two or More Years] scale.

**Note: Stakeholders have identified a range of indicators that are supported by research. Staff incorporated much of that information in the draft statements of model
practices for Priority 3 that were included in a June 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item02.doc). Staff will present a final recommendation on the indicators that LEAs could choose at the September 2016 SBE meeting, after further consultation with stakeholders.

**Priority 9: Coordination of Services for Expelled Students – COE only**

- **Standard:** COE evaluates progress in coordinating instruction as required by EC 48926, and reflects progress implementing specified strategies in the evaluation rubrics.
- **Evidence:** COEs would use locally available information and determine whether they report progress in the evaluation rubrics.
- **Criteria:** COEs would assess their performance on a [Met / Not Met / Not Met for Two or More Years] scale.

**Priority 10: Coordination of Services for Foster Youth – COE only**

- **Standard:** COE identifies evidence taken to coordinate services for foster youth, which may include a plan developed under for the Foster Youth Services Coordinating Program, and reflects progress on implementing specified strategies in the evaluation rubrics.
- **Evidence:** COEs would use locally available information and determine whether they report progress in the evaluation rubrics.
- **Criteria:** COEs would assess their performance on a [Met / Not Met / Not Met for Two or More Years] scale.

**Role in Determining Eligibility for Technical Assistance.** The primary purpose of these standards would be LEA self-assessment to inform local improvement efforts. The proposed standards involve collecting additional information and reporting it through the LCFF evaluation rubrics, which will provide additional insight for local decision makers for assessing performance within LCFF priorities and informing local stakeholder conversations.

One option is for the evaluation rubrics instructions to specify that LEAs in the “Not Met for One Year” category should review the relevant statements of model practice within the evaluation rubrics (see Attachment 3). The LEA’s strategy for meeting the standard the following year could be reflected in the LEA’s LCAP and Annual Update.

Under this approach, the “Not Met for Two or More Years” category would serve as the assistance and support standard. That category would equate to the Red performance category for the state indicators, for purposes of determining an LEA’s eligibility for technical assistance and/or more-intensive state intervention.

**Proposed Approach to Priority 6 – School Climate**

While analyzing this issue, staff determined that the recommended methodology for establishing standards also applies to local climate surveys, which are included in the LCFF statute under Priority 6 (School Climate). The SBE approved suspension rates,
which are also part of Priority 6, as a state indicator in May. Staff recommend establishing a standard related to use of local surveys using the methodology described in this Attachment to compliment the suspension rate state indicator in order to provide a broader measure of school climate.

**Priority 6: School Climate**

- **Standard**: LEA annually administers the School Climate Module of the California Healthy Kids Survey, or other comparable local survey, to students in at least one grade within the grade span(s) that the LEA serves (e.g., K-5, 6-8, 9-12) and reports the results in the evaluation rubrics.
- **Evidence**: LEAs would determine whether they administered a survey and reported the results annually through the local data selection option of the evaluation rubrics.
- **Criteria**: LEAs would assess their performance on a [Met / Not Met / Not Met for Two or More Years] scale.

As noted earlier, the recommendations in this Attachment focus on the initial year of the LCFF evaluation rubrics. The workgroup being convened by CDE on local climate surveys will review options for school climate indicators for future years.

**Other Options Considered**

Staff considered various alternatives while analyzing this issue. Each possible approach has strengths and weaknesses, but staff determined that the proposed approach was the strongest overall.

One example of other alternatives that staff analyzed is the option to set standards based on existing legal requirements that apply to these LCFF priorities. Under this approach, for example, the standard for Priority 3 (Parental Engagement) would be: “Section 1 of LCAP or annual update demonstrates LEA met parental involvement requirements for developing LCAP or annual update (e.g., EC 52060(g) & 52062).”
Additional Components of the Local Control Funding Formula Evaluation Rubrics–Draft Statements of Model Practices

The Local Control Funding Formula (LCFF) evaluation rubrics provide a tool for Local Education Agencies (LEAs) and schools to use qualitative and quantitative outcome and improvement data that are aligned with the state priorities and local goals. The LCFF evaluation rubrics are intended to reflect a holistic, multidimensional assessment of school district and school performance and include all of the state priorities (Education Code (EC) Section 52064.5). They also are intended to work in tandem with the Local Control and Accountability Plan (LCAP) and Annual Update planning cycle, including the determination of needed support, technical assistance and intervention for continuous improvement. (EC 52071 and 52072).

LCFF Evaluation Rubrics Design

Based on the SBE’s action at the May 2016 meeting, the final LCFF evaluation rubrics will be a web-based tool with at least the following components:

Top-Level Summary Data Display: This display will be a summary report for use by LEAs and schools showing performance relative to the standards established for all LCFF Priorities. It will prominently reflect equity by showing areas where there are significant disparities in performance for any student subgroups. Within the web-based system, this will likely be a main “landing page” for each LEA and school.

Data Analysis Tool: The evaluation rubrics will allow users to generate more detailed data reports that include both state and local indicators.
- State collected data will be prepopulated, if available.
- The tool will also support the upload of local data using standardized file formats. This will allow local upload of data for indicators with standard definitions, but where the data is locally held, as well as inclusion of locally determined indicators that an LEA may add to align with its LCAP goals.
- For indicators without a standard statewide definition or data source (e.g., parent involvement), the data analysis tool may identify a limited number of options that are based in research and are considered valid and reliable measures. LEAs would use a “local data selection” menu to select one or more of those options to track their progress over time using local data.

Statements of Model Practices: The evaluation rubrics will include descriptions of research-supported and evidence-based practices related to the indicators that are optional and may be helpful to LEAs in their analysis of progress. The Statements of Model Practices component of the evaluation rubrics support the Data Analysis Tool.
- Statements of Model Practices are qualitative statements describing examples of effective practices and processes for LEAs to consider and compare to existing practices and processes in place.
- These statements of model practices (referred to as practice standards in earlier materials) describe qualitative information that cannot be assessed only through quantitative analysis of state and local indicators.
• These practice examples provide additional data than can assist users as they review local practices to improve student achievement at the system, school and classroom levels.

• The statements of model practice are organized to correspond to the organization of the indicators in the data analysis tool. Users could directly access the statements of model practice from the main landing page. They would also be able to access relevant statements of model practices from the data analysis tool interface, which will support users in reflecting on local actions relative to the model practices while they are reviewing data on performance.

• The California Practitioners Advisory Group reviewed an initial draft of the statements of model practice at its April 2016 meeting (http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-apr16item02.doc). Staff incorporated that input into the updated draft included in a June 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item02.doc).

Links to External Resources: The evaluation rubrics include links to existing resources and sources of expert assistance (e.g., CDE digital library, CDE LCFF Resources webpage, the website for the California Collaborative for Educational Excellence, research-based resources identified by stakeholders). These links connect users to more detailed information about implementing specific programs or services that align with the statements of model practices.

• The links would be organized by indicators as optional resources for use by LEAs and will be accessible to local stakeholders.

• This component of the evaluation rubrics could evolve over time, for example, directing users to a centralized clearinghouse of successful local practices, information about local or regional networks, etc.

• An initial set of resources are organized to correspond to the statements of model practices. They are included for illustrative purposes based on an initial review of research on existing resources.

Continuous Improvement Cycle Timeline

The proposed evaluation rubrics design supports the overall goal of continuous improvement by LEAs to support student success. LEAs can use the Statements of Model Practices to analyze their current practices and processes in the context of analyzing performance data for state and local indicators. As noted in the February 2016 information memorandum that highlights the interaction between the LCAP and evaluation rubrics (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item03.doc), the use of the evaluation rubrics becomes a component of the existing improvement cycle timelines LEAs have established during the past three years of LCAP implementation.

In this cycle, by November of each year, the Data Analysis Tool component of the evaluation rubrics will be populated with state level data and LEAs can upload additional local data, for use by LEAs. As LEAs move into their LCAP and Annual Update cycles,
LEAs could use the evaluation rubrics to support data analysis and identification of LEA strengths, weaknesses and areas that require improvement to support local analyses of progress on LCAP goals, student outcomes, impact of actions and services, and allocation of resources. By February to March, LEAs and schools have the opportunity to incorporate findings and reflections from the use of the evaluation rubrics into the LCAP revisions/Annual Update.

Based on this proposed cycle, the Statements of Model Practices support LEAs in their local reflection, analyses of progress, and LCAP/Annual Update revisions to improve student outcomes. The current version of the Statements of Model Practices is included in a June 2016 information memorandum to the SBE (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item02.doc).

**Example: Using LCFF Evaluation Rubrics, Statements of Model Practices, and Additional Resources**

Two examples are provided below for how the use of the different components of the evaluation rubrics could support local improvement efforts, including the interaction with the annual LCAP analysis and revision process. In both examples, the user might consider a three-step process focusing on the suspension rate associated with LCFF Priority 6.

**Example 1: LEA or school staff**

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Data Analysis Indicator from LCFF Evaluation Rubric</td>
<td>Review Statements of Model Practice to Assist Local Analysis and Reflection on Progress</td>
<td>Review Additional Resources for More In-Depth Information to Inform LCAP Revisions</td>
</tr>
</tbody>
</table>

An LEA or school team engages in analysis and reflection on suspension data from the evaluation rubrics. Based on that review, they may link to the Statements of Model Practices and consider the degree to which those practices offer additional actions, concluding that there is a need to implement additional strategies in this area. They may also look at the additional resources to learn more about research-based strategies to reduce suspension rates. Relevant resources may be shared at an LCFF team meeting, and the team may make a determination about how to update the LCAP to reflect additional strategies for reducing the suspension rate, and improving outcomes for students.
Example 2: Parent or community member

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Additional</td>
<td>Review Statements of Model Practice</td>
<td>Review Data Analysis Indicator from LCFF</td>
</tr>
<tr>
<td>Resources link</td>
<td></td>
<td>Evaluation Rubrics</td>
</tr>
</tbody>
</table>

A parent or community member may review district or school data and select the online additional resources link to learn more about the research on effective practices to reduce suspension rates. S/he may review the Statements of Model Practices and the corresponding suspension data in the evaluation rubric data analysis tool. Based on that research, the parent or community member is better prepared to contribute to the LCAP development team’s deliberations about the best ways to revise the LCAP/Annual Update to improve student outcomes.

Feedback from the CPAG

The California Practitioners Advisory Group (CPAG) reviewed the components of the early LCFF evaluation rubrics prototype. This included review of the draft practice standards, now referred to as statements of model practices (http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-apr16item02.doc). Following the small group activity and larger group discussion, the CPAG voted to recommend that SBE staff revise the draft statements of model practices and include, as appropriate, feedback from members of the CPAG. That feedback was incorporated into the revised Statements of Model Practices included in the June information memorandum ((http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun16item02.doc).

Staff will present a final draft of the Statements of Model Practices and links to external resources at the September 2016 Board meeting, based on feedback provided by the SBE at the July 2016 Board meeting and further consultation with stakeholders,
Additional Components in the Local Control Funding Formula Evaluation Rubrics-Top-Level Summary Data Display

The SBE took action at its May 2016 meeting to approve a design for the Local Control Funding Formula (LCFF) evaluation rubrics that includes a top-level summary data display for performance on all LCFF Priority Areas for LEAs and schools and that prominently shows areas where there are significant equity issues and disparities in performance for any student subgroups.

Summary of Key Issues and Recommendation

Staff will present design concepts for the top-level data display to be included in the evaluation rubrics. Staff will complete further development work, including consultation with stakeholders, on a final proposed design for the top-level display to present at the September 2016 Board meeting.

Staff recommend that the SBE approve a key design feature for the top-level summary data display: inclusion of an Equity Report, which identifies instances where any student subgroup is in the Red or Orange performance category on a state indicator.

One or more mock-ups illustrating potential design features for the top-level data display, including the proposed Equity report, will be posted as an Item addendum prior to the Board meeting.

Top-Level Data Display

*Education Code* Section 52064.5 identifies three statutory purposes for the LCFF evaluation rubrics: to support LEAs in identifying strengths, weaknesses and areas for improvement; to assist in determining whether LEAs are eligible for technical assistance; and to assist the Superintendent of Public Instruction in determining whether LEAs are eligible for more intensive state support/intervention. These purposes suggest that staff at LEAs or state education agencies are the primary intended users of the evaluation rubrics.

Given the central role of the evaluation rubrics in the emerging local, state and federal accountability and continuous improvement system, however, it is important to ensure that students, parents, and other stakeholders and the public can access information on LEA- or school-level performance. An accessible, top-level summary data display will allow stakeholders to quickly review how an LEA or school is performing on each state indicator and within the LCFF priorities. Parents and stakeholders will also be able to identify any significant disparities in performance for student subgroups on state indicators in the top-level summary data display, which will promote equity.

Feedback from the CPAG

The California Practitioners Advisory Group (CPAG) reviewed examples of the top-level data display ([http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item03slides1.pdf](http://www.cde.ca.gov/be/cc/cp/documents/cpagjun16item03slides1.pdf)).
CPAG members supported a design feature in the prototype that prominently identified student subgroups that were in the Red or Orange performance categories on each state indicator (this design feature is now referred to as an “Equity Report”). They also generally supported the overall design and layout of the prototype.

Members provided feedback on the terms used to describe the different “Status” levels (i.e., increase and decrease may be confusing because an increase in proficiency is desirable while a decrease in chronic absence is desirable). They cautioned against relying too heavily on color text or shading without ensuring that the relevant information can be accessed if the materials are printed in black and white. Finally, CPAG members emphasized the importance of considering users who speak languages other than English in finalizing the design.

7-1-16 [California Department of Education and State Board of Education]
California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052

Please note: the California Education Code sections referenced below do not reflect the changes included in the 2016-2017 budget adoption and the enacted revisions to legislation through the recently passed budget bills.

**Education Code Section 52064.5.**
(a) On or before October 1, 2016, 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 expectations 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, 2014–15, and 2015-16 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.
ITEM ADDENDUM

DATE: July 7, 2016

TO: MEMBERS, State Board of Education

FROM: STAFF, California Department of Education, WestEd and State Board of Education

SUBJECT: Item 2 – Mock-Up of Prototype Illustrating Potential Design Features for the Local Control Funding Formula Evaluation Rubrics’ Top-Level Summary Data Display

Attachment 4 to Item 2 describes design concepts for the top-level summary data display to be included in the Local Control Funding Formula (LCFF) evaluation rubrics. This Addendum includes a mock-up (Figure 1 below) that shows the proposed design features. Figure 1 contains six main columns, which are described below in order from left to right.

Website Navigation Bar. This column reflects that the display will be part of the web-based interface for the LCFF evaluation rubrics. Tabs or links will be available to allow users to access other parts of the evaluation rubrics.

LCFF Priority. This column identifies the LCFF priority addressed by each indicator. It is included only for the purpose of clarity in this mock-up to illustrate how the proposed design would address the relevant LCFF priorities. Staff do not propose including this column in the final web-based design.

Indicators. This column lists the indicators reflected in the display. This mock-up reflects the current staff recommendation for state indicators and standards addressing other LCFF priorities for the initial year of the evaluation rubrics. The State Board of Education’s action at the July 2016 meeting will inform further development work.

As noted in the Item and accompanying information memoranda, these indicators are likely to evolve over time based on experience and learnings, including:

- The California Department of Education (CDE) will work on developing a growth measure as part of the assessment indicators, when a second year of data become available.
- The CDE will convene a work group to consider options for an English learner composite that includes progress toward proficiency, reclassification rates, and long-term English learner rates.
- The CDE will convene a work group to consider local surveys and self-assessments to measure school climate broadly, including measures of student safety and connectedness, conditions of learning, implementation of state academic standards, access to broad courses of study, and the coordination of services.
• The CDE will continue its work on college and career readiness by evaluating other possible measures to include in the College and Career Indicator (e.g., including course taking information and 8th grade indicators).

**All Student Performance.** This column reflects the performance for all students in the local educational agency or school. It shows the color-coded performance category (e.g., Blue, Green, Yellow, Orange, Red) for each indicator, as described in Attachments 1 and 2. For the state indicators, this column is split in half to reflect the status and change dimensions of performance under the approved methodology, which is described in Attachment 1.

**Equity Report.** This column identifies instances where any student subgroup, with a valid n-size, is in the Red or Orange performance category for each state indicator. Within the web-based evaluation rubrics interface, users would be able to generate more detailed reports showing all performance categories for all student subgroups.

This mock-up identifies student subgroups by number (e.g., Student Subgroups 1-13). Based on the actual performance data from the local educational agency or school, the Equity Report could identify any of the following student subgroups listed in *Education Code* Section 52052:

- Socioeconomically disadvantaged pupils;
- English learners;
- Foster youth;
- Pupils with disabilities;
- Homeless youth; and
- Racial/ethnic student subgroups currently reflected in standard reporting (American Indian/Native Alaskan; Asian; Black/African-American; Filipino; Hispanic/Latino; Native Hawaiian/Pacific Islander; Two or more races; and White).

**Narrative.** This column includes additional information about the local educational agency or school that local educational agencies can add through the evaluation rubrics interface.

The top portion of the column for state indicators is optional. It is intended to ensure that local educational agencies and schools can provide context around performance and identify any circumstances and steps taken locally that can provide a more complete understanding of performance across the LCFF and any local priorities.

The bottom portion of the column addresses the standards for the LCFF priorities not addressed by the state indicators, which are described in Attachment 2. For local educational agencies that meet the relevant standard(s), the local educational agency would summarize the findings of the self-assessment based on the information collected.
### Figure 1. Proposed Design Features for Top-Level Summary Data Display.

<table>
<thead>
<tr>
<th>Navigation pane, with tabs pointing to sub-pages with detailed reports, model practices and resources.</th>
<th>LEA/SCHOOL INFO HERE (could include basic demographic info)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LCFF Priority</strong></td>
<td><strong>Indicators</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>ELA Assessment (K-8)</td>
</tr>
<tr>
<td></td>
<td>Math Assessment (K-8)</td>
</tr>
<tr>
<td>4</td>
<td>English Learner Proficiency</td>
</tr>
<tr>
<td>5</td>
<td>Graduation Rate (9-12)</td>
</tr>
<tr>
<td>5</td>
<td>Chronic Absenteeism (K-8)</td>
</tr>
<tr>
<td>6</td>
<td>Suspension Rate &amp; Local Climate Survey</td>
</tr>
<tr>
<td>7, 8</td>
<td>College &amp; Career Readiness (9-12)</td>
</tr>
<tr>
<td>1</td>
<td>Basics (Teachers, Instructional Materials, Facilities)</td>
</tr>
<tr>
<td>2</td>
<td>Implementation of Academic Standards</td>
</tr>
<tr>
<td>3</td>
<td>Parent Engagement</td>
</tr>
</tbody>
</table>

Note: The following symbols correspond to the Performance Category noted in parentheses for All Student Performance and within the Equity Report: # (Blue); + (Green); - (Yellow); ^ (Orange); ~ (Red).

\(^1\) The Equity Report identifies any student subgroup, with valid n-size, that is in the Red or Orange level of performance on the indicator. Users can generate more detailed reports showing performance for all student subgroups. The Equity Report would include the specific student subgroups listed in Education Code 52052: Socioeconomically disadvantaged pupils; English learners; Foster youth; Pupils with disabilities; Homeless youth; and racial/ethnic student subgroups currently reflected in standard reporting (American Indian/Native Alaskan; Asian; Black/African-American; Filipino; Hispanic/Latino; Native Hawaiian/Pacific Islander; Two or more races; and White). This mock-up identifies student subgroups by number for illustrative purposes only.
California Education Code (EC) Section 52064(e) provides the State Board of Education (SBE) with the opportunity to adopt a revised Local Control and Accountability Plan and Annual Update (LCAP) template using its regular meeting process in accordance with the Bagley-Keene Open Meeting Act. The SBE is required to present the LCAP template at a regular meeting, and take action to adopt the template at a subsequent meeting. Revisions to the template must be approved by January 31 before the fiscal year during which it is to be used by local educational agencies (LEAs).

In response to the direction received from the SBE at its May 2016 meeting to revise the current version of the LCAP template (Attachment 1), the California Department of Education (CDE) initiated redesign activities in alignment with the guiding principles adopted by the SBE. CDE sought stakeholder input and feedback at the State and Federal Program Directors’ meeting and at the Policy Workgroup meeting on June 17, 2016. Working collaboratively with the California County Superintendents Educational Services Association (CCSESA), CDE also met with education coalition and advocacy groups on June 14 and June 15, 2016 to solicit feedback. Additional plans for stakeholder engagement activities are ongoing.

The DRAFT LCAP Prototype provided as Attachment 2 reflects the collaborative efforts of CDE’s LCAP Support Team and CCSESA. It also incorporates suggested revisions from stakeholders, education coalition and advocacy groups, and builds on input received via CDE’s LCAP Redesign Survey and during SBE meetings. The current prototype seeks to respond to the design principles approved by the SBE at its May meeting:

- **Maximize transparency and ease of use for stakeholders**
  - Revise the LCAP template such that the plans for school districts and county offices of education shall be developed, adopted by the local governing board, and be effective for a period of three years, inclusive,
and updated annually, as required, consistent with EC sections 52060(b) and 52066(b), and EC sections 52061(a) and 52067(a).

- Include instructions in the revised template for including a required summary of the LCAP and the Annual Update.

  o **Simplify, to the extent possible, structure and language**
    - Reorder the sections of the LCAP template to align with a typical LCAP planning cycle.
      - Introduction and Plan Summary
      - Stakeholder Engagement
      - Annual Review and Analysis
      - Goals, Actions, and Services
      - Demonstration of Improved Services for Unduplicated Pupils

  o **Provide clear instructions and support**
    - Reword and/or clarify instructions for completing each section of the LCAP and the Annual Update.
    - Relocate the instructions for completing the LCAP and the Annual Update to an addendum, and the guiding questions to an appendix.

  o **Support efficient and effective local planning, reporting, and implementation processes**
    - Allow a county superintendent of schools which has jurisdiction over a single school district, to complete a single LCAP and Annual Update encompassing the educational programs and services of both the county office of education and the school district.

In addition to significant reformatting to improve the user experience with the LCAP template, the CDE has made several additional changes, which are outlined below.

On the Goals, Actions, and Services page, the tables have been reformatted to specifically identify the metrics associated with a written goal. The “Expected Annual Measurable Outcomes” have been arranged in columns for ease of reading and to allow comparison of expected growth throughout the three years of the LCAP and Annual Updates.

Sections 3A and 3B of the LCAP template currently in use were revised to allow LEAs to identify the estimated Supplemental and Concentration grant funds, the percentage by which an LEA must increase or improve services for unduplicated pupils, and explain how any LEA-wide or schoolwide services provided with Supplemental or Concentration grant funds are principally directed to a group or groups of unduplicated pupils in one section.
RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) provide feedback regarding the proposed DRAFT revised LCAP prototype (Attachment 2), and the proposed DRAFT Revised Instructions for the LCAP (Attachment 3).

The DRAFT LCAP and DRAFT Revised Instructions will be made available for further public comment and feedback in July and August 2016 after which they will be submitted to the SBE for adoption at its September 2016 meeting.

In response to the direction received from the SBE to revise the LCAP and Annual Update Template, and in anticipation of the SBE’s approval in September, the CDE intends to continue revision work informed by the following assumptions:

- The revised LCAP and Annual Update Template will include a Plan Summary section for completion by all LEAs; and
- The revised LCAP and Annual Update Template will be effective for a period of three years inclusive, and be updated annually, as required [consistent with EC sections 52060(b) and 52066(b), and EC sections 52061(a) and 52067(a)].

Because these assumptions will influence further development work and the stakeholder engagement process, CDE seeks feedback from the SBE on these proposed design features.

CDE staff recommend including a Plan Summary in the LCAP Template to facilitate making available to diverse constituencies a concise summary of the overarching goals and outcomes the LEA seeks to realize during the plan period and the corresponding programmatic and financial strategies being implemented to attain them.

Making the LCAP and Annual Update effective for a period of three years, inclusive, will promote strategic educational planning that will allow all LEAs to articulate their educational vision and align their resources accordingly. The three-year inclusive plan will also reduce the redundancies of the current LCAP template and planning process making it more accessible to local communities.

For the first year (2017/18) of the three year LCAP period [2017/18–2019/20], development will be informed by a review and analysis of the goals, actions and services included in the previous year LCAP. In partnership with local stakeholders, LEAs will develop specific goals and outcomes to be achieved within the three-year span of the LCAP. LEAs will, on an annual basis, identify gains to be achieved toward the measurable outcomes, and will identify the specific actions and services to be implemented to reach their goals.
In the second (2018/19) and third years (2019/20), LEAs will analyze the progress made towards attaining their projected outcomes and the effectiveness of related actions and services. LEAs will use the Annual Review and Analysis section of the LCAP to report their progress and to reflect any necessary adjustments to the actions and services to be implemented. LEAs will continue to have the flexibility to revise their LCAPs during the course of the year, in accordance with existing law. LEAs would then prepare a new three-year plan for the 2020/21 year.

A three-year fixed or inclusive plan promotes the idea that initiating, implementing, and realizing the benefits of educational programs is a multi-year effort, and encourages the development of goals, actions, and services strategically focused on long-term achievable outcomes. In addition, a fixed three-year plan increases the ability of LEAs to articulate to stakeholders how annual outcomes and actions will meet long term goals, and enables stakeholders to see progress made by LEAs over the duration of the plan, thus increasing transparency.

Use of the online eTemplate by all LEAs will result in an improved ability to update, review, and develop LCAPs and to create potential linkages to the Local Control Funding Formula Evaluation Rubrics' high-level display that is currently under development.

**BRIEF HISTORY OF KEY ISSUES**

On May 11, 2016, the SBE took action to direct CDE staff to proceed with the development of a revised template for the LCAP and the Annual Update, as described in EC Section 52064(e), using the overarching design principles identified in Item 3, available at [http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc).

An information memoranda was posted in April 2016 providing a summary of the results of a survey conducted by the CDE to inform the development of recommendations for design principles to guide a revision of the LCAP template ([http://www.cde.ca.gov/be/pn/im/documents/memo-exec-lasso-apr16item01.doc](http://www.cde.ca.gov/be/pn/im/documents/memo-exec-lasso-apr16item01.doc)).

California EC Section 52064(e) provides the SBE with the opportunity to adopt a revised LCAP template using its regular meeting process in accordance with the Bagley-Keene Open Meeting Act, rather than through the rulemaking process for adoption of regulations. The SBE is required to present the LCAP template at a regular meeting, and take action to adopt the template at a subsequent meeting. Revisions to the template must be approved by January 31 before the fiscal year during which it is to be used by the LEAs. A proposed timeline for revising the LCAP template is identified in Attachment 4 of Item 23 of the March 2016 SBE meeting ([http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc](http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc), Attachment 4).

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

At its May 2016 board meeting, the SBE took the following actions:
• Directed the CDE to proceed with the development of a revised template for the LCAP and the Annual Update, as described in EC Section 52064(e), using the identified overarching design principles:
  o Maximize transparency and ease of use for stakeholders
  o Simplify, to the extent possible, structure and language
  o Provide clear instructions and support
  o Support efficient and effective local planning, reporting, and implementation processes

• Directed the CDE to bring a revised LCAP and Annual Update template before the SBE at its July 2016 meeting for feedback and comment as part of the template revision process consistent with EC Section 52064(e).

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Current Local Control and Accountability Plan and Annual Update Template (16 pages)

Attachment 2: DRAFT Revised Local Control and Accountability Plan and Annual Update Template (16 pages)

Attachment 3: DRAFT Revised Local Control and Accountability Plan and Annual Update Instructions (20 pages)
Introduction:

LEA: __________________________ Contact (Name, Title, Email, Phone Number): __________________________________________ LCAP Year: ______

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and Annual Update Template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5. The LCAP and Annual Update Template must be completed by all LEAs each year.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. Accordingly, in developing goals, specific actions, and expenditures, LEAs should carefully consider how to reflect the services and related expenses for their basic instructional program in relationship to the state priorities. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.
For each section of the template, LEAs shall comply with instructions and should use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. However, the narrative response and goals and actions should demonstrate each guiding question was considered during the development of the plan. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

**State Priorities**

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

**A. Conditions of Learning:**

**Basic:** degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

**Implementation of State Standards:** implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils, including English learners. (Priority 2)

**Course access:** pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

**Expelled pupils (for county offices of education only):** coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)

**Foster youth (for county offices of education only):** coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

**B. Pupil Outcomes:**
Pupil achievement: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)

Other pupil outcomes: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)

C. Engagement:

Parental involvement: efforts to seek parent input in decision making at the district and each schoolsite, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

Pupil engagement: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

School climate: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

Section 1: Stakeholder Engagement

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52060(g), 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52066(g), 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

Instructions: Describe the process used to consult with parents, pupils, school personnel, local bargaining units as applicable, and the community and how this consultation contributed to development of the LCAP or annual update. Note that the LEA’s goals, actions, services and expenditures related to the state priority of parental involvement are to be described separately in Section 2. In the annual update boxes, describe the stakeholder involvement process for the review, and describe its impact on, the development of the annual update to LCAP goals, actions, services, and expenditures.
Guiding Questions:

1) How have applicable stakeholders (e.g., parents and pupils, including parents of unduplicated pupils and unduplicated pupils identified in Education Code section 42238.01; community members; local bargaining units; LEA personnel; county child welfare agencies; county office of education foster youth services programs, court-appointed special advocates, and other foster youth stakeholders; community organizations representing English learners; and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?

2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?

4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?

5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?

6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?

7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?

<table>
<thead>
<tr>
<th>Involvement Process</th>
<th>Impact on LCAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Update:</td>
<td>Annual Update:</td>
</tr>
</tbody>
</table>

Section 2: Goals, Actions, Expenditures, and Progress Indicators

Instructions:

All LEAs must complete the LCAP and Annual Update Template each year. The LCAP is a three-year plan for the upcoming school year and the two years that follow. In this way, the program and goals contained in the LCAP align with the term of a school district and county office of
education budget and multiyear budget projections. The Annual Update section of the template reviews progress made for each stated goal in the school year that is coming to a close, assesses the effectiveness of actions and services provided, and describes the changes made in the LCAP for the next three years that are based on this review and assessment.

Charter schools may adjust the table below to align with the term of the charter school’s budget that is submitted to the school’s authorizer pursuant to Education Code section 47604.33.

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, to be achieved for each state priority as defined in 5 CCR 15495(i) and any local priorities; a description of the specific actions an LEA will take to meet the identified goals; a description of the expenditures required to implement the specific actions; and an annual update to include a review of progress towards the goals and describe any changes to the goals.

To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, schoolsite-level advisory groups, as applicable (e.g., schoolsite councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Using the following instructions and guiding questions, complete a goal table (see below) for each of the LEA’s goals. Duplicate and expand the fields as necessary.

**Goal:** Describe the goal:

When completing the goal tables, include goals for all pupils and specific goals for schoolsites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the schoolsite level. The LEA may identify which schoolsites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not applicable to a specific subgroup or schoolsite.
**Related State and/or Local Priorities:** Identify the state and/or local priorities addressed by the goal by placing a check mark next to the applicable priority or priorities. The LCAP must include goals that address each of the state priorities, as defined in 5 CCR 15495(i), and any additional local priorities; however, one goal may address multiple priorities.

**Identified Need:** Describe the need(s) identified by the LEA that this goal addresses, including a description of the supporting data used to identify the need(s).

**Schools:** Identify the schoolsites to which the goal applies. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5).

**Applicable Pupil Subgroups:** Identify the pupil subgroups as defined in Education Code section 52052 to which the goal applies, or indicate “all” for all pupils.

**Expected Annual Measurable Outcomes:** For each LCAP year, identify and describe specific expected measurable outcomes for all pupils using, at minimum, the applicable required metrics for the related state priorities. Where applicable, include descriptions of specific expected measurable outcomes for schoolsites and specific subgroups, including pupils with disabilities, both at the LEA level and at the schoolsite level.

The metrics used to describe the expected measurable outcomes may be quantitative or qualitative, although the goal tables must address all required metrics for every state priority in each LCAP year. The required metrics are the specified measures and objectives for each state priority as set forth in Education Code sections 52060(d) and 52066(d). For the pupil engagement priority metrics, LEAs must calculate the rates specified in Education Code sections 52060(d)(5)(B), (C), (D) and (E) as described in the Local Control Accountability Plan and Annual Update Template Appendix, sections (a) through (d).

**Actions/Services:** For each LCAP year, identify all annual actions to be performed and services provided to meet the described goal. Actions may describe a group of services that are implemented to achieve the identified goal.

**Scope of Service:** Describe the scope of each action/service by identifying the schoolsites covered. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5). If supplemental and concentration funds are used to support the action/service, the LEA must identify if the scope of service is districtwide, schoolwide, countywide, or charterwide.

**Pupils to be served within identified scope of service:** For each action/service, identify the pupils to be served within the identified scope of service. If the action to be performed or the service to be provided is for all pupils, place a check mark next to “ALL.”
For each action and/or service to be provided above what is being provided for all pupils, place a check mark next to the applicable unduplicated pupil subgroup(s) and/or other pupil subgroup(s) that will benefit from the additional action, and/or will receive the additional service. Identify, as applicable, additional actions and services for unduplicated pupil subgroup(s) as defined in Education Code section 42238.01, pupils redesignated fluent English proficient, and/or pupils subgroup(s) as defined in Education Code section 52052.

**Budgeted Expenditures:** For each action/service, list and describe budgeted expenditures for each school year to implement these actions, including where those expenditures can be found in the LEA’s budget. The LEA must reference all fund sources for each proposed expenditure. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

**Guiding Questions:**

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA’s goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual schoolsites been evaluated to inform the development of meaningful district and/or individual schoolsite goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific expected measurable outcomes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual schoolsites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and expected measurable outcomes?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?
### LCAP Year 2: xxxx-xx

**Expected Annual Measurable Outcomes:**

<table>
<thead>
<tr>
<th>Actions/Services</th>
<th>Scope of Service</th>
<th>Pupils to be served within identified scope of service</th>
<th>Budgeted Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OR:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Low Income pupils</em></td>
<td><em>English Learners</em></td>
<td><em>Foster Youth</em></td>
<td><em>Redesignated fluent English proficient</em></td>
</tr>
</tbody>
</table>

| **ALL**          |                  |                                                      |                       |
| OR:              |                  |                                                      |                       |
| _Low Income pupils_ | _English Learners_ | _Foster Youth_ | _Redesignated fluent English proficient_ | _Other Subgroups:(Specify)_ |

| **ALL**          |                  |                                                      |                       |
| OR:              |                  |                                                      |                       |
| _Low Income pupils_ | _English Learners_ | _Foster Youth_ | _Redesignated fluent English proficient_ | _Other Subgroups:(Specify)_ |

### LCAP Year 3: xxxx-xx

**Expected Annual Measurable Outcomes:**
### Annual Update

**Annual Update Instructions:** For each goal in the prior year LCAP, review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals the LEA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

**Guiding Questions:**

1. How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?

3) How have the actions/services addressed the identified needs and goals of specific schoolsites and were these actions/services effective in achieving the desired outcomes?

4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?

5) What progress has been achieved toward the goal and expected measurable outcome(s)? How effective were the actions and services in making progress toward the goal? What changes to goals, actions, services, and expenditures are being made in the LCAP as a result of the review of progress and assessment of the effectiveness of the actions and services?

6) What differences are there between budgeted expenditures and estimated actual annual expenditures? What were the reasons for any differences?

Complete a copy of this table for each of the LEA’s goals in the prior year LCAP. Duplicate and expand the fields as necessary.

<table>
<thead>
<tr>
<th>Original GOAL from prior year LCAP:</th>
<th>Related State and/or Local Priorities: 1__ 2__ 3__ 4__ 5__ 6__ 7__ 8__</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal Applies to: Schools:</td>
<td>COE only: 9__ 10__</td>
</tr>
<tr>
<td></td>
<td>Applicable Pupil Subgroups:</td>
</tr>
<tr>
<td>Expected Annual Measurable Outcomes:</td>
<td>Actual Annual Measurable Outcomes:</td>
</tr>
<tr>
<td>LCAP Year: xxxx-xx</td>
<td></td>
</tr>
<tr>
<td>Planned Actions/Services</td>
<td>Actual Actions/Services</td>
</tr>
<tr>
<td>Budgeted Expenditures</td>
<td>Estimated Actual Annual Expenditures</td>
</tr>
</tbody>
</table>
What changes in actions, services, and expenditures will be made as a result of reviewing past progress and/or changes to goals?

Complete a copy of this table for each of the LEA’s goals in the prior year LCAP. Duplicate and expand the fields as necessary.

Section 3: Use of Supplemental and Concentration Grant funds and Proportionality
A. In the box below, identify the amount of funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5).

Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496.

For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a schoolsite in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district’s goals for unduplicated pupils in the state and any local priority areas. (See 5 CCR 15496(b) for guidance.)

| Total amount of Supplemental and Concentration grant funds calculated: | $____________________________ |

B. In the box below, identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a).

Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

| % |
LOCAL CONTROL AND ACCOUNTABILITY PLAN AND ANNUAL UPDATE APPENDIX

For the purposes of completing the LCAP in reference to the state priorities under Education Code sections 52060 and 52066, the following shall apply:

(a) “Chronic absenteeism rate” shall be calculated as follows:

(1) The number of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30) who are chronically absent where “chronic absentee” means a pupil who is absent 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(b) “Middle School dropout rate” shall be calculated as set forth in California Code of Regulations, title 5, section 1039.1.

(c) “High school dropout rate” shall be calculated as follows:

(1) The number of cohort members who dropout by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).
(d) “High school graduation rate” shall be calculated as follows:

1. The number of cohort members who earned a regular high school diploma [or earned an adult education high school diploma or passed the California High School Proficiency Exam] by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

2. The total number of cohort members.

3. Divide (1) by (2).

(e) “Suspension rate” shall be calculated as follows:

1. The unduplicated count of pupils involved in one or more incidents for which the pupil was suspended during the academic year (July 1 – June 30).

2. The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

3. Divide (1) by (2).

(f) “Expulsion rate” shall be calculated as follows:

1. The unduplicated count of pupils involved in one or more incidents for which the pupil was expelled during the academic year (July 1 – June 30).

2. The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

3. Divide (1) by (2).
Local Control Accountability Plan and Annual Update (LCAP) Template


**Introduction**

General instructions for completing the plan, including regulatory requirements, are posted in the Addendum. Links to instructions for specific sections can be found within the document.

**Guiding Questions:** To be used as prompts (but not limits) for completing the information within the LCAP template as required by statute may be found in Appendix B: Guiding Questions.

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Contact:</td>
<td>Title:</td>
<td>Email:</td>
<td>Phone #:</td>
<td></td>
</tr>
</tbody>
</table>

**Plan Summary:** Include demographic student data, introduction. Please paste any applicable charts or matrices in the box below.
# Annual Review and Analysis

<table>
<thead>
<tr>
<th>Original Goal from Prior Year:</th>
<th>State and/or Local Priorities Addressed:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8</td>
</tr>
<tr>
<td></td>
<td>COE only: ☐ 9 ☐ 10 Local: _____</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expected Annual Measurable Outcomes:</th>
<th>Actual Annual Measurable Outcomes:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LCAP Year** XXXX-XX

<table>
<thead>
<tr>
<th>Planned Actions/Services</th>
<th>Budgeted Expenditures</th>
<th>Actual Actions/Services</th>
<th>Estimated Actual Annual Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

**Planned Scope of Service:** ☐ LEA-Wide ☐ Schoolwide  
**Actual Scope of Service:** ☐ LEA-Wide ☐ Schoolwide

☐ All **Or:** ☐ English Learners ☐ Foster Youth ☐ Low Income
☐ Redesignated fluent English proficient ☐ Other ________

☐ All **Or:** ☐ English Learners ☐ Foster Youth ☐ Low Income
☐ Redesignated fluent English proficient ☐ Other ________

---

**Analysis:**

Using actual annual measurable outcome data: Provide an analysis of the effectiveness of the actions/services from the [insert year] LCAP in achieving this goal; Describe changes made to this goal's actions as a result of this assessment; Identify where those changes can be found in the [insert year] LCAP.
## Stakeholder Engagement

<table>
<thead>
<tr>
<th>Involvement Process for LCAP/Annual Review and Analysis</th>
<th>LCAP Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ 2017-18  ☐ 2018-19  ☐ 2019-20</td>
</tr>
</tbody>
</table>

**How, when, and with whom did the LEA consult as part of the planning process for this LCAP/Annual Review and Analysis?**

**Impact on LCAP/Annual Review and Analysis**

**How did these consultations affect and/or modify the LCAP for the upcoming year?**
## Goals, Actions, and Services

### State and/or Local Priorities Addressed:

- [ ] 1
- [ ] 2
- [ ] 3
- [ ] 4
- [ ] 5
- [ ] 6
- [ ] 7
- [ ] 8
- [ ] COE only: 9
- [ ] 10
- [ ] Local: ____

<table>
<thead>
<tr>
<th>Metrics/Indicators</th>
<th>Expected Annual Measurable Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 2017-18</td>
</tr>
<tr>
<td><strong>List of Metrics</strong></td>
<td>3C</td>
</tr>
</tbody>
</table>

### Action

**1.1**

<table>
<thead>
<tr>
<th>Scope of Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Lea-wide</td>
</tr>
<tr>
<td>□ Schoolwide</td>
</tr>
<tr>
<td>□ Other, specific schools, gradespans</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planned Actions/Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
</tr>
<tr>
<td>□ New</td>
</tr>
<tr>
<td>□ Modified from prior year</td>
</tr>
<tr>
<td>□ Unchanged from prior year</td>
</tr>
</tbody>
</table>

### Metrics

**Pupils to be Served**

| □ All pupils OR |
| □ English Learners |
| □ Foster Youth |
| □ Low Income |
| □ Other (specify): ____________________ |

<table>
<thead>
<tr>
<th>Budgeted Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-18</td>
</tr>
<tr>
<td>$</td>
</tr>
</tbody>
</table>

### Source(s):

<table>
<thead>
<tr>
<th>Source(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category:</td>
</tr>
</tbody>
</table>

Complete a copy of this table for each of the LEA’s goals. Duplicate and expand the fields as necessary.
## Demonstration of Increased or Improved Services for Unduplicated Pupils

<table>
<thead>
<tr>
<th>Estimated Supplemental and Concentration Grant Funds:</th>
<th>$</th>
<th>Unduplicated Pupil Percentage:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Percentage to Increase or Improve Services</strong></td>
<td>%</td>
<td>(school districts only):</td>
</tr>
</tbody>
</table>

For districts with an unduplicated pupil percentage of 55% or more, county offices of education and charter schools:

For districts with an unduplicated pupil percentage less than 55%:

For schoolwide services at Schools with an unduplicated pupil percentage of 40% or more:

For schoolwide services at Schools with an unduplicated pupil percentage less than 40%:
DRAFT Revised Local Control and Accountability Plan and Annual Update Template Instructions

Addendum (Return to Top)

The Local Control and Accountability Plan (LCAP) and Annual Update Template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance. The LCAP is a three-year plan which is reviewed and updated in the second and third years of the plan. However, charter schools may complete the LCAP to align with the term of the charter school’s budget that is submitted to the school’s authorizer. The LCAP and Annual Update Template must be completed by all LEAs each year.

For school districts, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified by the Local Control Funding Formula (LCFF) (ethnic, socioeconomically disadvantaged, English learners, pupils with disabilities and homeless youth), for each of the state priorities and any locally identified priorities.

For county offices of education, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each LCFF subgroup of pupils, who are funded through the county office of education LCFF (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

If a county superintendent of schools has jurisdiction over a single school district, the county board of education and the governing board of the school district may adopt and file for review and approval a single LCAP consistent with the requirements in Education Code sections 52060, 52062, 52066, 52068, and 52070. The LCAP must clearly articulate to which entity’s budget (school district or county superintendent of schools) all budgeted or actual expenditures are aligned.

Charter schools must describe goals and specific actions to achieve those goals for all pupils and each LCFF subgroup of pupils including pupils with disabilities and homeless youth, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. Accordingly, in developing goals, specific actions, and expenditures, LEAs should carefully consider how to reflect the services and related expenses for their basic instructional program in relationship to the state priorities. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans that are incorporated or referenced as relevant in this document.
Introduction  (Return to Introduction)

Enter LEA name, and requested contact information. Indicate the appropriate LCAP year.

Summary of the Plan

Briefly summarize the LCAP in such a way that readers can rapidly become acquainted with the key elements of the plan. The use of graphs and subsections are encouraged to promote ease of readability for stakeholders. Subsections may include charts illustrating your goals, planned outcomes, actual outcomes, related planned and actual expenditures, your mission statement and what you consider to be the LCAP’s keys to success.

Annual Review and Analysis  (Return to Annual Review)

For each goal in the prior year of the LCAP, review the actual measurable outcomes as compared to the expected annual measurable outcomes identified in the original goal.

Planned Actions/Services

Identify the planned Actions/Services to meet the described goal and the budgeted expenditures for each school year to implement these actions.

Actual Actions/Services

Identify the actual Actions/Services implemented to meet the described goal and the estimated actual annual expenditures to implement the Actions/Services.

Scope of Service

Identify the planned scope of service and the actual scope or service to include identifying LEA-wide or schoolwide services as well as the pupils, or subgroups of pupils served.

Analysis

Analyze whether the planned actions/services were effective in achieving the goal. Describe any changes to the actions/services and expenditures the LEA will make to meet the goals as a result of the review and analysis. In addition, review the continued applicability of each goal in the LCAP.

Stakeholder Engagement  (Return to Stakeholder Engagement)

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the LCFF subgroups is critical to the LCAP and budget process. Education Code identifies the minimum consultation requirements for school districts county offices of education, and charter schools. In addition, Education Code section 48985 specifies the requirements for the translation of notices, reports, statements, or records sent to a parent or guardian.
The LCAP should be shared with, and input requested from, schoolsite-level advisory groups, as applicable (e.g., schoolsite councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet specific goals.

**Instructions:** Indicate the LCAP year described in the stakeholder engagement process. Describe the process used to consult with the Parent Advisory Committee, the English Learner Parent Advisory Committee, parents, pupils, school personnel, the LEA’s local bargaining units, and the community to inform the development of the LCAP and the annual review and analysis.

Describe how this consultation and the consultation process contributed to, or impacted the development of the LCAP and annual update, including the goals, actions, services, and expenditures.

**Goals, Actions, and Services** *(Return to Goals, Actions, and Services)*

The LCAP is a three-year plan which is reviewed and updated in the second and third years of the plan. However, charter schools may complete the table to align with the term of the charter school’s budget that is submitted to the school’s authorizer.

LEAs shall include a description of the annual goals, for all pupils and each LCFF subgroup of pupils, to be achieved for each state priority as applicable to type of LEA. An LEA may also include additional local priorities. This section shall also include a description of the specific planned actions an LEA will take to meet the identified goals, and a description of the expenditures required to implement the specific actions.

**Goal**

Describe the goal including any need(s) identified by the LEA that the goal addresses.

A goal is a broad statement (not usually in measurable terms) that describes the desired impact, and ultimate outcome towards which all objectives are directed. Goals should align with and support the LEA’s mission/purpose. A Goal answers the question: What changes in behavior or condition are we seeking to improve outcomes for pupils, including pupils in the LCFF subgroups?

**Related State and/or Local Priorities**

Identify the state and/or local priorities addressed by the goal by placing a check mark next to the applicable priority or priorities. The LCAP must include goals that address each of the state priorities, and any additional local priorities; however, one goal may address multiple priorities.

**Expected Annual Measurable Outcomes**

For each LCAP year, identify and describe specific expected measurable outcomes for all pupils using, at minimum, the applicable required metrics for the related state priorities. Where applicable, include descriptions of specific expected measurable outcomes for schoolsites and specific subgroups, including pupils with disabilities and homeless youth, both at the LEA level and at the schoolsite level.

The metrics used to describe the expected measurable outcomes may be quantitative or qualitative, although the goal tables must address all required metrics for every state priority in each LCAP year. The required metrics are the specified measures and objectives.
for each state priority. For the pupil engagement priority metrics, LEAs must calculate the rates as described in the Local Control Accountability Plan and Annual Update Template Appendix, sections (a) through (d).

Pupils to be Served

For each action/service, identify the pupils to be served within the identified scope of service. If the action to be performed or the service to be provided is for all pupils, place a check mark next to "ALL."

For each action and/or service to be provided above what is being provided for all pupils, place a check mark next to the applicable unduplicated pupil subgroup(s) and/or other pupil subgroup(s) that will benefit from the additional action, and/or will receive the additional service. Identify, as applicable, additional actions and services for unduplicated pupil subgroup(s) - (English learners, foster youth, low income) pupils redesignated fluent English proficient, and/or other pupils subgroup(s) including pupils with disabilities and homeless youth.

Planned Actions/Services

For each LCAP year, identify all annual actions to be performed and services provided to meet the described goal. Identify the associated metric(s) specified in the Expected Annual Measurable Outcomes the action/service are expected to impact. Actions may describe a group of services that are implemented to achieve the identified goal.

Scope of Service

Describe the scope of each action/service by identifying the schoolsites covered. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5). If supplemental and concentration grant funds are used to support the action/service, the LEA must identify if the scope of service is districtwide, schoolwide, countywide, or charterwide.

Budgeted Expenditures

For each action/service, list and describe budgeted expenditures for each school year to implement these actions, including where those expenditures can be found in the LEA’s budget. The LEA must reference all fund sources for each proposed expenditure. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Demonstration of Increased or Improved Services for Unduplicated Students

(Return to Demonstration of Increased or Improved Services for Unduplicated Students)

Unduplicated Pupil Percentage

**District:** Percentage of unduplicated pupil enrollment of the district’s total enrollment in the fiscal year for which an LCAP is adopted, or in the prior year.

**School:** Percentage of unduplicated pupil enrollment of the school’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year.
**Percentage to Increase or Improve Services**

Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a).

Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

**Districts with an unduplicated pupil percentage of 55% or more, county offices of education and charter schools:**

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an LEA-wide basis, describe how these services are **principally directed towards** and are **effective in** meeting the district’s goals for its unduplicated pupils in the state and any local priority areas.

**Districts with an unduplicated pupil percentage less than 55%:**

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an districtwide basis, describe how these services are **principally directed towards** and are **effective in** meeting the district’s goals for its unduplicated pupils in the state and any local priority areas and how these services are most effective use of these funds in meeting the described goals. **Include the basis for this determination**, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.

**Schoolwide services at Schools with an unduplicated pupil percentage of 40% or more:**

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an schoolwide basis, describe how these services are **principally directed towards** and are **effective in** meeting the district’s goals for its unduplicated pupils in the state and any local priority areas.

**Schoolwide services at Schools with an unduplicated pupil percentage less than 40%:**

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an schoolwide basis, describe how these services are **principally directed towards** and are **effective in** meeting the district’s goals for its unduplicated pupils in the state and any local priority areas and how these services are most effective use of these funds in meeting the described goals. **Include the basis for this determination**, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.
State Priorities *(Return to Goals, Actions, and Services)*

**Priority 1: Basic (Conditions of Learning)** addresses the degree to which:

A. teachers in the LEA are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching;
B. pupils in the school district have sufficient access to the standards-aligned instructional materials; and
C. school facilities are maintained in good repair.

**Priority 2: State Standards (Conditions of Learning)** addresses:

A. the implementation of state board adopted academic content and performance standards for all students; and
B. how the programs and services will enable English learners to access the CCSS and the ELD standards for purposes of gaining academic content knowledge and English language proficiency.

**Priority 3: Parental Involvement (Engagement)** addresses:

A. the efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite;
B. how the school district will promote parental participation in programs for unduplicated pupils; and
C. how the school district will promote parental participation in programs for individuals with exceptional needs.

**Priority 4: Pupil Achievement (Pupil Outcomes)** as measured by all of the following, as applicable:

A. statewide assessments;
B. the Academic Performance Index;
C. the percentage of pupils who have successfully completed courses that satisfy UC or CSU entrance requirements, or programs of study that align with state board approved career technical educational standards and framework;
D. the percentage of English learner pupils who make progress toward English proficiency as measured by the CELDT;
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; and
G. the percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, or any subsequent assessment of college preparedness.

**Priority 5: Pupil Engagement (Engagement)** as measured by all of the following, as applicable:

A. school attendance rates;
B. chronic absenteeism rates;
C. middle school dropout rates;
D. high school dropout rates; and
E. high school graduation rates.

**Priority 6: School climate (Engagement)** as measured by all of the following, as applicable:

A. pupil suspension rates;
B. pupil expulsion rates; and
C. other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

**Priority 7: Course Access (Conditions of Learning)** addresses the extent to which pupils have access to and are enrolled in:

A. a broad course of study including courses described under Sections 51210 and 51220(a)-(i), as applicable;
B. programs and services developed and provided to unduplicated pupils; and
C. programs and services developed and provided to individuals with exceptional needs.

**Priority 8: Pupil Outcomes (Pupil Outcomes)** addresses pupil outcomes, if available, for courses described under Sections 51210 and 51220(a)-(i), as applicable.
Priority 9: Coordination of Instruction of Expelled Pupils (COE Only) (Pupil Outcomes) addresses how the county superintendent of schools will coordinate instruction of expelled pupils.

Priority 10. Coordination of Services for Foster Youth (COE Only) (Conditions of Learning) addresses how the county superintendent of schools will coordinate services for foster children, including:

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 in the delivery of services to foster children, including 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; and
D. establishing a mechanism for the efficient expeditious transfer of health and education records and the health and education passport.

Local Priorities address:

A. local priority goals; and
B. methods for measuring progress toward local goals.
APPENDIX A: PRIORITIES 5 AND 6 RATE CALCULATION INSTRUCTIONS

For the purposes of completing the LCAP in reference to the state priorities under Education Code sections 52060 and 52066, the following shall apply:

(a) “Chronic absenteeism rate” shall be calculated as follows:

(1) The number of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30) who are chronically absent where “chronic absentee” means a pupil who is absent 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(b) “Middle School dropout rate” shall be calculated as set forth in California Code of Regulations, title 5, section 1039.1.

(c) “High school dropout rate” shall be calculated as follows:

(1) The number of cohort members who dropout by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(d) “High school graduation rate” shall be calculated as follows:

(1) The number of cohort members who earned a regular high school diploma [or earned an adult education high school diploma or passed the California High School Proficiency Exam] by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.
(3) Divide (1) by (2).

(e) “Suspension rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was suspended during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(f) “Expulsion rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was expelled during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.6, 47606.5, 48926, 52052, 52060, 52061, 52062, 52063, 52064, 52066, 52067, 52068, 52069, 52070, 52070.5, and 64001, Education Code; 20 U.S.C. Sections 6312 and 6314.
APPENDIX B: GUIDING QUESTIONS

Guiding Questions: Annual Review and Analysis

1) How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
3) How have the actions/services addressed the identified needs and goals of specific schoolsites and were these actions/services effective in achieving the desired outcomes?
4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?
5) What progress has been achieved toward the goal and expected measurable outcome(s)? How effective were the actions and services in making progress toward the goal? What changes to goals, actions, services, and expenditures are being made in the LCAP as a result of the review of progress and assessment of the effectiveness of the actions and services?
6) What differences are there between budgeted expenditures and estimated actual annual expenditures? What were the reasons for any differences?

Guiding Questions: Stakeholder Engagement

1) How have applicable stakeholders (e.g., parents and pupils, including parents of unduplicated pupils and unduplicated pupils identified in Education Code section 42238.01; community members; local bargaining units; LEA personnel; county child welfare agencies; county office of education foster youth services programs, court-appointed special advocates, and other foster youth stakeholders; community organizations representing English learners; and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?
2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?
3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?
4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?
5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?
6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?
7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?
Guiding Questions: Goals, Actions, and Services

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA’s goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual schoolsites been evaluated to inform the development of meaningful district and/or individual schoolsite goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific expected measurable outcomes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual schoolsites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific schoolsites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and expected measurable outcomes?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?
DRAFT Revised Local Control and Accountability Plan and Annual Update Template Instructions

Changes to the original text are illustrated in the following manner: text proposed to be added is highlighted green, is prefaced with <begin add>, is underlined, and is concluded with <end add>; text proposed to be deleted is highlighted red, is prefaced with <begin delete>, is displayed in strikeout, and is concluded with <end delete>. The introduction to the addendum is formatted in italics; it has been prefaced with <begin introduction> and concluded with <end introduction>.

§ 15497.5. Local Control and Accountability Plan and Annual Update Template. <end delete>

Introduction:

LEA: _________________________  Contact (Name, Title, Email, Phone Number):__________________________________

LCAP Year:_________<end delete>

Local Control and Accountability Plan and Annual Update Template <end delete>

Addendum

The Local Control and Accountability Plan (LCAP) and Annual Update Template shall be used to provide details regarding local educational agencies’ (LEAs) actions and expenditures to support pupil outcomes and overall performance. The LCAP and Annual Update Template must be completed by all LEAs each year.

For school districts, pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified by the Local Control Funding Formula (LCFF) (ethnic, socioeconomically disadvantaged, English learners, etc.), for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each LCFF subgroup of pupils as identified in Education Code section 52052, including pupils with disabilities and homeless youth, for each of the state priorities and any locally identified priorities. School districts and county offices of education may
additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

If a county superintendent of schools has jurisdiction over a single school district, the county board of education and the governing board of the school district may adopt and file for review and approval a single LCAP consistent with the requirements in Education Code sections 52060, 52062, 52066, 52068, and 52070. The LCAP must clearly articulate to which entity’s budget (school district or county superintendent of schools) all budgeted or actual expenditures are aligned.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each LCFF subgroup of pupils, identified in Education Code section 52052, including pupils with disabilities and homeless youth, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. Accordingly, in developing goals, specific actions, and expenditures, LEAs should carefully consider how to reflect the services and related expenses for their basic instructional program in relationship to the state priorities. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans that are incorporated or referenced as relevant in this document.

For each section of the template, LEAs shall comply with instructions and should use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. However, the narrative response and goals and actions should demonstrate each guiding question was considered during the development of the plan. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:
Basic: degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

Implementation of State Standards: implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils, including English learners. (Priority 2)

Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)

Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

B. Pupil Outcomes:

Pupil achievement: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)

Other pupil outcomes: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)

C. Engagement:

Parental involvement: efforts to seek parent input in decision making at the district and each schoolsite, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

Pupil engagement: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

School climate: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)
<begin add> Introduction (Return to Introduction)

Enter LEA name, and requested contact information. Indicate the appropriate LCAP year. <end add>

<begin add>Summary of the Plan

Briefly summarize the LCAP in such a way that readers can rapidly become acquainted with the key elements of the plan. The use of graphs and subsections are encouraged to promote ease of readability for stakeholders. Subsections may include charts illustrating your goals, planned outcomes, actual outcomes, related planned and actual expenditures, your mission statement and what you consider to be the LCAP’s keys to success. <end add>

<begin delete>Annual Update <end delete>.

<begin add> Annual Review and Analysis <end add>

<begin delete> Update Instructions: <end delete>

<begin add> For each goal in the prior year of the LCAP, review the actual measurable outcomes as compared to <end add> progress toward <end delete>. <begin add> the expected annual measurable outcomes identified in the original goal. <end add> <begin delete> outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. <end delete>.

<begin add> Planned Actions/Services

Identify the planned Actions/Services to meet the described goal and the budgeted expenditures for each school year to implement these actions.

Actual Actions/Services

Identify the actual Actions/Services implemented to meet the described goal and the estimated actual annual expenditures to implement the Actions/Services.

Scope of Service

Identify the planned scope of service and the actual scope or service to include identifying LEA-wide or schoolwide services as well as the pupils, or subgroups of pupils served.

Analysis

Analyze whether the planned actions/services were effective in achieving the goal. Describe any changes to the actions/services and expenditures <end add> or goals <end delete>. <begin add> the LEA will take make to meet the goals as a
result of the review and analysis. In addition, review the continued applicability of each goal in the LCAP.

Guiding Questions:

1. How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
2. How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
3. How have the actions/services addressed the identified needs and goals of specific schoolsites and were these actions/services effective in achieving the desired outcomes?
4. What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?
5. What progress has been achieved toward the goal and expected measurable outcome(s)? How effective were the actions and services in making progress toward the goal? What changes to goals, actions, services, and expenditures are being made in the LCAP as a result of the review of progress and assessment of the effectiveness of the actions and services?
6. What differences are there between budgeted expenditures and estimated actual annual expenditures? What were the reasons for any differences?

Complete a copy of this table for each of the LEA’s goals in the prior year LCAP. Duplicate and expand the fields as necessary.

Section 1: Stakeholder Engagement

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the LCFF subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52060(g), 52062 and 52063 specify the minimum consultation requirements for school districts, Education Code sections 52066(g), 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for...
charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents. Notices, reports, statements, or records sent to a parent or guardian.

The LCAP should be shared with, and input requested from, schoolsite-level advisory groups, as applicable (e.g., schoolsite councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet specific goals.

Instructions: Indicate the LCAP year described in the stakeholder engagement process. Describe the process used to consult with the Parent Advisory Committee, the English Learner Parent Advisory Committee, parents, pupils, school personnel, local bargaining units as applicable, and the community and how this consultation contributed to informing the development of the LCAP and the annual update. Note that the LEA’s goals, actions, services and expenditures related to the state priority of parental involvement are to be described separately in Section 2. In the annual update boxes, describe the stakeholder involvement process for the review and analysis. Describe how this consultation and describe its impact on, the consultation process contributed to, or impacted the development of the LCAP and annual update to LCAP including the goals, actions, services, and expenditures.

Guiding Questions:

1) How have applicable stakeholders (e.g., parents and pupils, including parents of unduplicated pupils and unduplicated pupils identified in Education Code section 42238.01; community members; local bargaining units; LEA personnel; county child welfare agencies; county office of education foster youth services programs; court-appointed special advocates; and other foster youth stakeholders; community organizations representing English learners; and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?

2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?

4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?
5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?

6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?

7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?

Section 2: Goals, Actions, Expenditures, and Progress Indicators

<begin add>Goals, Actions, and Services (Return to Goals, Actions, and Services)

<begin delete>Instructions: <end delete>

<begin delete>All LEAs must complete the LCAP and Annual Update Template each year. <end delete> The LCAP is a three-year plan which is reviewed and updated in the second and third years of the plan. <end add> for the upcoming school year and the two years that follow. In this way, the program and goals contained in the LCAP align with the term of a school district and county office of education budget and multiyear budget projections. The Annual Update section of the template reviews progress made for each stated goal in the school year that is coming to a close, assesses the effectiveness of actions and services provided, and describes the changes made in the LCAP for the next three years that are based on this review and assessment. <end delete>

<begin delete>Charter <end delete> However, charter schools may adjust complete the table below to align with the term of the charter school’s budget that is submitted to the school’s authorizer pursuant to Education Code section 47604.33. <end delete>

<begin delete>For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each LCFF subgroup of pupils, to be achieved for each state priority as applicable to type of LEA. An LEA may also include additional subgroup(s) as defined in 5 CCR 15495(i) and any local priorities. This section shall also include a description of the specific planned actions an LEA will take to meet the identified
goals, and a description of the expenditures required to implement the specific actions; and an annual update to include a review of progress towards the goals and describe any changes to the goals.

To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, schoolsite-level advisory groups, as applicable (e.g., schoolsite councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Using the following instructions and guiding questions, complete a goal table (see below) for each of the LEA’s goals. Duplicate and expand the fields as necessary.

<table>
<thead>
<tr>
<th>Goal</th>
<th>Describe the goal including any need(s) identified by the LEA that the goal addresses.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A goal is a broad statement (not usually in measurable terms) that describes the desired impact, and ultimate outcome towards which all objectives are directed. Goals should align with and support the LEA’s mission/purpose. A Goal answers the question: What changes in behavior or condition are we seeking to improve outcomes for pupils, including pupils in the LCFF subgroups?</td>
</tr>
</tbody>
</table>

**Related State and/or Local Priorities**

Identify the state and/or local priorities addressed by the goal by placing a check mark next to the applicable priority or priorities. The LCAP must include goals that address each of the state priorities, as defined in 5 CCR 15495(i), and any additional local priorities; however, one goal may address multiple priorities.
Identified Need: Describe the need(s) identified by the LEA that this goal addresses, including a description of the supporting data used to identify the need(s).

Schools: Identify the schoolsites to which the goal applies. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5).

Applicable Pupil Subgroups: Identify the pupil subgroups as defined in Education Code section 52052 to which the goal applies, or indicate “all” for all pupils.

Expected Annual Measurable Outcomes:

For each LCAP year, identify and describe specific expected measurable outcomes for all pupils using, at minimum, the applicable required metrics for the related state priorities. Where applicable, include descriptions of specific expected measurable outcomes for schoolsites and specific subgroups, including pupils with disabilities and homeless youth, both at the LEA level and at the schoolsite level.

The metrics used to describe the expected measurable outcomes may be quantitative or qualitative, although the goal tables must address all required metrics for every state priority in each LCAP year. The required metrics are the specified measures and objectives for each state priority as set forth in Education Code sections 52060(d) and 52066(d). For the pupil engagement priority metrics, LEAs must calculate the rates specified in Education Code sections 52060(d)(5)(B), (C), (D) and (E), as described in the Local Control Accountability Plan and Annual Update Template Appendix, sections (a) through (d).

Actions/Services: For each LCAP year, identify all annual actions to be performed and services provided to meet the described goal. Actions may describe a group of services that are implemented to achieve the identified goal.

Scope of Service: Describe the scope of each action/service by identifying the schoolsites covered. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5). If supplemental and concentration funds are used to support the action/service, the LEA must identify if the scope of service is districtwide, schoolwide, countywide, or charterwide.

Pupils to be served within identified scope of service: Served
For each action/service, identify the pupils to be served within the identified scope of service. If the action to be performed or the service to be provided is for all pupils, place a check mark next to “ALL.”

For each action and/or service to be provided above what is being provided for all pupils, place a check mark next to the applicable unduplicated pupil subgroup(s) and/or other pupil subgroup(s) that will benefit from the additional action, and/or will receive the additional service. Identify, as applicable, additional actions and services for unduplicated pupil subgroup(s) as defined in Education Code section 42238.01, (English learners, foster youth, low income), pupils redesignated fluent English proficient, and/or other pupils as defined in Education Code section 52052 including pupils with disabilities and homeless youth.

Planned Actions/Services

For each LCAP year, identify all annual actions to be performed and services provided to meet the described goal. Identify the associated metric(s) specified in the Expected Annual Measurable Outcomes the action/service are expected to impact. Actions may describe a group of services that are implemented to achieve the identified goal.

Scope of Service

Describe the scope of each action/service by identifying the schoolsites covered. LEAs may indicate “all” for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5). If supplemental and concentration funds are used to support the action/service, the LEA must identify if the scope of service is districtwide, schoolwide, countywide, or charterwide.

Budgeted Expenditures

For each action/service, list and describe budgeted expenditures for each school year to implement these actions, including where those expenditures can be found in the LEA’s budget. The LEA must reference all fund sources for each proposed expenditure. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.
1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA’s goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual schoolsites been evaluated to inform the development of meaningful district and/or individual schoolsite goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific expected measurable outcomes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual schoolsites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific schoolsites, to English learners, to low income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and expected measurable outcomes?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget?

Complete a copy of this table for each of the LEA’s goals. Duplicate and expand the fields as necessary.

Annual Update

Annual Update Instructions: For each goal in the prior year LCAP, review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals the LEA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

Guiding Questions:
1) How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?

2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?

3) How have the actions/services addressed the identified needs and goals of specific schoolsites and were these actions/services effective in achieving the desired outcomes?

4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?

5) What progress has been achieved toward the goal and expected measurable outcome(s)? How effective were the actions and services in making progress toward the goal? What changes to goals, actions, services, and expenditures are being made in the LCAP as a result of the review of progress and assessment of the effectiveness of the actions and services?

6) What differences are there between budgeted expenditures and estimated actual annual expenditures? What were the reasons for any differences?

Complete a copy of this table for each of the LEA’s goals in the prior year LCAP. Duplicate and expand the fields as necessary.

Section 3: Use of Supplemental and Concentration Grant funds and Proportionality

A. In the box below, identify the amount of funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5).

Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496.

For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a schoolsite in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district’s goals for unduplicated pupils in the state and any local priority areas. (See 5 CCR 15496(b) for guidance.)
**Demonstration of Increased or Improved Services for Unduplicated Students**

(Return to Demonstration of Increased or Improved Services for Unduplicated Students)

**Unduplicated Pupil Percentage**

**District:** Percentage of unduplicated pupil enrollment of the district’s total enrollment in the fiscal year for which an LCAP is adopted, or in the prior year.

**School:** Percentage of unduplicated pupil enrollment of the school’s total enrollment in the fiscal year for which an LCAP is adopted or in the prior year.

**Percentage to Increase or Improve Services**

**B. In the box below, identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a).**

Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

**Districts with an unduplicated pupil percentage of 55% or more, county offices of education and charter schools:**

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an LEA-wide basis, describe how these services are principally directed towards and are effective in meeting the district’s goals for its unduplicated pupils in the state and any local priority areas.

**Districts with an unduplicated pupil percentage less than 55%:**

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an districtwide basis, describe how these services are principally directed towards and are effective in meeting the district’s goals for its unduplicated pupils in the state and any local priority areas and how these services are most effective use of these funds in meeting the described goals. **Include the**
basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.

Schoolwide services at Schools with an unduplicated pupil percentage of 40% or more:

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an schoolwide basis, describe how these services are principally directed towards and are effective in meeting the district’s goals for its unduplicated pupils in the state and any local priority areas.

Schoolwide services at Schools with an unduplicated pupil percentage less than 40%:

Describe how the LEA is expending the Supplemental and Concentration Grant Funds this LCAP year. For those services funded with supplemental and/or concentration grant funds and identified as being provided on an schoolwide basis, describe how these services are principally directed towards and are effective in meeting the district’s goals for its unduplicated pupils in the state and any local priority areas and how these services are most effective use of these funds in meeting the described goals. Include the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.

State Priorities

Priority 1: Basic (Conditions of Learning) addresses the degree to which:

D. teachers in the LEA are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching;
E. pupils in the school district have sufficient access to the standards-aligned instructional materials; and
F. school facilities are maintained in good repair.

Priority 2: State Standards (Conditions of Learning) addresses:

A. the implementation of state board adopted academic content and performance standards for all students; and
B. how the programs and services will enable English learners to access the CCSS and the ELD standards for purposes of gaining academic content knowledge and English language proficiency.

Priority 3: Parental Involvement (Engagement) addresses:

A. the efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite;
B. how the school district will promote parental participation in programs for unduplicated pupils; and
C. how the school district will promote parental participation in programs for individuals with exceptional needs.

Priority 4: Pupil Achievement (Pupil Outcomes) as measured by all of the following, as applicable:

A. statewide assessments;
B. the Academic Performance Index;
C. the percentage of pupils who have successfully completed courses that satisfy UC or CSU entrance requirements, or programs of study that align with state board approved career technical educational standards and framework;
D. the percentage of English learner pupils who make progress toward English proficiency as measured by the CELDT;
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; and
G. the percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, or any subsequent assessment of college preparedness.

Priority 5: Pupil Engagement (Engagement) as measured by all of the following, as applicable:
A. school attendance rates;
B. chronic absenteeism rates;
C. middle school dropout rates;
D. high school dropout rates; and
E. high school graduation rates;

Priority 6: School climate (Engagement) as measured by all of the following, as applicable:
D. pupil suspension rates;
E. pupil expulsion rates; and
F. other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

Priority 7: Course Access (Conditions of Learning) addresses the extent to which pupils have access to and are enrolled in:
A. a broad course of study including courses described under Sections 51210 and 51220(a)-(i), as applicable;
B. programs and services developed and provided to unduplicated pupils; and
C. programs and services developed and provided to individuals with exceptional needs.

Priority 8: Pupil Outcomes (Pupil Outcomes) addresses pupil outcomes, if available, for courses described under Sections 51210 and 51220(a)-(i), as applicable.

Priority 9: Coordination of Instruction of Expelled Pupils (COE Only) (Pupil Outcomes) addresses how the county superintendent of schools will coordinate instruction of expelled pupils

Priority 10. Coordination of Services for Foster Youth (COE Only) (Conditions of Learning) addresses how the county superintendent of schools will coordinate services for foster children, including:
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 in the delivery of services to foster children, including 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; and
D. establishing a mechanism for the efficient expeditious transfer of health and education records and the health and education passport.

Local Priorities address:
A. local priority goals; and
B. methods for measuring progress toward local goals. <end add>
For the purposes of completing the LCAP in reference to the state priorities under Education Code sections 52060 and 52066, the following shall apply:

(a) “Chronic absenteeism rate” shall be calculated as follows:

(1) The number of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30) who are chronically absent where “chronic absentee” means a pupil who is absent 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(b) “Middle School dropout rate” shall be calculated as set forth in California Code of Regulations, title 5, section 1039.1.

(c) “High school dropout rate” shall be calculated as follows:

(1) The number of cohort members who dropout by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(d) “High school graduation rate” shall be calculated as follows:

(1) The number of cohort members who earned a regular high school diploma [or earned an adult education high school diploma or passed the California High School Proficiency Exam] by the end of year 4 in the cohort where “cohort” is defined as the number of
first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(e) “Suspension rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was suspended during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(f) “Expulsion rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was expelled during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.6, 47606.5, 48926, 52052, 52060, 52061, 52062, 52063, 52064, 52066, 52067, 52068, 52069, 52070, 52070.5, and 64001, Education Code; 20 U.S.C. Sections 6312 and 6314.
Appendix B: Guiding Questions

Guiding Questions: Annual Review and Analysis

1) How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
3) How have the actions/services addressed the identified needs and goals of specific schoolsites and were these actions/services effective in achieving the desired outcomes?
4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?
5) What progress has been achieved toward the goal and expected measurable outcome(s)? How effective were the actions and services in making progress toward the goal? What changes to goals, actions, services, and expenditures are being made in the LCAP as a result of the review of progress and assessment of the effectiveness of the actions and services?
6) What differences are there between budgeted expenditures and estimated actual annual expenditures? What were the reasons for any differences?

Guiding Questions: Stakeholder Engagement

1) How have applicable stakeholders (e.g., parents and pupils, including parents of unduplicated pupils and unduplicated pupils identified in Education Code section 42238.01; community members; local bargaining units; LEA personnel; county child welfare agencies; county office of education foster youth services programs, court-appointed special advocates, and other foster youth stakeholders; community organizations representing English learners; and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?
2) How have stakeholders been included in the LEA’s process in a timely manner to allow for engagement in the development of the LCAP?
3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?
4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA’s engagement processes?
5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?
6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?
7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?

Guiding Questions: Goals, Actions, and Services

1) What are the LEA’s goal(s) to address state priorities related to “Conditions of Learning”?
2) What are the LEA’s goal(s) to address state priorities related to “Pupil Outcomes”?
3) What are the LEA’s goal(s) to address state priorities related to parent and pupil “Engagement” (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA’s goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual schoolsites been evaluated to inform the development of meaningful district and/or individual schoolsite goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA’s goals for all pupils?
7) What are the specific expected measurable outcomes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual schoolsites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific schoolsites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and expected measurable outcomes?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA’s budget? <end add>
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2016 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

The Every Student Succeeds Act (ESSA) was signed into law by President Barack Obama on December 10, 2015, and goes into full effect in the 2017–18 school year. The ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the nation’s federal education law, and replaces the No Child Left Behind Act (NCLB).

As part of California’s transition to ESSA, California must submit an ESSA State Plan to the U.S. Department of Education (ED). The State Plan will describe the State’s implementation of standards, assessments, accountability, and assistance programs. This agenda item provides an update to inform the State Board of Education (SBE) and the public regarding progress in the development of the ESSA State Plan.

The ED has made available proposed regulations for accountability, data reporting, and submission of state plans. This set of proposed regulations is subject to a 60-day public comment period that will inform the final regulations. The deadline for submitting feedback regarding the proposed regulations is August 1, 2016.

As a result of its transition to the Local Control Funding Formula (LCFF), initiated in 2013, California has made great strides toward developing a new accountability and continuous improvement system. This work has included the development of a new accountability framework, the LCFF evaluation rubrics, and several initiatives designed to strengthen California’s ability to support local educational agencies (LEAs) and schools to engage in cycles of continuous improvement. To guide this work, the SBE formulated a set of design principles, available in Item 11 of the November 2015 SBE agenda, including the integration of state and federal accountability and continuous improvement systems.

The ESSA provides California with a number of opportunities to build upon California’s work to date in this area. As part of the plan development process, California Department of Education (CDE) staff have analyzed the ESSA and identified a number of opportunities within the law to support California’s transition to a statewide system of support for ongoing continuous improvement at the school, LEA, and state levels.
RECOMMENDATION

The CDE recommends that the SBE give authority to the State Superintendent of Public Instruction (SSPI) to submit with the SBE President a joint response to the proposed regulations for accountability, data reporting, and submission of state plans to the ED on or before August 1, 2016.

The CDE also recommends that the SBE take additional action as deemed necessary and appropriate.

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 George W. Bush reauthorized ESEA making some fundamental policy changes and referring to the reauthorization as 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. The ESSA redefines the federal role in elementary and secondary education by enhancing the authority of states and LEAs to allow flexibility regarding Title I assessment and accountability, Title II professional development, Title III English learners and immigrant students, and Title IV 21st Century Schools.

States are required to consult with diverse stakeholders at multiple points during the design, development, and implementation of their ESSA State Plans. The CDE is committed to ensuring a transparent transition to the new law and developing an ESSA State Plan that is informed by the voices of diverse Californians. A summary of outreach and consultation activities conducted by CDE staff in May and June 2016 is provided in Attachment 1.

The most current information regarding California’s transition to the ESSA is available on the CDE ESSA Web page at http://www.cde.ca.gov/essa. Interested stakeholders are encouraged to join the CDE ESSA listserv to receive notifications when new information becomes available by sending a blank e-mail message to join-essa@mlist.cde.ca.gov. Questions regarding ESSA in California may be sent to ESSA@cde.ca.gov. More information regarding these communication structures is also available in Attachment 1.

Alignment of State and Federal Accountability and Continuous Improvement Systems

California intends to align state and federal education policies to the greatest extent possible. To this end, CDE staff is working closely with the SBE to ensure coordination
of ESSA State Plan development with the development of the emerging accountability and continuous improvement system, as well as coordination across branches and divisions within the CDE.

The Local Control Funding Formula (LCFF) evaluation rubrics system will be utilized to support and build LEA and school capacity by analyzing and clearly displaying—at the LEA, student group, and school site levels—state-available data within the state and federal priorities. The system, currently under development by the SBE and CDE, is described in Item 2 of the July 2016 meeting. LEAs and schools will use elements of the rubrics system to identify strengths and areas for improvement in their current practices and will also utilize it to connect to additional relevant resources.

The statewide system of support will also rely upon the components of the LCFF evaluation rubrics system. The Superintendent of Public Instruction/CDE, county offices of education (COEs), and the California Collaborative for Educational Excellence (CCEE) will be able to use the rubrics to identify and refer LEAs and schools for appropriate supports in the context of a larger system of differentiated technical assistance that rests upon a foundation of recognizing success and sharing promising and successful practices amongst all LEAs in the state.

These differentiated supports will focus on building capacity and promoting improved performance across state and federal priority areas with more support for LEAs and schools that demonstrate the greatest need. This reflects a shift in accountability from what has too often been a narrow system of labeling, sorting, and imposing sanctions toward a more balanced, complete system and theory of action that can build capacity over time and advance the kinds of shifts in teaching, learning, and supports necessary for all students to succeed.

The ESSA provides California with a number of opportunities to build upon California’s new directions in accountability and continuous improvement. For the accountability aspects of the ESSA, CDE staff anticipates that the ESSA State Plan will utilize the LCFF evaluation rubrics system currently under development by the SBE and CDE.

In relation to continuous improvement, CDE staff have analyzed the ESSA and identified opportunities to utilize ESSA resources to advance specific programs, policies, and priorities. Many of these opportunities were presented to the California Practitioners Advisory Group (CPAG) for feedback at its June 2016 meeting. Attachment 2 provides a summary of these opportunities, along with feedback received from the CPAG.

**Response to Federal Regulations**

On May 26, 2016, the ED made available for public comment proposed regulations regarding accountability, data reporting requirements, and consolidated state plans to support implementation of the ESSA. The proposed regulations, along with a number of resources related to them, are available on the ED ESSA Resources Web page at [http://www2.ed.gov/policy/elsec/leg/essa/index.html](http://www2.ed.gov/policy/elsec/leg/essa/index.html). These proposed regulations are
open for a 60-day public comment period that will inform final regulations, expected to be available by the end of the year. The deadline for submitting feedback on the proposed regulations is August 1, 2016.

The proposed regulations have generated concern across the country; a number of states and organizations have identified instances where the regulations go beyond the requirements detailed in the ESSA. Identified areas of concern include, but are not limited to, the following topics:

- Summative Rating Requirements and Methodology
- State Plan Timelines
- Approach to Weighting of Indicators
- School Improvement Plans
- State, LEA, and School Report Cards
- Alternative Schools

Staff is in the process of preparing a detailed analysis of the proposed regulations. This information will be used to prepare a formal response, signed jointly by State Superintendent Torlakson and SBE President Kirst, to alert ED and Congress to California’s position on the proposed regulations.

The CDE anticipates that ED will be publishing in the Federal Register and making available for public comment additional proposed regulations—for assessment; innovative assessment pilots; and supplement, not supplant—later this summer.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

**May 2016:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including Title I State Plan requirements described in the ESSA, outreach and consultation with stakeholders, and a draft State Plan development timeline. CDE and SBE staff presented to the SBE an update regarding the development of a new accountability and continuous improvement system which led to the SBE approval of specific design elements of the LCFF evaluation rubrics and direction to staff to prepare recommendations and updates concerning standards for the LCFF priority areas and feasibility of incorporating additional indicators. The SBE also approved the ESSA 2016–17 School Year Transition Plan and two federal ESSA waiver requests to address double testing in science and Speaking and Listening assessment requirements. The SBE also heard a presentation of the Final Report from the State Superintendent of Public Instruction’s Advisory Accountability and Continuous Improvement Task Force.

**March 2016:** CDE and SBE staff presented to the SBE an update regarding development of a new accountability system including information regarding the Local Control and Accountability Plan and annual update template, evaluation rubrics, the ESSA State Plan, and the revised timeline for transitioning to a new accountability and continuous improvement system. The SBE approved appointments to the California Practitioners Advisory Group.
January 2016: CDE staff presented to the SBE an update on issues related to California’s implementation of the ESEA, including information regarding ESSA, and the implications for state accountability and state plans.

FISCAL ANALYSIS (AS APPROPRIATE)

No fiscal changes are projected for the 2016–17 school year. The new law will become effective for non-competitive formula grants in the 2017–18 school year. For 2017–18:

- For Title I, minor changes to the amount of Title I funds that flow through each of the four parts will be made, but the state grant formula overall is unchanged.

- For Title II, Part A, the state grant formula will be adjusted, gradually eliminating the hold harmless provision by 2023 and increasing the poverty factor and decreasing the population factor from the current 65/35 ratio to 80/20 in 2020. According to a November report by the Congressional Research Service, California’s Title II, Part A funding is projected to increase by more than $25 million by 2023.

- For Title III, the state grant formula remains unchanged.

A number of competitive and non-competitive grant opportunities are outlined in ESSA, as are a variety of options for state and local uses of funds. For an in-depth analysis of the fiscal implications of ESSA, please see the Council of Chief State School Officers (CCSSO) document, “Summary of Significant Spending and Fiscal Rules in the Every Student Succeeds Act,” available on the CCSSO Resources Web page at http://www.ccsso.org/Resources/Publications/Summary_of_Significant_Spending_and_Fiscal_Rules_in_the_Every_Student_Succeeds_Act.html.

It is important to note that state funding received by LEAs has historically surpassed federal funding amounts. However, federal funding for state level administration has been historically greater than state funding.

ATTACHMENT(S)

Attachment 1:  ESSA State Plan Development: Communications, Outreach, and Consultation with Stakeholders: May–June 2016 (5 Pages)

Attachment 2:  Opportunities in the Every Student Succeeds Act to Support California’s Accountability and Continuous Improvement System (3 Pages)
ESSA State Plan Development: Communications, Outreach, and Consultation with Stakeholders: May–June 2016

States are required to consult with diverse stakeholders at multiple points during the design, development, and implementation of their ESSA State Plans. The California Department of Education (CDE) is committed to ensuring a transparent transition to the new law and developing an ESSA State Plan that is informed by the voices of diverse Californians. CDE staff participated in 17 events in May and June to provide information and consult with over 1,000 stakeholders. A summary of communications, outreach, and consultation activities conducted by CDE staff in May and June 2016 is provided below.

Date: May 5, 2016  
Meeting: Education Coalition and Equity Coalition  
Participants: Education Coalition and Equity Coalition members and CDE staff  
Details:  
CDE staff provided an update to coalition members regarding the development of the ESSA State Plan.

Date: May 18, 2016  
Meeting: Regional Assessment Network  
Participants: Regional Assessment Network (RAN) members and CDE staff  
Details:  
CDE staff provided an update to RAN members regarding the development of the ESSA State Plan.

Date: May 19, 2016  
Meeting: Bilingual Coordinators Network Meeting  
Participants: Bilingual Coordinators Network (BCN) members and CDE staff  
Details:  
CDE staff provided an update to BCN members regarding the development of the ESSA State Plan including information regarding federal regulations, draft plan development timeline, CDE staff capacity building, the California Practitioners Advisory Group, opportunities to participate and provide recommendations, and communication structures.

Date: May 20, 2016  
Meeting: State and Federal Programs Directors’ Meeting  
Participants: State and Federal Program Directors and CDE staff  
Details:
CDE staff provided an update to the program directors regarding the development of the ESSA State Plan including information regarding federal regulations, the draft plan development timeline, CDE staff capacity building, opportunities to participate, and communication structures.

Date: May 24, 2016  
Meeting: Alameda County Office of Education (COE) Accountability and ESSA Workshop  
Participants: County- and district-level administrators in Alameda County, Regional System of District and School Support providers, CDE and SBE staff, and WestEd staff  
Details:

CDE, SBE, and WestEd staff presented information related to California’s emerging accountability and continuous improvement system and engaged participants in discussions regarding the implications of the new system. CDE staff solicited questions and suggestions regarding ESSA and the State Plan from participants.

Date: May 26, 2016  
Meeting: ESSA Webinar  
Participants: Any interested member of the public, CDE staff, and California Comprehensive Center at WestEd staff  
Details:

With support from the California Comprehensive Center, CDE staff presented a brief overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants were encouraged to ask questions and express concerns and suggestions for the State Plan.

Date: June 1, 2016  
Meeting: ESSA Webinar  
Participants: Any interested member of the public, CDE staff, and California Comprehensive Center at WestEd staff  
Details:

With support from the California Comprehensive Center, CDE staff presented a brief overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants were encouraged to ask questions and express concerns and suggestions for the State Plan.

Date: June 2, 2016  
Meeting: Contra Costa COE ESSA Workshop
**Participants:** County- and district-level administrators in Contra Costa County and CDE and SBE staff  
**Details:**

CDE and SBE staff presented information related to California’s transition to ESSA and engaged participants in discussions about the implications of the transition. CDE staff solicited questions and suggestions regarding ESSA and the State Plan from participants.

**Date:** June 16, 2016  
**Meeting:** ESSA State Plan Stakeholder Meeting: Sacramento Region  
**Participants:** Any interested member of the public, CDE staff  
**Details:**

CDE staff presented a brief overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants engaged in facilitated small group discussions to share questions, concerns, and suggestions regarding the State Plan.

**Date:** June 17, 2016  
**Meeting:** Policy Input Work Group Meeting  
**Participants:** Policy Work Group, California Comprehensive Center at WestEd staff, SBE staff, and CDE staff  
**Details:**

Policy Work Group members, representing diverse California stakeholders, engaged in small group discussions and provided feedback regarding the Local Control Funding Formula evaluation rubrics and the Local Control and Accountability Plan template.

**Date:** June 17, 2016  
**Meeting:** State and Federal Programs Directors’ Meeting  
**Participants:** State and Federal Program Directors and CDE staff  
**Details:**

CDE staff provided an update to the program directors regarding the development of the ESSA State Plan including information regarding draft regulations, the proposed organizational structure of the plan, and opportunities to participate in the plan development process.

**Date:** June 20, 2016  
**Meeting:** ESSA State Plan Stakeholder Meeting: Northern California Region  
**Participants:** Any interested member of the public, and CDE staff  
**Details:**
CDE staff, with the support of Shasta COE staff, presented an overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants engaged in facilitated small group discussions to share questions, concerns, and suggestions regarding the State Plan.

**Date:** June 22, 2016  
**Meeting:** California Practitioners Advisory Group (CPAG) Meeting  
**Participants:** CPAG members, SBE staff, and CDE staff  
**Details:**

At the second meeting of the CPAG, members were provided a brief overview and update on the development of the ESSA State Plan and were asked to provide feedback on various opportunities within the ESSA that might be leveraged to support state policies, priorities, and programs. CPAG members also discussed and provided feedback on the methodology, design, and descriptors for the full range of LEA performance on key indicators; draft concepts for a top-level data display for the LCFF evaluation rubrics; and revised draft statements of model practices.

**Date:** June 23, 2016  
**Meeting:** Educator Equity Plan Meeting  
**Participants:** Representatives from diverse equity groups, CDE staff, Commission on Teacher Credentialing staff, California Comprehensive Center at WestEd staff, and staff from the Center on Great Teachers and Leaders  
**Details:**

Participants reviewed the 2015 California State Plan to Ensure Equitable Access to Excellent Educators, which will be integrated into the ESSA State Plan, and discussed potential updates to the document.

**Date:** June 23, 2016  
**Meeting:** ESSA State Plan Stakeholder Meeting: Bay Area Region  
**Participants:** Any interested member of the public and CDE staff  
**Details:**

CDE staff, with the support of Santa Clara COE staff, presented an overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants engaged in facilitated small group discussions to share questions, concerns, and suggestions regarding the State Plan.

**Date:** June 27, 2016  
**Meeting:** ESSA State Plan Stakeholder Meeting: Central Valley Region
Participants: Any interested member of the public, CDE staff, and California Comprehensive Center at WestEd staff
Details:

CDE and California Comprehensive Center staff, with the support of Tulare COE staff, presented an overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants engaged in facilitated small group discussions to share questions, concerns, and suggestions regarding the State Plan.

Date: June 28, 2016
Meeting: ESSA State Plan Stakeholder Meeting: Southern California Region
Participants: Any interested member of the public, CDE staff, and California Comprehensive Center at WestEd staff
Details:

CDE and California Comprehensive Center staff, with the support of Los Angeles COE staff, presented an overview of the ESSA and the process and timeline to develop an ESSA State Plan. Participants engaged in facilitated small group discussions to share questions, concerns, and suggestions regarding the State Plan.

ESSA Stakeholder Survey
In addition to the face-to-face opportunities described above, in June the CDE made available and promoted an ESSA Stakeholder Survey. The survey was designed to capture questions stakeholders have regarding California's transition to the ESSA and to collect recommendations regarding what should be included in California's ESSA State Plan. The survey was available between June 3 and July 8, 2016. A summary report of survey results will be presented to the SBE after analysis of the data has been completed.

Other Communication Channels
Interest in California’s ESSA communication channels is growing. Below is a table displaying the total number of Web page views for the CDE ESSA Web pages since their inception in March 2016.

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<tr>
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<td>5,376</td>
<td>7,803</td>
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</table>

Below is a table displaying the number of CDE ESSA listserv messages and the number of subscribers to the CDE ESSA listserv since its inception in April 2016.

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<td>299</td>
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</tr>
</tbody>
</table>
Opportunities in the Every Student Succeeds Act to Support California’s Accountability and Continuous Improvement System

California is in the process of developing a new, coherent, local, state, and federal accountability and continuous improvement system that will integrate different levels of supports to local educational agencies (LEAs) and schools to promote continuous improvement at all levels of performance. The system will recognize and elevate exemplary performance and also target assistance to those places where it is most needed to grow local capacity to serve all students and specific student subgroups effectively. The Every Student Succeeds Act (ESSA) State Plan will describe a system of aligned strategies designed to support the continuous improvement of the education system at the school, local, and state levels.

CDE staff have analyzed the ESSA and identified opportunities afforded by the law to build upon California’s programs, policies, and priorities for potential inclusion in the ESSA State Plan. Many of these opportunities were presented to the California Practitioners Advisory Group (CPAG) for feedback at its June 2016 meeting. Below are brief summaries of these opportunities and related feedback from CPAG members.

Title I: Seven Percent Required Set-Aside for School Improvement

ESSA Section 1003 requires states to set aside 7 percent of the Title I Part A LEA subgrant allocation to provide technical assistance and supports to schools that have been identified for comprehensive and targeted support and improvement activities. The law requires that at least 95 percent of this reservation be subgranted to LEAs through either a formula or competitive basis.

The CPAG was asked to provide feedback regarding whether these grants should be awarded to LEAs through a formula or competitive grant process. Comments were varied, with some members recommending a competitive process to identify the schools most likely to be successful, others recommending that the grants be awarded by formula so that all identified schools might benefit, and another suggesting that a hybrid of the two might be best.

The CDE plans to convene a workgroup to review successful school improvement strategies and determine the priorities, criteria, and structures for using these funds most effectively and will bring the recommendations of this workgroup to the SBE at its September 2016 meeting.

Title I: Three Percent Allowable Set-Aside for Direct Student Services

ESSA Section 1004 provides state educational agencies with an option to set aside an additional 3 percent of the LEA subgrant allocation for Direct Student Services. Many of the allowable activities described in this section (e.g., credit recovery, Advanced Placement and International Baccalaureate programs) are consistent with state
priorities, but decisions regarding local participation in these activities are best made at the local level. The CDE does not plan to include the use of this optional set-aside in the ESSA State Plan but will develop guidance suggesting LEAs incorporate allowable activities when making decisions regarding local use of Title I funds.

Title II: Three Percent Allowable Set-Aside for Supporting Principals and Other School Leaders

ESSA Section 2101(c)(3) provides an option for states to set aside 3 percent of the Title II, Part A LEA subgrant allocation to establish state programs designed to improve the skills of principals or other school leaders. Specifically, the funds may be used for:

- Developing, improving, and implementing mechanisms to assist LEAs and schools in effectively recruiting and retaining principals or other school leaders who are effective in improving student academic achievement; including effective teachers from underrepresented minority groups and teachers with disabilities, such as providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams;

- Developing or assisting LEAs in developing career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, school leadership, and involvement with school improvement and support; and increase the retention of effective principals or other school leaders;

- Providing assistance to LEAs for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging state academic standards; and

- Supporting professional learning and improving the instructional strategies of principals, or other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best practices to understand state and regional workforce needs and transitions to postsecondary education and the workforce.

In general, CPAG members agreed that principals and other school leaders would benefit from additional supports, but requested more specific information regarding how the CDE might use these funds. The CDE, in collaboration with the California Commission on Teacher Credentialing (CTC), plans to establish priorities, criteria, and structures for using these funds most effectively and will bring this plan to the SBE at its September 2016 meeting.
Title IV: State-Level Discretionary Funds for “Collaboration in Common”

ESSA Section 4101 describes the Student Support and Academic Enrichment Grants. This block grant may be used to support well-rounded educational opportunities, safe and healthy students activities, and the effective use of technology.

The CDE, in collaboration with state, regional, and local partners, is interested in using Title IV state-level activity funds to support the development and implementation of “Collaboration in Common,” an online tool that will support professional learning community practices; facilitate online sharing of resources, including access to state of the art databases; and provide a platform for peer-to-peer professional learning and support for individuals and local, regional, and statewide initiatives.

Title VIII: Alternate Diploma Opportunity for Severely Cognitively Disabled Students

ESSA Section 8002(25)(A)(ii)(II)(bb) describes an opportunity for states to award an alternative diploma to students with severe cognitive disabilities. Students receiving the diploma will be counted as graduates, unlike students receiving certificates of completion. The CDE plans to initiate activities to develop appropriate criteria for an alternate diploma to be awarded to students with severe cognitive disabilities who are being educated under alternate standards. CPAG members were generally supportive of this opportunity, but expressed some concern regarding the potential for decreasing the rigor of California’s graduation requirements.

Competitive Grant Opportunities in the ESSA

CDE staff plans to include in the ESSA State Plan California’s intent to apply for the following competitive grant opportunities described in the ESSA:

- Title I: State Option to Conduct Assessment System Audit
- Title II, Part B, Subpart 2: Comprehensive Literacy State Development Grants
- Title II, Part B, Subpart 4: School Leader Recruitment and Support
- Title II, Part B: STEM Master Teacher Corps
- Title IX: Preschool Development Grant

The U.S. Department of Education (ED) has not yet made available funding or specific guidance regarding grant requirements or application processes, but these grant opportunities appear to be consistent with the State’s ongoing efforts to provide a rigorous, well-rounded education to all students and continuously improve teaching and leading. In general, CPAG members were supportive of the CDE plan to further explore these opportunities as more information becomes available, but encouraged careful examination of all new information to ensure that it remains consistent with California’s priorities.
California State Board of Education
JULY 2016 AGENDA

SUBJECT
Flex Public Schools: 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 the Flex Public Schools (FPS) Board may have engaged in fiscal mismanagement, committed a material violation of the San Francisco Flex Academy (SFFA) charter, and failed to meet or pursue any of the pupil outcomes identified in the SFFA charter. Pursuant to 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 May 12, 2016, the State Board of Education (SBE) issued a Notice of Violation (NOV) to the FPS Board because the FPS Board may have engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C), may have committed a material violation of the SFFA charter pursuant to EC Section 47607(c)(1)(A), and may have failed to meet or pursue the pupil outcomes identified in the SFFA charter pursuant to EC Section 47607(c)(1)(B). FPS was required to provide a written response and supporting evidence that addressed all of the violations outlined in the NOV.

On June 16, 2016, FPS submitted a Response to Notice of Violation pursuant to EC Section 47607(d) to the SBE and the CDE. On June 21, 2016, FPS submitted Draft June 13, 2016, Board Meeting Minutes. A full summary of the FPS response to the violations and the CDE analysis of the FPS response is provided in Attachment 2.

RECOMMENDATION

The CDE recommends that the SBE consider, based on substantial evidence, that the FPS Board has not demonstrated increases in pupil academic achievement for all groups of pupils served by SFFA pursuant to EC Section 47607(c)(2), and that the FPS Board may have engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C), committed a material violation of the SFFA charter pursuant to EC Section 47607(c)(1)(A), and failed to meet or pursue any of the pupil outcomes.
identified in the SFFA charter pursuant to EC Section 47607(c)(1)(B) as described in the NOV issued by the SBE to FPS on May 12, 2016.

After consideration of substantial evidence presented, the CDE and the Advisory Commission on Charter Schools (ACCS) recommend that if the SBE finds that the FPS Board 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 (NIR) with a Notice of Facts in Support of Revocation of the SFFA charter pursuant to EC Section 47607(e). The NIR is included as Attachment 1.

If, on July 13, 2016, the SBE issues a NIR and Notice of Facts in Support of Revocation of the SFFA charter, the CDE also recommends that the SBE hold a public hearing on July 14, 2016, to take action to consider issuing a Final Decision to Revoke the SFFA charter governed by the FPS Board, and a Letter of Final Decision to Revoke. The SBE should also consider directing the FPS Board to initiate closure procedures of the SFFA charter school.

Advisory Commission on Charter Schools

The ACCS considered the evidence presented in the FPS response to the NOV at its June 7, 2016, meeting. The ACCS voted to move forward the CDE recommendation that if the SBE finds that the FPS Board 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 July 13, 2016 meeting. The motion passed by a vote of eight yes votes to zero no votes.

**BRIEF HISTORY OF KEY ISSUES**

The SBE approved the SFFA charter on appeal on May 7, 2010, after SFFA was denied establishment by the San Francisco Unified School District (SFUSD), also operating as the San Francisco County Office of Education. The SBE agenda item can be found as Item 32 on the SBE May 5–7, 2010, Agenda Web page at [http://www.cde.ca.gov/be/ag/ag/yr10/agenda201005.asp](http://www.cde.ca.gov/be/ag/ag/yr10/agenda201005.asp). The corresponding minutes for the May 5–7, 2010, SBE meeting can be found on the SBE Minutes Web page at [http://www.cde.ca.gov/be/mt/ms/](http://www.cde.ca.gov/be/mt/ms/). SFFA began operation in school year 2010–11 under SBE authorization.

SFFA submitted an appeal of its renewal to the CDE in December 2014. The CDE found that the SFFA petitioners were demonstrably unlikely to successfully implement the intended program and the petition did not contain reasonably comprehensive descriptions of the 16 charter elements pursuant to EC sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and *California Code of Regulations*, Title 5 (5 CCR) Section 11967.5.1.

The SBE approved the SFFA charter renewal on March 12, 2015, for a five-year term with the conditions noted at the ACCS meeting. The SBE agenda item can be found as Item 11 on the SBE March 11–12, 2015, Agenda Web page at [http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp](http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp). The corresponding minutes
for the March 11–12, 2015, SBE meeting can be found on the SBE Minutes Web page at http://www.cde.ca.gov/be/mt/ms/index.asp.

At its May 12, 2016, meeting the SBE issued a NOV to the FPS Board because FPS may have engaged in fiscal mismanagement pursuant to EC Section 47607(c)(1)(C), may have committed a material violation of the SFFA charter pursuant to EC Section 47607(c)(1)(A), and may have failed to meet or pursue any of the pupil outcomes identified in the SFFA charter pursuant to EC Section 47607(c)(1)(B). The SBE agenda item can be found as Item 28 on the SBE May 11–12, 2016, Agenda Web page at http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp.

FPS was required to provide a written response and supporting evidence that addressed all of the violations outlined in the NOV by May 18, 2016. On June 16, 2016, the FPS Board provided a response to the NOV (Attachment 3). However, the CDE finds that the FPS Board response does not remedy all of the violations.

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.

The CDE considered the SFFA pupil academic achievement information as indicated in the CDE analysis of EC Section 47607(c)(1)(B) under the violations of law section. Based on the academic analysis of SFFA pupil achievement, the CDE concludes that, under the governance of the FPS Board, SFFA has not demonstrated increases in pupil academic achievement for all groups of pupils served by SFFA (Attachment 2).

The CDE believes that evidence exists to support the finding that the FPS Board has engaged in fiscal mismanagement, committed a material violation of the SFFA charter and the Memorandum of Understanding (MOU) between SFFA and the SBE, and has not demonstrated increases in pupil achievement for all pupils served by the charter school. EC Section 47607(d) provides that prior to revocation, the authority that granted the charter shall notify the charter school of any violation of EC Section 47607 and give the charter school a reasonable opportunity to remedy the violation.
Violations of Law

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

- **CDE Finding:** The SFFA projected enrollment of 100 pupils with Average Daily Attendance (ADA) of 87 for fiscal year (FY) 2015–16. However, the ADA certified at the FY 2015–16 First Principal (P-1) Apportionment was 73.59, which represents a 15 percent decline from the ADA projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68. As a result of the declining enrollment, the SFUSD denied SFFA’s request for a Proposition 39 facility and therefore, SFFA does not have a facility for the 2016–17 school year.

  **CDE Conclusion:** The FPS Board had not remedied this violation (Attachment 2).

- **CDE Finding:** The FPS Board has not submitted the second interim budget report for FY 2015–16, which was due to the Charter Schools Division on March 15, 2016. On March 16, 2016, the CDE had a conference call with the SFFA administrator and was informed that the FPS Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board will provide it to the CDE in April 2016.

  **CDE Conclusion:** The FPS Board had not remedied this violation (Attachment 2).

- **CDE Finding:** The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 MOU between SFFA and the SBE.

  **CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

- **CDE Finding:** On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA’s enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA’s budget without expenditure adjustments. The CDE estimates that SFFA’s financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised.
CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

- **CDE Finding:** The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to EC Section 47613, and represents one percent of the revenue amount received in the Local Control Funding Formula (LCFF) calculated pursuant to EC Section 42238.02, as implemented by EC Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response from either SFFA or the FPS Board.

  CDE Conclusion: The FPS Board has remedied this violation (Attachment 2).

- **CDE Finding:** Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved FCAP due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA’s resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP (Attachment 2).

  CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

- **CDE Finding:** SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP.

  CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

The FPS 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:** The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California Government Code sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each Board meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.
CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

- CDE Finding: The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:
  - 1.3 Governing Board Responsibilities
    - Governing Board Meetings
    - Brown Act
  - 3.5 Revenue and Expenditure Reporting
  - 3.5 Reserves
  - 3.7 Oversight Fees

CDE Conclusion: The FPS Board has partially remedied this violation with regard to Section 3.7 Oversight Fees; however, the FPS Board has not remedied the remaining violations (Attachment 2).

The FPS Board failed to meet or pursue any of the pupil outcomes identified in the charter pursuant to (EC Section 47607[c][1][B]).

CDE staff reviewed the charter petition Element 2, Measurable Pupil Outcomes (MPOs) included in the 2015–2020 SFFA renewal petition (approved by the SBE in March 2015). The SFFA MPOs addressed the state priorities. The CDE determined that SFFA did not meet the following MPOs (Attachment 2):

State Priority 7: Course Access (Conditions of Learning).

- SFFA MPO: Eighty percent of pupils will complete courses that satisfy University of California/California State University A–G entrance requirements, or Career Technical Education.

CDE Finding: The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively. Data for 2014–15 will be available in May 2016.

CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

State Priorities 2 and 4: State Standards, Pupil Achievement (Conditions for Learning).

- SFFA MPO: Establish benchmark scores for Smarter Balanced and other California Assessment of Student Performance and Progress (CAASPP) related assessments and improve on the initial benchmark scores in subsequent years.

CDE Finding: SFFA schoolwide and SFFA two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the
2015 CAASPP are below both the state average and the SFUSD average for the same grades, grade eleven.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

- **SFFA MPO:** Improve English Learner (EL) reclassification rate.

**CDE Finding:** The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

- **SFFA MPO:** Forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT).

**CDE Finding:** The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

State Priority 5: Pupil Engagement (Engagement).

- **SFFA MPO:** Meet or exceed 90 percent attendance rate.

**CDE Finding:** The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for FY 2013–14 with 84.9 percent ADA, FY 2014–15 P-2 Apportionment with 87.8 percent ADA, and FY 2015–16 P-1 Apportionment with 73.6 percent ADA.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

**Conclusion**

Based on the conclusions outlined above and in Attachment 2 of the item, the CDE finds that the FPS Board 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, 28 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters
- Twenty 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 SFFA charter. If the SBE were to revoke the charter, some shifting of state expenditures would occur from SFFA 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 FPS. 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 (6 Pages)
Attachment 2: Notice of Facts in Support of Revocation of San Francisco Flex Academy (11 Pages)
Attachment 3: Flex Public Schools June 16, 2016, Response to Violations (7 pages)
Attachment 4: Flex Public Schools Evidence of Payment of Oversight Fees (1 page)
Attachment 5: Flex Public Schools Board 12-7-15 Agenda (2 pages)
Attachment 6: Flex Public Schools Board 12-7-15 Minutes (4 pages)
Attachment 7: Flex Public Schools Board 6-13-16 Agenda (2 pages)
Attachment 8: Flex Public Schools Board 6-13-16 Draft Minutes (3 pages)
Attachment 9: San Francisco Flex Academy Web Site Board Information (1 page)
Attachment 10: 2015–16 California Assessment of Student Performance and Progress (3 pages)
Attachment 11: Number of English Learners for San Francisco Flex Academy (2 pages)
Attachment 12:  San Francisco Flex Academy Students Who Took the California English Language Development Test (1 page)

Attachment 13:  Local Control Funding Formula State Priorities Snapshot (7 pages)
July 13, 2016

Mark Kushner, Board President
Steve Henderson, Board Treasurer
Catherine Walcott, Board Secretary
Nancy Doty, Board Member
Andrew Gordon, Board Member
Flex Public Schools
1350 7th Avenue
San Francisco, CA 94122

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

Dear President Kushner, Mr. Henderson, Ms. Walcott, Ms. Doty, and Mr. Gordon:

This letter serves as the State Board of Education’s (SBE) Notice of Intent to Revoke and Notice of Facts in Support of the revocation of San Francisco Flex Academy’s (SFFA) charter.

California Education Code (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.
The SBE issued a Notice of Violation (NOV) dated May 12, 2016, informing the Flex Public Schools (FPS) Board that it may have violated \(EC\) sections 47607(c)(1)(A), 47607(c)(1)(C), and 47607(c)(2) and that these violations could be the basis for an action to revoke the SFFA charter. On May 13, 2016, the FPS Board was notified in writing regarding the violations alleged in the NOV.

The NOV provided FPS with an opportunity to submit evidence to the SBE by May 18, 2016, that refuted, remedied, or proposed to remedy the alleged violations. FPS was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its June 7, 2016, meeting.

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

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

- The FPS Board has not submitted the second interim budget report for Fiscal Year (FY) 2015–16, which was due to the Charter Schools Division by March 15, 2016.

- The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to \(EC\) Section 47613, and represents one percent of the revenue amount received in the local control funding formula (LCFF) calculated pursuant to \(EC\) Section 42238.02, as implemented by \(EC\) Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response to date from either SFFA or the FPS Board. **The CDE notes that as of June 16, 2016, FPS has remedied this violation (Attachment 2).**

- The SFFA projected enrollment of 100 pupils with the average daily attendance (ADA) of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 First Principal (P-1) Apportionment was 73.59, which represents a 15 percent decline from the ADA projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68.

- The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is
below the recommended five percent in reserves outlined in the 2015–2020 Memorandum of Understanding (MOU) between SFFA and the SBE.

- On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA’s enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA’s budget without expenditure adjustments. The CDE estimates that SFFA’s financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised.

- Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved Fiscal Corrective Action Plan (FCAP) due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA’s resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP.

- SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP.

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

- The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California Government Code sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.
The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:

- 1.3 Governing Board Responsibilities
  - Governing Board Meetings
  - Brown Act
- 3.5 Revenue and Expenditure Reporting
- 3.5 Reserves
- 3.7 Oversight Fees

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.

Under State Priorities 2 and 4: State Standards, Pupil Achievement (Conditions for Learning).

- SFFA Measurable Pupil Outcomes (MPOs): Establish benchmark scores for Smarter Balanced and other California Assessment of Student Performance and Progress (CAASPP) related assessments and improve on the initial benchmark scores in subsequent years.
  - SFFA school wide and SFFA two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 CAASPP are below both the state average and the SFUSD average for the same grades, grade eleven.
- SFFA MPO: Improve English learner (EL) reclassification rate.
  - The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14, SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.
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Under State Priority 7: Course Access (Conditions of Learning).

- SFFA MPO: Eighty percent of pupils will complete courses that satisfy University of California/California State University A–G entrance requirements, or Career Technical Education.
  
o The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively. Data for 2014–15 will be available in May 2016.

Under State Priority 5: Pupil Engagement (Engagement).

- SFFA MPO: Meet or exceed 90 percent attendance rate.
  
o The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for FY 2013–14 with 84.9 percent ADA, FY 2014–15 P-2 Apportionment with 87.8 percent ADA, and FY 2015–16 P-1 Apportionment with 73.6 percent ADA.

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

Mark Kushner, markekushner@gmail.com
Steve Henderson, shenderson14@gmail.com

You are encouraged to attend the SBE’s meeting on July 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/jh  

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, California Department of Education  
Charter Schools Division
California Department of Education
Analysis of Evidence Submitted to the State Board of Education by Flex Public Schools on June 16, 2016
In Response to Notice of Violation Issued by the California State Board of Education

The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on May 12, 2016</th>
<th>Summary of Flex Public School’s Response to the Notice of Violation Submitted to the California Department of Education on June 16, 2016</th>
<th>California Department of Education Analysis of Flex Public School’s Response</th>
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<td>The Flex Public Schools (FPS) Board has not submitted the second interim budget report for Fiscal Year (FY) 2015–16, which was due to the Charter Schools Division by March 15, 2016. On March 16, 2016, the California Department of Education (CDE) had a conference call with the San Francisco Flex Academy (SFFA) administrator and was informed that the FPS Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board should have it ready for the CDE in April 2016.</td>
<td>The FPS response states that FPS considers this violation to be moot. The FPS Board voted to cease operations as of June 30, 2016, because it was not able to secure a facility for the school. This year the SFFA was not managed by K12 Incorporated (K12 Inc.) and therefore did not have the resources to force the San Francisco Unified School District (SFUSD) to follow the law and issue a Proposition 39 facility. SFUSD refused to allow SFFA to continue in its Proposition 39 building in 2016–17 despite the SFFA space not being used by others.</td>
<td>CDE analysis, to this section of the FPS response, notes that SFFA submitted a Proposition 39 application which SFUSD denied. Proposition 39 requires that the charter have at least 80 in-district pupils attendance. The CDE notes that the SFFA certified 2015–16 average daily attendance (ADA) at the first attendance reporting period was 73.59. ADA for the second reporting period will not be certified until June 25, 2016. As noted in the Notice of Violation issued to the FPS Board, the FPS Board chair and the FPS Board treasurer informed the CDE that SFFA enrollment was around 68.</td>
</tr>
<tr>
<td>SF Flex will therefore not be open for the 2016–17 school year, and will submit an end of year financial budget and report prepared by the Charter Schools Development Center (CSDC) after the June 30, 2016, end of the fiscal year to remedy this lack of interim budget report. This end of year report will be</td>
<td></td>
<td>CDE analysis, to this section of the FPS response, notes that CDE Division Director, at the conclusion of the June 7, 2016, ACCS meeting, informed the CSDC Director that if his agency was agreeing to perform the financial review for the school then CDE would want the numbers to reflect the entire</td>
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<td>The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).</td>
<td>subject to the regular annual audit to be submitted to the CDE and SBE. CDE has informed CSDE and SFFA that this end of year report is an acceptable replacement to the interim report (p. 1, Attachment 3).</td>
<td>school year; second interim only reflects financial status through January 31. A report for the entire year would better address the fiscal solvency of the school which is the most significant of the fiscal mismanagement concerns. If CDE receives a final unaudited report for the full year – it would only be an informational update to this violation, not a remedy. <strong>The CDE finds that the FPS Board has not remedied this violation.</strong></td>
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<td>The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to Education Code (EC) Section 47613, and represents one percent of the revenue amount received in the local control funding formula (LCFF) calculated pursuant to EC Section 42238.02, as implemented by EC Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response to date from either SFFA or the FPS Board.</td>
<td>The FPS response states that this has been remedied. FPS notes that the school paid this year’s oversight fee. It did not know that last year’s (2014–15) oversight fee was not paid by K12 Inc., the managemnt [sic] company. This was an oversight by K12 Inc. This oversight fee has now been paid (p. 2, Attachment 3).</td>
<td>CDE analysis, to this section of the FPS response, finds that the evidence submitted by the FPS Board on June 16, 2016, in response to this violation does remedy the violation (Attachment 4). <strong>The CDE finds that the FPS Board has remedied this violation.</strong></td>
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<td>The SFFA projected enrollment of 100 pupils with ADA of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 First Principal (P-1) Apportionment was 73.59, which represents a 15 percent decline from the ADA</td>
<td>The FPS response states that considers [sic] this is now moot and the FPS board remedied this by cutting expenses. Due to the forced move by SFFA by SFUSD last year, SFFA did not end up with an ADA of 87.</td>
<td>CDE analysis, to this section of the FPS response, finds that projected enrollment and projected ADA have not been met for FY 2015–16.</td>
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The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

Projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68.

The FPS Board acted promptly and responsibly by reducing expenses, and will end the year with a balanced budget. However, the CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim.

As indicated above, SF Flex will prepare an end of year fiscal report which will be audited in the late Fall [sic] (p. 2, Attachment 3).

The reserve amount is now moot as the school will be ceasing operations until reopening criteria are met. The CDE finds that the FPS Board has not remedied this violation.

The FPS response states that this is now moot and remedied by the school having sufficient reserves to cover all expenses.

The school reduced expenses and has sufficient funds to meet expenses. This will be demonstrated by the end of the year report and later audit (p. 3, Attachment 3).

The CDE finds that the FPS Board has not remedied this violation.

The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 Memorandum of Understanding (MOU) between SFFA and the SBE.

CDE analysis, to this section of the FPS response, notes that the FPS Board Chair, Mark Kushner, verbally presented this concept to the Advisory Commission on Charter Schools (ACCS) at the June 7, 2016, ACCS meeting. The State Board of Education (SBE) has not been presented with a written plan for SFFA to cease operations and reopen.

CDE analysis, to this section of the FPS response, notes that the FPS Board Chair, Mark Kushner, verbally presented this concept to the Advisory Commission on Charter Schools (ACCS) at the June 7, 2016, ACCS meeting. The State Board of Education (SBE) has not been presented with a written plan for SFFA to cease operations and reopen.
The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

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<th>The FPS response states that this has been remedied. The FPS Board made significant adjustments and there are sufficient funds to meet expenses [sic] (p. 3, Attachment 3).</th>
<th>CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim. The CDE finds that the FPS Board has not remedied this violation.</th>
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<td>Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved Fiscal Corrective Action Plan (FCAP) due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment.</td>
<td>The FPS response states this has been remedied. FPS submitted a FCAP with a written narrative on what caused the decline (the move caused by SFUSD making SF Flex move again), and on what actions to adjust (cutting expenses). The school did not submit a multi-year budget because it is now ceasing operations and will not be operating next school year. The FPS board did discuss and approve the FCAP at its CDE analysis, to this section of the FPS response, notes that SFFA submitted an FCAP, however, the CDE found it to be insufficient as noted in the NOV.</td>
<td>CDE analysis, to this section of the FPS response, notes that</td>
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The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

| Numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA’s resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP. SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP. | December 7, 2015, board meeting, but inadvertently left this out of the minutes. | FPS did not provide the agenda or minutes for the December 7, 2015, FPS Board meeting. Furthermore, on June 18, 2016, CDE did access the SFFA Web site and finds that there is no informational or action agenda item on the December 7, 2015, agenda or in the associated meeting minutes for the FCAP (Attachment 5 and Attachment 6). CDE analysis, to this section of the FPS response, notes that FPS did not provide the agenda for the June 13, 2016, FPS Board meeting. However, CDE did access the SFFA Web site on June 18, 2016, and notes that there is an action item for the FCAP (Attachment 7). But no approved minutes were available. On June 20, 2016, the FPS Board chair provided the CDE with the Draft unofficial minutes of this associated meeting. (Attachment 8). CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim. The CDE finds that the FPS Board has not remedied this violation. |
| The FPS board re-approved the FCAP at its June 13, 2016, board meeting. Regardless, this is now moot as the FPS board made the required reduction in expenses to end the year with a balanced budget (pp. 3–4, Attachment 3). | | |
| | | |

7/8/2016 1:50 PM
The Flex Public Schools Board committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).

<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on May 12, 2016</th>
<th>Summary of Flex Public School’s Response to the Notice of Violation Submitted to the California Department of Education on June 16, 2016</th>
<th>California Department of Education Analysis of Flex Public School’s Response</th>
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</thead>
<tbody>
<tr>
<td>The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California Government Code sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.</td>
<td>The FPS response states this is remedied and that this is not correct. The FPS board has always posted notices in compliance with the Brown Act at its building. For some reason, some of the agendas and minutes were not posted on the SFFA website [sic] and were only posted on the FPS website [sic] for its other school. Regardless, they are all now posted on the SFFA website. The school is in full compliance.</td>
<td>CDE analysis, to this section of the FPS response, finds that FPS provided no evidence to support this claim. The CDE agrees with this FPS statement that the minutes were not posted on the SFFA Web site and were only posted on the FPS Web site for its other school. CDE analysis, to this section of the FPS response, notes that on June 17, 2016, CDE did access the SFFA Web site located at <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a> and finds that the May 3, 2016, FPS Board meeting minutes are not posted as required by the MOU between SFFA and the SBE. Therefore, CDE maintains the violation stands and that throughout the 2015–16 school year the FPS Board has not consistently posted to the SFFA Web site as required in the MOU between SFFA and the SBE (Attachment 9). The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
</tbody>
</table>
The Flex Public Schools Board committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).

<table>
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<tr>
<th>The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1.3 Governing Board Responsibilities Governing Board Meetings Brown Act</td>
</tr>
<tr>
<td>• 3.5 Revenue and Expenditure Reporting</td>
</tr>
<tr>
<td>• 3.5 Reserves</td>
</tr>
<tr>
<td>• 3.7 Oversight Fees</td>
</tr>
<tr>
<td>The June 13 minutes will be approved at the next FPS meeting (p. 5, Attachment 3).</td>
</tr>
<tr>
<td>The FPS response states that this has been remedied. The multi-year budget is now moot as the school will not reopen until it meets all the CDE and SBE reopening requirements.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, notes that on June 20, 2016, CDE did access the SFFA Web site located at <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a> and finds that the Web site does not list the next FPS Board meeting. The CDE finds that FPS has not submitted evidence to support this claim (Attachment 9).</td>
</tr>
<tr>
<td>The FPS board is compliance with all Governing responsibilities and Brown Act matters. See: <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a></td>
</tr>
<tr>
<td>It has or will meet all Revenue and Expense reporting at the end of the fiscal year. It had sufficient reserves to cover all expenses.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that the SFFA Web site does not contain information to confirm that the FPS Board is in compliance with all Governing responsibilities and Brown Act matters (as noted previously in the CDE analysis on pp. 6–7 of this document).</td>
</tr>
<tr>
<td>It has paid all required Oversight Fees (p.5, Attachment 3).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that the FPS Board submitted evidence to support this claim (Attachment 4).</td>
</tr>
</tbody>
</table>
The Flex Public Schools Board committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).

| The CDE finds that the FPS Board has partially remedied the violations to the MOU with regard to Section 3.7 Oversight Fees; however, the FPS Board has not remedied the remaining violations. |
**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.

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<tr>
<td>Both the SFFA schoolwide and two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 California Assessment of Student Performance and Progress (CAASPP) are below both the state average and the SFUSD average for the same grades, grade eleven.</td>
<td>The FPS response states that this test data is baseline of academic performance. SF Flex respectfully submits that baseline data is not appropriate grounds for revocation and that the data cited is a baseline year so it does not show a lack of improvement or performance. This reflects the level of performance of students who had recently enrolled in SFFA (p. 6, Attachment 3).</td>
<td>CDE analysis, to this section of the FPS response, finds that the publicly available pupil achievement data presents that SFFA pupils’, in two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged), scores on the 2015 CAASPP are below both the state average and the SFUSD average for the same grades, grade eleven (Attachment 10).</td>
</tr>
<tr>
<td>The SFFA Measurable Pupil Outcomes (MPOs) state that SFFA will improve the English learner (EL) reclassification rate. The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.</td>
<td>The FPS response states that this has been remedied and that either SFFA had no EL students due to its forced move by SFUSD or they graduated. Further FPS states that SFFA did not have any EL students in the 2015–16 school year as they were no longer able to make the long cross town commute required by the SFUSD move of the school. Hence none were reclassified.</td>
<td>CDE analysis, to this section of the FPS response, notes that publicly available CDE data shows that SFFA had five EL pupils in 2015–16 (Attachment 11).</td>
</tr>
<tr>
<td>In 2014-15, SFFA had three EL students. One transferred out in October 2014 due to a move to Los Angeles. The other two passed and graduated and were accepted into college.</td>
<td>CDE analysis, to this section of the FPS response, notes that FPS provided a letter from SFFA Principal to substantiate this claim (Attachment 12). However, publicly available CDE data</td>
<td></td>
</tr>
</tbody>
</table>

CDE analysis, to this section of the FPS response, finds that the publicly available pupil achievement data presents that SFFA pupils’, in two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged), scores on the 2015 CAASPP are below both the state average and the SFUSD average for the same grades, grade eleven (Attachment 10).
**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>The SFFA MPO states that forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT). The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT.</th>
</tr>
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<tbody>
<tr>
<td>In 2013-14, two students moved before being able to take the CELDT test. The other two, who transferred from other high schools were not reclassified based on middle school data but informed us that they were reclassified at their previous high schools. SFFA was unable to get their cum files from their previous school districts before they decided [sic] to change schools. The CDE is collecting all SFFA student files on or around June 21, 2016.(p. 6, Attachment 3).</td>
</tr>
<tr>
<td>FPS did not provide a Response to the Notice of Violation with regard to this violation (pp. 1–7, Attachment 3).</td>
</tr>
<tr>
<td>The FPS response states that this matter has been remedied and that the CDE data cited is incorrect. All students who graduate SFFA must meet the A–G requirements [sic].</td>
</tr>
<tr>
<td>The CDE analysis, to this section of the FPS response, notes that publicly available CDE data shows that SFFA had four EL pupils (Attachment 11).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, notes that publicly available CDE data shows that SFFA had 10 EL pupils (Attachment 11).</td>
</tr>
<tr>
<td>The CDE maintains the determination that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT (Attachment 13).</td>
</tr>
<tr>
<td>The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, notes that FPS did not submit verifiable pupil transcript evidence to substantiate this claim. The CDE finds that FPS did not address the violation. The publicly</td>
</tr>
</tbody>
</table>
**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>The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent, respectively. Data for 2014–15 is currently not available.</th>
<th>available data is provided in the LCFF State Priorities Snapshot (Attachment 13).</th>
</tr>
</thead>
<tbody>
<tr>
<td>In addition, evidence that SFFA courses meet A–G requirements are indicated on the UC website [sic] at: <a href="https://hs-articulation.ucop.edu/agcourselist">https://hs-articulation.ucop.edu/agcourselist</a> (p. 7, Attachment 3).</td>
<td>CDE analysis, to this section of the FPS response, finds that CDE did not note this as a violation. However, CDE did access the UC Web page on June 18, 2016, and notes that SFFA did have A–G courses for 2014–15. The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
<tr>
<td>The SFFA MPO states that SFFA will: meet or exceed 90 percent attendance rate. The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for 2013–14 with 84.9 percent ADA, 2014–15 P-2 Apportionment with 87.8 percent ADA, and 2015–16 P-1 Apportionment with 73.6 percent ADA.</td>
<td>CDE analysis, to this section of the FPS response, finds that FPS did not provide evidence to substantiate this claim.</td>
</tr>
<tr>
<td>The FPS response states that a lower than expected attendance ADA was remedied by commensurate reductions [sic] in expenses. SFFA attendance was below the attendance goal mostly due to the Proposition 39 facility locations and moves forced by the SFUSD, but the school made responsible and appropriate reduction in expenses based on the reduced ADA.</td>
<td>CDE analysis, to this section of the FPS response, finds that FPS did not provide evidence to substantiate this claim. The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
</tbody>
</table>
SF Flex Academy Response to
California Department of Education
Analysis of Evidence for California State Board of Education
In Response to Notice of Violation
June 16, 2016

<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on May 12, 2016</th>
<th>Summary of Flex Public School's Response to the Notice of Violation</th>
<th>Status According to Flex Public Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Flex Public School (FPS) Board has not submitted the second interim budget report for Fiscal Year (FY) 2015–16, which was due to the Charter Schools Division by March 15, 2016. On March 16, 2016, the California Department of Education (CDE) had a conference call with the San Francisco Flex Academy (SFFA) administrator and was informed that the Flex Public Schools (FPS) Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board should have it ready for the CDE in April 2016.</td>
<td>This interim budget is now moot. The FPS board voted to cease operations as of June 30, 2016 because it was not able to secure a facility for the school. Last year the school was managed by K12 Inc. and the school therefore had sufficient funds to file litigation to force SFUSD to follow Prop 39 and provide SF Flex a facility. This year the school is not managed any more by K12 Inc. and therefore did not have the resources to force SFUSD to follow the law again. SFUSD refused to allow SF Flex to continue in its building despite the SF Flex space not being used by others. SF Flex will therefore not be open for the 2016-17 school year, and will submit an end of year financial budget and report prepared by the Charter School Development Center after the June 30, 2016 end of the fiscal year to remedy this lack of interim budget report. This end of year report will be subject to the regular annual audit to be submitted to the CDE and SBE. CDE has informed CSDC and SF Flex that this end of year report is an acceptable replacement to the interim report.</td>
<td>There is a process in place that remedies this now moot interim report at the end of the June 30 fiscal year. CDE has indicated that this end of year report will meet this requirement.</td>
</tr>
</tbody>
</table>

Note too that the FPS board, in
<table>
<thead>
<tr>
<th><strong>Flex Public Schools allegedly engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).</strong></th>
<th>The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to Education Code (EC) Section 47613, and represents one percent of the revenue amount received in the local control funding formula (LCFF) calculated pursuant to EC Section 42238.02, as implemented by EC Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response to date from either SFFA or the FPS Board.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The school paid this year’s oversight fee. It did not know that last year’s (2014-15) oversight fee was not paid by K12 Inc., the management company. This was an oversight by K12 Inc.. This oversight fee has now been paid.</td>
</tr>
<tr>
<td></td>
<td>This has been remedied by paying the fee.</td>
</tr>
<tr>
<td></td>
<td>Due to the forced move by SF Flex by SFUSD last year, SF Flex did not end up with an ADA of 87. However, the FPS board acted promptly and responsibly by reducing expenses, and will end the year with a balanced budget.</td>
</tr>
<tr>
<td></td>
<td>This is now moot and the FPS board remedied this by cutting expenses.</td>
</tr>
<tr>
<td></td>
<td>The SFFA projected enrollment of 100 pupils with the average daily attendance (ADA) of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 First Principal (P-1) Apportionment was 73.59, which represents a 15 percent decline from the ADA projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68.</td>
</tr>
<tr>
<td></td>
<td>As indicated above, SF Flex will prepare an end of year fiscal report which will be audited in the late Fall.</td>
</tr>
<tr>
<td>Flex Public Schools allegedly engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).</td>
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<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 Memorandum of Understanding (MOU) between SFFA and the SBE. The reserve amount is now moot as the school will be ceasing operations until reopening criteria are met. The school reduced expenses and has sufficient funds to meet expenses. This will be demonstrated by the end of the year report and later audit.</td>
<td></td>
</tr>
<tr>
<td>This is now moot and remedied by the school having sufficient reserves to cover all expenses.</td>
<td></td>
</tr>
<tr>
<td>On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA’s enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA’s budget without expenditure adjustments. The CDE estimates that SFFA’s financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised. The FPS board made significant adjustments and there are sufficient funds to meet expenses.</td>
<td></td>
</tr>
<tr>
<td>This has been remedied.</td>
<td></td>
</tr>
<tr>
<td>Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved Fiscal Corrective Plan. FPS submitted a FCAP with a written narrative on what caused the decline (the move caused by SFUSD making SF Flex move)</td>
<td></td>
</tr>
<tr>
<td>This has been remedied.</td>
<td></td>
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### Flex Public Schools allegedly engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

| Action Plan (FCAP) due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA’s resolution on addressing the unanticipated enrollment decline; and; (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP. | again), and on what actions to adjust (cutting expenses). The school did not submit a multi-year budget because it is now ceasing operations and will not be operating next school year. The FPS board did discuss and approve the FCAP at its December 2015 board meeting, but inadvertently left this out of the minutes. The FPS board re-approved the FCAP at its June 13, 2016 board meeting. Regardless, this is now moot as the FPS board made the required reduction in expenses to end the year with a balanced budget. |
**FPS committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).**

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<tr>
<th>The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California Government Code sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.</th>
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<tr>
<td>This is not correct. The FPS board has always posted notices in compliance with the Brown Act at its building. For some reason, some of the agendas and minutes were not posted on the SF Flex website and were only posted on the FPS website for its other school. Regardless, they are all now posted on the SF Flex website. The school is in full compliance. The June 13 minutes will be approved at the next FPS meeting.</td>
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<td>This has been remedied.</td>
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**SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:**

- **1.3 Governing Board Responsibilities**
- **3.5 Reserve**
- **3.7 Oversight Fees**

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<th>The multi-year budget is now moot as the school will not reopen until it meets all the CDE and SBE reopening requirements.</th>
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<td>The FPS board is compliance with all Governing responsibilities and Brown Act matters.</td>
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<td>See: <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a></td>
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<td>This has been remedied.</td>
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- **3.5 Revenue and Expenditure Reporting**
- **3.7 Oversight Fees**

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<tr>
<th>It has or will meet all Revenue and Expense reporting at the end of the fiscal year.</th>
</tr>
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<tbody>
<tr>
<td>It had sufficient reserves to cover all expenses.</td>
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<td>It has paid all required Oversight Fees.</td>
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**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.

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<th>Both the SFFA schoolwide and two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 California Assessment of Student Performan and Progress are below both the state average and the San Francisco Unified School District average for the same grades, grade eleven.</th>
<th>The data cited is a baseline year so it does not show a lack of improvement or performance. This reflects the level of performance of students who had recently enrolled in SF Flex.</th>
<th>This test data is baseline of academic performance. SF Flex respectfully submits that baseline data is not appropriate grounds for revocation.</th>
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<td>The SFFA Measurable Pupil Outcomes (MPO) states that SFFA will improve the English learner (EL) reclassification rate. The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.</td>
<td>This is not accurate. SF Flex did not have any EL students in the 2015-16 school year as they were no longer able to make the long cross town commute required by the SFUSD move of the school. Hence none were reclassified. In 2014-15, SFFlex had three EL students. One transferred out in October 2014 due to a move to Los Angeles. The other two passed and graduated and were accepted into college. <strong>See Attachment 2</strong> In 2013-14, two students moved before being able to take the CELDT test. The other two, who transferred from other high schools were not reclassified based on middle school data but informed us that they were reclassified at their previous high schools. SF Flex was unable to get their cum files from their previous school districts before they decied to change schools. CDE is collecting all SF Flex student files on or around June 21, 2016.</td>
<td>This has been remedied. Either SF Flex had no EL students due to its forced move by SFUSD or they graduated.</td>
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<tr>
<td>The SFFA MPO states that 80 percent of pupils will complete</td>
<td>The CDE data cited is incorrect. All students who graduate SF Flex must meet the a-g</td>
<td>This matter has been remedied.</td>
</tr>
</tbody>
</table>

6/16/16
courses that satisfy University of California/California State University a–g entrance requirements, or Career Technical Education. The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively. Data for 2014–15 is currently not available.

The SFFA MPO states that SFFA will: meet or exceed 90 percent attendance rate. The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for 2013–14 with 84.9 percent ADA, 2014–15 P-2 Apportionment with 87.8 percent ADA, and 2015–16 P-1 Apportionment with 73.6 percent ADA.

SF Flex attendance was below the attendance goal mostly due to the Prop 39 facility locations and moves forced by the SFUSD, but the school made responsible and appropriate reduction in expenses based on the reduced ADA.

A lower than expected attendance ADA was remedied by commensurate reductions in expenses.

| courses that satisfy University of California/California State University a–g entrance requirements, or Career Technical Education. The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively. Data for 2014–15 is currently not available. | The SFFA MPO states that SFFA will: meet or exceed 90 percent attendance rate. The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for 2013–14 with 84.9 percent ADA, 2014–15 P-2 Apportionment with 87.8 percent ADA, and 2015–16 P-1 Apportionment with 73.6 percent ADA. | SF Flex attendance was below the attendance goal mostly due to the Prop 39 facility locations and moves forced by the SFUSD, but the school made responsible and appropriate reduction in expenses based on the reduced ADA. A lower than expected attendance ADA was remedied by commensurate reductions in expenses. |
Below, is a scanned image of a check from K12 California, LLC, pay to the order of CA Department of Education in the amount of $6,356.12. Included, is a certified mail receipt from the U.S. Postal Service, indicated it was received by the Accounting Office. The Memo for the check states "Oversight Fees FY14-15 FAO SF Flex Academy."
# AGENDA

**Monday, December 7th 2015**

**Flex Public Schools’**

**Board of Trustees Meeting**

6:00 pm to 8:00 pm

**Location**

1350 7th Ave, San Francisco, CA 94122

(Call in Number Provided to Board Members)

---

Mark Kushner, Board President  
Steve Henderson, Board Treasurer  
Catherine Walcott, Board Secretary  
Nancy Doty, Board Member  
Andy Gordon, Board Member  
Irene Abel, Parent Member *Candidate*

Address of Board Member(s) Calling In

255 Mystery Creek Court  
Morgan Hill, CA 95037

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<th>Information and Instruction for Parents and Members of the Public</th>
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Flex Public Schools welcomes the participation of the public at board meetings. The purpose of a public meeting of the Board of Trustees (“Board”) of Flex Public Schools is to conduct the affairs of the organization in public. To assist you in the case of speaking at these meetings, the following guidelines are provided.

1. The meeting shall be noticed and conducted in compliance with the Brown Act.

2. Agendas will be provided at the meeting and posted at the schools and on the school website when it is available.

3. All of the board agenda item discussions are open to the public except as indicated.

4. Times indicated are estimates only.

5. Speakers can sign up on a speakers list at the meeting. Consistent with the law, the Board may limit the time and length of speaker presentations. Generally they are limited to two (2) minutes per person unless otherwise indicated, and overall time allotted to items *not* on the agenda will not generally exceed fifteen (15) minutes.

6. When addressing the board, speakers are asked to state their name and address, and to adhere to time limits indicated.
1. **PRELIMINARY MATTERS** (5 minutes)
   A. Approval of minutes of September board meeting (action)

2. **PUBLIC HEARING REGARDING ITEMS NOT ON THE AGENDA** (10 minutes)

3. **CONSENT AGENDA ITEMS** (0 Minutes)
   (All matters listed under the consent agenda are considered by the board to be routine and will be approved/enacted by the board in one motion in the form listed below. Unless specifically requested by a Board member, there will be no discussion of these items prior to the Board votes on them.)
   
   None

4. **RESOLUTIONS, ACTION ITEMS AND INFORMATIONAL ITEMS**
   A. Approval of Parent Board Member (Irene Abel, Silicon Valley Flex parent)
   B. Silicon Valley Flex Academy EPA Budget approval (action)
   C. Silicon Valley Flex Academy first interim budget (Informational)
   D. Silicon Valley Flex Academy LCAP review & budget (Informational)
   E. Silicon Valley Flex Academy charter renewal update (Informational)
   F. Silicon Valley Flex Academy report (Informational)
   G. Silicon Valley Flex Academy enrollment (update)
   H. Silicon Valley Flex Academy MOU approval (action)
   I. San Francisco Flex Academy report (Informational)
   J. San Francisco Flex Academy enrollment update (informational)
   K. San Francisco Flex Academy LCAP review & budget (informational)
   L. San Francisco Flex Academy First Interim Budget
   M. San Francisco Flex Academy review and approval of new hires (action) a. Special education teacher

5. **CLOSED SESSION FOR ALLOWABLE PURPOSES**
   Please use “closed session” dial in number
   A. Facilities, if any
   B. Personnel, if any
   C. Other Legal, if any
Minutes
Monday, December 7th 2015
Flex Public Schools’
Board of Trustees Meeting
6:00 pm to 8:00 pm
Location
1350 7th Ave, San Francisco, CA 94122
(Call in Number Provided to Board Members)

Board members present:
Mark Kushner, Board President
Steve Henderson, Board Treasurer
Catherine Walcott, Board Secretary
Nancy Doty, Board Member
Andy Gordon, Board Member
Irene Abel, Parent Member Candidate

Address of Board Member(s) Calling In
255 Mystery Creek Court Morgan Hill, CA 95037

Others present:
Caroline Wood, Head of School, SV Flex
Charleston Brown, Interim Head of School SF Flex
Noreen Romero, SV Flex
Nasrin Taghvaei
Lorna Bryant, K12 Inc.
Margueritte Violassi, K12 Inc.
Zach Wasilew, K12 Inc.

1. PRELIMINARY MATTERS

The board will approve the minutes of the September board meeting via email.

2. PUBLIC HEARING REGARDING ITEMS NOT ON THE AGENDA

None.

3. CONSENT AGENDA ITEMS

None.

4. RESOLUTIONS, ACTION ITEMS AND INFORMATIONAL ITEMS

A. Resolution #127: Approval of Parent Board Member, Irene Abel, Silicon Valley Flex parent for a term through June 30, 2017.
The board unanimously approved a new parent board member from Silicon Valley Flex, Irene Abel.

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**B. Resolution #128: Approval of Silicon Valley Flex Academy first interim budget for FY 2015-16**

The board reviewed and approved the First Interim Budget for SV Flex and approved the budget with the provision that Caroline Wood can make a correction if the CA Lottery ADA figure is incorrect in the draft the board reviewed. (This vote is to be ratified at the next meeting.)

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**C. Resolution #129: Approval of Silicon Valley Flex Academy EPA Budget**

The board reviewed and approved the SV Flex EPA budget. It does not change the current budget, but complies with practice.

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**D. Resolution #130: Approval of FY 2014-15 Audit Certification for SV Flex and SF Flex**

The board reviewed and approved the 2014-15 audit certification for SV Flex and SF
Flex, pending a minor edit (adding a number on page 5). There were no findings from the auditors. Both Heads of School expressed appreciation for the work of teams that led to such clean audits.

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E. Silicon Valley Flex Academy report

Head of School Wood reviewed enrollment plans and goals for the 2016-17 school year, including numerous outreach and visibility strategies. She also discussed the recent renewal of the SV Flex Charter by the Santa Clara County Office of Education.

She described recent community-building and enrichment activities in the school. She also presented current data on academic performance (course passage rates) for middle and high school students.

In closing she shared the SCCOE review and comments on the SV Flex Local Control Accountability Plan. Most of the comments related to greater clarity about how school finances reflect LCAP priorities.

F. Resolution # 131: Approval of Silicon Valley Flex Academy MOU with Santa Clara County Office of Education for financial and operational oversight

The board discussed the MOU between the Santa Clara County Office of Education and Silicon Valley Flex regarding financial and operational oversight of the charter. There were nine conditions. The board suggested that Board President Kushner clarify language related to whether the SCCOE will cover some portion of fiscal advisor expenses should that become necessary. This will be voted on via email after such clarification. The MOU must be signed by February 1, 2016.

G. San Francisco Flex Academy report

Head of School Brown provided an overview of the state of the school culture and activities at SF Flex, including participating in the CIF sports league, a science field trip, and college exposure opportunities. He also provided an overview of student academic performance to date. One challenge he outlined is that the Peak system reports student progress accurately to students, but has inaccuracies in the parent and administrator views. Board President Kushner is going to explore routes to signal and fix this problem with K12 Inc.
Head of School Brown provided an enrollment update as well. He reported that the school has not received feedback from the state regarding the school LCAP.

**H. Resolution #132: Approval for SF Flex to hire a part-time special education teacher**

The board discussed staffing and student needs at SF Flex and unanimously approved Head of School Brown to hire a part-time special education teacher to support students.

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**I. Resolution #133: Approval of San Francisco Flex Academy First Interim Budget**

Board Treasurer Henderson provided an overview of the first interim budget for SF Flex. The school is operating well within its budget for the year, largely by reducing staffing and services (i.e. janitorial).

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**5. CLOSED SESSION FOR ALLOWABLE PURPOSES**

The board adjourned to a closed session to discuss personnel, facilities, and legal issues.
AGENDA
Monday, June 13th 2016
Flex Public Schools’
Board of Trustees Meeting
5:30 pm to 7:30 pm

Location
Duane Morris Law Firm
One Market Plaza, Spear Tower, 22nd Floor
San Francisco, CA
(Call in Number Provided to Board Members)

Mark Kushner, Board President
Steve Henderson, Board Treasurer
Catherine Walcott, Board Secretary
Nancy Doty, Board Member
Andy Gordon, Board Member
Irene Abel, Board Member

Address of board member(s) calling in:
12474 Schussing Way
Truckee CA 96161

Information and Instruction for Parents and Members of the Public

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1. The meeting shall be noticed and conducted in compliance with the Brown Act.

2. Agendas will be provided at the meeting and posted at the schools and on the school website when it is available.

3. All of the board agenda item discussions are open to the public except as indicated.

4. Times indicated are estimates only.

5. Speakers can sign up on a speakers list at the meeting. Consistent with the law, the Board may limit the time and length of speaker presentations. Generally they are limited to two (2) minutes per person unless otherwise indicated, and overall time allotted to items not on the agenda will not generally exceed fifteen (15) minutes.

6. When addressing the board, speakers are asked to state their name and address, and to adhere to time limits indicated.
1. **PRELIMINARY MATTERS** (5 minutes)
   A. Approval of minutes from March board meeting (action)

2. **PUBLIC HEARING REGARDING ITEMS NOT ON THE AGENDA** (10 minutes)

3. **CONSENT AGENDA ITEMS** (0 Minutes)
   (All matters listed under the consent agenda are considered by the board to be routine and will be approved/enacted by the board in one motion in the form listed below. Unless specifically requested by a Board member, there will be no discussion of these items prior to the Board votes on them.)

   None

4. **RESOLUTIONS, ACTION ITEMS AND INFORMATIONAL ITEMS**

   A. Silicon Valley Flex Academy report (informational)
   B. Silicon Valley Flex Academy enrollment update (informational)
   C. Approval of Silicon Valley Flex Academy annual budget (action item)
   D. Approval of Silicon Valley Flex Academy Local Control Accountability Plan (action item)
   E. Approval of Silicon Valley Revised Student Handbook for 2016/2017 (action item)
   F. San Francisco Flex update regarding Notice of Violation (informational)
      a. Compliance with Brown Act
      b. EL Reclassification Rate
      c. Performance on Subgroups
      d. A-G Classes
   G. SFFlex Fiscal Corrective Action Plan (action item)

5. **CLOSED SESSION FOR ALLOWABLE PURPOSES** (separate call in number to be provided to board members only)

   A. Facilities, if any
   B. Personnel, if any
   C. Legal: K12 Duties under Product and Services Agreement
   D. Other Legal, if any
Draft Minutes
Monday, June 13th 2016
Flex Public Schools’
Board of Trustees Meeting
5:30 pm to 8:00 pm

Location
Duane Morris Law Firm
One Market Plaza, Spear Tower, 22nd Floor
San Francisco, CA

Board members present:
Mark Kushner, Board President
Steve Henderson, Board Treasurer
Catherine Walcott, Board Secretary
Nancy Doty, Board Member
Andrew Gordon, Board Member
Irene Abel, Board Member

Others present:
Caroline Wood, Head of School, SV Flex
Charleston Brown, Interim Head of School SF Flex
Lorna Bryant, K12 Inc.
Zach Wasilew, K12 Inc.
Noreen Romero, SV Flex staff

1. PRELIMINARY MATTERS

The board approved the minutes of the March 14, 2016 board meeting and the May 3, 2016 board meeting.

2. PUBLIC HEARING REGARDING ITEMS NOT ON THE AGENDA

None.

3. CONSENT AGENDA ITEMS

None.

4. RESOLUTIONS, ACTION ITEMS AND INFORMATIONAL ITEMS

A. Silicon Valley Flex Academy report and enrollment update (informational)

Head of School Wood provided an update on SV Flex student performance and graduation as well as enrollment progress and forecasts for the 2016-17 school year. The school is on track to meet its enrollment goal of 301 students in the next school year.
B. Resolution #141: Approval of Silicon Valley Flex Academy Local Control Accountability Plan

The board reviewed, discussed, and approved the proposed updates to the LCAP.

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C. Resolution #142: Approval of Silicon Valley Revised Student Handbook for 2016/2017

The board reviewed updates to the Student Handbook 2016/17 such as updating the school motto, special education supports, and technology platforms.

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D. Resolution #143: Authorization to revise and negotiate a revised and updated Silicon Valley Flex Academy annual budget 2016-17

The board reviewed and discussed a proposed budget for the school year 2016-17.

The board authorized Mark Kushner as board chair to prepare a revised budget with additional expense reductions for 2016-17 and negotiate a revised draft with K12, Inc. on the budget to bring back to the board in the near future.

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F. Resolution #144: Retroactive approval of December 2015 budget adjustment and FCAP for SF Flex and responses to Notice of Violation
The board received an update from staff about the status of all of the items on the SF Flex Notice of Violation were remedied. The board discussed the fact that it had directed staff to make necessary cuts in the December 2015 board meeting in order to end the school year in a fiscally neutral manner. These budget adjustments, including a Fiscal Corrective Action Plan (FCAP) were voted on and approved in the Board’s December 2015 meeting, but not accurately reflected in the minutes. The board ratified and approved these previously approved actions again.

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CLOSED SESSION FOR ALLOWABLE PURPOSES

The board adjourned to a closed session to discuss personnel, facilities, and legal issues.
http://www.sfflex.org/board-meeting-information.html

2015-2016 Flex Public Schools Board Meeting Calendar

- Monday June 13th 2016 Agenda
- Tuesday May 3rd 2016 Agenda
- Monday March 14th 2016 Agenda & Minutes
- Monday December 7th 2015 Agenda & Minutes
- Monday September 14th, 2015 Agenda & Minutes
## 2015 California Assessment of Student Performance and Progress Results

### San Francisco Flex Academy Percentage of Pupils by Group and Achievement Level for English Language Arts/Literacy

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<th>Pupil Groups</th>
<th>Number of Pupils Enrolled/Tested</th>
<th>Percent of Pupils who Exceeded Standards</th>
<th>Percent of Pupils who Met Standards</th>
<th>Percent of Pupils who Nearly Met Standards</th>
<th>Percent of Pupils who Did Not Meet Standards</th>
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<td>35%</td>
<td>23%</td>
<td>27%</td>
</tr>
<tr>
<td>Male</td>
<td>31/14</td>
<td>0%</td>
<td>43%</td>
<td>21%</td>
<td>36%</td>
</tr>
<tr>
<td>Female</td>
<td>31/12</td>
<td>8%</td>
<td>25%</td>
<td>25%</td>
<td>17%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>31/12</td>
<td>0%</td>
<td>17%</td>
<td>33%</td>
<td>42%</td>
</tr>
<tr>
<td>Socio-economically Disadvantaged</td>
<td>31/14</td>
<td>8%</td>
<td>33%</td>
<td>33%</td>
<td>25%</td>
</tr>
</tbody>
</table>

Data Source: [http://caaspp.cde.ca.gov/ab2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=76703-0121814&lstSchool=0121814](http://caaspp.cde.ca.gov/ab2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=76703-0121814&lstSchool=0121814)

### San Francisco Flex Academy Percentage of Pupils by Group and Achievement Level for Mathematics

<table>
<thead>
<tr>
<th>Pupil Groups</th>
<th>Number of Pupils Enrolled/Tested</th>
<th>Percent of Pupils who Exceeded Standards</th>
<th>Percent of Pupils who Met Standards</th>
<th>Percent of Pupils who Nearly Met Standards</th>
<th>Percent of Pupils who Did Not Meet Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Pupils</td>
<td>31/26</td>
<td>0%</td>
<td>8%</td>
<td>31%</td>
<td>58%</td>
</tr>
<tr>
<td>Male</td>
<td>31/14</td>
<td>0%</td>
<td>14%</td>
<td>29%</td>
<td>57%</td>
</tr>
<tr>
<td>Female</td>
<td>31/12</td>
<td>0%</td>
<td>0%</td>
<td>33%</td>
<td>58%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>31/12</td>
<td>0%</td>
<td>0%</td>
<td>25%</td>
<td>67%</td>
</tr>
<tr>
<td>Socio-economically Disadvantaged</td>
<td>31/14</td>
<td>0%</td>
<td>0%</td>
<td>31%</td>
<td>69%</td>
</tr>
</tbody>
</table>

Data Source: [http://caaspp.cde.ca.gov/ab2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=76703-0121814&lstSchool=0121814](http://caaspp.cde.ca.gov/ab2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=76703-0121814&lstSchool=0121814)

*Prepared by California Department of Education, April 2016*
### State Percentage of Pupils by Group and Achievement Level for English Language Arts/Literacy

<table>
<thead>
<tr>
<th>Pupil Groups</th>
<th>Number of Pupils Enrolled/Tested</th>
<th>Percent of Pupils who Exceeded Standards</th>
<th>Percent of Pupils who Met Standards</th>
<th>Percent of Pupils who Nearly Met Standards</th>
<th>Percent of Pupils who Did Not Meet Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Pupils</td>
<td>479,423/432,825</td>
<td>23%</td>
<td>33%</td>
<td>24%</td>
<td>20%</td>
</tr>
<tr>
<td>Male</td>
<td>479,423/220,120</td>
<td>20%</td>
<td>31%</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>Female</td>
<td>479,423/212,705</td>
<td>26%</td>
<td>36%</td>
<td>24%</td>
<td>15%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>479,423/26,730</td>
<td>11%</td>
<td>28%</td>
<td>28%</td>
<td>33%</td>
</tr>
<tr>
<td>Socio-economically Disadvantaged</td>
<td>479,423/238,727</td>
<td>13%</td>
<td>32%</td>
<td>29%</td>
<td>26%</td>
</tr>
</tbody>
</table>

Data Source: [http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=&lstDistrict=&lstSchool=](http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=&lstDistrict=&lstSchool=)

### State Percentage of Pupils by Group and Achievement Level for Mathematics

<table>
<thead>
<tr>
<th>Pupil Groups</th>
<th>Number of Pupils Enrolled/Tested</th>
<th>Percent of Pupils who Exceeded Standards</th>
<th>Percent of Pupils who Met Standards</th>
<th>Percent of Pupils who Nearly Met Standards</th>
<th>Percent of Pupils who Did Not Meet Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Pupils</td>
<td>479,423/26,415</td>
<td>11%</td>
<td>18%</td>
<td>25%</td>
<td>45%</td>
</tr>
<tr>
<td>Male</td>
<td>479,423/218,922</td>
<td>12%</td>
<td>17%</td>
<td>23%</td>
<td>48%</td>
</tr>
<tr>
<td>Female</td>
<td>479,423/211,305</td>
<td>10%</td>
<td>20%</td>
<td>27%</td>
<td>43%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>479,423/26,415</td>
<td>3%</td>
<td>11%</td>
<td>22%</td>
<td>65%</td>
</tr>
<tr>
<td>Socio-economically Disadvantaged</td>
<td>479,423/237,190</td>
<td>5%</td>
<td>14%</td>
<td>25%</td>
<td>56%</td>
</tr>
</tbody>
</table>

Data Source: [http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=&lstDistrict=&lstSchool=](http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=&lstDistrict=&lstSchool=)
### San Francisco Unified School District Percentage of Pupils by Group and Achievement Level for English Language Arts/Literacy

<table>
<thead>
<tr>
<th>Pupil Groups</th>
<th>Number of Pupils Enrolled/Tested</th>
<th>Percent of Pupils who Exceeded Standards</th>
<th>Percent of Pupils who Met Standards</th>
<th>Percent of Pupils who Nearly Met Standards</th>
<th>Percent of Pupils who Did Not Meet Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Pupils</td>
<td>3,902/3,522</td>
<td>31%</td>
<td>34%</td>
<td>17%</td>
<td>17%</td>
</tr>
<tr>
<td>Male</td>
<td>3,902/1,786</td>
<td>26%</td>
<td>34%</td>
<td>19%</td>
<td>22%</td>
</tr>
<tr>
<td>Female</td>
<td>3,902/1,736</td>
<td>37%</td>
<td>35%</td>
<td>16%</td>
<td>12%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>3,902/196</td>
<td>4%</td>
<td>31%</td>
<td>25%</td>
<td>39%</td>
</tr>
<tr>
<td>Socio-economically Disadvantaged</td>
<td>3,902/2,491</td>
<td>25%</td>
<td>34%</td>
<td>20%</td>
<td>20%</td>
</tr>
</tbody>
</table>

Data Source: [http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=68478&lstSchool=&lstGroup=1&lstSubGroup=](http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=68478&lstSchool=&lstGroup=1&lstSubGroup=)

### San Francisco Unified School District Percentage of Pupils by Group and Achievement Level for Mathematics

<table>
<thead>
<tr>
<th>Pupil Groups</th>
<th>Number of Pupils Enrolled/Tested</th>
<th>Percent of Pupils who Exceeded Standards</th>
<th>Percent of Pupils who Met Standards</th>
<th>Percent of Pupils who Nearly Met Standards</th>
<th>Percent of Pupils who Did Not Meet Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Pupils</td>
<td>3,902/3,496</td>
<td>24%</td>
<td>26%</td>
<td>20%</td>
<td>30%</td>
</tr>
<tr>
<td>Male</td>
<td>3,902/1,770</td>
<td>24%</td>
<td>23%</td>
<td>20%</td>
<td>33%</td>
</tr>
<tr>
<td>Female</td>
<td>3,902/1,786</td>
<td>26%</td>
<td>34%</td>
<td>19%</td>
<td>22%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>3,902/192</td>
<td>5%</td>
<td>5%</td>
<td>13%</td>
<td>77%</td>
</tr>
<tr>
<td>Socio-economically Disadvantaged</td>
<td>3,902/2,477</td>
<td>21%</td>
<td>24%</td>
<td>21%</td>
<td>34%</td>
</tr>
</tbody>
</table>

Data Source: [http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=68478&lstSchool=&lstGroup=1&lstSubGroup=](http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=68478&lstSchool=&lstGroup=1&lstSubGroup=)
Number of English Learners for San Francisco Flex Academy

California Department of Education
Educational Demographics Unit

Select Report Time Series - Number of English Learners

Number of English Learners for San Francisco Flex A

Year of Spring Language Census

Note For 2010-11 Data Only - The official statewide EL count for 2010-11 was derived from two separate data collections. Most Local Education Agencies (LEA) submitted and certified their data through the CALPADS Spring 1 student-level data collection, while 415 LEAs submitted total EL data through the Language Census (an aggregate data collection) because they did not complete the CALPADS Spring 1 data collection. Therefore detailed EL data disaggregated by language or grade is not available for these 415 LEAs.

A list of the 415 districts and IR schools that did not certify their Spring 2010-11 CALPADS submission is available at List of LEAs that did not Complete CALPADS Spring 1. This listing includes total EL counts from the Language Census for these LEAs.

DataQuest EL Reports
All DataQuest reports only use one source of EL data – for example, the EL counts by language and grade is sourced solely from CALPADS, therefore the EL total (1,057,075) on these reports does not include the EL counts from the 415 LEAs that did not certify CALPADS Spring 1, since this level of detail is not available for these LEAs since they didn't submit their student-level EL data through CALPADS. In a similar fashion the total ELs displayed on the EL student by instructional settings report, is sourced from the Language Census only and includes all the EL counts submitted through the Language Census (which provides an unofficial total of 1,441,901), slightly different than the official total statewide EL counts.

<table>
<thead>
<tr>
<th>Year of Spring Language Census</th>
<th>Number of English Learners for San Francisco Flex Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>6</td>
</tr>
<tr>
<td>2013</td>
<td>10</td>
</tr>
<tr>
<td>2014</td>
<td>4</td>
</tr>
<tr>
<td>2015</td>
<td>5</td>
</tr>
</tbody>
</table>
Number of English Learners

California Department of Education
Educational Demographics Unit
Prepared: April 4, 2016 1:23:02 PM

Selected Report: Time Series - Number of English Learners

<table>
<thead>
<tr>
<th>Year of Spring Language Census</th>
<th>Number of English Learners for San Francisco Flex Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>6</td>
</tr>
<tr>
<td>2013</td>
<td>10</td>
</tr>
<tr>
<td>2014</td>
<td>4</td>
</tr>
<tr>
<td>2015</td>
<td>5</td>
</tr>
</tbody>
</table>

Note For 2010-11 Data Only - The official statewide English Learners (EL) count for 2010-11 was derived from two separate data collections. Most Local Education Agencies (LEA) submitted and certified their data through the CALPADS Spring 1 student-level data collection, while 415 LEAs submitted total EL data through the Language Census (an aggregate data collection) because they did not complete the CALPADS Spring 1 data collection. Therefore detailed EL data disaggregated by language or grade is not available for these 415 LEAs.

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To Whom It May Concern,

San Francisco Flex Academy students completed the CELDT test and passed the exam with an overall score of 5 which places them in the advanced levels. Both students graduated from Flex on June 6, 2016. For the 2015-2016 school year SF Flex did not have any EL students.

Sincerely,

Charleston Brown
Principal
cbrown@sfflex.org
San Francisco Flex Academy Students Who Took the California English Language Development Test

San Francisco Flex Academy
1350 7th Avenue
San Francisco, CA 94122
415-762-8800
http://www.sfflex.org

To Whom It May Concern,

San Francisco Flex Academy <redacted text> school year. The students were <redacted text> completed the CELDT test and passed the exam with an overall score of 5 which places them in the advanced levels. Both students graduated from Flex on June 6, 2016. For the 2015 2016 school year SF Flex did not have any EL students.

Sincerely,

Charleston Brown
Principal
cbrown@sfflex.org
This is the official version of The Charter Schools Division Item 07 Attachment 3, 2015–16 Local Control Funding Formula State Priorities Snapshot, for the May 2016 California State Board of Education Meeting http://ias.cde.ca.gov/lcffstatepri/lcffstateprioritiesreport.aspx?ID=gvlQYmXHTTwPR6+q1gLyXuM0RSTefH+Dlpas9sYQhluDlvmo0UaW0seW10yKdfQJ&mode=detail&type=.pdf

An accessible version of the contents of this document is located at http://ias.cde.ca.gov/lcffstatepri/textreport.aspx?ID=gvlQYmXHTTwPR6+q1gLyXuM0RSTefH+Dlpas9sYQhluDlvmo0UaW0seW10yKdfQJ&CameFrom=gvlQYmXHTTwPR6+g1gLyXuM0RSTefH+Dlpas9sYQhluDlvmo0UaW0seW10yKdfQJ

The official document starts following this initial page.
2015-16 Local Control Funding Formula State Priorities Snapshot

Local Control Funding Formula (LCFF)  
State Priorities Snapshot  
2015–16 Reporting  
San Francisco Flex Academy

Enrollment (89)

Student Achievement

2014-15 Enrollment by Race/Ethnicity

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>School</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native: 1%</td>
<td>100</td>
<td>57</td>
</tr>
<tr>
<td>Asian: 15%</td>
<td>58</td>
<td>58</td>
</tr>
<tr>
<td>Black or African American: 33%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filipino: 2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic or Latino: 16%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander: 1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two or More Races: 0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White: 29%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Percent of 4-Year Cohort that Completed "a-g" Requirements

<table>
<thead>
<tr>
<th></th>
<th>School</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>2014</td>
<td>34</td>
<td>36</td>
</tr>
<tr>
<td>2015*</td>
<td>36</td>
<td>34</td>
</tr>
</tbody>
</table>

Percent of 4-Year Cohort that Completed At Least 1 Career Technical Education (CTE) Pathway

<table>
<thead>
<tr>
<th></th>
<th>School</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2014</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>2015*</td>
<td>17</td>
<td>15</td>
</tr>
</tbody>
</table>

---

Tom Torlakson  
State Superintendent of Public Instruction

* Data will be available in May 2016  
Please visit the following web page for more information: [http://www.cde.ca.gov/snapshot](http://www.cde.ca.gov/snapshot)
Student Achievement: Schoolwide

- **Percent of Students Who Passed an Advanced Placement (AP) Exam with a Score of 3 or Higher**

- **Grades 10-12 Enrollment and Percent of Students Who Took at Least 1 AP Exam**
  - 2013: 127 (26.0%)  
  - 2014: 105 (12.4%)  
  - 2015: 71 (12.7%)

- **Early Assessment Program (EAP) College Readiness Results for English-Language Arts (ELA)**

- **Grade 11 Enrollment and Percent of Students Who Took the EAP ELA**
  - 2013: 36 (63.9%)  
  - 2014: 43 (0.0%)  
  - 2015: 31 (83.9%)

- **Grade 11 Enrollment and Percent of Students Who Took the EAP Math**
  - 2013: 36 (11.1%)  
  - 2014: 43 (0.0%)  
  - 2015: 31 (83.9%)

Student Engagement: Schoolwide

- **4-Year Cohort High School Graduation Rate**
  - State: 2013: 81

- **4-Year Cohort High School Dropout Rate**
  - State: 2013: 12

- **Middle Grade Dropout Counts and Rate**
  - Not Applicable

School Climate

- **Number and Percent of Students Suspended**
  - **Level**
    - School: 2013: 6 (2.8%)  
      - 2014: 0 (0.0%)  
      - 2015: 18 (13.9%)  
    - District: 2013: 6 (2.8%)  
      - 2014: 0 (0.0%)  
      - 2015: 18 (13.7%)  
    - State: 2013: 329,370 (5.1%)  
      - 2014: 279,383 (4.4%)  
      - 2015: 243,603 (3.8%)

- **Number and Percent of Students Expelled**
  - **Level**
    - School: 2013: 0 (0.0%)  
      - 2014: 0 (0.0%)  
      - 2015: 0 (0.0%)  
    - District: 2013: 0 (0.0%)  
      - 2014: 0 (0.0%)  
      - 2015: 0 (0.0%)  
    - State: 2013: 8,266 (0.13%)  
      - 2014: 6,611 (0.10%)  
      - 2015: 5,692 (0.09%)  

* Data will be available in May 2016

Tom Torlakson  
State Superintendent of Public Instruction

Please visit the following web page for more information: [http://www.cde.ca.gov/snapshot](http://www.cde.ca.gov/snapshot)
Student Achievement: Student Groups

EAP College Readiness Results for ELA in 2015

- All Students
  - 4 Ready
  - 35 Conditionally Ready
  - 62 Not Ready

- American Indian or Alaska Native
  - 0 Ready
  - 100 Conditionally Ready
  - 0 Not Ready

- Asian
  - 0 Ready
  - 100 Conditionally Ready
  - 0 Not Ready

- Native Hawaiian or Pacific Islander
  - 0 Ready
  - 60 Conditionally Ready
  - 40 Not Ready

- Filipino
  - 20 Ready
  - 20 Conditionally Ready
  - 0 Not Ready

- Hispanic or Latino
  - 82 Ready
  - 18 Conditionally Ready
  - 0 Not Ready

- Black or African American
  - 0 Ready
  - 71 Conditionally Ready
  - 0 Not Ready

- White
  - 0 Ready
  - 29 Conditionally Ready
  - 0 Not Ready

- Two or More Races
  - 0 Ready
  - 0 Conditionally Ready
  - 0 Not Ready

EAP College Readiness Results for ELA in 2014

- All Students
  - 0 Ready
  - 100 Conditionally Ready
  - 0 Not Ready

- American Indian or Alaska Native
  - 0 Ready
  - 64 Conditionally Ready
  - 0 Not Ready

- Asian
  - 0 Ready
  - 100 Conditionally Ready
  - 0 Not Ready

- Native Hawaiian or Pacific Islander
  - 0 Ready
  - 0 Conditionally Ready
  - 0 Not Ready

- Filipino
  - 0 Ready
  - 29 Conditionally Ready
  - 0 Not Ready

- Hispanic or Latino
  - 0 Ready
  - 0 Conditionally Ready
  - 100 Not Ready

- Black or African American
  - 0 Ready
  - 25 Conditionally Ready
  - 0 Not Ready

- White
  - 0 Ready
  - 0 Conditionally Ready
  - 100 Not Ready

- Two or More Races
  - 0 Ready
  - 0 Conditionally Ready
  - 0 Not Ready

EAP College Readiness Results for ELA in 2013

- All Students
  - 13 Ready
  - 13 Conditionally Ready
  - 74 Not Ready

- American Indian or Alaska Native
  - 0 Ready
  - 50 Conditionally Ready
  - 50 Not Ready

- Asian
  - 50 Ready
  - 50 Conditionally Ready
  - 0 Not Ready

- Native Hawaiian or Pacific Islander
  - 0 Ready
  - 80 Conditionally Ready
  - 0 Not Ready

- Filipino
  - 50 Ready
  - 20 Conditionally Ready
  - 0 Not Ready

- Hispanic or Latino
  - 0 Ready
  - 100 Conditionally Ready
  - 0 Not Ready

- Black or African American
  - 0 Ready
  - 25 Conditionally Ready
  - 0 Not Ready

- White
  - 0 Ready
  - 0 Conditionally Ready
  - 50 Not Ready

- Two or More Races
  - 0 Ready
  - 0 Conditionally Ready
  - 100 Not Ready

*Data will be available in May 2016*
Student Achievement: Student Groups

EAP College Readiness Results for Mathematics in 2015

- **All Students**: 92% Ready, 8% Conditionally Ready, 0% Not Ready
- **American Indian or Alaska Native**: 8% Ready, 92% Conditionally Ready, 0% Not Ready
- **Asian**: 100% Ready, 0% Conditionally Ready, 0% Not Ready
- **Native Hawaiian or Pacific Islander**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Filipino**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Hispanic or Latino**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Black or African American**: 14% Ready, 86% Conditionally Ready, 0% Not Ready
- **White**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Two or More Races**: 0% Ready, 100% Conditionally Ready, 0% Not Ready

EAP College Readiness Results for Mathematics in 2014

- **All Students**: 100% Ready, 0% Conditionally Ready, 0% Not Ready
- **American Indian or Alaska Native**: 7% Ready, 38% Conditionally Ready, 55% Not Ready
- **Asian**: 31% Ready, 48% Conditionally Ready, 21% Not Ready
- **Native Hawaiian or Pacific Islander**: 6% Ready, 58% Conditionally Ready, 37% Not Ready
- **Filipino**: 10% Ready, 52% Conditionally Ready, 38% Not Ready
- **Hispanic or Latino**: 4% Ready, 61% Conditionally Ready, 35% Not Ready
- **Black or African American**: 3% Ready, 67% Conditionally Ready, 31% Not Ready
- **White**: 13% Ready, 47% Conditionally Ready, 47% Not Ready
- **Two or More Races**: 14% Ready, 47% Conditionally Ready, 47% Not Ready

EAP College Readiness Results for Mathematics in 2013

- **All Students**: 26% Ready, 25% Conditionally Ready, 50% Not Ready
- **American Indian or Alaska Native**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Asian**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Native Hawaiian or Pacific Islander**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Filipino**: 100% Ready, 0% Conditionally Ready, 0% Not Ready
- **Hispanic or Latino**: 100% Ready, 0% Conditionally Ready, 0% Not Ready
- **Black or African American**: 100% Ready, 0% Conditionally Ready, 0% Not Ready
- **White**: 0% Ready, 100% Conditionally Ready, 0% Not Ready
- **Two or More Races**: 0% Ready, 100% Conditionally Ready, 0% Not Ready

* Data will be available in May 2016

Please visit the following web page for more information: [http://www.cde.ca.gov/snapshot](http://www.cde.ca.gov/snapshot)
### Student Engagement: Student Groups

#### (San Francisco Flex Academy)

**4-Year Cohort High School Graduation Rate by Student Groups**

<table>
<thead>
<tr>
<th>Student Group</th>
<th>2013</th>
<th>2014</th>
<th>2015*</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>65.63</td>
<td>65</td>
<td>N/A</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian</td>
<td>60</td>
<td>75</td>
<td>74</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td>40</td>
<td>25</td>
<td>56</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black or African American</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two or More Races</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

* Data will be available in May 2016

**4-Year Cohort High School Dropout Rate by Student Groups**

<table>
<thead>
<tr>
<th>Student Group</th>
<th>2013</th>
<th>2014</th>
<th>2015*</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>29.29</td>
<td>29.29</td>
<td>0</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian</td>
<td>40</td>
<td>25</td>
<td>56</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td></td>
<td></td>
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<tr>
<td>Hispanic or Latino</td>
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<td>Black or African American</td>
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<tr>
<td>White</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two or More Races</td>
<td></td>
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**High School Graduation and Dropout Rate for Foster Youth Student Group**

<table>
<thead>
<tr>
<th>Year</th>
<th>2014</th>
<th>2015</th>
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<tbody>
<tr>
<td>Graduation Rate</td>
<td>N/A</td>
<td>*</td>
</tr>
<tr>
<td>Dropout Rate</td>
<td>N/A</td>
<td>*</td>
</tr>
</tbody>
</table>

* Data will be available in May 2016
SUBJECT
Request by 10 school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Numbers:
- Big Valley Joint Unified School District Fed-10-2016
- Fort Sage Unified School District Fed-8-2016
- Maxwell Unified School District Fed-6-2016
- Port of Los Angeles High School Fed-9-2016
- Southern Trinity Joint Unified School District Fed-7-2016
- Stony Creek Joint Unified School District Fed-13-2016
- Surprise Valley Joint Unified School District Fed-14-2016
- Tulelake Basin Joint Unified School District Fed-12-2016
- Upper Lake Union High School District Fed-5-2016

SUMMARY OF THE ISSUES
The California Department of Education recommends approval to waive the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins Act), Public Law 109-270 Section 131(c)(1), which requires local educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other agencies. If they are unable to do so, under Section 131(c)(2), they may waive the consortium requirement if the LEA is in a rural, sparsely populated area, thus allowing the districts to meet the needs of their students.

Authority for Waiver: Federal Waiver Authority (Public Law 109-270) Section 131(c)(2).

RECOMMENDATION
☑ Approval ☐ Approval with conditions ☐ Denial
SUMMARY OF KEY ISSUES

The criterion for qualifying for this waiver is demonstration that the LEAs cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium. Districts are located in various rural counties and have student populations ranging from 84 to 968. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

Local board approval date(s): Various

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Section 131(c)(1) of the Perkins Act requires LEAs whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium.


The SBE has approved all waivers of this statute that have been presented to it to date.

Demographic Information:

Big Valley Joint Unified School District has a student population of 184 and is located in a Rural: Remote (43) area in Lassen County.

Fort Sage Unified School District has a student population of 295 and is located in a Rural: Remote (43) area in Lassen County.

Maxwell Unified School District has a student population of 333 and is located in a Rural: Distant (42) area in Colusa County.

Port of Los Angeles High School has a student population of 968 and is located in a City: Large (11) area in Los Angeles County. The waiver rule still applies due to the school being a recognized public charter school operating secondary vocational and technical education programs.

Southern Trinity Joint Unified School District has a student population of 84 and is located in a Rural: Remote (43) area in Trinity County.
Stony Creek Joint Unified School District has a student population of 103 and is located in a Rural: Remote (43) area in Glenn County.

Surprise Valley Joint Unified School District has a student population of 115 and is located in a Rural: Remote (43) area in Modoc County.

Trinity Alps Unified School District has a student population of 706 and is located in a Rural: Remote (43) area in Trinity County.

Tulelake Basin Joint Unified School District has a student population of 488 and is located in a Rural: Remote (43) area in Siskiyou County.

Upper Lake Union High School District has a student population of 310 and is located in a Rural: Fringe (41) area in Lake County.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval will enable these districts to receive an annual Perkins Act allocation that is listed on Attachment 1. The waivers have no significant effect on the distribution of Perkins Act funds statewide.

**ATTACHMENT(S)**

Attachment 1: Districts Requesting Carl D. Perkins Career and Technical Education Waivers (2 pages)

Attachment 2: Big Valley Joint Unified School District Federal Waiver Request Fed-10-2016 for Big Valley High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fort Sage Unified School District Federal Waiver Request Fed-8-2016 for Herlong High School (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Maxwell Unified School District Federal Waiver Request Fed-6-2016 for Maxwell High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Port of Los Angeles High School Federal Waiver Request Fed-9-2016 for Port of Los Angeles High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Southern Trinity Joint Unified School District Federal Waiver Request Fed-7-2016 for Southern Trinity High School (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
Attachment 7: Stony Creek Joint Unified School District Federal Waiver Request Fed-13-2016 for Elk Creek Junior Senior High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Surprise Valley Joint Unified School District Federal Waiver Request Fed-14-2016 for Surprise Valley High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Trinity Alps Unified School District Federal Waiver Request Fed-11-2016 for Trinity High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Tulelake Basin Joint Unified School District Federal Waiver Request Fed-12-2016 for Tulelake High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Upper Lake Union High School District Federal Waiver Request Fed-5-2016 for Upper Lake High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)
# Districts Requesting Carl D. Perkins Career and Technical Education Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>NCES Locale Code</th>
<th>Demographic Information</th>
<th>Perkins Act Allocation</th>
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<tbody>
<tr>
<td>Fed-10-2016</td>
<td>Big Valley Joint Unified School District for Big Valley High School</td>
<td>Requested: July 1, 2016, to June 30, 2020</td>
<td>April 20, 2016</td>
<td>43</td>
<td>Student population of 184 located in Lassen County</td>
<td>$1,534.00</td>
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<td>Recommended:</td>
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<tr>
<td>Fed-8-2016</td>
<td>Fort Sage Unified School District for Herlong High School</td>
<td>Requested: July 1, 2016, to June 30, 2020</td>
<td>June 17, 2015</td>
<td>43</td>
<td>Student population of 295 located in Lassen County</td>
<td>$1,310.00</td>
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<td>Recommended:</td>
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<tr>
<td>Fed-6-2016</td>
<td>Maxwell Unified School District for Maxwell High School</td>
<td>Requested: May 1, 2016, to May 1, 2017</td>
<td>March 9, 2016</td>
<td>42</td>
<td>Student population of 333 located in Colusa County</td>
<td>$1,844.00</td>
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<td>Recommended:</td>
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<tr>
<td>Fed-9-2016</td>
<td>Port of Los Angeles High School (Charter School)</td>
<td>Requested: July 1, 2016, to June 30, 2020</td>
<td>March 30, 2016</td>
<td>11</td>
<td>Student population of 968 located in Los Angeles County</td>
<td>$14,594.00</td>
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<tr>
<td>Fed-7-2016</td>
<td>Southern Trinity Joint Unified School District for Southern Trinity High School</td>
<td>Requested: July 1, 2016, to June 30, 2020</td>
<td>March 15, 2016</td>
<td>43</td>
<td>Student population of 84 located in Trinity County</td>
<td>$1,094.00</td>
</tr>
<tr>
<td></td>
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<td>Recommended:</td>
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<tr>
<td>Waiver Number</td>
<td>District</td>
<td>Period of Request</td>
<td>Local Board Approval Date</td>
<td>NCES Locale Code</td>
<td>Demographic Information</td>
<td>Perkins Act Allocation</td>
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<tr>
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<td>------------------------</td>
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</tr>
</tbody>
</table>
| Fed-13-2016   | Stony Creek Joint Unified School District for Elk Creek Junior Senior High School | Requested: July 1, 2016, to June 30, 2020  
Recommended: July 1, 2016, to June 30, 2020 | April 13, 2016 | 43 | Student population of 103 located in Glenn County | $1,776.00 |
| Fed-14-2016   | Surprise Valley Joint Unified School District for Surprise Valley High School | Requested: July 1, 2016, to June 30, 2020  
Recommended: July 1, 2016, to June 30, 2020 | May 10, 2016 | 43 | Student population of 115 located in Modoc County | $989.00 |
Recommended: July 1, 2016, to June 30, 2020 | April 13, 2016 | 43 | Student population of 706 located in Trinity County | $9,449.00 |
| Fed-12-2016   | Tulelake Basin Joint Unified School District for Tulelake High School | Requested: July 1, 2016, to June 30, 2020  
Recommended: July 1, 2016, to June 30, 2020 | March 30, 2016 | 43 | Student population of 488 located in Siskiyou County | $4,874.00 |
| Fed-5-2016    | Upper Lake Union High School District for Upper Lake High School | Requested: July 1, 2016, to June 30, 2020  
Recommended: July 1, 2016, to June 30, 2020 | March 9, 2016 | 41 | Student population of 310 located in Lake County | $11,699.00 |
California Department of Education
WAIVER SUBMISSION - Federal


Date In: 4/21/2016 11:42:48 AM

Local Education Agency: Big Valley Joint Unified School District
Address: 400 Bridge St.
Bieber, CA 96009

Start: 7/1/2016 End: 6/30/2020

Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: Big Valley JUSD is seeking to the agriculture grant for CDE to support our Agriculture program to improve, enhance, and expand that career pathway. By receiving the grant and waiver approval, we can implement a more rigorous and relevant CTE pathway for our students to complete and prepare them for career and college readiness.

Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: BVJUSD needs to apply for the waiver because we are a necessary small rural school. The 2016-17 Perkins fund allocation will not meet the minimum of $15,000 and we are not apart of the a consortium.

Student Population: 164

City Type: Rural

NCES Code: 43

Local Board Approval Date: 4/20/2016

Submitted by: Ms. Paula Silva
Position: Superintendent/Principal
E-mail: pstill@bigvalleyschool.org
Telephone: 530-294-5231 x6201
Fax: 530-294-5396

Revised: 7/8/2016 1:55 PM
Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: The Fort Sage Unified School District is seeking the federal grant for CTE, Carl D. Perkins to support our CTE Agriculture sector to improve, enhance and expand that career pathway. By receiving this grant and waiver approval we can implement a more rigorous and relevant CTE pathway for our students to prepare them for career and college readiness once they complete the pathway. Since this is a supplemental grant, district, local, state and other funds will continue to be used on the CTE pathway and federal funds will only be used to supplement, not supplant the CTE pathway. Onsite technical assistance, regional Perkins meetings, CTE meetings and other professional development for CTE teachers will also be made available by our assigned CDE Perkins consultant for continued support.

Student Population: 72

City Type: Rural

NCES Code: 43

Local Board Approval Date: 6/17/2015

Revised: 7/8/2016 1:55 PM
Carl D. Perkins Career and Technical Education Improvement Act of 2006

WAIVER SUBMISSION - Federal

CD Code: 0661606    Waiver Number: Fed-6-2016    Active Year: 2016

Date In: 3/11/2016 10:26:18 AM

Local Education Agency: Maxwell Unified School District
Address: 515 Oak St.
Maxwell, CA 95955

Start: 5/1/2016    End: 5/1/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: Maxwell Unified School District is unable to gain admittance to a consortium but is actively seeking placement.

Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: The District has a strong CTE program with pathways established and articulated agreements with the local community college. All funding helps to further develop and enhance our CTE programs.

Student Population: 324

City Type: Rural

NCES Code: 43

Local Board Approval Date: 3/9/2016

Submitted by: Dr. Richard Rhodes
Position: Superintendent/High School Principal
E-mail: rrhodes@maxwell.k12.ca.us
Telephone: 530-438-2291 x12155
Fax: 530-438-2693
Carl D. Perkins Career and Technical Education Improvement Act of 2006  
Attachment 5  
Page 1 of 1

**California Department of Education**  
**WAIVER SUBMISSION - Federal**

<table>
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<tbody>
<tr>
<td>Date In: 4/20/2016 2:10:43 PM</td>
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</tbody>
</table>

Local Education Agency: Port of Los Angeles High School  
Address: 333 South Beaudry Ave.  
Los Angeles, CA 90017

Start: 7/1/2016  
End: 6/30/2020

Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Federal Program Waiver  
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act  
Ed Code Section: PL 109-270 Section 131(c)(1)  
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: EC Section: PL 109-270 Section 131(c)(1)  
EC Authority: PL 109-270 Section 131(c)(2)

Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270  
Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter  
into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant  
requirement.

Outcome Rationale: Port of Los Angeles High School (POLAHS) is seeking the Carl D. Perkins  
Career and Technical Education (CTE) federal grant to support its CTE program, established in  
fall 2015. Waiver approval is requested because as an independent charter school, POLAHS’  
Perkins allocation falls below the minimum of $15,000. Waiver approval is necessary for  
POLAHS to pursue Perkins funding and adequately develop its CTE pathways, leading to  
increased student performance in CTE.

Student Population: 975

City Type: Urban

NCES Code: 11

Local Board Approval Date: 3/30/2016

Submitted by: Ms. Erin Loveridge  
Position: Development Director, Perkins Coordinator  
E-mail: eloveridge@Polahs.net  
Telephone: 310-732-4310  
Fax:

Revised: 7/8/2016 1:55 PM
Ed Code or CCR to Waive: Section 131(c)(1) of the Perkins Act requires LEAs whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium.

Outcome Rationale: Southern Trinity JUSD is seeking the federal grant for CTE Carl D. Perkins to support our CTE Building and Construction trade industry sector to improve, enhance and expand that career pathway. By receiving this grant and waiver approval we can implement a more rigorous and relevant CTE pathway for our students to complete and prepare them for the career and college readiness once they complete the pathway. Since this is a supplemental grant, district, local, state and other funds will continue to be used on the CTE pathway and the federal funds will only be used to supplement not supplant the CTE pathway. Onsite technical assistance, regional Perkins meetings, CTE meetings, and other professional development for CTE teachers will also be made available by our assigned CDE Perkins consultant for continued support.

Student Population: 30

City Type: Rural

NCES Code: 43

Local Board Approval Date: 3/15/2016
Outcome Rationale: Stony Creek Joint Unified School District (SCJUSD) is seeking the federal grant for CTE, Carl D. Perkins for the implementation of CTE Courses available to students in SCJUSD. We are seeking to: Implement, Improve, Enhance and/or Expand within Elk Creek Junior Senior High School at SCJUSD for the manufacturing pathway.

By qualifying for and receiving Perkins Grant Funding and Waiver approval, we can implement a more rigorous and relevant CTE pathway for our students to complete and prepare them for career and college readiness once they complete the pathway. Since this is a supplemental grant, local, state and other funds will continue to be used to support and sustain the CTE pathway and the federal funds will only be used to supplement not supplant the CTE pathway. SCJUSD will provide a Coordinator for The Regional Perkins meetings, CTE meetings, and other required elements including Advisory Boards & Reporting for the above listed CTE Program in SCJUSD.

Student Population: 100

City Type: Rural

NCES Code: 43

Local Board Approval Date: 4/13/2016

Submitted by: Mr. Dusty Thompson
Position: Business Manager
E-mail: dthompson@glenncoe.org
Telephone: 530-934-6575 x3058
Fax: 530-968-5361
California Department of Education
WAIVER SUBMISSION - Federal


Date In: 5/11/2016 7:43:26 AM

Local Education Agency: Surprise Valley Joint Unified School District
Address: 470 Lincoln St.
Cedarville, CA 96104

Start: 7/1/2016 End: 6/30/2020

Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: Section 131(c)(1) of the Carl D. Perkins vocational and technical education improvement act of 2009 (Public Law- 109-270).

Outcome Rationale: With the elimination of a county-wide consortium a few years ago, our high school has been unable to meet all of our student's needs. Within the Modoc county schools served by the Modoc Office of Education, Surprise Valley High School has the smallest enrollment numbers. As others have opted to apply independently, we too hope to serve our students and their localized needs.

Student Population: 47

City Type: Rural

NCES Code: 43

Local Board Approval Date: 5/10/2016

Submitted by: Ms. Maigen Matteucci
Position: Agriculture Instructor
E-mail: mmatteucci@svjusd.org
Telephone: 530-279-6141 x131
Fax:

Revised: 7/8/2016 1:55 PM
Carl D. Perkins Career and Technical Education Improvement Act of 2006
Attachment 9
Page 1 of 1

California Department of Education
WAIVER SUBMISSION - Federal


Date In: 4/29/2016 4:50:19 PM

Local Education Agency: Trinity Alps Unified School District
Address: 321 Victory Ln.
Weaverville, CA 96093

Start: 7/1/2016  End: 6/30/2020

Waiver Renewal: Y
Previous Waiver Number: FED-02-2012-W-02  Previous SBE Approval Date: 9/13/2012

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: The Carl D. Perkins Career and Technical Improvement Act of 2006, PL 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Section 131(c)(2) permits states to waive the consortium requirement in any case in which the local agency: (a) is in a rural, sparsely populated area.

Outcome Rationale: The Trinity High School is located in a rural, sparsely populated and unincorporated area along Highway 299, 45 miles West of Redding. The nearest high school is in Hayfork, California, which is 33 miles away over a 2 lane winding road. Hayfork High School is less than one third the size of Trinity High School. Both are rural schools located in Trinity County.

Student Population: 322

City Type: Rural

NCES Code: 43

Local Board Approval Date: 4/13/2016

Submitted by: Ms. Susan Hazard
Position: Administrative Assistant
E-mail: shazard@tausd.org
Telephone: 530-623-6104 x25
Fax: 530-623-3418

Revised: 7/8/2016 1:55 PM
### California Department of Education

**WAIVER SUBMISSION - Federal**

<table>
<thead>
<tr>
<th>CD Code: 2573593</th>
<th>Waiver Number: Fed-12-2016</th>
<th>Active Year: 2016</th>
</tr>
</thead>
</table>

**Date In:** 5/3/2016 11:02:55 AM

**Local Education Agency:** Tulelake Basin Joint Unified School District

**Address:** 400 G St.
Tulelake, CA 96134

**Start:** 7/1/2016  
**End:** 6/30/2020

**Waiver Renewal:** N

**Previous Waiver Number:**  
**Previous SBE Approval Date:**

**Waiver Topic:** Federal Program Waiver

**Ed Code Title:** Carl D. Perkins Voc and Tech Ed Act

**Ed Code Section:** PL 109-270 Section 131(c)(1)

**Ed Code Authority:** PL 109-270 Section 131(c)(2)

**Ed Code or CCR to Waive:** EC Section: PL 109-270 Section 131(c)(1)

**EC Authority:** PL 109-270 Section 131(c)(2)

**Outcome Rationale:** Tulelake Basin Joint Unified School District is seeking the federal grant for CTE, Carl D. Perkins to support our CTE Agriculture and Business industry sectors to improve, enhance and expand that career pathway. By receiving this grant and waiver approval we can implement a more rigorous and relevant CTE pathway for our students to complete and prepare them for the career and college readiness once they complete the pathway. Since this is a supplemental grant, district, local, state and other funds will continue to be used on the CTE pathway and the federal funds will only be used to supplement not supplant the CTE pathway. Onsite technical assistance, regional Perkins meetings, CTE meetings, and other professional development for CTE teachers will also be made available by our assigned CDE Perkins consultant for continued support.

**Student Population:** 467

**City Type:** Rural

**NCES Code:** 43

**Local Board Approval Date:** 3/30/2016

**Submitted by:** Mr. Randy Lund  
**Position:** Agriculture Teacher / Grant Coordinator

**E-mail:** rlund@tbjsusd.org
**Telephone:** 530-391-8458
**Fax:**

Revised: 7/8/2016 1:55 PM
WAIVER SUBMISSION - Federal


Date In: 3/10/2016 7:13:21 AM

Local Education Agency: Upper Lake Union High School District
Address: 675 Clover Valley Rd.
Upper Lake, CA 95485

Start: 7/1/2016 End: 6/30/2020

Waiver Renewal: Y
Previous Waiver Number: Fed-01-2012-W-02 Previous SBE Approval Date: 9/13/2012

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency:
(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;
(b) demonstrates it is unable to enter into a consortium to participate in Perkins funding.

Outcome Rationale: Pursuant to the fact that Upper Lake High School is in a rural, sparsely populated area, we are unable to participate in a consortium with other school districts within Lake County. The closest school district from Upper Lake is a 20-minute drive.

Student Population: 282

City Type: Rural

NCES Code: 41

Local Board Approval Date: 3/9/2016

Submitted by: Mr. Patrick Iaccino
Position: Superintendent/Principal
E-mail: piaccino@ulhs.k12.ca.us
Telephone: 707-275-2655
Fax: 707-275-2655
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

General Waiver

SUBJECT

Request by Folsom-Cordova Unified School District for a renewal to waive portions of California Education Code Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each ten school days for students in grades nine through twelve in order to implement a block schedule at Vista del Lago High School.

Waiver Number: 29-4-2016

SUMMARY OF THE ISSUE(S)

Vista del Lago High School (HS) is on a 4X4 block schedule where students receive 836 minutes of Physical Education (PE) instruction each 10 school days for 18 weeks. California Education Code (EC) Section 51222(a) requires a minimum of 400 minutes each 10 school days for the entire school year. Because students at Vista del Lago HS only take PE for one semester, they are seeking a waiver to EC Section 51222(a).

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval ☑️ Approval with conditions ☐ Denial

EC Section 33051(b) will apply, and the district will not be required to reapply if the information on the request remains current.

SUMMARY OF KEY ISSUES

EC Section 51222(a) established requirements for minimum instructional minutes of PE, 400 minutes each 10 school days for pupils in grades seven through twelve. Vista del Lago HS has implemented a block schedule in grades nine through twelve that does not provide each student with PE instruction for a minimum of 400 minutes each 10 school days.
Students at this school are enrolled in PE for only 18 weeks of the school year, receiving instruction for an average of 83 minutes per school day (four days at 92 minutes and one day at 50 minutes). This means that PE is taught for 418 minutes per school week (or 836 minutes each 10 days). Therefore, the actual time that Vista del Lago HS students are enrolled in PE meets the minimum minute requirements, if added on an annual basis (7,524 minutes).

<table>
<thead>
<tr>
<th>Sample Student Schedules</th>
<th>Fall Term</th>
<th>Spring Term</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18 Consecutive Weeks</td>
<td>18 Consecutive Weeks</td>
</tr>
<tr>
<td>Student A</td>
<td>Minutes per week of PE Instruction = 0</td>
<td>Minutes per week of PE Instruction = 418</td>
</tr>
<tr>
<td>Student B</td>
<td>Minutes per week of PE Instruction = 418</td>
<td>Minutes per week of PE Instruction = 0</td>
</tr>
</tbody>
</table>

The California Department of Education (CDE) has worked closely with Folsom-Cordova Unified School District to ensure that all criteria have been met to a high degree of completion. The district has provided evidence indicating they have met the criteria for this waiver as follows:

1. The PE instructional program at Vista del Lago HS complies with federal and state statutes and regulations related to PE pertaining to minimum minute requirements; instruction is based on PE content standards; and instruction is aligned with the *Physical Education Framework for California Public Schools* (sequential, articulated, and age-appropriate instruction).

2. The district has developed a PE professional development plan for teachers who deliver instruction in PE at that school.

3. The students are enrolled in courses of PE a minimum of 18 weeks in 50–90 minute daily class periods during the regular school year.

4. The district described a method by which it will monitor students’ maintenance of a personal physical activity program during the weeks they are not participating in a PE course at that school. The monitoring program includes: student accountability for participation in physical activity; guidance for students in using the principles of exercise to design and complete their physical activity program; specific information regarding the design; and delivery of the monitoring program.

5. The PE program complies with *California Code of Regulations*, Title 5, Article 3.1, Section 10060.

6. All eligible students are prepared for and participate in the physical performance testing as specified in *EC Section 60800*. 
7. Alternate day scheduling for PE rather than alternate term scheduling has been thoroughly investigated by the district.

When the district is identified for a Federal Program Monitoring (FPM) review by the CDE, Vista del Lago HS shall have PE reviewed as a part of the district’s FPM process.

As required by State Board of Education (SBE) Waiver Policy #99–03, Physical Education Requirements for Block Schedules, the 2014–15 California Physical Fitness Test (PFT) data was reviewed and indicates that 55.4% of ninth grade students passed 6/6 components, 23.7% passed 5/6 components, and 10.7% passed 4/6 components. This indicates an overall improvement from their 2013–14 PFT scores, where 64.8% of ninth grade students passed 6/6 components (-9.4% improvement in 2014–15), 19.8% passed 5/6 components (3.9% improvement in 2014–15), and 9.9% passed 4/6 components (0.8% improvement in 2014–15).

Demographic Information: Vista del Lago HS has a student population of 1700. The district is located in a suburban area of Sacramento County.

Authority for Waiver: EC Section 33050

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

SBE Waiver Policy #99–03, Physical Education Requirements for Block Schedules, which was last revised in July 2006, establishes criteria for granting waivers related to PE instructional minutes for the purpose of implementing a block schedule. This policy, #99–03, is available for viewing at http://www.cde.ca.gov/re/lr/wr/documents/pepolicy.doc.

Schools began implementing block schedules, sometimes with disregard for the statutory requirements for PE instructional minutes, in the 1980s. Several types of these block schedules incorporate PE instruction on a limited basis and do not meet the statutory requirement of 400 minutes each 10 school days. A committee including PE experts, district staff, SBE members, and CDE staff developed a recommendation for a waiver policy. This group did not feel that they could ask high schools in the state to stop doing block scheduling, so flexibility was sought, and a waiver policy was created.

FISCAL ANALYSIS (AS APPROPIATE)

There is no statewide fiscal impact of waiver approval or denial.
ATTACHMENT(S)

Attachment 1: Summary Table of Physical Education Block Schedule State Board of Education Waiver (1 page)

Attachment 2: Folsom-Cordova Unified School District General Waiver Request 29-4-2016 (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>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 Consulted, Date, and Position</th>
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<tbody>
<tr>
<td>29-4-2016</td>
<td>Folsom-Cordova Unified School District</td>
<td>Requested: August 15, 2016 to August 13, 2020</td>
<td>Folsom Cordova Educators Association Michael Itkoff, President 11/11/15 Neutral</td>
<td>12/10/15</td>
<td>Newspaper, District website</td>
<td>Schoolsite Council and School Board meeting 12/10/15 No objections</td>
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</table>

Created by the California Department of Education
May 2, 2016
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467330    Waiver Number: 29-4-2016    Active Year: 2016

Date In: 4/27/2016 3:33:20 PM

Local Education Agency: Folsom-Cordova Unified School District
Address: 1965 Birkmont Dr.
Rancho Cordova, CA 95742

Start: 8/15/2016    End: 8/13/2020

Waiver Renewal: Y
Previous Waiver Number: 1-9-2014-W-02    Previous SBE Approval Date: 11/14/2014

Waiver Topic: Physical Education Program
Ed Code Title: Block Schedules
Ed Code Section: 51222(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: education Code Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each ten school days for students in grades nine through twelve.

Outcome Rationale: Vista del Lago opened its doors in the fall of 2007, employing a 4x4 block schedule, comprising four year-long courses taught in each of the 18-week term. The decision to utilize an alternative block schedule was reached after several months of educational research, discussion, and input from community members, staff, and students. The following factors led to the adoption of the 4x4 schedule:

1. Under the alternate day schedule, teachers continue to have a large number of contacts per semester (210 contacts). The alternative block schedule decreases the number of student contacts (105 contacts).

2. The Vista del Lago community view daily instructional blocks of 90 minutes to be more productive than the alternative day block schedule.

3. The alternative block schedule does increase the capacity to take additional electives, advance in the core subjects, or to remediate. The alternative block schedule allows the school/students to adjust course selections mid-year based on student performance. For example, a student who fails Algebra I first term can retake the course second term and not fall behind or have to attend summer school. The regular period-day schedule does not provide students this option.

Student Population: 1700

City Type: Suburban
Public Hearing Date: 12/10/2015
Public Hearing Advertised: website, local paper

Local Board Approval Date: 12/10/2015

Community Council Reviewed By: School Site Council, School Baord
Community Council Reviewed Date: 12/10/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. John Dixion
Position: Principal
E-mail: jdixon@fcusd.org
Telephone: 916-294-2410 x410150
Fax:

Bargaining Unit Date: 11/11/2015
Name: Folsom Cordova Education Association
Representative: Michael Itkoff
Title: President
Position: Neutral
Comments:
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

☐ General Waiver

SUBJECT

Request by Shasta County Office of Education for a renewal to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Taylor Hanson to continue to provide services to students until June 30, 2017, under a remediation plan to complete those minimum requirements.

Waiver Number: 15-4-2016

SUMMARY OF THE ISSUES

The State Board of Education (SBE) must determine if Taylor Hanson qualifies for an educational interpreter waiver to provide educational interpreter services until June 30, 2017.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of the waiver request for Taylor Hanson with the individual conditions noted in Attachment 1.

SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are Deaf or Hard of Hearing meet state-approved or state-recognized certification, registration, or other comparable requirements, as defined in Title 34 of the Code of Federal Regulations, Section 300.156(b)(1).

To meet this federal requirement, the California Code of Regulations, Section 3051.16(b)(3) require the following:
By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a translator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

**Demographic Information:** The Shasta County Office of Education has a student population of 220 students and is located in a rural area in Shasta 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**

In 2002, the SBE approved regulations that required educational interpreters to be certified by the national RID, or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the RID, or equivalent, or to have achieved a score of 4.0 or better on specified assessments.

In November, 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE Web site at [http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc](http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc).

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions (1 page)

Attachment 2: Shasta County Office of Education General Waiver Request 15-4-2016 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
# List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>Period of Request</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative(s) Consulted, Date and Position</th>
<th>Advisory Committee Consulted, Date and Position</th>
<th>Previous Waivers (Yes/No) Date</th>
<th>Name, Date, and Score of Most Recent Evaluation</th>
<th>Name, Dates, and Scores of Previous Evaluations</th>
<th>Date of Hire</th>
</tr>
</thead>
</table>

**Conditions:**

1. The Shasta County Office of Education must provide Ms. Hanson with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.

2. By June 2017, the Shasta County Office of Education must provide CDE with new assessment scores for Ms. Hanson.
Waiver Topic: Special Education Program
Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing
Ed Code Section: CCR, Title 5, Section 3051.16(b)(3)
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: CA Code of Regulations, Title 5 (5CCR) Section 3051.16
Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national
RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have
achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If
providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or
have achieved a score of 4.0 or above on the EIPA-Cued Speech.]

Outcome Rationale: On behalf of Taylor Hanson, the SCOE is requesting a waiver to allow her
to interpret in the K-12 classroom during the 2016-17 year. This will benefit Shasta County's
DHH program by helping to provide another deaf and hard of hearing student access to the
academic and social content of the classroom.

Taylor recently received a score of 3.9 on the EIPA. With her high level of
dedication to professional development and her attention to the responsibilities of her work, she
is striving to meet the CDE's requirements as soon as possible.

Approving this waiver request will provide a very important benefit. It will impact
the Shasta County deaf and hard of hearing students by enhancing the interpreting coverage in
their mainstream classes. It will also give our educational interpreters more opportunities to
interpret together in teams will provide them with exposure to different interpreting styles,
classroom content, and language proficiencies.

Student Population: 220

City Type: Rural
Public Hearing Date: 4/13/2016
Public Hearing Advertised: In the local newspaper, The Record Searchlight

Local Board Approval Date: 4/13/2016

Community Council Reviewed By: Shasta County Community Advisory Committee
Community Council Reviewed Date: 4/13/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Yvette Marley
Position: SCOE Lead Educational Interpreter
E-mail: ymarley@shastacoe.org
Telephone: 530-225-2965
Fax: 530-225-0105

Bargaining Unit Date: 04/04/2016
Name: California School Employees Association, Ch 642
Representative: Daniel Coyne
Title: Chapter President
Position: Support
Comments:
To: Taylor Hanson, Educational Interpreter  
From: Kathy Thompson, Director of Special Education  
RE: Educational Interpreter Remediation Plan through June 30, 2017  
Date: April 4, 2016

July 1, 2009, the Title 5 EDUCATION regulation 5CCR3051.16(b)(3) required the following:

...an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), [or] the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R)...

Your assessment history consists of an EIPA Pre-Hire Screening score of "OK to hire" taken on January 21, 2015 and an EIPA score of 3.4 taken on April 24, 2015. Your EIPA score from October 19, 2015 is 3.9. As a result of your recent EIPA assessment score, the Shasta County Office of Education (SCOE) will submit a request to the CA Department of Education (CDE) that the education regulation listed above be waived to allow you to interpret in the K-12 classroom for the 2016-17 school year.

One component of the waiver request is this "Remediation Plan" that the SCOE will submit to CDE showing what resources SCOE has provided in order to help you at least meet the CDE's minimum requirement. This year the SCOE-provided professional development opportunities include (but are not limited to) regular access to a Lead Educational Interpreter (LEI) who is RID-certified holding both NIC and Ed:K-12 certifications.

The LEI provides regular training in the form of:

- weekly one-on-one mentoring sessions
- upper division ASL college classes during the fall and spring semesters
- maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities

In addition to the training provided by the LEI, SCOE is also assisting your efforts to meet the state's requirements by paying your EIPA assessment fees providing you the necessary equipment and further training in order to videotape and transcribe your interpreting work to facilitate your self-assessment process requiring attendance at monthly educational interpreter
meetings providing the opportunity to consult with your educational interpreting colleagues and exchange information and resources regarding the educational interpreting profession. SCOE fully supports and appreciates your efforts. Participating in the opportunities listed in this remediation plan is a vital component of the waiver request paperwork. If your renewal waiver is granted by the CDE it will only remain valid for a limited time. Therefore, it is important that you take advantage of these SCOE-offered professional development opportunities to help you continue to demonstrate interpreter skill growth on your subsequent EIPA or ESSE assessments. Failure to meet the CDE's minimum qualification score of 4.0 or above on the EIPA or ESSE before the expiration date of your waiver, without a CDE-approved renewal waiver, may result in your dismissal from SCOE employment and placement on a thirty-nine month reemployment list. However, it is possible to be reemployed in a vacant "educational interpreter" position if your later meet CDE's Educational Interpreter Regulation's requirements.

"Kathy Thompson"

Kathy Thompson
SCOE-Director Special Ed

"Yvette Marley"

Yvette Marley
SCOE-Lead Educational Interpreter
RID Certified
NIC & Ed:K-12

"Taylor Hanson"

Taylor Hanson
SCOE-Educational Interpreter

"Daniel P. Coyne"

Daniel P. Coyne
President-CSEA Chapter 642
## General Waiver

**SUBJECT**

Request by four local educational agencies to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

<table>
<thead>
<tr>
<th>Waiver Numbers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Centro Elementary School District 8-3-2016</td>
</tr>
<tr>
<td>Hanford Elementary School District 12-3-2016</td>
</tr>
<tr>
<td>Imperial County Office of Education 6-4-2016</td>
</tr>
<tr>
<td>Imperial County Office of Education 7-4-2016</td>
</tr>
<tr>
<td>South Bay Union School District 31-3-2016</td>
</tr>
</tbody>
</table>

**SUMMARY OF THE ISSUES**

Four 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 with conditions**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request from four LEAs to provide ESY services for fewer than 20 days with the condition that instructional hours are consistent with those provided to the general education enrollment at the same grade level unless their individualized education program (IEP) specifies otherwise. Also, special education and related services offered during the ESY 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.

**SUMMARY OF KEY ISSUES**

The El Centro Elementary School District (ECESD) proposes to provide ESY services utilizing a 16 day model over a four week period of four and three-quarter hours per day, providing the same number of instructional hours equal to the traditional 20 day
calendar, including holidays. The ECESD believes that an increase in daily instructional time over a period of 16 days will result in educational benefit for students. The proposed schedule contains the same amount of required instructional time; and will align better with the District’s summer hours. It will also provide facility and transportation cost savings for the District.

The Hanford Elementary School District (HESD) proposes to provide ESY services utilizing a 14 day model of five and three-quarter hours of instruction per day. 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 which occurs during the summer. The HESD is located in the San Joaquin Valley which is a rural community. In the latter part of the summer, the heat can soar to above 110 degrees, causing the afternoons to be unbearable. These hot summer days can be difficult for students to actively participate in learning because of the heat and bad air quality, especially for those students with significant disabilities.

The Imperial County Office of Education (ICOE) submitted two separate waivers for the provision of ESY services to students. The proposal is to provide ESY services to the students served at Brawley Elementary School District and Calexico Unified School District sites utilizing a 15 day model of five and a half hours of instruction per day (6-4-2016). The proposed ESY schedule for the sites located in the Brawley High School District, Central High School District, El Centro Elementary School District, Imperial Valley Center for Exceptional Children, and Imperial Unified School District is to utilize a 17 day model over a four week period of four and three-quarter hours per day (7-4-2016). Both schedules provide the same number of instructional hours as the traditional 20 day calendar, including holidays. The ICOE believes the proposed models will provide more continuity for delivery of instruction between general education and special education, and will allow special education students to participate in their educational experience with their non-disabled peers. The proposed schedules help facilitate cost effective services between classrooms, and will reduce related costs for transportation, utilities, etc.

The South Bay Union School District proposes to provide ESY services to identified special education students utilizing a 15 day schedule with five and three-quarter hours of instruction per day. This schedule provides the same amount of instruction as the traditional ESY schedule of twenty days with four hours of instruction. The District does not have a regular summer school program, and has a modified school calendar that aligns with the area secondary schools which provides only 30 days between school years. The proposed shortened ESY schedule would still allow the District to address the regression and recoupment needs of identified students, and can provide a greater opportunity for instructional impact. Fewer ESY days will also reduce related costs for transportation, utilities, etc.

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.

Extended school year is the term for the education of special education students “between the close of one academic year and the beginning of the next,” similar to a summer school. It must be provided for each individual with exceptional needs whose 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 (5 pages)

Attachment 2: El Centro Elementary School District General Waiver Request 8-3-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Hanford Elementary School District General Waiver Request 12-3-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Imperial County Office of Education General Waiver Request 6-4-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Imperial County Office of Education General Waiver Request 7-4-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: South Bay Union School District General Waiver Request 31-3-2016 (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>
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</thead>
</table>
|8-3-2016     | El Centro Elementary School District | **Requested:**
June 14, 2016 to July 8, 2016
**Recommended:**
June 14, 2016 to July 8, 2016
16 days at 4.75 hours/day
76 hours total | Student population: 645
Area: Rural
<table>
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<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>
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</thead>
</table>
| 12-3-2016     | Hanford Elementary School District | Requested: June 13, 2016 to June 30, 2016  
Recommended: June 13, 2016 to June 30, 2016 | Student population: 364  
Area: Rural  
County: Kings | 3/9/2016 | California School Employees Association, #344  
Ron Riso  
President  
1/25/2016 Support | Notice posted in the Hanford Sentinel newspaper and on the Board agenda | Hanford Elementary School District Board of Trustees  
3/9/2016  
No objection |
<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>
</table>
| 6-4-2016      | Imperial County Office of Education (Brawley Elementary School District and Calexico Unified School District sites) | **Requested:** June 13, 2016 to July 8, 2016  
**Recommended:** June 13, 2016 to July 8, 2016 | **Student population:** 350  
**Area:** Rural  
**County:** Imperial | 3/14/2016 | Classified School Employees Association, Ruby Tagaban President 2/29/2016 Support  
Imperial County Office of Education Teachers Association, Barbara McAndrews President 2/29/2016 Support | Notice posted at each school and on the District Web page | No objection |
<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>
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<tr>
<td>7-4-2016</td>
<td>Imperial County Office of Education (Brawley High School District, Central High School District, El Centro Elementary School District, Imperial Valley Center for Exceptional Children, Imperial Unified sites)</td>
<td><strong>Requested:</strong> June 13, 2016 to July 8, 2016</td>
<td><strong>Student population:</strong> 350</td>
<td>3/14/2016</td>
<td>Classified School Employees Association, Ruby Tagaban President 2/29/2016 Support</td>
<td>Notice posted at each school and on the District Web page</td>
<td>Schoolsite Council 3/8/2016 No objection</td>
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<td><strong>Recommended:</strong> June 13, 2016 to July 8, 2016</td>
<td><strong>Area:</strong> Rural</td>
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<td>Imperial County Office of Education Teachers Association, Barbara McAndrews President 2/29/2016 Support</td>
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<td></td>
<td>17 days at 4.75 hours/day</td>
<td><strong>County:</strong> Imperial</td>
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<td>80.75 hours total</td>
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<td>Waiver Number</td>
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<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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| 31-3-2016     | South Bay Union School District | **Requested:** June 13, 2016 to July 1, 2016  
**Recommended:** June 13, 2016 to July 1, 2016 | **Student population:** 8,260  
**Area:** Urban  
**County:** San Diego | 2/11/2016 | California School Employees Association, Chapter 59  
Beth Gillen President  
2/4/2016 **Support**  
South West Teachers Association, Lorie Garcia President  
2/4/2016 **Support** | Notice posted at each school and at the District office | District Advisory Committee  
3/7/2016 **No objection** |

Created by the California Department of Education  
April 26, 2016
Extended School Year
Attachment 2
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1363123 Waiver Number: 8-3-2016 Active Year: 2016

Date In: 3/9/2016 5:15:03 PM

Local Education Agency: El Centro Elementary School District
Address: 1256 Broadway
El Centro, CA 92243


Waiver Renewal: Y
Previous Waiver Number: 9-3-2015-W-05 Previous SBE Approval Date: 7/8/2015

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: 3043 Extended school year services shall be provided for each
individual with exceptional needs who has unique needs and requires special education and
related services in excess of the regular academic year. Such individuals shall have handicaps
which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil’s
educational programming may cause regression, when coupled with limited recoupment
capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency
and independence that would otherwise be expected in view of his or her handicapping
condition. The lack of clear evidence of such factors may not be used to deny an individual an
extended school year program if the individualized education program team determines the
need for such a program and includes extended school year in the individualized education
program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district,
special education local plan area, or county office offering programs during the regular
academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who:
(1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose
individualized education programs specify an extended year program as determined by the
individualized education program team.

(c) The term “extended year” as used in this section means the period of time between the close
of one academic year and the beginning of the succeeding academic year. The term “academic
year” as used in this section means that portion of the school year during which the regular day
school is maintained, which period must include not less than the number of days required to
entitle the district, special education services region, or county office to apportionments of state
funds.
(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays

Outcome Rationale: ECESD is requesting a waiver to CCR, Title 5, 3043(d). Title 5 California Code of Regulation 3043(d) requires, “An extended year program shall be provided for a minimum of 20 instructional days, including holidays.” If approved, the waiver will allow operation of a 16 day Extended School Year program at 4.75 hours per day. The proposed dates are June 14, 2016 through July 8, 2016. The proposed schedule contains the same number of required instructional minutes; however the four-day, 4.75 hour schedule allows for better alignment with the District summer hours, and provides facility and transportation cost savings for the District. Additionally, this proposed schedule and calendar would align with the summer schedule of Imperial County Office of Education (ICOE), who is also requesting a similar waiver. ECESD houses the majority of the County operated classrooms, and shares facilities at the Imperial Valley Center for Exceptional Children (IVCEC). ECESD also provides breakfast and lunch to the County operated programs in El Centro, so alternate arrangements for the school breakfast and lunch program would not have to be made if the District days of operation are in alignment with the ICOE programs.

Student Population: 645

City Type: Rural

Public Hearing Date: 3/8/2016
Public Hearing Advertised: Notice was in the local newspaper

Local Board Approval Date: 3/8/2016

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/23/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janice Lau
Position: Director, Special Education & Student Services
E-mail: jlau@ecesd.org
Telephone: 760-352-5712 x8534
Fax: 760-370-3221

Bargaining Unit Date: 02/11/2016
Name: El Centro Elementary Teachers Association
Representative: Shealynn Barker
Title: ECETA President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663917       Waiver Number: 12-3-2016       Active Year: 2016

Date In: 3/11/2016 2:19:26 PM

Local Education Agency: Hanford Elementary School District
Address: 714 North White St.
Hanford, CA 93230


Waiver Renewal: N       Previous Waiver Number:
Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR 3043(d)
Ed Code Authority: 33050

Ed Code or CCR to Waive: An extended year program shall be provided for a minimum of 20 instructional days, including holidays.
Outcome Rationale: We are located in the San Joaquin Valley in a rural community. In the later part of the summer, the heat can soar to above 110 degrees, causing the afternoons to be unbearable. These hot summer days can be difficult for students to actively participate in learning with such heat. Not to mention when the Air Quality Index is in the unhealthy range, especially for our students with significant disabilities. In addition, the heat causes a great strain on already overworked air conditioning units. Over the course of the past five year, we have seen a dramatic decrease in the number of students who begin the program and remain during the duration of the program. When inquiring with parents as to why their children drop out of ESY, many respond that the program is too long or that the heat is too much for their children. Finally, qualified staff to teach our mild to moderate and moderate to severe student population is limited. With such limited staff, they are often left with little opportunity to participate in district offered professional development that takes place during the summer months, as they are teaching in the ESY program. This restricts professional development opportunities to our special education staff, which they so deeply desire.

As such, the District is requesting that the waiver be approved to allow the our ESY to operate from June 13 - June 30 from 8:00 a.m. - 1:45 p.m. This meets the required 80 hours of instruction. As well, allows that the program not run into the hotter summer months. It also will reduce the attrition of student attendance and provide special education teachers an opportunity to attend professional development provided by the district throughout the months of July and August.

Student Population: 364

City Type: Rural

Revised: 7/8/2016 1:56 PM
Public Hearing Date: 3/9/2016
Public Hearing Advertised: Local Newspaper-Hanford Sentinel (2-23-16)/Board Agenda (Posted Publically (3-4-16)

Local Board Approval Date: 3/9/2016

Community Council Reviewed By: Hanford Elementary School District Board of Trustees
Community Council Reviewed Date: 3/9/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Karen McConnell
Position: Assistant Superintendent
E-mail: kmcconnell@hesd.k12.ca.us
Telephone: 559-585-3630
Fax: 559-585-2250

Bargaining Unit Date: 01/25/2016
Name: California School Employees Association # 344
Representative: Ron Riso
Title: President
Position: Support
Comments:
Extended School Year
Attachment 4
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1310132          Waiver Number: 6-4-2016          Active Year: 2016

Date In: 4/7/2016 5:33:56 PM

Local Education Agency: Imperial County Office of Education
Address: 1398 Sperber Rd.
El Centro, CA 92243


Waiver Renewal: N
Previous Waiver Number:       Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: California Code of Regulations, Title 5, (5 CCR), Section 3043(d).
Ed Code Authority: 33050

Ed Code or CCR to Waive: Request by Imperial County Office of Education to waive California Education Code of Regulations, Title 5, Section 3043(d), which requires an extended year program shall be provided for a minimum of 20 instructional days, including holidays.

3043 (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: Imperial County Office of Education (Brawley Elem & Calexico Unified Sites) requests to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). The LEA requests an alternate schedule that will allow it to provide the minimum number of hours required, but in fewer days utilizing a 15-day model over a three-week period at 5.5 hours per day (15 days X 5.5 hours per day = 82.5 hours, including Holiday), providing the same number of hours as in a traditional 20-day model, including holidays (20 days X 4 hours = 80 hours). The proposed model, which extends daily attendance time, results in identical time totals, but provides for a reduction in total days of attendance to 15 days, Monday through Friday, over a three-week period. The Imperial County Office of Education believes the proposed model will:

* provide more continuity for delivery of instruction between general education and special education so that the extended year program for special education students may be modified to match that of the general education summer school program. This waiver would allow special education students to participate in their educational experience along with their non-disabled peers, allow students and families the flexibility to plan extended weekend breaks without interrupting the students’ educational program.

* facilitate cost effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.

Revised: 7/8/2016 1:56 PM
Student Population: 350

City Type: Rural

Public Hearing Date: 3/14/2016
Public Hearing Advertised: Public Hearing Notice posted at all school sites and on webpage

Local Board Approval Date: 3/14/2016

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 3/8/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Juan Cruz
Position: Chief Student Services Officer
E-mail: jcruz@icoe.org
Telephone: 760-312-6429
Fax:

Bargaining Unit Date: 02/29/2016
Name: Classified School Employees Association
Representative: Ruby Tagaban
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/29/2016
Name: Imperial County Office of Education Teachers Assoc
Representative: Barbara McAndrews
Title: President
Position: Support
Comments:
Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: California Code of Regulations, Title 5, (5 CCR), Section 3043(d).
Ed Code Authority: 33050

Ed Code or CCR to Waive: Request by Imperial County Office of Education to waive California Education Code of Regulations, Title 5, Section 3043(d), which requires an extended year program shall be provided for a minimum of 20 instructional days, including holidays.

3043 (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: Imperial County Office of Education (Brawley High, Central High, ECESD, IVCES, and Imperial Unified Sites) requests to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). The LEA requests an alternate schedule that will allow it to provide the minimum number of hours required, but in fewer days utilizing a 17-day model over a four-week period at 4.75 hours per day (17 days X 4.75 hours per day = 80.75 hours, including Holiday), providing the minimum number of hours as in a traditional 20-day model, including holidays (20 days X 4 hours = 80 hours). The proposed model, which extends daily attendance time, results in meeting time requirements, but provides for a reduction in total days of attendance to 17 days, over a four-week period. The Imperial County Office of Education believes the proposed model will:

* provide more continuity for delivery of instruction between general education and special education so that the extended year program for special education students may be modified to match that of the general education summer school program. This waiver would allow special education students to participate in their educational experience along with their non-disabled peers, allow students and families the flexibility to plan extended weekend breaks without interrupting the students’ educational program.

* facilitate cost effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc
Student Population: 350

City Type: Rural

Public Hearing Date: 3/14/2016
Public Hearing Advertised: Public Hearing Notice posted at all school sites and on webpage.

Local Board Approval Date: 3/14/2016

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 3/8/2016
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Juan Cruz
Position: Chief Student Services Officer
E-mail: cruz@icoe.org
Telephone: 760-312-6429
Fax:

Bargaining Unit Date: 02/29/2016
Name: Classified School Employees Association
Representative: Ruby Tagaban
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/29/2016
Name: Imperial County Office of Education Teachers Association
Representative: Barbara McAndrews
Title: President
Position: Support
Comments:
Outcome Rationale: South Bay Union School District is requesting a waiver to modify the required 20 day extended school year (ESY) program to 15 days, due to the circumstances described below. This request is for the current school year only (2015-2016).

South Bay Union School District has approximately 191 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the District. Last school year, the district modified its school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2015-2016 school year is June 7th for students and teachers. The first day of the 2016-2017 school year is anticipated to be July 25, 2016 with teachers returning for prep time on July 19th, 2016. This shortened period provides only 30 days to hold an ESY session.

A 15 day ESY program (June 13, 2016-July1, 2016 for 5.75 hours/day) combined with a shortened period in the summer with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students' teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 15 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days may save operational and transportation costs.
Student Population: 8260

City Type: Urban

Public Hearing Date: 2/11/2016
Public Hearing Advertised: Notice posted at each school and School District Office.

Local Board Approval Date: 2/11/2016

Community Council Reviewed By: District Advisory Committee
Community Council Reviewed Date: 3/7/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mary Ellen Nest
Position: Interim Director, Special Education
E-mail: mnest@sbusd.org
Telephone: 619-628-1660
Fax: 619-628-1669

Bargaining Unit Date: 02/04/2016
Name: California School Employees Association, Chapter 59
Representative: Beth Gillen
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/04/2016
Name: South West Teachers Association
Representative: Lorie Garcia
Title: President
Position: Support
Comments:
SUBJECT
Request by Upper Lake Union High School District to waive California Education Code Section 41402(b) and (c), the requirement which sets the ratio of administrators to teachers for unified school districts at eight for every 100 teachers, and for high schools at seven for every 100 teachers. Upper Lake Union High School District would like to have two full-time administrators with 14.5 teachers for the 2015–16 and four full-time administrators with 42 teachers for the 2016–17 school year.

Waiver Number: 9-3-2016

SUMMARY OF THE ISSUES
Upper Lake Union High School District (UHSD) and Upper Lake Union Elementary School District (UESD) will unify beginning in the 2016–17 school year with a start date of July 1, 2016. Due to the unification efforts, the Upper Lake UHSD anticipates that a waiver will be necessary to adjust the administrator to teacher ratio to address additional administrative duties required in preparation for unification.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

Approval with conditions

The California Department of Education recommends the California State Board of Education (SBE) approve the request by the Upper Lake UHSD to waive EC Section 41402(b) and (c) for two years less one day, as shown on Attachment 1.

SUMMARY OF KEY ISSUES

The Upper Lake UHSD is requesting a waiver of EC Section 41402(c), which establishes the maximum ratio of seven administrative employees to 100 teachers in a high school district. The Upper Lake UHSD currently has 14.5 teachers, which allows for 1.02 administrators. The Upper Lake UHSD would need to employ an additional 14.07 teachers to be in compliance with the maximum administrator to teacher ratio for the 2015–16 school year.
In the 2016–17 school year, the Upper Lake UHSD and Upper Lake UESD will unify into the Upper Lake Unified School District (USD). EC Section 41402(b) establishes the maximum ratio of eight administrative employees to 100 teachers in a unified school district. The Upper Lake USD will employ 42 teachers, which allows for 2.94 administrators. The Upper Lake USD would need to employ an additional eight teachers to be in compliance with the maximum administrator to teacher ratio in the 2016–17 school year.

Currently, the superintendent/principal of Upper Lake UHSD is the acting interim superintendent of the Upper Lake USD. Additional administrative support is needed in the interim process for the unification. Approving this waiver will exempt the Upper Lake UHSD and Upper Lake USD from any audit penalties imposed as a result of EC Section 41402 during the unification process.

The Schoolsite Council had no objections to this waiver request and the Upper Lake Teacher's Association supports the request.

**Demographic Information:** Upper Lake UHSD has a student population of approximately 280 students and is located in a rural area of Lake County.

Upper Lake UESD has a student population of approximately 500 students and is located in a rural area of Lake 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**

Upper Lake UHSD and Upper Lake UESD filed waivers during the 2015–16 school year to unify in the 2016–17 school year. The waivers were granted on November 5, 2015.

The SBE last approved a request by Banta Elementary School District (ESD) to waive EC Section 41402 for the maximum administrator to teacher ratio in September 2014 for a period of two years less one day, to address a projected influx of new students due to a new housing development. Banta ESD also received four previous waivers of EC Section 41402. Each waiver was approved with conditions, allowing the Banta ESD to address the projected influx of new students.

The conditions included in the terms for this waiver, while not similar, are reasonable in comparison to those approved in May 2014 for a waiver due to additional administrative support required for unification of two districts.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of this waiver approval. Approval of this waiver will prevent future audit penalties for the school district.
ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Upper Lake Union High School District General Waiver Request 9-3-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table

California *Education Code (EC)* Section 41402

<table>
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<th>Waiver Number</th>
<th>District</th>
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<th>Bargaining Unit Representatives Consulted Date, and Position</th>
<th>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
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<td>9-3-2016</td>
<td>Upper Lake Union High School District</td>
<td><strong>Requested:</strong> July 1, 2015, to June 30, 2017</td>
<td>Upper Lake Teachers Association, Gary Madison President 3/2/2016 Support</td>
<td><strong>Public Hearing:</strong> 1/13/16 <strong>Local Board Approval:</strong> 3/9/2016</td>
<td>Notice was posted at school sites, community locations and on the District Web site.</td>
<td>Reviewed by the Schoolsite Council 1/28/2016 <strong>No objections</strong></td>
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Created by California Department of Education  
May 4, 2016
## California Department of Education
### WAIVER SUBMISSION - General

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<td>Address: 675 Clover Valley Rd.</td>
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<tr>
<td>Upper Lake, CA 95485</td>
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<td>Start: 7/1/2015</td>
<td>End: 6/30/2017</td>
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<td>Waiver Renewal: N</td>
<td>Previous Waiver Number:</td>
<td>Previous SBE Approval Date:</td>
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<td>Waiver Topic: Administrator/Teacher Ratio</td>
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<tr>
<td>Ed Code Title: Administrator/Teacher Ratio in High School District</td>
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<td>Ed Code Section: 41402</td>
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<td>Ed Code Authority: 33050</td>
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<td>Ed Code or CCR to Waive: 41402 [maximum ratio of administrative employees to each 100 teachers in the various types of school districts shall be as follows:]</td>
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<td>[(c) in high school districts-7.]</td>
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<tr>
<td>Outcome Rationale: Pursuant to Education Code section 41402(c), high school districts must maintain an administrator-to-teacher ratio of 7 administrators to 100 teachers. During the 2015-2016 school year, the Upper Lake Union High School District and the Upper Lake Union Elementary School District filed waivers with the CDE to unify these two districts beginning in the 2016-2017 school year with a start date of July 1, 2016. The waivers were granted on November 5, 2015. Due to the unification efforts, the Upper Lake Union High School District anticipates that a waiver will be necessary to adjust the administrator-teacher ratio to address the additional administrative duties required in preparation for unification. Currently, the superintendent/principal of the high school district is the acting interim superintendent of the unified district. Therefore, additional administrative support is needed in the interim process.</td>
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<td>Student Population: 282</td>
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<td>City Type: Rural</td>
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<td>Public Hearing Date: 1/13/2016</td>
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<td>Public Hearing Advertised: School sites, community locations, and on the District website.</td>
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<td>Community Council Reviewed By: Site Council</td>
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</tr>
</tbody>
</table>
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Patrick Iaccino
Position: Superintendent/Principal
E-mail: piaccino@ulhs.k12.ca.us
Telephone: 707-275-2655
Fax: 707-275-9750

Bargaining Unit Date: 03/02/2016
Name: Upper Lake Teachers Association
Representative: Gary Madison
Title: President
Position: Support
Comments:
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

General Waiver

SUBJECT

Request by 12 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:

- Bellevue Elementary School District 14-4-2016
- Brisbane Elementary School District 21-3-2016
- Chicago Park Elementary School District 16-4-2016
- Farmersville Unified School District 8-4-2016
- Harmony Union Elementary School District 22-4-2016
- John Swett Unified School District 28-4-2016
- Liberty Elementary School District 25-4-2016
- Loma Prieta Joint Union Elementary School District 26-4-2016
- Nevada City Elementary School District 9-4-2016
- Pleasant Ridge Union Elementary School District 24-3-2016
- Poway Unified School District 14-3-2016
- San Lorenzo Unified School District 26-3-2016

SUMMARY OF THE ISSUES


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 BESD, BESD, CPESD, FUSD, HUESD, JSUSD, LESD, LPJUESD, NCESD, PRUESD, PUSD, and SLUSD will provide information to BESD, BESD, CPESD, FUSD, HUESD, JSUSD, LESD, LPJUESD, NCESD, PRUESD, PUSD, and SLUSD families by September 9, 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 BESD, BESD, CPESD, FUSD, HUESD, JSUSD, LESD, LPJUESD, NCESD, PRUESD, PUSD, and SLUSD 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 BESD, BESD, CPESD, FUSD, HUESD, JSUSD, LESD, LPJUESD, NCESD, PRUESD, PUSD, and SLUSD currently offer extended-day (full day) kindergarten programs which exceed the maximum four-hour school day (EC 46111 [a]). The BESD, BESD, CPESD, FUSD, HUESD, JSUSD, LESD, LPJUESD, NCESD, PRUESD, PUSD, and SLUSD 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 BESD, BESD, CPESD, FUSD, HUESD, JSUSD, LESD, LPJUESD, NCESD, PRUESD, PUSD, and SLUSD 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:

BESD has a student population of 125, and is located in a rural area in Tuolumne County.

BESD has a student population of 464, and is located in a suburban area in San Mateo County.

CPESD has a student population of 180, and is located in a rural area in Nevada County.

FUSD has a student population of 42, and is located in a rural area in Tulare County.

HUESD has a student population of 238, and is located in a rural area Sonoma County.

JSUSD has a student population of 1,646, and is located in a suburban area in Contra Costa County.
LESD has a student population of 224, and is located in a rural area in Sonoma County.

LPJUESD has a student population of 503, and is located in a rural area in Santa Clara County.

NCESD has a student population of 886 and is located in a rural area in Nevada County.

PRUESD has a student population of 1,192, and is located in a rural area in Nevada County.

PUSD has a student population of 35,635, and is located in a suburban area in San Diego County.

SLUSD has a student population of 10,981, and is located in an urban area in Alameda County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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.

ATTACHMENT(S)

Attachment 1: Summary Table (5 pages).

Attachment 2: BESD General Waiver Request 14-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: BESD General Waiver Request 21-3-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: CPESD General Waiver Request 16-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: FUSD General Waiver Request 8-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
Attachment 6: HUESD General Waiver Request 22-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: JSUSD General Waiver Request 28-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: LESD General Waiver Request 25-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: LPJUESD General Waiver Request 26-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: NCESD General Waiver Request 9-4-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: PRUESD General Waiver Request 24-3-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: PUSD General Waiver Request 14-3-2016 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: SLUSD General Waiver Request 26-3-2016 (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>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
</tr>
</thead>
</table>
| 14-4-2016     | Belleview Elementary School District | **Requested:** August 24, 2016 to June 7, 2017 | No bargaining unit | April 14, 2016 | The public hearing notice was in the board agenda, posted on the district Web site and at two schoolsites. | Belleview Schoolsite Council  
April 14, 2016  
No Objection |
|               |         | **Recommended:** August 24, 2016 to June 7, 2017 | | | | |
| 21-3-2016     | Brisbane Elementary School District | **Requested:** August 1, 2015 to June 30, 2017 | Brisbane Elementary Teachers Association, Monica Kibbe President 3/7/2016 Support | March 16, 2016 | The public hearing notice was advertised with the board agenda distribution. | Panorama Schoolsite Council  
March 4, 2016  
No Objection |
<p>|               |         | <strong>Recommended:</strong> August 1, 2015 to June 30, 2017 | | | | |</p>
<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>16-4-2016</td>
<td>Chicago Park Elementary School District</td>
<td>Requested: July 1, 2016 to June 28, 2017</td>
<td>Chicago Park Teacher’s Association, Robin Johnston President 4/18/2016 Support</td>
<td>April 14, 2016</td>
<td>The public hearing notice was posted on the Web site and at three local locations.</td>
<td>Site Council March 3, 2016 No Objection</td>
</tr>
<tr>
<td>8-4-2016</td>
<td>Farmersville Unified School District</td>
<td>Requested: July 1, 2015 to June 30, 2016</td>
<td>Farmersville Teachers Association, Leslie Stewart President 3/30/2016 Support</td>
<td>April 12, 2016</td>
<td>The public hearing notice was posted at three locations in the district.</td>
<td>Farmersville Unified School District Board of Trustees April 12, 2016 No Objection</td>
</tr>
<tr>
<td>22-4-2016</td>
<td>Harmony Union Elementary School District</td>
<td>Requested: August 18, 2016 to June 29, 2018</td>
<td>Harmony Union Teachers Association, Tanya Turneaure President 4/20/2016 Support</td>
<td>April 21, 2016</td>
<td>The public hearing notice was posted in three places and on the school Web site.</td>
<td>Charter School Advisory Board April 20, 2016 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>Public Hearing and Board Approval Date</td>
<td>Public Hearing Advertisement</td>
<td>SSC/Advisory Committee Position</td>
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<tr>
<td>28-4-2016</td>
<td>John Swett Unified School District</td>
<td>Requested: August 23, 2016 to June 8, 2017</td>
<td>John Swett Educators Association, Magret Nunes President 3/6/2016 Support</td>
<td>April 13, 2016</td>
<td>The public hearing notice was posted at all district schools, in the community, and on the district Web site.</td>
<td>Rode Hills Elementary Schoolsite Council February 25, 2016 No Objection</td>
</tr>
<tr>
<td>25-4-2016</td>
<td>Liberty Elementary School District</td>
<td>Requested: August 17, 2016 to June 4, 2017</td>
<td>Liberty Faculty Association, Katie Lundy President 3/29/2016 Support</td>
<td>April 21, 2016</td>
<td>The public hearing notice was posted throughout the district and on the district Web site.</td>
<td>Site Council March 7, 2016 No Objection</td>
</tr>
<tr>
<td>26-4-2016</td>
<td>Loma Prieta Joint Union Elementary School District</td>
<td>Requested: September 17, 2016 to June 8, 2017</td>
<td>Loma Prieta Teachers Association, Kat Ray President 4/11/2016 Support</td>
<td>April 22, 2016</td>
<td>The public hearing notice was posted on the school Web site, at schoolsites with board meeting notices, and sent through e-mail to local media and parents.</td>
<td>Superintendent’s Coordinating Committee/Advisory Committee April 21, 2016 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>Public Hearing and Board Approval Date</td>
<td>Public Hearing Advertisement</td>
<td>SSC/Advisory Committee Position</td>
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</tbody>
</table>
| 9-4-2016      | Nevada City Elementary School District | **Requested:** August 17, 2016 to June 8, 2018  
**Recommended:** August 17, 2016 to June 8, 2018 | Nevada City Faculty Association, Christy McCracken President 3/01/2016 Support  
California School Employees Association CSEA #390, Karen Gray Vice President 3/11/2016 Support | April 12, 2016 | The public hearing was advertised by posting on the district Web site and at all schoolsites within the district, and e-mail notices were sent out announcing the public hearing. | Deer Creek Site Council  
April 5, 2016  
**No Objection** |
| 24-3-2016     | Pleasant Ridge Union Elementary School District | **Requested:** August 19, 2015 to June 10, 2016  
**Recommended:** August 19, 2015 to June 10, 2016 | Pleasant Ridge Teachers Association, Susie Patterson Bargaining Member 8/19/2015 Support | February 9, 2016 | The public hearing notice was posted at three schoolsites, on the Web site, and sent to the newspaper. | Alta Sierra Schoolsite Council and Cottage Hill Schoolsite Council  
March 7, 2016  
**No Objection** |
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>Bargaining Unit, Representatives Consulted, Date, and Position</th>
<th>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
</tr>
</thead>
</table>
| 14-3-2016     | Poway Unified School District  | Requested: June 30, 2016 to June 30, 2017 | Poway Federation of Teachers, Candy Smiley President 2/23/2016 Support | March 8, 2016                        | The public hearing notice was published in the local newspaper and posted in the front lobbies of the district office and 39 schools. | PUSD District Advisory Committee  
February 11, 2016  
No Objection                                      |
| 26-3-2016     | San Lorenzo Unified School District  | Requested: March 15, 2016 to June 30, 2018 | San Lorenzo Education Association, Donna Pinkney President 2/16/2016 Support | March 15, 2016                        | The public hearing notice was posted on the district Web site and at all elementary schools, two public libraries, and the district office. | Elementary Schoolsite Councils at all nine elementary schools  
February 16, 2016  
No Objection |
<table>
<thead>
<tr>
<th><strong>California Department of Education</strong></th>
<th><strong>WAIVER SUBMISSION - General</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>CD Code: 5572306</td>
<td>Waiver Number: 14-4-2016</td>
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<tr>
<td></td>
<td>Active Year: 2016</td>
</tr>
<tr>
<td>Date In: 4/18/2016 10:19:10 AM</td>
<td></td>
</tr>
<tr>
<td>Local Education Agency: Belleview Elementary School District</td>
<td></td>
</tr>
<tr>
<td>Address: 22736 Kuien Mill Rd.</td>
<td></td>
</tr>
<tr>
<td>Sonora, CA 95370</td>
<td></td>
</tr>
<tr>
<td>Start: 8/24/2016</td>
<td>End: 6/7/2017</td>
</tr>
<tr>
<td>Waiver Renewal: N</td>
<td></td>
</tr>
<tr>
<td>Previous Waiver Number:</td>
<td>Previous SBE Approval Date:</td>
</tr>
<tr>
<td>Waiver Topic: Equity Length of Time</td>
<td></td>
</tr>
<tr>
<td>Ed Code Title: Equity Length of Time</td>
<td></td>
</tr>
<tr>
<td>Ed Code Section: Section 37202(a)</td>
<td></td>
</tr>
<tr>
<td>Ed Code Authority: 33050</td>
<td></td>
</tr>
<tr>
<td>Ed Code or CCR to Waive: Section 37202(a), the equity length of time requirement for transitional kindergarten and kindergarten programs at the district's elementary school.</td>
<td></td>
</tr>
<tr>
<td>Outcome Rationale: Belleview School holds a full day Kindergarten Program from 8:15-2:30. The long day is challenging for the Transitional Kindergarten students, so this waiver is being requested so that TK students may have a shortened day. Holding student in excess of the four-hour minimum school day (pursuant to ES 48911) is not in the best educational interest of TK students. The TK program would have the same schedule as a regular AM Kindergarten program</td>
<td></td>
</tr>
<tr>
<td>Student Population: 125</td>
<td></td>
</tr>
<tr>
<td>City Type: Rural</td>
<td></td>
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<tr>
<td>Public Hearing Date: 4/14/2016</td>
<td></td>
</tr>
<tr>
<td>Public Hearing Advertised: Board Agenda, posted in 2 locations (Belleview School/District &amp; Belleview Preschool), and website.</td>
<td></td>
</tr>
<tr>
<td>Local Board Approval Date: 4/14/2016</td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed By: Belleview School Site Council</td>
<td></td>
</tr>
<tr>
<td>Community Council Reviewed Date: 4/14/2016</td>
<td></td>
</tr>
<tr>
<td>Community Council Objection: N</td>
<td></td>
</tr>
<tr>
<td>Community Council Objection Explanation:</td>
<td></td>
</tr>
<tr>
<td>Audit Penalty YN: N</td>
<td></td>
</tr>
</tbody>
</table>
California Department of Education

WAIVER SUBMISSION - General

CD Code: 4168874          Waiver Number: 21-3-2016          Active Year: 2016

Date In: 3/17/2016 10:04:05 AM

Local Education Agency: Brisbane Elementary School District
Address: 1 Solano St.
Brisbane, CA 94005

Start: 8/1/2015          End: 6/30/2017

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 Equity length of day: Exceptions
Ed Code Authority: 33050

Ed Code or CCR to Waive: 37202(a)...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...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: Waiver would allow Transitional Kindergarten program to be held 8:25 am to 12:25 pm, while allowing the (traditional) Kindergarten students to participate in an Extended Day program from 8:25 am to 2:00 pm at one school. Staff has found the longer day to be counter-productive for the younger children in Transitional Kindergarten.

Student Population: 464

City Type: Suburban

Public Hearing Date: 3/16/2016
Public Hearing Advertised: Advertised with board agenda distribution.

Local Board Approval Date: 3/16/2016

Community Council Reviewed By: Panorama School Site Council
Community Council Reviewed Date: 3/4/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Steve Waterman
Position: District Administrator
E-mail: swaterman@smcoe.org
Telephone: 415-467-0550 x101
Fax: 415-467-2914

Bargaining Unit Date: 03/07/2016
Name: Brisbane Elementary Teachers Association
Representative: Monica Kibbe
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 2966316    Waiver Number: 16-4-2016    Active Year: 2016

Date In: 4/19/2016 4:08:22 PM

Local Education Agency: Chicago Park Elementary School District
Address: 15725 Mt. Olive Rd.
Grass Valley, CA 95945

Start: 7/1/2016    End: 6/28/2017

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.]

Outcome Rationale: We are a small school with one combined TK/K class. To allow for additional focused instructional time for our Kindergarten students we are proposing to shorten the TK day to 185 minutes.

Student Population: 180

City Type: Rural

Public Hearing Date: 4/14/2016
Public Hearing Advertised: Website and posted at three local locations

Local Board Approval Date: 4/14/2016

Community Council Reviewed By: Site Council
Community Council Reviewed Date: 3/3/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
CD Code: 5475325  Waiver Number: 8-4-2016  Active Year: 2016

Date In: 4/13/2016 8:13:05 AM

Local Education Agency: Farmersville Unified School District
Address: 571 East Citrus
Farmersville, CA 93223


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: Pursuant to EC 37202, TK programs operated by a district must be of equal length to any kindergarten programs operated by the same district, unless there is an approved State Board of Education waiver on file. The number of instructional minutes for TK is 36,000 minutes per year, the minimum length of instructional time that must be offered to constitute a school day is 180 minutes (EC 46117 and 46201).

Outcome Rationale: FUSD currently offers extended day K programs which exceed the maximum four hour school day. FUSD is requesting flexibility in determining the length of its TK program in order to provide a modified instructional day, curricula, and developmentally appropriate instruction practices.

Student Population: 42

City Type: Rural

Public Hearing Date: 4/12/2016
Public Hearing Advertised: The information was posted at three prominent locations in the district

Local Board Approval Date: 4/12/2016

Community Council Reviewed By: Farmersville Unified School District Board of Trustees
Community Council Reviewed Date: 4/12/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Frank Silveira
Position: Chief Academic Officer
E-mail: fsilveira@farmersville.k12.ca.us
Telephone: 559-592-2010
Fax: 559-592-2203

Bargaining Unit Date: 03/30/2016
Name: Farmersville Teachers Association
Representative: Leslie Stewart
Title: FTA President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4970730          Waiver Number: 22-4-2016          Active Year: 2016

Date In: 4/22/2016 9:38:35 AM

Local Education Agency: Harmony Union Elementary School District
Address: 1935 Bohemian Hwy.
Occidental, CA 95465

Start: 8/18/2016    End: 6/29/2018

Waiver Renewal: Y
Previous Waiver Number: 9-8-2014-W-07      Previous SBE Approval Date: 11/14/2014

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Except if a school...[the governing board or 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...

Outcome Rationale: Our school (Harmony Elementary) has a Transitional Kindergarten (TK) class and two regular Kindergarten classes. The TK currently has 17 students and the regular Kindergarten classes have 16 and 18 students. The TK students attend school daily for 190 minutes and the regular Kindergarteners attend for 320 minutes four days a week and 250 minutes one day a week. When we first established the TK program, we determined, with teacher and parent input, that the extended day was too long for the younger children. We continue to have that belief.

Student Population: 238

City Type: Rural

Public Hearing Date: 4/21/2016
Public Hearing Advertised: Posted in 3 places and the on the school web-page

Local Board Approval Date: 4/21/2016

Community Council Reviewed By: School Site Council/Charter School Advisory Board
Community Council Reviewed Date: 4/20/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Missy Calvi
Position: Administrative Assistant
E-mail: mcalvi@harmonyusd.org
Telephone: 707-874-1205 x10
Fax: 707-874-1226

Bargaining Unit Date: 04/20/2016
Name: Harmony Union Teachers Association
Representative: Tanya Turneaure
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 0761697   Waiver Number: 28-4-2016   Active Year: 2016

Date In: 4/27/2016 2:36:31 PM

Local Education Agency: John Swett Unified School District
Address: 400 Parker Ave.
Rodeo, CA 94572


Waiver Renewal: Y
Previous Waiver Number: 18-10-2015-W-01   Previous SBE Approval Date: 1/14/2016

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.

Outcome Rationale: The John Swett Unified School District is a district of 1646 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.

Student Population: 1646

City Type: Suburban

Public Hearing Date: 4/13/2016
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: 4/13/2016

Community Council Reviewed By: Rode Hills Elementary School Site Council
Community Council Reviewed Date: 2/25/2016
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: 03/06/2016
Name: John Swett Educators Association
Representative: Magret Nunes
Title: JSEA President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4970797  Waiver Number: 25-4-2016  Active Year: 2016

Date In: 4/26/2016 8:50:43 AM

Local Education Agency: Liberty Elementary School District
Address: 170 Liberty School Road
Petaluma, CA 94952


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: 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: Liberty Elementary School District (LESD) is requesting that, as part of its early primary program, it may maintain Kindergarten and Transitional Kindergarten (TK) classes at the same school site within the District for varying lengths of time during the school day. In the 2016-2017 school year, extended day Kindergarten will have 260 instructional minutes per day. LESD is requesting that its TK class has 205 instructional minutes per day. At this time, requiring TK students to attend school for an extended day would not be in their best educational interest. LESD’s 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: 224

City Type: Rural

Public Hearing Date: 4/21/2016
Public Hearing Advertised: Posted throughout District and placed on District website.

Local Board Approval Date: 4/21/2016

Community Council Reviewed By: Site Council
Community Council Reviewed Date: 3/7/2016
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Christopher Rafanelli
Position: Superintendent
E-mail: crafanelli@libertysd.org
Telephone: 707-795-4380
Fax: 707-795-4380

Bargaining Unit Date: 03/29/2016
Name: Liberty Faculty Association
Representative: Katie Lundy
Title: President
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369500       Waiver Number: 26-4-2016       Active Year: 2016

Date In: 4/26/2016 9:03:17 AM

Local Education Agency: Loma Prieta Joint Union Elementary School District
Address: 23800 Summit Rd.
Los Gatos, CA 95033


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(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: The District currently offers an extended day kindergarten. As a small,
rural school we have run Transitional Kindergarten for the low number of enrollees in
combination with our kindergarten class. Due to the lack of stamina of our youngest students,
and the academic demands of our extended day program, our instructional staff has
recommended offering a shorter TK program to best serve the needs of TK students. Our TK
students have struggled with the early morning start time and been extremely fatigued by the
end of the instructional day. We would like to offer a late start TK that would finish with the
kindergarten class at the end of the day.

Student Population: 503

City Type: Rural

Public Hearing Date: 4/22/2016
Public Hearing Advertised: Notice of Public Hearing and Agenda posted on school website,
posted typical places on schools sites for Board meetings, and emailed to local media and
parents.

Local Board Approval Date: 4/22/2016
Community Council Reviewed By: Superintendent's Coordinating Committee/Advisory Committee
Community Council Reviewed Date: 4/21/2016
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Corey Kidwell
Position: Superintendent/Principal
E-mail: c.kidwell@loma.k12.ca.us
Telephone: 408-353-1101
Fax:

Bargaining Unit Date: 04/11/2016
Name: Loma Prieta Teachers Association/CTA
Representative: Kat Ray
Title: President
Position: Support
Comments:
CD Code: 2966340 Waiver Number: 9-4-2016 Active Year: 2016

Date In: 4/13/2016 11:35:04 AM

Local Education Agency: Nevada City Elementary School District
Address: 800 Hoover Ln.
Nevada City, CA 95959

Start: 8/17/2016 End: 6/8/2018

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 Nevada City School District teaching staff and administration believe that a TK class with a shortened day is in the best interest of the students for the following reasons:

1. Allowing TK students who become eligible during the school year to start at the beginning of the year will result in four year olds attending the program in August. Their first experience in a program should be set up for success and should be a shortened day to transition into the school environment.

2. The intended structure of our TK program is for the program to be held in the first part of the instructional day with the curriculum being a blend of the Preschool Foundation and the Kindergarten Common Core State Standards. This structure ensures that our TK students are fully prepared to meet the academic rigor of the second year of the Kindergarten sequence.

The district believes that requiring a TK student to attend school with the current Kindergarten instructional minutes is not in the best educational interests of those students enrolled in Transitional Kindergarten. We are requesting a waiver to allow the Nevada City School District TK class to be a program that is 3 1/2 hours including a 15-minute recess.
The Nevada City School District respectfully requests that this waiver be approved.
Student Population: 886

City Type: Rural

Public Hearing Date: 4/12/2016
Public Hearing Advertised: The public hearing was advertised on the district website and posted at all school sites within the district and email notifications were sent out announcing the public hearing.

Local Board Approval Date: 4/12/2016

Community Council Reviewed By: Deer Creek Site Council
Community Council Reviewed Date: 4/5/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Trisha Dellis
Position: Superintendent
E-mail: tdellis@ncsd.k12.ca.us
Telephone: 530-265-1826
Fax: 530-265-1822

Bargaining Unit Date: 03/11/2016
Name: California School Employees Association CSEA #390
Representative: Karen Gray
Title: Vice President
Position: Support
Comments:

Bargaining Unit Date: 03/01/2016
Name: Nevada City Faculty Association (NCFA)
Representative: Christy McCracken
Title: President
Position: Support
Comments:
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: Pleasant Ridge Union 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: 1192

City Type: Rural

Public Hearing Date: 2/9/2016
Public Hearing Advertised: posted at three school sites, posted on website, sent to newspaper

Local Board Approval Date: 2/9/2016
Community Council Reviewed By: Alta Sierra School Site Council and Cottage Hill School Site Council
Community Council Reviewed Date: 3/7/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Rusty Clark
Position: Superintendent
E-mail: rclark@prsd.k12.ca.us
Telephone: 530-268-2800
Fax: 530-268-2804

Bargaining Unit Date: 08/19/2015
Name: Pleasant Ridge Teachers Association
Representative: Susie Patterson
Title: Bargaining Member/Teacher
Position: Support
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768296  Waiver Number: 14-3-2016  Active Year: 2016

Date In: 3/14/2016 6:54:15 PM

Local Education Agency: Poway Unified School District
Address: 15250 Avenue of Science
San Diego, CA 92128

Start: 6/30/2016  End: 6/30/2017

Waiver Renewal: Y
Previous Waiver Number: 21-3-2105-W-08  Previous SBE Approval Date: 7/8/2015

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: Poway Unified would like to request renewal of a waiver to the California School Board of Education of EC 37202, specifically highlighted below: (a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the governing board of a school district shall maintain all of the (elementary day schools established by it for an equal length of time during the school year) and all of the day high schools established by it for an equal length of time during the school year. (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Outcome Rationale: See attachment.

Student Population: 35635

City Type: Suburban

Public Hearing Date: 3/8/2016
Public Hearing Advertised: Published in local newspaper, front lobby in district office, and front lobby of 39 schools.

Local Board Approval Date: 3/8/2016

Community Council Reviewed By: PUSD District Advisory Committee
Community Council Reviewed Date: 2/11/2016
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cindy De Clercq
Position: Executive Director II
E-mail: cdeclercq@powayusd.com
Telephone: 858-521-2735 x2735
Fax: 858-485-1322

Bargaining Unit Date: 02/23/2016
Name: Poway Federation of Teachers (PFT)
Representative: Candy Smiley
Title: President
Position: Support
Comments:
ATTACHMENT

Poway Unified School District would like to renew its waiver to the California Board of Education of EC 37202, specifically highlighted below:

(a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the governing board of a school district shall maintain all of the (elementary day schools established by it for an equal length of time during the school year) and all of the day high schools established by it for an equal length of time during the school year. (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Background - The Kindergarten Readiness Act of 2010 established Transitional Kindergarten (TK), the first of a two year Kindergarten Program across the state of California for those students turning 5 years old between September 1 and December 2 of the current school year. In PUSD, the TK program meets the required number of instructional minutes for Kindergarten, as established by Education Code sections 46117 and 46201, which is 180 instructional minutes per day, or a half day. Education Code Section 37202 requires that an “Equity of Time” waiver be submitted by school districts annually in which TK meets for fewer instructional minutes than the traditional Kindergarten program. PUSD communicates the instructional minutes of TK to parents annually, prior to the start of school. This waiver would continue our currently approved waiver which expires June 30, 2016, for the following school year, 2016-17. The rationale behind this request rests on several points:

- Given that Transitional Kindergarten is intended to be the first year of a two year Kindergarten experience, the district believes it is in the best interest of TK students to attend school within the required number of instructional minutes for Kindergarten, which is 180 minutes per day, pursuant to Education Codes 46110, 46117, and 46201.
- Within the current structure of the TK program in PUSD, our students participate in an intensive language arts and math curricula aligned to California State Standards in ELA and Mathematics. They also experience instruction in other core areas during this time, as well as support for behavioral, social and emotional development. This structure ensures that our TK students are fully prepared to meet the academic rigor in the second year of the Kindergarten sequence.
- TK teachers in PUSD are fully credentialed educators who provide intervention and enrichment support to other primary classrooms in the afternoon portion of their daily schedule. This structure collectively reduces class size for our primary students in grades K-2, and ensures high quality teachers are working with students needing additional supports or enrichment.
| California Department of Education  
| WAIVER SUBMISSION - General |
|---|---|---|
| CD Code: 0161309  
Waiver Number: 26-3-2016  
Active Year: 2016 |
| Date In: 3/22/2016 9:08:37 AM |
| Local Education Agency: San Lorenzo Unified School District  
Address: 15510 Usher St.  
San Lorenzo, CA 94580 |
| Start: 3/15/2016  
End: 6/30/2018 |
| 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: Section 37202 states: 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.  
Outcome Rationale: We have 9 TK classes for our district's transitional Kindergarten students. Our Kindergarten program has adopted an extended day model, which we feel is too long for our transitional kindergarten students. We would like to have our TK programs operate for 195 minutes each school day. This will allow teachers to modify the curriculum and program for TK students. We will continue to offer developmentally appropriate curriculum to TK students as well as Kindergarten students. In order to provide cohesion between our TK and K programs, we are requesting a waiver to structure transitional Kindergarten in a way that provides the foundation for their year in Kindergarten. We plan to meet the individual needs of all students in our district. |
| Student Population: 10981  
City Type: Urban |
| Public Hearing Date: 3/15/2016 |
| Public Hearing Advertised: The public hearing was advertised at all elementary schools, two public libraries and the district office, as well as on our district website |
| Local Board Approval Date: 3/15/2016 |
| Community Council Reviewed By: Elementary School Site Councils at all nine elementary schools  
Community Council Reviewed Date: 2/19/2016 |
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Barbara DeBarger
Position: Assistant Superintendent
E-mail: bdebarger@slzusd.org
Telephone: 510-317-4706
Fax: 510-276-2127

Bargaining Unit Date: 02/16/2016
Name: San Lorenzo Education Association
Representative: Donna Pinkney
Title: President
Position: Support
Comments:
Edison Charter Academy was short instructional minutes for the 2014–15 school year. The school is requesting a waiver of the instructional time audit penalty that occurred due to a lapse in a teacher’s certification for three months. Per Education Code (EC) Section 47612.6(a), the California State Board of Education (SBE) may waive instructional time fiscal penalties for a charter school that fails to offer the minimum number of instructional minutes as required for the fiscal year with the condition that the charter school increase its instructional time offering for two subsequent years by the amount of minutes it was short.

Authority for Waiver: EC Section 47612.6(a)

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends that the SBE approve this waiver on the conditions that Edison Charter Academy maintains increased instructional minutes for the second grade of at least the amount required by law plus 6,170 minutes, and maintains those increased instructional minutes for second grade for a period of two years beginning in 2015–16 through 2016–17. The charter school must also report the annual instructional minutes offered in second grade in its annual audit report for fiscal years 2015–16 and 2016–17, and should submit to the San Francisco Unified School District (chartering authority), at least three times each school year, documentation that confirms appropriate teacher credentialing.
SUMMARY OF KEY ISSUES

During the 2014–15 audit of teacher certifications, the auditor discovered that one second grade employee’s teaching certification had expired for the period of March 2, 2015 through May 29, 2015. Upon discovery of the error, the situation was addressed the same day. The school has implemented additional processes and procedures to ensure the teaching status of employees are verified so an error of this nature does not occur in the future. As a result of the teaching certification lapse, the school was disallowed the associated instructional time which resulted in a shortage of 6,170 minutes for second grade.

Edison Charter Academy offered its students over 9,000 additional minutes in fiscal years 2013–14 and 2014–15 and intends to continue offering additional minutes in future years. Edison Charter School is using school years 2015–16 and 2016–17 to make up the shortfall of instructional minutes in the second grade and comply with the terms of the waiver.

The waiver request was approved by the governing board of Edison Charter Academy on December 8, 2015.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC Section 47612.6 authorizes waivers to be granted for fiscal penalties due to a shortfall in instructional time. A waiver may be granted upon the condition that the school or schools, in which the minutes were lost, maintain minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum number of instructional minutes.

Demographic Information: Edison Charter Academy has a student population of 653 and is located in an urban area in San Francisco County.

FISCAL ANALYSIS (AS APPROPRIATE)

2014–15 penalty amount of $19,324.52 is calculated as follows (some differences due to rounding):

20.76 Average Daily Attendance (ADA) for affected students in second grade multiplied by $7,386.48 (Local Control Funding Formula Floor Rate plus Gap Rate per ADA) is equal to $153,343.

A shortfall of 6,170 instructional minutes divided by the 48,960 minute requirement for second grade in 2014–15 is equal to 12.6 percent of minutes not offered. $155,343 multiplied by 12.6 percent is equal to a $19,324.52 penalty for second grade.

The penalty of $19,324.52 would apply if this waiver is not approved.
ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Edison Charter Academy Specific Waiver Request 15-2-2016 (4 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 Recommendation</th>
<th>Bargaining Unit Representatives Consulted Date, and Position</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Potential Annual Penalty Without Waiver</th>
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<tbody>
<tr>
<td>15-2-2016</td>
<td>Edison Charter Academy</td>
<td><strong>Requested and Recommended:</strong> July 1, 2014 to June 30, 2015</td>
<td>Charter school requests waiving <em>Education Code</em> (<em>EC</em>) Section 47612.5(c) to avoid an instructional time audit penalty in exchange for offering increased instructional minutes in 2015–16 and 2016–17, consistent with <em>EC</em> Section 47612.6(a).</td>
<td>Approval of waiver, consistent with <em>EC</em> Section 47612.6(a) with the following conditions: Edison Charter Academy (Charter Number 0158) maintains increased instructional minutes for second grade of at least the amount required by law plus 6,170 minutes, for a period of two years beginning in 2015–16 through 2016–17. Confirmation of compliance must be included in the 2015–16 and 2016–17 annual audit. Edison should also submit to San Francisco Unified School District, at least three times each school year, documentation that confirms compliance with teacher credentialing requirements.</td>
<td>Not Applicable</td>
<td>12/08/2015</td>
<td>$19,324.52</td>
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Created by the California Department of Education
May 4, 2016
## California Department of Education
### WAIVER SUBMISSION - Specific

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<td>San Francisco, CA 94102</td>
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<tr>
<td>Position: Interim Director of Finance</td>
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<tr>
<td>E-mail: <a href="mailto:rmelendez@edisoncharteracademy.com">rmelendez@edisoncharteracademy.com</a></td>
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<tr>
<td>Telephone: 415-872-5238</td>
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<td>Fax: 415-241-6687</td>
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Revised: 7/8/2016 1:58 PM
Attachment A

Education Code Section 47610-47615

47612.5. (a) Notwithstanding any other provision of law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:
   (A) To Pupils in Kindergarten, 36,000 minutes.
   (B) To Pupils in grades 1 to 3, inclusive, 50,400 minutes.
   (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.
   (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

(2) Maintain written contemporaneous records that document all pupils attendance and make these records available for audit and inspection.

(C) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the superintendent should withhold from the charter school’s apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

(e) (1) Notwithstanding any other provision of law, and as a condition of apportionment, "classroom-based instruction" in a charter school, for the purposes of this part, occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid teaching certification in accordance with subdivision (1) of section 47605.
December 14, 20015

TECA Response to Audit Findings

School Response:

TECA has always reviewed employee status yearly. Unfortunately, the expiration of the credential of the teacher in question escaped our oversight efforts. As soon as we became aware we obligated to employee to correct his status which he did on the same day of the discovery.

TECA was not aware that the teacher status impacted the instructional minutes that TECA stated. The Teacher is a dedicated professional who executes his duties fully and whose teaching develops his students to proficiency both academically and socially. We are confident that the students in the Teacher’s class received a high level standards-based learning experience during the time of the expiration of the Teacher’s credential. Any misinformation in our stated instructional minutes was due to our lack of clarity about the impact on the instructional minutes of the status of the Teacher credential. We take responsibility for our mistake and ask that as this is the first time we have been sighted in this area and our mistake was one of ignorance rather than knowledge that the State consider waiving our penalty. We have taken immediate action to correct any possibility of such a situation occurring again. We take the charge we have been given to educate all students rigorously and equitably seriously. Our school is founded on that belief and all staff work daily to deliver a world class education to students.

Upon the discovery of the expired teacher certification, TECA administrative staff met to immediately develop mistake proof processes and procedures for monitoring and alerting staff about teaching credential status. While we acknowledge that ultimately the responsibility for maintaining up to date teaching certification is the responsibility of the credentialed teacher or administrator, TECA recognizes that the school must play a major role in checking the status of its staff and taking action should any discrepancy be uncovered to insure that all students are taught every day of the school year by qualified certified personnel.

The oversight measures we have put in place are as follows:

- Developed electronic and hard copy documents that list the credential expiration date for all pedagogical staff.
- Reviewed the credential status policy and regulations with all teachers
- Created a system for quarterly review of this data by the Human Resources Officer
- Created a system for informing all pedagogues at least once per year regardless as to whether their credential expiration is imminent or not, of the date of expiration and recommending that they implement plans for timely re-upping of credential.
- Sending quarterly alerts to all pedagogues whose credential is due to expire within the current school calendar year.
- Sending an e-mail alert and convening an in person meeting with the teacher and the Human Resources Officer for all pedagogues who have reached the sixty-day-to
expiration mark. The goal of the meeting is to inform the pedagogue of his/her credential expiration status and to collaboratively develop plan with the pedagogue for attending to this issue, including a date and time of resolution.

- TECA will sending an e-mail alert and convene a meeting with the teacher, Human Resources Officer and Executive Director/Principal for all pedagogues who have reached the thirty-day-to-expiration mark. The goal of this meeting is to inform the pedagogue that should their license expire they will immediately be removed from the classroom and lose all contractual privileges that come with being a TECA employee.
- The Human Resources Officer will review daily the status of all pedagogues whose credentials are due to expire within thirty days and send twice weekly e-mail alerts to the teacher.
- The Human Resources Officer will share updates on the status of the above employees weekly with the Executive Director/Principal and the Director of Finance.
- The Executive Director/Principal will send a fifteen day notice letter to any pedagogue whose status will expire in fifteen (15) days. The letter will be copied to the Director of Finance and the Human Resources Officer.
- The Executive Director/Principal will remove immediately any teacher whose credential status has expired on the first day of that expiration.
- The teacher will have thirty (30) days during which time should they correct their status they will be able to resume their position TECA, if they excited in good professional standing.
- All teachers who fail to correct their credential status within thirty (30) days of its expiration and their removal from a TECA classroom will have to re-apply for a position at TECA.

TECA is committed to implementing all measures necessary to insure that all staff maintain current and update credential status.

Dr. Olivia Lynch
Executive Director/Principal
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

General Waiver

SUBJECT
Request by Siskiyou County Office of Education to waive a portion of California Education Code Section 35330(b)(3), to authorize expenditures of school district funds for students to travel to Oregon, to experience the Ashland Shakespeare Festival, Science Works Museum, and to tour Southern Oregon University.

Waiver Number: 20-3-2016

SUMMARY OF THE ISSUES

The Siskiyou County Office of Education (SCOE) requests a waiver of Education Code (EC) Section 35330(b)(3) to allow its students to travel to Oregon to attend economically prudent curricular and extracurricular trips and events.

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve this waiver request.

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval  Approval with conditions  Denial

The CDE recommends approval to waive a portion of EC Section 35330(b)(3) to authorize expenditures of school district funds for SCOE students to travel to Oregon to attend economically prudent curricular and extracurricular trips and events.

EC Section 33051(b) will apply, and the district is not required to reapply annually if the information contained on the request remains current.

SUMMARY OF KEY ISSUES

EC Section 35330(b)(3) states, “…no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.”

The SCOE requests a waiver of EC Section 35330(b)(3). The SCOE is located in a geographically rural and isolated area in the far northern part of California,
approximately 32 miles from Ashland, Oregon.

The SCOE would like to allow their students to attend theater productions at the Oregon Shakespeare Festival, tour Southern Oregon University, and go to the Science Works Museum in Ashland, Oregon.

Based on the reason provided by the district for traveling to Oregon, the CDE recommends approval of this waiver to attend economically prudent curricular and extracurricular trips and events in Oregon.

**Demographic Information:** The SCOE has a student population of 5300 and is located in the town of Yreka in rural Siskiyou County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 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 similar waivers in the past. Most recently, at the May 2016 SBE meeting, a waiver for out-of-state travel to Nevada for Janesville Union Elementary School District was approved.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval or denial.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: Siskiyou County Office of Education General Waiver Request 20-3-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
## Summary Table

*Education Code Section 35330(b)(3)*

<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>Previous Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-3-2016</td>
<td>Siskiyou County Office of Education</td>
<td><strong>Requested:</strong> May 1 2016 to May 11, 2017</td>
<td>To allow students to travel to Oregon to attend economically prudent curricular and extracurricular trips and events.</td>
<td><strong>Recommended:</strong> May 1, 2016 to May 1, 2018</td>
<td>Approval</td>
<td>03/16/2016</td>
<td>Siskiyou County Office of Education/Certified Employee, Jennifer Wyatt President 03/07/2016 Support</td>
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</table>

Created by California Department of Education
May 3, 2016
Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: 35330(b)(3)
Ed Code Authority: 33050

Ed Code or CCR to Waive: EC Section 35330(b)(3) states ["no expenses of pupils Participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."]

Outcome Rationale: Siskiyou County Office of Education request a waiver of EC Section 35330(b)(3) to allow their students to attend theater productions at the Oregon Shakespeare Festival, tour Southern Oregon University, and go to the Science Works Museum in Ashland, Oregon. Siskiyou County Office of Education is located Yreka, California 32 miles from Ashland, Oregon. The Oregon Shakespeare Festival is a world class theater and provides students with an incredible learning opportunity that is in very close proximity. Southern Oregon University Offers Students from Siskiyou County a waiver for out of state tuition. Due to the educational nature of these trips, the Siskiyou County Office of Education pays the expenses.

The Siskiyou County Office of Education is hours away from any cultural or urban center within the state of California so this trips gives these students a unique educational opportunity. Limiting district-funded trips to within California would eliminate many opportunities for these students who need experience a wider world culture than they currently receive in Siskiyou County. The students will be using Team Decision Making Skills to select the play, plan the route, select the meals, and develop a budget for the experience. This type of trip is both educationally and culturally enlightening for these rurally isolated students and will provide Siskiyou County Office of Education students with an educational experience in a way that would not be available to them otherwise.

Student Population: 5300
City Type: Rural
Public Hearing Date: 3/16/2016
Public Hearing Advertised: Posting at each school site and County Office of Education
Local Board Approval Date: 3/16/2016

Revised: 7/8/2016 1:58 PM
General Waiver

**SUBJECT**
Request by two school districts to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Numbers:
- Huntington Beach City Elementary School District 18-4-2016
- Napa Valley Unified School District 23-3-2016

**SUMMARY OF THE ISSUES**

The Huntington Beach City Elementary School District is requesting a waiver of California *Education Code* (EC) sections 17473 and 17474 and portions of EC sections 17455, 17466, 17468, 17469, 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 Napa Valley Unified School District is requesting a waiver of EC sections 17473 and 17474, and portions of EC sections 17455, 17466, 17469, 17472, and 17475, which will allow the district to sell or lease two pieces 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 proposals the Huntington Beach City Elementary School District and Napa Valley Unified School District governing boards determine to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for those determinations shall be discussed in public session and included in the minutes of the meeting.

**SUMMARY OF KEY ISSUES**

Under provisions of *EC sections 33050 through 33053*, the district is requesting that specific portions of the *EC* relating to the sale of surplus property be waived.
The Huntington Beach City Elementary School District 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, providing the district with the greatest flexibility to enable the district to negotiate a satisfactory sales agreement that takes into consideration necessary land use approvals from local government agencies and other critical contingencies.

The Huntington Beach City Elementary School District is requesting to sell one piece of real property located at 20451 Craimer Lane, Huntington Beach, California. The district wishes to sell the remaining 3.53 acres of the former LeBard Elementary School site which was most recently used as the district’s Education Center, using a “request for proposal” process. The district states that previous attempts have been made to sell the property but no responsive bids have been submitted.

The Napa Valley Unified School District is requesting the requirement of sealed proposals and the oral bidding process be waived, allowing the district to directly market the properties based on the brokerage process, selling or leasing at the highest possible value on the most advantageous terms for the district. Based on past sales of real property in the area and the location of the property, the district anticipates attracting a much greater interest from potential buyers through a request for proposal process, rather than a bid process. Waiving of the statutory provisions will allow the district to maximize the values of the properties. The proceeds from the sale or lease will be used for much needed earthquake and other facility master plan needs.

The Napa Valley Unified School District is requesting to sell or lease two pieces of real property using “a request for proposal” process. One piece of property is known as the Wooden Valley site which is located at 1340 Wooden Valley Road, Napa, CA and the second piece of property is known as the Capell Valley site which is located at 1192 Capell Valley Road, Napa, CA. Both sites were closed June 2010.

**Demographic Information**

Huntington Beach City Elementary School District has a student population of 7,005 and is located in an urban area in Orange County.

Napa Valley Unified School District has a student population of 18,100 and is located in a rural area in Napa 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 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 Huntington Beach City Elementary School District and Napa Valley Unified School District to maximize revenue. The applicant districts will financially benefit from the sale or lease of the properties.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Huntington Beach City Elementary School District General Waiver Request 18-4-2016 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Napa Valley Unified School District General Waiver Request 23-3-2016 (5 pages). (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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<tr>
<td>18-4-2016</td>
<td>Huntington Beach City Elementary</td>
<td>LeBard Elementary School Site 20451 Craimer Lane Huntington Beach, CA</td>
<td><strong>Requested:</strong> July 15, 2016 to July 14, 2018</td>
<td>April 19, 2016</td>
<td>April 19, 2016</td>
<td>Public Hearing Advertised: District’s Website, posted at District Administrative office</td>
<td>California School Employees Association, Chapter 316 Mark Francovig President April 4, 2016 Support</td>
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<td>23-3-2016</td>
<td>Napa Valley Unified</td>
<td>Wooden Valley Site 1340 Wooden Valley Road, Napa, CA</td>
<td><strong>Requested:</strong> March 17, 2016 to March 17, 2018</td>
<td>March 17, 2016</td>
<td>March 17, 2016</td>
<td>Public Hearing Advertised: Posted Board Agenda and local newspaper February 26, 2016.</td>
<td>California School Employees Association, Denise Gibb President February 17, 2016 Support</td>
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Capell Valley Site 1192 Capell Valley Road Napa, CA

No objections

7-11 Surplus Property Committee November 12, 2015 No objections
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<th>WAIVER SUBMISSION - General</th>
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<td>Ed Code Section: 17455, 17466, 17468, 17469, 17470, 17472-17475</td>
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<td>Ed Code or CCR to Waive: See Attached</td>
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<td>Outcome Rationale: See Attached</td>
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<td>Student Population: 7005</td>
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<td>Categorical Program Monitoring: N</td>
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Revised: 7/8/2016 1:58 PM
HUNTINGTON BEACH CITY SCHOOL DISTRICT WAIVER REQUEST

The following specific waiver (strike out) is requested:

Education Code § 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 language indicating that the sale of the property is to be made in the manner provided by this article is to be waived since 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.

Education Code § 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, 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 stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the purchase of the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals to purchase and property be waived, allowing the District to negotiate the sale of a 3.53 acre portion of the former LeBard Elementary School Site (more recently used as the District Education Center) with an interested purchaser. As the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to develop a strategic plan for advertising and marketing the property in order to solicit proposals from not only the prospective purchasers/developers who attended the District's Pre-Bid meetings, but also other potential purchasers in the development community. The proposals will be brought to the governing board when necessary to consider the approval of a sale.

Education Code § 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 stricken language to be waived provides for the District to 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 former LeBard Elementary School Site with an interested purchaser.

**Education Code § 17469.**

Notice of the adoption of the resolution [and of the time and place of holding the meeting ] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district,[ not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

**Rationale:** The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the former LeBard Elementary School Site. 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 provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

**Education Code § 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 hearing 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 highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

**Rationale:** The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the former LeBard Elementary School Site. 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.
Education Code § 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 lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless [a higher oral bid is accepted or] the board rejects all bids.

Rationale: The stricken language to be waived provides for the District to receive and open 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 former LeBard Elementary School Site with an interested purchaser.

Education Code § 17473.

[Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell the former LeBard Elementary School Site, will not be accepting oral bids.

Education Code § 17474.

[In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell the former LeBard Elementary School Site, will not be accepting oral bids.

Education Code § 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: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation.

Attached are (1) Resolution A-40-15/16 which was adopted by the District's Board of Trustees on December 8, 2015, declaring its intention to sell the approximate 3.53 acre portion of the former LeBard Elementary School Site for residential development and establishing a January 19, 2016 deadline to submit a responsive Bid Proposal Form; and (2) Resolution A-54-15/16 which was adopted by the District's Board of Trustees on February 16, 2016 to sell the subject.

Attachment to "Waiver Information" Section

Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve important student performance and/or streamline or facilitate local agency operations.

The Huntington Beach City School District owns the 10.14 acre former LeBard Elementary School Site, located at 20451 Craimer Lane, in the City of Huntington Beach, County of Orange (the "LeBard Site"), which was more recently used as the District's Education Center. The District recently entered into a Purchase and Sale Agreement with the City of Huntington Beach for the sale of a 6.61 acre portion of the LeBard Site, consisting primarily of six non-lighted sports fields, in accordance with the Naylor Act to be used for recreational and park purposes. The District is now seeking the ability to negotiate the sale of the remaining 3.53 acres of the LeBard Site with a suitable purchaser/developer utilizing the Request for Proposals process.

To maximize sales proceeds which will facilitate improved District operations, the District worked with the City of Huntington Beach to entitle the 3.53 acre portion of the LeBard Site to authorize 15 single-family residential lots. On December 8, 2015 and again on February 16, 2016, the Board of Trustees adopted a Resolution Declaring its intent to sell this 3.53 acres of surplus property pursuant to the statutory bidding process set forth in Education Code sections 17455-17475, and on both occasions, no responsive bid was received. The District does not believe that again attempting to follow the aforementioned competitive bidding process will be effective and desires to secure a waiver to provide the District with the greatest flexibility to enable the District to negotiate a satisfactory sales agreement that can take into consideration necessary land use approvals from local government agencies and other critical contingencies.
Sale or Lease of Surplus Property
Attachment 3
Page 1 of 5

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2866266 Waiver Number: 23-3-2016 Active Year: 2016

Date In: 3/18/2016 8:22:13 AM

Local Education Agency: Napa Valley Unified School District
Address: 2425 Jefferson St.
Napa, CA 94558

Start: 3/17/2016 End: 3/17/2018

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: 17455,17466,17469,17472,17473,17474,17475
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: See attached

Outcome Rationale: The District requests flexibility in the sale and/or lease of surplus property to best serve the needs of the District and the local community. Funds from a possible sale or lease will be used for much needed earthquake and other facility master plan needs.

The Napa Valley Unified School District desires to have the requested Education Code sections, or portions thereof, waived because the waiver of these sections will allow the District to maximize its return on the sale of the District's Wooden Valley site, located at 1340 Wooden Valley Road, Napa, CA 94558, and the District's Capell Valley site, located at 1192 Capell Valley Road, Napa, CA 94558. The District has determined that these two sites are no longer need for school purposes. It is the desire of the District to attract potential buyers who will not only pay maximum price for the property, but who will also enhance the surrounding neighborhood. Based on past sales of real property in our area and the location of the property, the District anticipates attracting a much greater interest from potential buyers through a Request for Proposal process than a bid process.

Student Population: 18100

City Type: Rural

Public Hearing Date: 3/17/2016
Public Hearing Advertised: Via the posted Board Agenda and local newspaper on Feb. 26, 2016

Local Board Approval Date: 3/17/2016

Community Council Reviewed By: "7-11" Surplus Property Committee
Community Council Reviewed Date: 11/12/2015

Revised: 7/8/2016 1:58 PM
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. J Wade Roach
Position: Assistant Superintendent, Business
E-mail: wroach@nvusd.org

Telephone: 707-253-3533
Fax:

Bargaining Unit Date: 02/17/2016
Name: California School Employees Association
Representative: Denise Gibb
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/04/2016
Name: Napa Valley Educators Association
Representative: Gayle Young
Title: Bargaining Chair
Position: Support
Comments:

Bargaining Unit Date: 03/04/2016
Name: Napa Association of Pupil Services
Representative: Corrine Gomez
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/04/2016
Name: Supervisory
Representative: Kate Madmillan
Title: President
Position: Support
Comments:
The Napa Valley Unified School District desires to waive the following sections and portions of the Education Code lined out below:

17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, 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 Napa Valley Unified School District requests the specified Education Code sections be waived in order to allow the District to maximize the return on the sale or lease of one of its sites in a manner that best serves our schools and community. The District would like to offer the property for sale or lease through Requests for Proposals followed by further negotiations using the services of a broker who will advertise and solicit proposals from potential buyers. The article referenced by Education Code Section 17455 consists of sections 17455 through 17484, which contain provisions regarding the sale or lease of real property that are inconsistent with the manner in which the District hopes to market the property.

The District will work closely with consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds votes of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out [of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The language to be waived provides for a minimum price or rental and requires sealed proposals to purchase or lease the property. This requirement restricts the District’s flexibility in negotiating price, payments, and other terms that may yield greater economic and other benefits to the District than a sealed bid process.

17469. Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting, and by publishing the notice not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein].

Rationale: Since the District is requesting to waive the requirement that the resolution adopted
pursuant to Education Code section 17466 fix a time not less than three weeks thereafter for a public meeting at which sealed proposals will be received and considered, it also seeks to waive the corresponding provisions in section 17469.

17472. [At the time and place fixed in the resolution for the meeting of the governing body, all sealed] proposals which have been received shall, in public session, be [opened,] examined, and declared by the board. [Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which 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: With a waiver of the requirement that sealed proposals be received, and that the highest bidder be awarded the contract, the District will be able to sell or lease the property to the party that presents the most favorable proposal to the District. The Board would, therefore, be able to sell or lease to the party submitting the proposal that best meets the District's needs. By removing the requirement that an oral bid be accepted, the District would be able to determine what constitutes the most desirable bid.

[17473. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, 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 District asks that this entire section be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids in addition to sealed bids.

[17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

Rationale: The District asks that this entire section to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids.

17475. The final acceptance by the governing body may be made [either at the same session or] at any [adjourned session of the same] meeting [held within the 10 days next following].

Rationale: Rather than specifying a certain number of days or a timeframe, the District seeks flexibility in disposing of the property disposal process. The District will ensure a public process whereby the reasons for the determination of the most desirable proposal is shared openly.
Prior to the decision to sell or lease a site, a Property Advisory Committee, whose purpose is to advise the District’s Governing Board in the development of District-wide policies and procedures governing the use or disposition of school buildings, space, or property which is not used for school purposes, establishes a priority list of use of surplus space and real property, provides for hearings of community input on acceptable uses of space and real property, and makes a recommendation to the Board regarding the uses of surplus space and real property. (See, Ed. Code, § 17388.)
General Waiver

SUBJECT
Request by Heber Elementary School District to waive California Education Code section 15102, to allow the district to exceed its bonded limit of 1.25 percent of the taxable assessed value of property. (Requesting 2.00 percent)

Waiver Number: 10-3-2016

SUMMARY OF THE ISSUES

The Heber Elementary School District’s bonded indebtedness ratio is 0.24 percent and is unable to issue $6 million in bonds authorized in November 2015. Therefore, the district is requesting to increase the limit to 2.0 percent.

Authority for Waiver: Education Code (EC) Section 33050

RECOMMENDATION

Approval with conditions

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 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 votes 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.

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 Section 15268 limits the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary 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 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**

Heber Elementary School District requests its outstanding bonded indebtedness limit be increased to an amount not to exceed 2.00 percent through December 31, 2021. The district seeks to issue $6 million authorized by voters in 2015 Measure J. The district is unable to issue these bonds as their current outstanding bonded indebtedness equates to a 0.24 percent ratio. With the addition of the proposed $6 million, total indebtedness would be $7.075 million and represents 1.6 percent of assessed valuation. The district has stated in the event that the district elects to issue any CABs, all CABs will be compliant with AB 182.
The waiver will allow the district to complete the following voter approved projects:

- Gymnasium for school and community use
- Classrooms to support physical education curriculum
- Restrooms
- Changing rooms
- Storage areas

**Demographic Information**

Heber Elementary School District has a student population of 1,233 and is located in a small city in Imperial 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**


**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: Heber Elementary School District General Waiver Request 10-3-2016 (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</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>Public Hearing Advertisement</th>
<th>Advisory Committee Consulted, Date/Position</th>
<th>District States it has Complied with Assembly Bill 182 Requirements</th>
</tr>
</thead>
</table>

Created by California Department of Education
May 19, 2016
California Department of Education
WAIVER SUBMISSION - General

CD Code: 1363131  Waiver Number: 10-3-2016  Active Year: 2016

Date In: 3/11/2016 10:42:17 AM

Local Education Agency: Heber Elementary School District
Address: 1052 Heber Ave.
Heber, CA 92249

Start: 6/1/2016  End: 12/31/2021

Waiver Renewal: N
Previous Waiver Number:       Previous SBE Approval Date:

Waiver Topic: School Construction Bonds
Ed Code Title: Bond Indebtedness Limit - Non-Unified after 2000
Ed Code Section: 15102
Ed Code Authority: 33050

Ed Code or CCR to Waive: EC 15102: The total amount of bonds issued pursuant to this
Chapter and Chapter 1.5 (commencing with Section 15264) [shall not exceed 1.25 percent of
the taxable property of the school district] or community college district, or the school facilities
improvement district, if applicable, as shown by the last equalized assessment of the county of
counties in which the district is located.

Outcome Rationale: The District anticipates issuing $6 million of general obligation bonds in
June 2016; the bonds will be issued pursuant to the District’s 2015 Election (Measure J) in
which more than 82% of the District’s voters authorized the sale of not to exceed $6 million of
GO Bonds. Measure J was not authorized pursuant to Prop 39; the expected maximum tax rate
is $59.00 per $100,000 of assessed valuation. Proceeds will be used to finance a gymnasium
for school and community use that meets health, safety, and handicapped accessibility
requirements, classrooms to support the physical education curriculum and other educational
needs, restrooms, changing rooms and storage areas. Current bonding capacity does not allow
the District to issue the necessary $6 million in general obligation bonds at this time to finance
the much needed projects.

Student Population: 1233

City Type: Small

Public Hearing Date: 2/11/2016
Public Hearing Advertised: The public was notified through District website and by posting
public hearing notices in a bulletin board accessible to the public.

Local Board Approval Date: 2/11/2016

Community Council Reviewed By: District English Learner Advisory Council
Community Council Reviewed Date: 3/10/2016 remaining authorization of its Measure C Bonds.
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jaime Silva
Position: Superintendent
E-mail: jaimes@hesdk8.org
Telephone: 760-337-6530 x2600
Fax: 760-353-3421

Bargaining Unit Date: 03/08/2016
Name: California School Employees Association
Representative: Ernesto De La Rosa
Title: CSEA President
Position: Support
Comments:
## General Waiver

**SUBJECT**
Request by Fullerton Joint Union High School District 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 Number: 3-5-2016

### 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 Fullerton Joint Union High School District (JUHSD) requests that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at a districtwide election—allowing by-trustee-area elections to be adopted upon review and approval of the County Committee.

**Authority for Waiver:** EC Section 33050

### RECOMMENDATION

☑ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends the SBE approve the request by the Fullerton JUHSD 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 the waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future board elections in the Fullerton JUHSD. Voters in the district will continue to elect all governing board
members—however, if the waiver requests are approved, all board members will be elected by trustee areas beginning with the next board election.

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 district have final approval.

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To help avoid potential litigation, the Fullerton JUHSD is taking action to establish trustee areas and adopt a by-trustee-area election method. In order to establish the trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a districtwide election. If the SBE approves the waiver request, a by-trustee-area election method can be adopted in the district upon review and approval of the County Committee without a subsequent local election to approve the change.

Only the election to establish trustee areas and the election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated board members.

The waiver request has been reviewed by the CDE and it has been determined that there was no significant public opposition to the waiver at the public hearing held by the governing board of the district. 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 request by the Fullerton JUHSD 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 Fullerton JUHSD has a student population of 14,500 and is located in an urban area of Orange 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 125 similar waivers—most recently at the May 2016 SBE meeting for the Magnolia Elementary School District (SD) in Orange County, the Temecula Valley Unified SD in Riverside County, and the Grossmont Union High SD in San Diego County.
FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Fullerton JUHSD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Fullerton Joint Union High School District General Waiver Request 3-5-2016 (7 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>
</table>
| 3-5-2016      | Fullerton Joint Union High School District | **Requested:** July 1, 2016 to June 29, 2018  
**Recommended:** July 1, 2016 to June 29, 2018 | Fullerton Secondary Teachers Organization, John Marvin Vice-President  
4/26/2016  
**Oppose**  
California School Employees Association, Frank Ramirez President  
5/5/2016  
**Support** | 4/19/2016  | The public hearing notice was advertised in the Orange County Register, the Fullerton Observer, and the La Habra Journal. It also was posted on the district Web site, at each schoolsite, and at the public libraries in Fullerton and La Habra. | Reviewed by all schoolsite councils and the District English Language Advisory Committee 5/4/2016  
**No objections** |

*Opposition from the Fullerton Secondary Teachers Organization is due to the bargaining unit’s concerns that the process was rushed and that there was not adequate time to involve the community.*

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Created by California Department of Education  
May 10, 2016  
Revised: 7/8/2016 1:58 PM
The Fullerton Joint Union High School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters
residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election occurring at least 120 days after [its] approval, [unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.]

[§ 5020. Presentation of proposal to electors]

[(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at}
least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."
"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 [and 5020,] respectively, may at any time recommend one of the following alternate methods of electing governing board members:
(a) That each member of the governing board be elected by the registered voters of the entire district.
(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.
(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in
accordance with the method recommended by the county committee. Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000], the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Outcome Rationale: The Fullerton Joint Union High School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District’s failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys’ fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys’ fees to plaintiffs’ attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys’ fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving
the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. More recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys’ fees from that District, though that amount was subsequently reduced by the trial court and upheld on appeal.

Normally, under *Education Code* section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District’s electors. However, going through an election process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November 2016 which will reduce the District’s liability under the CVRA going forward.

**Student Population:** 14500

**City Type:** Urban

**Public Hearing Date:** 4/19/2016
**Public Hearing Advertised:** Advertised OC Register, Fullerton Observer, and La Habra Journal, website, physical site postings

**Local Board Approval Date:** 4/19/2016

**Community Council Reviewed By:** All school site councils, the District DELAC
**Community Council Reviewed Date:** 5/4/2016
**Community Council Objection:** N
**Community Council Objection Explanation:**

**Audit Penalty YN:** N

**Categorical Program Monitoring:** N

**Submitted by:** Dr. Jennifer Williams
**Position:** Executive Director Administrative Services
**E-mail:** iwilliams@fjuhsd.org
**Telephone:** 714-870-2804
**Fax:**
Bargaining Unit Date: 05/05/2016
Name: California School Employees Association Local #82
Representative: Frank Ramirez
Title: President
Position: Support
Comments:

Bargaining Unit Date: 04/26/2016
Name: Fullerton Secondary Teachers Organization
Representative: John Marvin
Title: Vice President
Position: Oppose
Comments: the process was rushed and they believe there is not adequate time to involve the community.
General Waiver

SUBJECT

Request by Mendocino County Board of Education, on behalf of Mendocino-Lake Community College District, to waive California Education Code Section 74230, which requires an election for approval of a transfer of territory from Redwoods Community College District to Mendocino-Lake Community College District.

Waiver Number: 6-5-2016

SUMMARY OF THE ISSUES

California Education Code (EC) Section 74230 requires that an election be called following approval by the Board of Governors of the California Community Colleges (Board of Governors) of a transfer of territory from the Redwoods Community College District (CCD), which is under the jurisdiction of the Humboldt County Superintendent of Schools (County Superintendent), to the Mendocino-Lake CCD (under the jurisdiction of the Mendocino County Superintendent). This territory transfer already has been approved by the Mendocino County Committee on School District Organization (County Committee) and endorsed by the Humboldt County Committee.

EC Section 33050 does not authorize community college districts to submit waiver requests to the SBE. Therefore, the Mendocino County Board of Education (County Board) has submitted the waiver request on behalf of the Mendocino-Lake CCD.

Authority for Waiver: EC Section 33050

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends that the SBE approve the Mendocino County Board request to waive EC Section 74230, which requires an election to approve a transfer of territory from the Redwoods CCD to the Mendocino-Lake CCD.¹

¹ The Mendocino County Board requested waiver of a portion of EC Section 74230 (see Attachment 2). To ensure the election is eliminated (which is the intent behind the waiver request), the CDE recommends waiver of the entire EC Section 74230. The Mendocino County Board supports this recommendation.
SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election required to give final approval to an action by the Board of Governors to approve a transfer of territory from the Redwoods CCD to the Mendocino-Lake CCD. The Board of Governors is scheduled to take action on the territory transfer on July 18, 2016. The transfer previously has been approved by the Mendocino County Committee and endorsed by the Humboldt County Committee and Humboldt County Superintendent. Thus, the territory transfer would be finalized following approval of the Board of Governors (and the previous approvals of the listed county entities).

The territory proposed for transfer from the Redwoods CCD to the Mendocino-Lake CCD is the entire portion of Mendocino County that currently is within the Redwoods CCD. The Redwoods CCD is under the jurisdiction of the Humboldt County Superintendent and the Mendocino-Lake CCD is under the jurisdiction of the Mendocino County Superintendent. Thus, the transfer will place the Mendocino County portion of the Redwoods CCD under the jurisdiction of the Mendocino County Superintendent, who also has jurisdiction over the school districts operating high schools in this area.

The transfer of territory was initiated by resolutions from both the Redwoods CCD and the Mendocino-Lake CCD. No one opposed the transfer at the public hearings held by the Mendocino County Committee—all public hearing participants fully supported the transfer. The transfer also is supported by every affected local education agency in Humboldt, Mendocino, and Lake counties.

EC Section 74230 requires that an election be held upon Board of Governors approval of any territory transfer “which results in an increase in taxes levied on behalf of the districts involved or which requires changes in district governing boards.” Although the transfer will not result in an increase in taxes levied,2 the proposed transfer area includes a trustee area of the Redwoods CCD governing board—thus, the transfer will require changes to the composition of the districts’ governing boards.3

Both the Redwoods CCD and the Mendocino-Lake CCD support the request to waive the election required by EC Section 74230. There was no public opposition to the waiver at the public hearings held by the Mendocino County Board. The CDE also has 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 Mendocino County Board request to waive EC Section 74230, which requires an election to approve a transfer of territory from the Redwoods CCD to the Mendocino-Lake CCD.

2 The Mendocino-Lake CCD and the Redwoods CCD have entered into an agreement that the liability for the transferred territory’s existing pro-rata share of the Redwoods CCD general bonded indebtedness will remain with the property owners in the transferred territory. Thus, the territory transfer will not result in any increased tax levy.

3 The governing boards of the Mendocino-Lake CCD and the Redwoods CCD each will address effects on respective governing board composition (trustee areas and number of members on the board) after final approval of the territory transfer. EC Section 72023 gives the Redwoods CCD special authorization regarding governing board size. As a result, the Redwoods CCD may seek future SBE approval to waive appropriate EC sections to assist in reducing the size of its governing board.
Demographic Information:

The Mendocino-Lake CCD has a student population of 6,849 and is located in rural areas and small cities of Mendocino and Lake counties.

The Redwoods CCD has a student population of 7,360 and is located in rural areas and small cities of Humboldt, Trinity, Mendocino, and Del Norte counties.

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 similar requests to eliminate elections required for final approval of a territory transfer—most recently for the Santa Clara County Office of Education at the January 2013 SBE meeting. The SBE also has approved waivers submitted by county boards of education on behalf of community college districts—most recently for the Redwoods CCD (submitted by the Humboldt County Board) at the March 2015 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in additional costs of up to $50,000 for a local election.

ATTACHMENT(S)

Attachment 1: Summary Table (2 pages)

Attachment 2: Mendocino County Board of Education General Waiver Request 6-5-2016 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
### Summary Table

**California Education Code Section 74230**

<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>
</tr>
</thead>
</table>
| 6-5-2016      | Mendocino-Lake Community College District | **Requested:**
  July 1, 2016
  to
  June 29, 2018 | Mendocino College Federation of Teachers,
  Phil Warf
  President
  5/5/16
  **Support**
  Management/Supervisors/Confidential Employees Group,
  Debra Polak
  President
  5/3/16
  **Support**
  Part-time Faculty Association,
  Jessica Crofoot
  President
  5/2/16
  **Neutral**
  Service Employees International Union,
  John Loucks
  Vice President
  5/6/16
  **Neutral** | 5/9/2016 | Notice was published in both the Ukiah Daily Journal and the Fort Bragg Advocate, and was placed on the Web site of the Mendocino County Office of Education. Notice also was posted at the Humboldt County Office of Education, the Mendocino County Office of Education, the Mendocino-Lake Community College District, the Redwoods Community College District, and the Pomolita Middle School (public hearing location). |
<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>
</tr>
</thead>
<tbody>
<tr>
<td>6-5-2016</td>
<td>Redwoods Community College District</td>
<td>6-5-2016 to June 29, 2018</td>
<td>College of the Redwoods Faculty Organization, Mike Hailey President 4/26/16</td>
<td>5/9/2016</td>
<td>Notice was published in both the Ukiah Daily Journal and the Fort Bragg Advocate, and was placed on the Web site of the Mendocino County Office of Education. Notice also was posted at the Humboldt County Office of Education, the Mendocino County Office of Education, the Mendocino-Lake Community College District, the Redwoods Community College District, and the Pomolita Middle School (public hearing location).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>California School Employees Association, Crystal Morse President 5/2/16</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>President/Management Council, Ron Waters Council Member 4/28/2016</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The waiver request, although submitted by the Mendocino County Board, is on behalf the Mendocino-Lake CCD and also affects the Redwoods CCD. Therefore, information reported in this attachment pertains to those districts.*
Elimination of Election to Approve Territory Transfer
Attachment 2
Page 1 of 3

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2310231 Waiver Number: 6-5-2016 Active Year: 2016

Date In: 5/13/2016 10:02:30 AM

Local Education Agency: Mendocino County Office of Education
Address: 2240 Old River Rd.
Ukiah, CA 95482

Start: 7/1/2016 End: 6/29/2018

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: 74230
Ed Code Authority: 33050

Ed Code or CCR to Waive: If approval is given pursuant to Section 74205 to a reorganization proposal which results in an increase in taxes levied on behalf of the districts involved or which requires changes in district governing boards, [such as a change that results in the reapportionment of trustee areas or a change in the number of trustee areas], the county superintendent of schools, within 30 days after receiving notification pursuant to Section 74205, shall call an election. The election shall be called in the manner prescribed in Part 4 (commencing with Section 5000), and shall be conducted at the next available regular election scheduled in the territory of districts defined in the approved proposal according to the procedures prescribed by Sections 35757 to 35764, inclusive.

Outcome Rationale: This waiver is necessary to avoid the expense of an election to confirm the transfer of territory in Mendocino County from College of the Redwoods to Mendocino-Lake Community College District. Mendocino College is assuming operational control of the Fort Bragg campus formerly under the control of College of the Redwoods, and once the transfer has been approved by the Board of Governors of the Community College Chancellor's Office, the election will otherwise have to be called within 30 days.

Student Population: 14209

City Type: Small

Public Hearing Date: 5/9/2016
Public Hearing Advertised: Newspaper, Site Posting, Website Posting,

Local Board Approval Date: 5/9/2016

Community Council Reviewed By: All advisory agencies consulted were employee bargaining units

Revised: 7/8/2016 1:59 PM
Community Council Reviewed Date: 4/26/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Mr. Warren Galletti
Position: Superintendent
E-mail: wgalletti@mcoe.us
Telephone: 707-467-5002
Fax:

Bargaining Unit Date: 05/02/2016
Name: California School Employees Association
Representative: Crystal Morse
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 04/26/2016
Name: College of the Redwoods Faculty Organization
Representative: Mike Hailey
Title: President
Position: Support
Comments:

Bargaining Unit Date: 05/05/2016
Name: Exec. Comm. of the Mendo College Fed. of Teachers
Representative: Phil Warf
Title: MCFT President
Position: Support
Comments:

Bargaining Unit Date: 05/03/2016
Name: Management/Supervisors/Confidential Employees Grp
Representative: Debra Polak
Title: President
Position: Support
Comments:

Bargaining Unit Date: 05/02/2016
Name: Part-time Faculty Association
Representative: Jessica Crofoot
Title: President
Position: Neutral
Comments:
Bargaining Unit Date: 04/28/2016
Name: President/Management Council
Representative: Ron Waters
Title: Council Member
Position: Support
Comments:

Bargaining Unit Date: 05/06/2016
Name: SEIU 1021
Representative: John Loucks
Title: Classified Union Vice President
Position: Neutral
Comments:
California Department of Education
Executive Office
SBE-005 General (REV. 08/2014)

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

General Waiver

SUBJECT
Request by Little Shasta Elementary School District to waive California Education Code Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six.

Waiver Number: 30-3-2016

SUMMARY OF THE ISSUES

At the time this waiver request was submitted, the Little Shasta Elementary School District (ESD) in Siskiyou County reported that it had five students enrolled in the first through eighth grades. Education Code (EC) Section 35780(a) requires the Siskiyou County Committee on School District Organization (County Committee) to lapse the district if average daily attendance (ADA) in grades one through eight falls below six. The Little Shasta ESD governing board is requesting that the California State Board of Education (SBE) waive EC Section 35780(a) to allow the district to continue to operate for the 2016–17 and 2017–18 school years. The district expects enrollment to increase in subsequent years. The Siskiyou County Superintendent of Schools supports this request.

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval

The California Department of Education (CDE) recommends that the SBE approve the request by the Little Shasta ESD to waive EC 35780(a) regarding district lapsation.

SUMMARY OF KEY ISSUES

EC Section 35780 establishes the conditions necessary for a county committee to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of an elementary school district when the district’s first through eighth grade ADA falls below six. Under conditions of lapsation, a county committee is required to annex the territory of the lapsed district to one or more adjoining districts.

The Little Shasta ESD reports that the enrollment for the first through eighth grades of the district has fallen below six, and the reported ADA as of the 2015–16 Principal
Apportionment for grades kindergarten through sixth is 5.7. The district is somewhat disadvantaged in attaining the required number of students since it does not provide educational services to its seventh and eighth grade students. There exists an informal agreement among a number of the elementary school districts in the area that allows the seventh and eighth grade students from Little Shasta ESD to attend any elementary school district that participates in the agreement. Currently, seventh and eighth grade students from the Little Shasta ESD select from schools in the Big Springs ESD, the Grenada ESD, the Montague ESD, and the Yreka ESD.

Prior to the current year, first through sixth grade enrollment in the Little Shasta ESD has been at 12 or more students. The table below documents enrollment levels for the prior five years.

**Little Shasta ESD first through sixth grade enrollment**

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010–11</td>
<td>25</td>
</tr>
<tr>
<td>2011–12</td>
<td>28</td>
</tr>
<tr>
<td>2012–13</td>
<td>22</td>
</tr>
<tr>
<td>2013–14</td>
<td>13</td>
</tr>
<tr>
<td>2014–15</td>
<td>12</td>
</tr>
</tbody>
</table>

Source: California Basic Educational Data System (CBEDS)

As can be seen in the above table, enrollment in the Little Shasta ESD has been steadily declining. However, the district reports that it has many preschoolers in the community and expects enrollment to increase by four to five students over the next couple of years.

The Siskiyou County Superintendent of Schools strongly supports the district’s waiver request, noting that the district:

- Offers a strong, high quality academic program with a family like atmosphere.
- Has a unique technology program with a one-to-one ratio of computers to students.
- Provides first through sixth graders a daily Type to Learn Program.
- Is financially healthy.
- Operates an outstanding After School Program that is not funded by the state.

The CDE finds that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Little Shasta ESD to waive subdivision (a) of *EC* Section 35780.

**Demographic Information:**

The Little Shasta ESD has a kindergarten through sixth grade student population of six and is located in a rural area of Siskiyou County.
Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 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 similar requests for other elementary school districts—most recently for the Bogus ESD (Siskiyou County) at the July 2015 SBE meeting and the Maple Creek ESD (Humboldt County) at the May 2015 SBE meeting.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of the waiver request will not have negative fiscal effects on any local or state agency.

**ATTACHMENT(S)**

Attachment 1: Summary Table (1 page)

Attachment 2: Little Shasta Elementary School District General Waiver Request 30-3-2016 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
### Summary Table

**California Education Code Section 35780(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>Public Hearing and Board Approval Date</th>
<th>Public Hearing Advertisement</th>
<th>SSC/Advisory Committee Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-3-2016</td>
<td>Little Shasta Elementary School District</td>
<td>Requested: July 1, 2016 to June 30, 2017</td>
<td>District has no bargaining units.</td>
<td>3/23/16</td>
<td>Notice was posted in the entry room of Little Shasta School, at the Siskiyou County Office of Education, at Cortright’s Market &amp; Deli in Montague, and on the Little Shasta Elementary Web site.</td>
<td>Local Control and Accountability Plan Subcommittee 3/2/16 No objections</td>
</tr>
</tbody>
</table>

Created by California Department of Education
April 21, 2016
Elimination of Lapsation Requirement  
Attachment 2  
Page 1 of 3

California Department of Education  
WAIVER SUBMISSION - General

CD Code: 4770383  Waiver Number: 30-3-2016  Active Year: 2016

Date In: 3/24/2016 10:30:35 AM

Local Education Agency: Little Shasta Elementary School District  
Address: 8409 Lower Little Shasta Rd.  
Montague, CA 96064

Start: 7/1/2016  End: 6/30/2017

Waiver Renewal: N  
Previous Waiver Number:      Previous SBE Approval Date:

Waiver Topic: School District Reorganization  
Ed Code Title: Lapsation of a Small District  
Ed Code Section: 35780(a)  
Ed Code Authority: 33050

Ed Code or CCR to Waive: Elimination of Lapsation Requirement

35780 (a)  Any school district which has been organized for more than three years shall be 
lapsed as provided in this article if the number of registered electors in the district is less than 
six or the average daily attendance of pupils in the school or schools maintained by the district 
is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12, except that for 
any unified district which has established and continues to operate at least one senior high 
school, the board of supervisors shall defer the lapsation of the district for one year upon a 
written request of the governing board of the district and written concurrence of the county 
committee.  The board of supervisors shall make no more than three such deferments.

Outcome Rationale: Little Shasta School was founded in 1858 in rural Siskiyou County.  It has 
been serving this ranching community as a school ever since.  It is now a K-6 school, adding 
Kindergarten about 12 years ago.  The enrollment over the last 2 years has dropped, and this 
year enrollment is at 6 students with one of those a Kindergartener.  The district has many 
preschoolers in the community and expects the enrollment to increase by 4-5 students the next 
couple of years.

Total enrollment in the district has fluctuated between 30 and 10 over the past six years.

See the chart below:
2009/10   25.2
2010/11   26.98
2011/12   30.44
2012/13   24.58
2013/14   15
2014/15   10.38

Revised: 7/8/2016 1:59 PM
The Siskiyou County Superintendent of Schools has provided strong support for the district’s request to waive EC35780, noting that:

- Little Shasta has a strong, quality academic program with a family-like atmosphere.
- Unique technology program with a 1:1 ratio of computers to students.
- 1st – 6th graders participate in a Type to Learn Program daily.
- Financially sound its entire history.
- Outstanding After School Program, not funded by the state.

Little Shasta School has always been a vital part of the community. Many generations have attended the school. This year we have some 3 generational students! On June 14, 2008, the school celebrated its 150 years with an Open House. Many former students, parents, aides, teachers, and board members attended even from out-of-state. A representative from the Honorable Assemblyman Doug La Malfa’s office presented the school with a framed California Legislature Assembly Resolution 1607 for its continued educational service to the community and its students.

LSE is definitely like a family. Our students have experienced many unique programs and opportunities due to our small size. The school has provided a wonderful technology lab and instruction to 1st – 6th grades, including a Type to Learn Program starting in 1st grade, and also a digital citizenship program that teaches safety on line and internet protocol. Family Math nights with 100% participation on the parents part where all activities, plus a resource book, are sent home with each family. We also have a part-time art instructor for all grade levels. Every 3 years when the 4th-6th graders study California History, the 2nd-6th grades make a 3 day 2 night trip to Sacramento. They visit the State Capitol, the Railroad Museum, Old Sac, and Sutter’s Fort when it was open. Another unique opportunity for the students is learning downhill skiing at Mt. Shasta Ski Park as part of their physical education program. Many science field trips have been taken to study aquatic insects, plant willows, and do stream restoration projects. Also, every 3 years the 4th-6th graders, attend French Creek Environmental School in Siskiyou County. Each year salmon are raised from eggs in the school’s aqua chiller. Adding a greenhouse this spring has enabled the students to have project based science dealing with raising plants and learning about soils. This is a school that has a very positive spirit in our community with plays presented every December and a community luncheon in the spring. We also have some community partnerships. They are with the Montague HUB and Siskiyou Domestic Violence. Other programs that are part of our After School Program are: Character Counts, School Bullying Awareness, and nutrition programs. LSE continues to be an integral part of this rural community and therefore, needs to remain open.

Contiguous School Districts:

There are two contiguous school districts within 8 miles of Little Shasta. They are: Montague ESD and Big Springs ESD. Since Little Shasta has never had busses, it would require these districts to have new bus runs to accommodate our students and add additional transportation costs for them. The Montague District also limits their After School Program to 80 students and this may present a problem for our parents if we were to lapse into this district. They may be required to be on a waiting list and this would create a financial hardship.

Student Population: 6

City Type: Rural
Public Hearing Date: 3/23/2016
Public Hearing Advertised: Posted in entry room at Little Shasta School, at the Siskiyou County Office of Education main doors, at Cortright’s Market & Deli in Montague, and on the LSE website.

Local Board Approval Date: 3/23/2016
Community Council Reviewed by: Little Shasta ESD Board of Directors
Community Council Reviewed Date: 3/23/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Kathleen Koon
Position: Superintendent
E-mail: kkoon@sisnet.ssku.k12.ca.us
Telephone: 530-459-3269
Fax: 530-459-1619
<table>
<thead>
<tr>
<th>SUBJECT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by seven 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.</td>
<td></td>
</tr>
</tbody>
</table>

**Waiver Numbers:**
- Big Lagoon Union Elementary School District 15-3-2016
- Colton Joint Unified School District 29-2-2016
- Cuyama Joint Unified School District 13-4-2016
- Del Norte County Unified School District 11-4-2016
- Newark Unified School District 19-3-2016
- Pacific Elementary School District 2-3-2016
- Pleasanton Unified School District 3-3-2016

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

**Authority for Waiver:** EC Section 52863

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
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</tr>
</thead>
<tbody>
<tr>
<td>☑ Approval</td>
<td>☑ Approval with conditions</td>
</tr>
</tbody>
</table>

The California Department of Education (CDE) recommends approval with conditions, see Attachment 1.

<table>
<thead>
<tr>
<th>SUMMARY OF KEY ISSUES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Big Lagoon Union Elementary School District is requesting to renew an SSC composition change for a very small school: Big Lagoon Elementary School (3 teachers serving 25 students in kindergarten through grade eight). The school is located in a rural area.</td>
<td></td>
</tr>
</tbody>
</table>
The Colton Joint Unified School District is requesting an SSC composition change for a small school: Slover Mountain Continuation School (13 teachers serving 256 students in grades nine through twelve). Student enrollment, as a continuation school, is in constant fluctuation. The school is located in an urban area.

The Cuyama Joint Unified School District is requesting to renew a shared SSC for two small schools: Cuyama Elementary School (10 teachers serving 164 students in kindergarten through grade eight) and Cuyama Valley High School (6.5 teachers serving 67 students in grades nine through twelve). The two schools share the only administrator in the district—the principal/superintendent. In addition to having the same curriculum, the schools share many other services, including secretarial, custodial, transportation and maintenance support, and school site services. The schools are located in a rural area.

The Del Norte County Unified School District is requesting an SSC composition change for a small school: Sunset High School (7 teachers serving 72 students in grades nine through twelve). The school is an alternative high school, located in a rural area.

The Newark Unified School District is requesting a shared SSC with composition change for two small schools: Bridgepoint (Continuation) High School (7.4 teachers serving 65 students in grades nine through twelve) and Crossroads (Alternative) High School (2 teachers serving 33 students in kindergarten through grade twelve). The two schools share a principal, and are experiencing drastic reduction in classified and certificated staff members; for example, leaving only a half-time office manager for Crossroads (Alternative) High School. Having a shared SSC would enable the schools to work in conjunction with each other, be efficient and cost-effective in utilizing resources, and address student needs better. The two schools are located on the same campus in a small city.

The Pacific Elementary School District is requesting an SSC composition change for a small school: Pacific Elementary School (7 teachers full-time, plus 3 part-time, serving 118 students in kindergarten through grade six). The principal is also the superintendent of the district. Many students enrolled in this school are inter-district transfers. The school is located in an isolated rural area, with most families living far away from the school.

The Pleasanton Unified School District is requesting an SSC composition change for a small school: Village High School (10 teachers serving 110 students in grades nine through twelve). The school is not close to any other school; therefore, it is impractical to share an SSC with another school. It is also an alternative high school with a high level of fluctuation in student enrollment that creates instability in parent membership. The school is located a suburban area.

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

The CDE previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in EC Section 52863 or to allow one shared SSC for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of
which are due to the size, type, location, or other capacities of the schools.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (4 Pages)

Attachment 2: Big Lagoon Union Elementary School District Specific Waiver Request 15-3-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Colton Joint Unified School District Specific Waiver Request 29-2-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Cuyama Joint Unified School District Specific Waiver Request 13-4-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Del Norte County Unified School District Specific Waiver Request 11-4-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Newark Unified School District Specific Waiver Request 19-3-2016 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Pacific Elementary School District Specific Waiver Request 2-3-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Pleasanton Unified School District Specific Waiver Request 3-3-2016 (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>Local Educational Agency (LEA) for School(s) (County-District-School Code[s])</th>
<th>LEAs Request for a Schoolsite Council (SSC) Waiver</th>
<th>California Department of Education Recommendation</th>
<th>Previous Waiver Yes or No Period of Request/Period Recommended</th>
<th>Collective Bargaining Unit Position/Current Agreement</th>
<th>SSC/Advisory Committee Position</th>
<th>Local Board Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-3-2016</td>
<td>Big Lagoon Union Elementary School District for Big Lagoon Elementary School (1262695 6007686)</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>Yes Requested: 01/18/2016 to 01/18/2018</td>
<td>California Teachers Association – Big Lagoon Union School District Shane Harmon Teacher 03/02/2016</td>
<td>Support</td>
<td>03/08/2016</td>
</tr>
<tr>
<td>29-2-2016</td>
<td>Colton Joint Unified School District for Slover Mountain Continuation School (3667686 3636131)</td>
<td>SSC composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers).</td>
<td>No Requested: 04/01/2016 to 04/01/2018</td>
<td>Association of Colton Educators Robert Lemoine President 02/01/2016</td>
<td>Support</td>
<td>02/18/2016</td>
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<td>Waiver Number</td>
<td>Local Educational Agency (LEA) for School(s) (County-District-School Code[s])</td>
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<td>13-4-2016</td>
<td>Cuyama Joint Unified School District for Cuyama Elementary School (4275010 6045389) and Cuyama Valley High School (4275010 4231205)</td>
<td>Shared SSC</td>
<td>Approval with conditions: the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and three students (selected by peers).</td>
<td>Yes Requested: 09/02/2016 to 09/01/2018</td>
<td>California School Employees Association Cuyama Chapter #288 Fernando De Los Santos President 04/07/2016</td>
<td>Cuyama Elementary School and Cuyama Valley High School shared SSC 04/11/2016</td>
<td>04/14/2016</td>
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<tr>
<td>11-4-2016</td>
<td>Del Norte County Unified School District for Sunset High School (0861820 0836205)</td>
<td>SSC 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 Requested: 07/01/2016 to 06/30/2018</td>
<td>Del Norte Teachers Association Amber Cron President 03/08/2016</td>
<td>Sunset High School SSC 02/08/2016</td>
<td>04/14/2016</td>
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<td>19-3-2016</td>
<td>Newark Unified School District for Bridgepoint (Continuation) High School (0161234 0135426) and Crossroads (Alternative) High School (0161234 0130484)</td>
<td>Shared SSC and composition change</td>
<td>Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by parents), and two students (selected by peers).</td>
<td>No Requested: 07/01/2016 to 06/30/2018</td>
<td>California Teachers Association – Newark Unified School District Jacob Goldsmith President 03/15/2016</td>
<td>Support</td>
<td>03/01/2016</td>
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<tr>
<td>2-3-2016</td>
<td>Pacific Elementary School District for Pacific Elementary School (4469781 6049621)</td>
<td>SSC 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), and four parents/community members (selected by parents).</td>
<td>No Requested: 07/01/2016 to 06/30/2017</td>
<td>None indicated</td>
<td>Pacific Elementary School faculty and staff 01/06/2016</td>
<td>12/17/2015</td>
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<td>Waiver Number</td>
<td>Local Educational Agency (LEA) for School(s) (County-District-School Code[s])</td>
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<tr>
<td>3-3-2016</td>
<td>Pleasanton Unified School District for Village High School (0175101 0130252)</td>
<td>SSC 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: 07/01/2016 to 06/30/2018</td>
<td>Association of Pleasanton Teachers Janice Clark President 02/05/2016 Support</td>
<td>Village High School SSC 12/15/2015 No Objection</td>
<td>02/23/2016</td>
</tr>
</tbody>
</table>

Created by the California Department of Education
March 9, 2016

Revised: 7/8/2016 1:59 PM
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1262695 Waiver Number: 15-3-2016 Active Year: 2016

Date In: 3/15/2016 11:33:44 AM

Local Education Agency: Big Lagoon Union Elementary School District
Address: 269 Big Lagoon Park Rd.
Trinidad, CA 95570

Start: 1/18/2016 End: 1/18/2018

Waiver Renewal: Y
Previous Waiver Number: 14-2-2015-W-12 Previous SBE Approval Date: 5/7/2015

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 other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools. Pupils selected by pupils attending the school.

Outcome Rationale: The desired outcome is the district to be in compliance, and have a workable School Site Council. Waiver is necessary due to the small size of the district. Currently, our staff size is only 3 teachers. Waiver has approval of Site Council.

Request that the composition of the School Site Council be 1 certificated employee, 1 classified employee, 1 administrator, and 3 parents or community members. Total members to be six.

Student Population: 25

City Type: Rural

Local Board Approval Date: 3/8/2016

Council Reviewed By: Site Council
Council Reviewed Date: 2/25/2016
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Rea Erickson  
Position: Superintendent  
E-mail: rerickson@nohum.k12.ca.us  
Telephone: 707-677-3688  
Fax:  

Bargaining Unit Date: 03/02/2016  
Name: Big Lagoon Union School District Ca Teacher’s Association  
Representative: Shane Harmon  
Title: Teacher  
Position: Support  
Comments:
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667686 Waiver Number: 29-2-2016 Active Year: 2016

Date In: 2/29/2016 10:32:26 AM

Local Education Agency: Colton Joint Unified School District
Address: 1212 Valencia Dr.
Colton, CA 92324

Start: 4/1/2016 End: 4/1/2018

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: Request by Colton Joint Unified School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852 to allow a reduction in the number and composition of members required for a school site council at Slover Mtn. Continuation School.

Outcome Rationale: Slover Mtn. Continuation School is constantly recruiting parents to be members of SSC. The student enrollment is in constant fluctuation and having consistent parents is difficult. The district wishes to form an SSC composed of four members: the principal, one classroom teacher, one parent and one student all elected by their particular group. Slover's SSC has unanimously approved this waiver request.

Student Population: 256

City Type: Urban

Local Board Approval Date: 2/18/2016

Council Reviewed By: ELAC and SSC at Slover
Council Reviewed Date: 1/28/2016
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
California Department of Education  
WAIVER SUBMISSION - Specific  

CD Code: 4275010  
Waiver Number: 13-4-2016  
Active Year: 2016  

Date In: 4/15/2016 4:01:21 PM

Local Education Agency: Cuyama Joint Unified School District  
Address: 2300 Highway 166  
New Cuyama, CA 93254  

Start: 9/2/2016  
End: 9/1/2018  

Waiver Renewal: Y  
Previous Waiver Number: 16-10-2014-W-12  
Previous SBE Approval Date: 1/14/2015  

Waiver Topic: Schoolsite Council Statute  
Ed Code Title: Shared Schoolsite Council  
Ed Code Section: 52852  
Ed Code Authority: 52863  

Ed Code or CCR to Waive: 52852. A schoolsite council shall be established [at each school] which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.  

Outcome Rationale: The schools affected are small:  
• Cuyama Valley High School has 67 students with 6.5 FTE Teachers.  
• Cuyama Elementary School has 164 students with 10 FTE Teachers  

And;  

The schools have a common site administration, curriculum, or other shared services.  
• Dr. F. Paul Chouenet is the Superintendent/Principal for the Cuyama Joint Unified School District and oversees both sites. He is the only administrator in the District. Both sites have
shared curriculum and other services such as secretarial support, custodial, transportation and maintenance support and school site services.

- Cuyama Elementary School and Cuyama Valley High School are four miles apart in the very rural Cuyama Valley in the northeast corner of Santa Barbara County. All of the students attend either of the two sites. The valley depends on agriculture and most of the families have both parents working in the fields.

- The same parents are historically on both school site councils and the district has had a difficult time in the past maintaining a quorum at both meetings each month.

Student Population: 231

City Type: Rural

Local Board Approval Date: 4/14/2016

Council Reviewed By: CJUSD School Site Council
Council Reviewed Date: 4/11/2016
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. F Paul Chounet
Position: Superintendent
E-mail: pchounet@cuyamaunified.org
Telephone: 661-766-2482
Fax: 661-766-2255

Bargaining Unit Date: 04/07/2016
Name: CSEA Cuyama Chapter #288
Representative: Fernando De Los Santos
Title: Chapter President
Position: Support
Comments:

Bargaining Unit Date: 04/08/2016
Name: Cuyama Unified Educators/CTA/NEA
Representative: Amy Giorgianni
Title: President
Position: Support
Comments:
Ed Code or CCR to Waive: EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Sunset High School is a small 9-12th Grade alternative high school located in a rural area. Allowing the Site council to be comprised of 8 members would allow proper representation. It is understood that a condition of the request will be: The School Site Council will consist of one principal, 2 classroom teachers (selected by peers), one other school representative (selected by peers), 3 parents/community members (selected by peers), and one student (selected by peers).
WAIVER SUBMISSION - Specific

CD Code: 0161234 Waiver Number: 19-3-2016 Active Year: 2016

Date In: 3/16/2016 2:10:08 PM

Local Education Agency: Newark Unified School District
Address: 5715 Musick Ave.
Newark, CA 94560

Start: 7/1/2016 End: 6/30/2018

Waiver Renewal: Y
Previous Waiver Number: 1-11-2009 Previous SBE Approval Date: 3/11/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or CCR to Waive: EC 52852 A schoolsite council shall be established at [each] school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Our two alternative high school programs, Bridgepoint Continuation High School and Crossroads Independent Studies, request two waivers of the California Education Code 52852 which states:

A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

We request that we hold one joint school site council made up of representatives of both schools in lieu of two individual councils. Our joint school site council meetings, if approved, would include representatives from both Bridgepoint High School and Crossroads High School.

We make this request for several reasons.

1. Relatively low student and staff populations of each school. In 2016-17, we anticipate Bridgepoint High School to be staffed with 7.4 FTE and a student population of approximately 65. At Crossroads High School, we anticipate staffing at 2 FTE that serves up to approximately 33 students.
2. Limited budgetary restraints and increased need:
It is best practice for the alternative high schools to work in concert to efficiently and effectively utilize our valuable but costly alternative education resources. We are working towards a seamless offering of student services to meet the unique and diverse needs of our at-risk populations. We feel having both alternative education high schools working together has a significant student benefit because joining the councils is the most economical and effective method to maximize services while addressing student need.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.

We request a reduced composition in members for a small school to the following membership:
Joint Bridgepoint High School (BPHS) and Crossroads High School (CRHS)
Site Council Proposed Makeup
Principal, MacGregor Alternative Learning Center – Includes both BPHS and CRHS
* One California School Employees Association (CSEA) member that works at MacGregor (either BPHS, CRHS or MacGregor Alternative Learning Center)
One BPHS Student
One CRHS Student
One BPHS Parent
One CRHS Parent
* One BPHS Teacher
* One CRHS Teacher
Optional - One BPHS community member
Optional - One CRHS community member
* Indicates minimum staffing.

The request for a reduced composition in members for a small school is made due to several factors.

1. BPHS and CRHS are collocated on the same campus – – the MacGregor Alternative Learning Center under the leadership and supervision of one principal.

2. There has been a dramatic reduction in classified and certificated FTE at both schools. Neither BPHS nor CRHS have the services of a guidance or pupil services counselor or a vice principal any longer. CRHS’s office manager position is a .5 FTE.

3. Bargaining units have approved this site council membership reduction request and understand that this waiver in no way will limit them from increasing their membership to the prescribed levels should they decide at a later date that they desire adding a member to the site council(s).

Student Population: 137

City Type: Small

Local Board Approval Date: 3/1/2016

Council Reviewed By: Current School Site Council for Bridgepoint HS and Crossroads HS
Council Reviewed Date: 2/10/2016
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Debbie Ashmore
Position: Curriculum and Instruction Director
E-mail: dashmore@newarkunified.org
Telephone: 510-818-4113
Fax:

Bargaining Unit Date: 03/15/2016
Name: Newark Teachers Association
Representative: Jacob Goldsmith
Title: NTA President
Position: Support
Comments:
Ed Code or CCR to Waive: 52852. A schoolsite council shall be established [at each school] which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

Outcome Rationale: Pacific Elementary School District in Davenport, California would like to request a waiver to provisions of Education Code (EC) Section 52852. Specifically, we would like to be granted permission to a smaller number of members of the School Site Council due to the size of our school.

Pacific Elementary currently enrolls 119 K-6th grade students, which is the highest enrollment in the history of the school, as far our records indicate. While this enrollment already falls within the guidelines for granting a waiver, it is important to note that it is an aberration and the enrollment will likely be lower in the near future, as it usually is.
EC Section 52852’s requirement to have 10 members serve on the School Site Council (1 principal, 3 teachers, 1 classified staff, and 5 parents or community members) presents a hardship to our small school.

In terms of staff members, our Principal also serves as our Superintendent. We only have 7 teachers in total, but 3 of those 7 are part-time employees.

In terms of parents, we only have 93 families, but 56 of those families are enrolled as inter-district transfers, which means they live more than 10 miles from the school. Even many of the families that live within our district’s boundaries live very far from the school, due to the rural and isolated location of our district.

In terms of community members, there are only 400 people who live in Davenport, many of whom aren’t eligible because they are minors (or are already counted as parents of students). In short, there is a very small pool of candidates from which to recruit.

For all of the above reasons, Pacific Elementary School District respectfully requests the SBE to grant us a waiver from provisions of EC 52852 so that we may form a School Site Council with a membership size that is more appropriate for our small school.

Student Population: 118

City Type: Rural

Local Board Approval Date: 12/17/2015

Council Reviewed By: Faculty and staff
Council Reviewed Date: 1/6/2016
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Eric Gross
Position: Superintendent/Principal
E-mail: egross@pacificesd.org
Telephone: 831-425-7002
Fax: 831-425-3506
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 0175101          Waiver Number: 3-3-2016            Active Year: 2016

Date In: 3/1/2016 9:59:20 AM

Local Education Agency: Pleasanton Unified School District  
Address: 4665 Bernal Ave.  
Pleasanton, CA 94566

Start: 7/1/2016          End: 6/30/2018

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.

(a) A schoolsite council shall be established at each school that participates in school-based program coordination. The schoolsite 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 the parents; and, in secondary schools, pupils selected by pupils attending the school.

(b) (1) At the elementary level, the schoolsite 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.

(2) At the secondary level, the schoolsite council* shall be constituted to ensure parity between (A) the principal, classroom teachers, and other school personnel; and (B) an equal number of parents, or other community members selected by parents, and pupils.

(3) At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under subparagraph (A) of paragraphs (1) and (2).

(c) Existing schoolwide advisory groups or school support groups may be utilized as the schoolsite council if those groups conform to this section.

(d) The Superintendent shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils.

(e) 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.

* Requesting approval for the composition of 8 members verses 12, following the above Educational Code

Outcome Rationale: Village High School's, School Site Council has approved applying for the SSC Composition Waiver for the 2016-17 & 2017-18 school years. We met with both Unions and they support the request to apply for the waiver.
The first rationale for the request is that the school community is made up of students from all over the district. The school’s location also prevents the opportunity for a shared School Site Council as it is not located near another secondary school. The second rationale for requesting a smaller composition is the size of the school: one principal, 10 teachers and 105 to 120 students (Enrollment fluctuates as students graduate or return to their comprehensive high school). The final rationale is the fact that student enrollment does fluctuate throughout the year causing parental qualification for School Site Council difficult and inconsistent.

The desire to maintain consistent participation is very important in building a comprehensive data driven educational program. Maintaining a quorum of a smaller School Site Council will facilitate our local operations as it will aid in streamlining data analyzes, program development and budget approvals to within one meeting verses having to reschedule due to lack of a quorum, consistent attendance hinders program development and utilizing funding in a timely manner.

All parents will continue to be informed of all meetings, site programs, student achievement and site funding regardless if they are officially on the School Site Council.

Student Population: 110
City Type: Suburban

Local Board Approval Date: 2/23/2016
Council Reviewed By: Village High School School Site Council
Council Reviewed Date: 12/15/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Dr. Denise Parnell
Position: Coordinator of Special Projects
E-mail: dparnell@pleasantonusd.net
Telephone: 916-628-0731
Fax:

Bargaining Unit Date: 02/05/2016
Name: Association of Pleasanton Teachers (APT)
Representative: Janice Clark
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/05/2016
Name: California School Employees Association (CSEA)
Representative: Alex Sutton
Title: President
Position: Support
Comments:
## SUBJECT

Request by two local educational agencies to waive California Education Code Section 51224.5(b), the requirement that all students graduating in the 2015–2016 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for nine special education students based on Education Code Section 56101, the special education waiver authority.

Waiver Numbers: Fresno Unified School District 17-3-2016
Fresno Unified School District 30-2-2016
Natomas Unified School District 28-3-2016

### SUMMARY OF THE ISSUE(S)

The local educational agencies (LEAs) request to waive the requirement that students be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for nine special education students who are not able to meet the Algebra requirement but meet other graduation requirements.

**Authority for Waiver:** Education Code (EC) Section 56101

### RECOMMENDATION

- Approval
- Approval with conditions
- Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request to waive only the requirement that nine students successfully complete a course in Algebra I (or its equivalent) for the 2015–16 graduating year. The students have met other course requirements stipulated by the governing board of the school district and California Education Code (EC) Section 51225.3 in order to receive a high school diploma.

### SUMMARY OF KEY ISSUES

For the review of this waiver request, the LEAs provided the following documentation:
• A valid, current copy of each student’s individualized education program (IEP) highlighting the areas of mathematic deficiencies and how the student’s needs in mathematics were addressed.

• Selected pages from each student’s IEP from three previous years showing that the student was consistently on a diploma-track, and that the IEP was written to support the student’s participation in diploma-track math courses, particularly algebra.

• The specific assistance the district provided to the students which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal, specifically for the algebra requirement.

• A copy of transcripts for each student highlighting attempts to pass algebra and pre-algebra classes.

• Assessment summaries that report the students participated in the Standardized Testing and Reporting program.

The above documentation was confidentially reviewed by more than one special education consultant. The LEAs’ documentation provided facts indicating that failure to approve these waiver requests would result in the students not meeting graduation requirements.

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

In 2000, EC Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation beginning in 2003−04. All waiver requests of this type have been granted by the SBE for students with special needs.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: Algebra 1 Summary Table (1 page)

Attachment 2: Fresno Unified School District Specific Waiver Request 17-3-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fresno Unified School District Specific Waiver Request 30-2-2016 (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Natomas Unified School District Specific Waiver Request 28-3-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
## Algebra 1 Summary Table

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
</tr>
</thead>
</table>
| 17-3-2016     | Fresno Unified School District            | **Student Population:** 73,000  
**City Type:** Urban  
**County:** Fresno | **Requested:**  
January 11, 2016  
to  
June 7, 2016  
**Recommended:**  
January 11, 2016  
to  
June 7, 2016 | 3/2/2016 |
| 30-2-2016     | Fresno Unified School District            | **Student Population:** 73,000  
**City Type:** Urban  
**County:** Fresno | **Requested:**  
January 11, 2016  
to  
June 12, 2016  
**Recommended:**  
January 11, 2016  
to  
June 12, 2016 | 2/11/2016 |
| 28-3-2016     | Natomas Unified School District           | **Student Population:** 13,869  
**City Type:** Urban  
**County:** Sacramento | **Requested:**  
July 1, 2015  
to  
June 30, 2016  
**Recommended:**  
July 1, 2015  
to  
June 30, 2016 | 2/24/2016 |

Created by the California Department of Education  
May 9, 2016
CD Code: 1062166 Waiver Number: 17-3-2016 Active Year: 2016

Date In: 3/15/2016 1:46:19 PM

Local Education Agency: Fresno Unified School District
Address: 2309 Tulare St.
Fresno, CA 93721


Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Algebra I Requirement for Graduation
Ed Code Section: 51224.5
Ed Code Authority: 56101

Ed Code or CCR to Waive: Specific code section: EC 56101
56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil’s individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under…(IDEA)… or to the compliance of a district, special education local plan area, or county office with...(IDEA)…and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil’s individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

Education Code or California Code of Regulations section to be waived.
51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.
(b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.

Outcome Rationale: Request a waiver of the (above) Algebra I graduation requirement for 1 pupil with disabilities, who are seniors, and are otherwise eligible to graduate in the 2016 school year under current statute.
Student Population: 1800

City Type: Urban

Local Board Approval Date: 3/2/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lori Mehl
Position: Teacher
E-mail: lori.mehl@fresnounified.org
Telephone: 559-248-5100 x81123
Fax:
Ed Code or CCR to Waive: 56101. (a) [request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the federal Individuals with Disabilities]

(b) The board may grant, [in part], any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a local educational agency with federal mandates for a free appropriate public education for children or youth with disabilities.

Outcome Rationale: Request a waiver of the (above) Algebra I graduation requirement for pupil with disabilities, who is a senior, and is otherwise eligible to graduate in the 2015/2016 school year under current statute.

Student Population: 73000

City Type: Rural

Local Board Approval Date: 2/11/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Corina Lacy
Position: Special Education Teacher
E-mail: corina.lacy@fresnounified.org
Telephone: 559-248-5100 x91035
Fax:
Ed Code or CCR to Waive: 51224.5. (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.

(b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.

(c) If at any time, in any of grades 7 to 12, inclusive, or in any combination of those grades, a pupil completes coursework that meets or exceeds the academic content standards for Algebra. Those courses shall apply towards satisfying the requirements of subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3.

56101: (a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or to the compliance of a district, special education local plan area, or county office with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.
Outcome Rationale: The purpose of this request is to ask for the requirement of Algebra I be waived for seven students on an IEP who have met all requirements as articulated by the CDE Special Education Wavier process. Documents will be emailed separate from this submission due to file size.

Student Population: 13869

City Type: Urban

Local Board Approval Date: 2/24/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Tracy Cobb
Position: Administrative Assistant
E-mail: tcobb@natomas.k12.ca.us
Telephone: 916-567-5434
Fax: 916-567-5441
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

☑ General Waiver

SUBJECT

Request by seven local educational agencies to waive the State Testing Apportionment Information Report deadline as stipulated in the California Code of Regulations, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 1225(b)(3)(A), regarding the California High School Exit Examination; or Title 5, Section 862(b)(2)(A) prior to February 2014, regarding the Standardized Testing and Reporting Program; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

Waiver Numbers:

- El Dorado Union High School District 17-4-2016
- Eureka City Schools District 21-4-2016
- Fairfield-Suisun Unified School District 12-4-2016
- Hillsborough City Elementary School District 23-4-2016
- Newhall School District 27-4-2016
- Nicasio School District 22-3-2016
- Redwood City Elementary School District 14-2-2016

☑ Action

☑ Consent

SUMMARY OF THE ISSUES

State regulations for the California English Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), the Standardized Testing and Reporting (STAR) Program, and the California Assessment of Student Performance and Progress (CAASPP) each include, as a condition to be eligible for apportionment reimbursement, an annual deadline for the return of a certified State Testing Apportionment Information Report for prior year testing.

The local educational agencies (LEAs) filing for this waiver request missed the regulatory deadline for one or more State Testing Apportionment Information Report(s) for the 2013–14 and 2014–15 school years.

Authority for Waiver: Education Code (EC) Section 33050
State Testing Apportionment Information Report Waivers
Page 2 of 4

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends that the state regulatory deadline for submission of the State Testing Apportionment Information Reports be waived for the LEAs and school year(s) shown on Attachment 1.

SUMMARY OF KEY ISSUES

Each fall, the CDE develops separate State Testing Apportionment Information Reports for the CELDT, CAHSEE, and CAASPP compiled from data produced by the testing contractors. STAR reports were developed and distributed from 1998 to 2013. The reports include the amount to be apportioned to the LEA based on the number of pupils tested during the previous school year. The CDE distributes the reports to the LEAs. State regulations require each LEA to certify the accuracy of the report by returning a signed report to the CDE by the regulatory deadline.

CDE staff verified that these LEAs submitted reports after the deadline and are required to submit a waiver as a condition to receive the applicable apportionment reimbursement.

Demographic Information:

El Dorado Union High School District has a student population of 6,847 and is located in an urban area of El Dorado County.

Eureka City Schools District has a student population of 3,734 and is located in a rural area of Humboldt County.

Fairfield-Suisun Unified School District has a student population of 21,966 and is located in a suburban area of Solano County.

Hillsborough City Elementary School District has a student population of 1,497 and is located in a suburban area of San Mateo County.

Newhall School District has a student population of 6,845 and is located in a suburban area of Los Angeles County.

Nicasio School District has a student population of 50 and is located in a rural area of Marin County.

Redwood City Elementary School District has a student population of 4 and is located in an urban area of San Mateo County.
Because this is a general waiver, if the State Board of Education (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 all previous LEA requests to waive the State Testing Apportionment Information Report deadline since deadlines for submission of the State Testing Apportionment Information Reports were added to the California Code of Regulations. The SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline is available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc.

FISCAL ANALYSIS (AS APPROPRIATE)

If these waivers are approved, these seven LEAs will be reimbursed for the costs of the CELDT, CAHSEE, STAR Program, or the CAASPP System for the 2014–15 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2 through 8.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline (2 Pages)

Attachment 2: El Dorado Union High School District General Waiver Request 17-4-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Eureka City Schools District General Waiver Request 21-4-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Fairfield-Suisun Unified School District General Waiver Request 12-4-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Hillsborough City Elementary School District General Waiver Request 23-4-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Newhall School District General Waiver Request 27-4-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)
Attachment 7:  Nicasio School District General Waiver Request 22-3-2016 (2 Pages).  
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 8:  Redwood City Elementary School District General Waiver Request 14-2-2016 (2 Pages).  (Original waiver request is signed and on file in the Waiver Office.)
### Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline

<table>
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<tr>
<th>Waiver Number</th>
<th>Local Educational Agency</th>
<th>Period of Request</th>
<th>Test Report(s) Missing</th>
<th>Report(s) Submitted</th>
<th>School Year(s)</th>
<th>Reimbursement Amount</th>
<th>Union Position</th>
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<tr>
<td>17-4-2016</td>
<td>El Dorado Union High School District</td>
<td>Requested: July 1, 2015 to March 1, 2016</td>
<td>California Assessment of Student Performance and Progress System (CAASPP), California High School Exit Examination (CAHSEE), &amp; California English Language Development Test (CELDT)</td>
<td>Yes</td>
<td>2014–15</td>
<td>$15,626.26</td>
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<td>Requested: July 1, 2015 to March 1, 2016</td>
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California Department of Education
WAIVER SUBMISSION - General

CD Code: 0961853   Waiver Number: 17-4-2016   Active Year: 2016

Date In: 4/21/2016 8:30:09 AM

Local Education Agency: El Dorado Union High School District
Address: 4675 Missouri Flat Rd.
Placerville, CA 95667

Start: 7/1/2015   End: 3/1/2016

Waiver Renewal: N
Previous Waiver Number:   Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAASP
Ed Code Section: CCR, Title 5, Section 862(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CCR, Title 5, [Section 862(b)(2)(A) …postmarked by March 1…]

Outcome Rationale: The CAASPP 2014-15 Apportionment Information Report was not submitted by the March 1, 2016 deadline and therefore El Dorado Union High School District submits a General Waiver to the California Department of Education for approval by the State Board of Education.

Student Population: 6847

City Type: Urban

Public Hearing Date: 4/12/2016
Public Hearing Advertised: Agenda posted on district website and board packets to board members

Local Board Approval Date: 4/12/2016

Community Council Reviewed By: Ponderosa High School Site Council
Community Council Reviewed Date: 4/20/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Mr. Christopher Moore
Position: Assistant Superintendent Educational Services
E-mail: cmoore@eduhsd.k12.ca.us
Telephone: 530-622-5081 x7226
Fax: 530-622-5087

Bargaining Unit Date: 03/04/2016
Name: California School Employees Association
Representative: Karen Jones
Title: CSEA Vice President
Position: Support
Comments:
| **California Department of Education**  
**WAIVER SUBMISSION - General** |
|---|
| CD Code: 1275515  
Waiver Number: 21-4-2016  
Active Year: 2016 |
| Date In: 4/22/2016 9:01:51 AM |
| Local Education Agency: Eureka City Schools District  
Address: 2100 J St.  
Eureka, CA 95501 |
| Start: 7/1/2015  
End: 3/1/2016 |
| Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date: |
| Waiver Topic: State Testing Apportionment Report  
Ed Code Title: CAASPP  
Ed Code Section: 862(b)(2)(A)  
Ed Code Authority: 33050 |
| Ed Code or CCR to Waive: Section 862(b)(2)(A)...postmarked by March 1.... |
| Outcome Rationale: The initial CAASPP Apportionment report provided to Eureka City Schools (ECS) was incorrect. The review, correction and submission of the revised report could not be made prior to March 1, 2016 deadline. It is important to ECS that all available revenue sources, including CAASPP apportionment be collected. These funds will be used to support the district goals specified in the 2015-2016 Local Control Accountability Plan. |
| Student Population: 3734 |
| City Type: Rural |
| Public Hearing Date: 4/21/2016  
Public Hearing Advertised: It was sent to all the school sites and posted at the district office. |
| Local Board Approval Date: 4/21/2016 |
| Community Council Reviewed By: Eureka City Schools Cabinet  
Community Council Reviewed Date: 4/6/2016  
Community Council Objection: N  
Community Council Objection Explanation: |
| Audit Penalty YN: N |
| Categorical Program Monitoring: N |
Submitted by: Mr. Michael Davies-Hughes
Position: Assistant Superintendent, Educational Services
E-mail: davieshughesm@eurekacityschools.org
Telephone: 707-441-3363
Fax: 707-441-3338

Bargaining Unit Date: 4/29/2016
Name: Teacher’s Association
Representative: David Demant
Title: President
Position: No comments or objections
Comments:
California Department of Education
WAIVER SUBMISSION - General

CD Code: 4870540  Waiver Number: 12-4-2016  Active Year: 2016

Date In: 4/15/2016 2:13:38 PM

Local Education Agency: Fairfield-Suisun Unified School District
Address: 2490 Hilborn Rd.
Fairfield, CA 94534

Start: 7/1/2015  End: 3/1/2016

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAASPP
Ed Code Section: 862(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CAASPP – CCR, Title 5, [Section 862(b)(2)(A) …postmarked by March 1…]

Outcome Rationale: The March 1st deadline was inadvertently missed. The Apportionment Report was submitted to CDE on March 6, 2016.

Student Population: 21,966

City Type: Suburban

Public Hearing Date: 4/14/2016
Public Hearing Advertised: FSUSD District webpage, local newspapers, local government office and post office, public display at District Office, school unions notified.

Local Board Approval Date: 4/14/2016

Community Council Reviewed By: Fairfield-Suisun USD Governing Board
Community Council Reviewed Date: 4/8/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Shelleyg Ghannam  
Position: Assessment Operations Manager  
E-mail: shelleyg@fsusd.org  
Telephone: 707-399-5102  
Fax: 707-399-5164  

Bargaining Unit Date: 03/21/2016  
Name: Fairfield Suisun Teachers Association  
Representative: Laurel Salerno-White  
Title: Union President  
Position: Neutral  
Comments:
State Testing Apportionment Information Report Waivers
Attachment 5
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4168908 Waiver Number: 23-4-2016 Active Year: 2016

Date In: 4/22/2016 3:31:06 PM

Local Education Agency: Hillsborough City Elementary School District
Address: 300 El Cerrito Ave.
Hillsborough, CA 94010

Start: 7/1/2015 End: 3/1/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAASPP
Ed Code Section: CCR Title 5 Sec.862(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: [...postmarked by March 1...]

Outcome Rationale: Due to an oversight after revised apportionment figures were received, the 2014-15 Apportionment Information Report from the district was submitted on March 4, 2016, three days past the March 1, 2016 deadline. These funds help support the administration of our CAASPP testing program which has a clear benefit to student achievement. We respectfully request a waiver/extension of the filing deadline so that we may be reimbursed for the 2014-15 testing, which did occur in a timely fashion. Thank you.

Student Population: 1497

City Type: Suburban

Public Hearing Date: 4/12/2016
Public Hearing Advertised: Information was posted at all four school sites and the District Office as required for ten days prior to hearing; it was also posted on our district website.

Local Board Approval Date: 4/12/2016

Community Council Reviewed By: School Site Councils: North School, South School, West School, and Crocker Middle School
Community Council Reviewed Date: 4/20/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Modell Andersen  
Position: Director of Educational Services  
E-mail: mma@hcsd.k12.ca.us  
Telephone: 650-548-2320  
Fax: 

Bargaining Unit Date: 04/06/2016  
Name: Hillsborough Teacher's Association  
Representative: Mary Torello  
Title: President, HTA  
Position: Support  
Comments:
CD Code: 1964832  Waiver Number: 27-4-2016  Active Year: 2016

Date In: 4/27/2016 1:23:12 PM

Local Education Agency: Newhall School District
Address: 25375 Orchard Village Rd., Ste. 200
Valencia, CA 91355

Start: 7/1/2013  End: 12/31/2013

Waiver Renewal: N  Previous Waiver Number:  
Previous SBE Approval Date:  

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Title 5, Section 11517.5 specifies that the superintendent of each school district must certify the accuracy of the apportionment information and the report must be postmarked by December 31. If postmarked after December 31, the apportionment information report must be accompanied by the State Testing Apportionment Report Waiver request as provided by Ed Code Section 33050.

Outcome Rationale: The 2013-14 CELDT Apportionment Information Report and Certification was not received prior to the December 31st deadline.

Student Population: 6845

City Type: Suburban

Public Hearing Date: 4/19/2016
Public Hearing Advertised: Posted on our district website

Local Board Approval Date: 4/19/2016

Community Council Reviewed By: We notified all School Site Councils and PTA/PTO
Community Council Reviewed Date: 4/11/2016
Community Council Objection: N  Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Sarah Johnson
Position: Coordinator Special Programs
E-mail: sjohnson@newhall.k12.ca.us
Telephone: 661-291-4179
Fax: 661-291-4001

Bargaining Unit Date: 04/11/2016
Name: Newhall Educators Support Professionals (NESP)
Representative: Ric Seal
Title: President
Position: Support
Comments:

Bargaining Unit Date: 04/11/2016
Name: Newhall Teachers Association (NTA)
Representative: Hilary Hall
Title: President
Position: Support
Comments:
CD Code: 2165409           Waiver Number: 22-3-2016           Active Year: 2016

Date In: 3/17/2016 5:42:22 PM

Local Education Agency: Nicasio School District
Address: 5555 Nicasio Valley Rd.
Nicasio, CA 94946

Start: 7/1/2015           End: 12/31/2015

Waiver Renewal: N
Previous Waiver Number:  Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: CCR Title 5 Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CELDT - CCR, Title 5, [Section 11517.5(b)(1)(A) …postmarked by December 31…]

Outcome Rationale: We have an off-site superintendent contracted to work one day per month. We were unable to obtain his signature in December. The next time we had contact was early February.

Student Population: 50

City Type: Rural

Public Hearing Date: 3/3/2016
Public Hearing Advertised: local post office and district office bulletin board

Local Board Approval Date: 3/3/2016

Community Council Reviewed By: School Board Trustees, Superintendent
Community Council Reviewed Date: 3/3/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
State Testing Apportionment Information Report Waivers
Attachment 8
Page 1 of 2

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4169005  Waiver Number: 14-2-2016  Active Year: 2016

Date In: 2/15/2016 5:11:58 PM

Local Education Agency: Redwood City Elementary School District
Address: 750 Bradford St.
Redwood City, CA 94063

Start: 7/1/2014  End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number:       Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: The California Department of Education, under Title 5, Section 11517.5 of the California Code of Regulations specifies that each school district shall receive an Apportionment Information Report that shall include the number of pupils assessed with the CELDT

CELDT – CCR, Title 5, [Section 11517.5(b)(1)(A) …postmarked by December 31…] 

Outcome Rationale: This year Redwood City School District did not meet the certification deadline of December 31, 2015 for the 2014-15 CELDT Apportionment due to a Federal Program Review. The email sent was missed by personnel.

Student Population: 4

City Type: Urban

Public Hearing Date: 2/10/2016
Public Hearing Advertised: There was one full week of notice for hearing on the Redwood City District webpage as well as agenda posted at each school and District Office

Local Board Approval Date: 2/10/2015

Community Council Reviewed By: Superintendent agreed to the waiver request. School Board approved request for waiver
Community Council Reviewed Date: 2/10/2016
Community Council Objection: N
Community Council Objection Explanation: 

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Dr. Linda Montes
Position: Executive Director of Education Services
E-mail: lmontes@rcsdk8.net
Telephone: 650-423-2252
Fax:

Bargaining Unit Date: 03/01/2016
Name: Redwood City Teachers Association
Representative: Bret Baird
Title: President
Position: Support
Comments:
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 a determination of funding request regarding nonclassroom-based instruction.

Glenn County Office of Education 27–3–2016

SUMMARY OF THE ISSUES

Two local educational agencies (LEAs) are requesting, on behalf of their 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 school to request a non-prospective nonclassroom-based funding determination for their respective funding period.

Each of the 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
Approval with conditions
Denial

The California Department of Education (CDE) recommends that the SBE approve the requests by the two LEAs 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 identified in Attachment 1 submitted a determination of funding request after the required deadline, thereby making the request retroactive.

Demographic Information:

Chawanakee Unified School District is requesting a waiver for Chawanakee Academy Charter (Charter #1763), which serves a student population of 122 and is located in a rural area in Madera County.

Glenn County Office of Education is requesting a waiver for William Finch (Charter #0634), which serves a student population of 80 and is located in a small city in Glenn County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a), 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 similar waiver requests regarding retroactive funding determination requests for charter schools that offer nonclassroom-based instruction.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver request 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: Chawanakee Unified School District General Waiver Request 24–4–2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Glenn County Office of Education General Waiver Request 27–3–2016 (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>
</tr>
</thead>
<tbody>
<tr>
<td>24-4-2016</td>
<td>Chawanakee Unified School District</td>
<td>Chawanakee Academy Charter</td>
<td>2015–16</td>
<td><strong>Requested:</strong> July 1, 2015 to June 30, 2016</td>
<td>4/12/2016</td>
<td>Posted on district website, district office and all school sites</td>
<td>School District Governing Board 4/12/2016 No objections</td>
</tr>
<tr>
<td>27-3-2016</td>
<td>Glenn County Office of Education</td>
<td>William Finch</td>
<td>2004–05</td>
<td><strong>Requested:</strong> July 1, 2014 to June 30, 2016</td>
<td>3/16/2016</td>
<td>Posted at school site and other Glenn County sites</td>
<td>Glenn County Governing Board 3/16/2016 No objections</td>
</tr>
</tbody>
</table>
California Department of Education
WAIVER SUBMISSION - General

CD Code: 2075606                Waiver Number: 24-4-2016                Active Year: 2016

Date In: 4/25/2016 2:51:00 PM

Local Education Agency: Chawanakee Unified School District
Address: 33030 Road 228
North Fork, CA 93643


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(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: The Charter will be in compliance of statute but missed the submission deadline.

5 CCR 11963.6(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school's actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.

Outcome Rationale: The approval of the charter occurred after the start of school. There was confusion as to whether or not the charter would need to file the funding determination given that the approval wasn't in place at the start of the year.

Student Population: 122

City Type: Rural

Public Hearing Date: 4/12/2016
Public Hearing Advertised: District Website. Posted, all school sites, district office.

Local Board Approval Date: 4/12/2016

Community Council Reviewed By: School Board
Community Council Reviewed Date: 4/12/2016
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Patrick Jensen
Position: Business Manager
E-mail: piensen@mychawanakee.org
Telephone: 559-877-6209 x211
CD Code: 1110116  Waiver Number: 27-3-2016  Active Year: 2016

Date In: 3/22/2016 4:15:52 PM

Local Education Agency: Glenn County Office of Education
Address: 311 South Villa Ave.
Willows, CA 95988


Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: CCR, Title 5, Section 11963.6(c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: September 19, 2014 Determination of funding requests for nonclassroom-based charter schools for fiscal year 2014-15

Continuing NCB charter schools with a determination of funding that expires at the end of FY 2014-15 must submit a determination of funding request to the CDE on or before [February 1, 2015]

Outcome Rationale: There was turnover in administration that led to the Nonclassroom-Based Funding Determination Form not being submitted by the deadline. We request that the deadline be removed so that the funding request may be submitted as it is now completed.

Student Population: 80

City Type: Small

Public Hearing Date: 3/16/2016
Public Hearing Advertised: Posted as part of the board meeting agenda at William Finch and other Glenn County sites

Local Board Approval Date: 3/16/2016

Community Council Reviewed By: The Glenn County Board of Education
Community Council Reviewed Date: 3/16/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Specific Waiver

REQUEST BY THREE LOCAL EDUCATIONAL AGENCIES UNDER THE AUTHORITY OF CALIFORNIA EDUCATION CODE SECTION 56101 AND CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3100, TO WAIVE EDUCATION CODE SECTION 56362(c). APPROVAL OF THIS WAIVER WILL ALLOW THE RESOURCE SPECIALISTS TO EXCEED THE MAXIMUM CASELOAD OF 28 STUDENTS BY NO MORE THAN FOUR STUDENTS (32 MAXIMUM).

WAIIVER NUMBERS: CHICO UNIFIED SCHOOL DISTRICT 19-2-2016
PACIFICA SCHOOL DISTRICT 2-4-2016
PACIFICA SCHOOL DISTRICT 3-4-2016
PACIFICA SCHOOL DISTRICT 4-4-2016
POWAY UNIFIED SCHOOL DISTRICT 4-3-2016
POWAY UNIFIED SCHOOL DISTRICT 19-4-2016
POWAY UNIFIED SCHOOL DISTRICT 20-4-2016

SUMMARY OF THE ISSUE(S)

The local educational agencies (LEAs) request to increase the caseload of resource specialists from the maximum allowed caseload of 28 students to 32 students.

AUTHORITY FOR WAIVER: EDUCATION CODE (EC) SECTION 56101

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: the district(s) must provide each resource specialist instructional aide time of at least five hours daily whenever the resource specialists' caseloads exceed the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per California Code of Regulations, Title 5 (5 CCR), Section 3100(d)(2).

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs (IEP) that are with regular education teachers for the majority of the school day. Resource specialists coordinate special
education services with general education programs for his or her students.

Before recommending approval, the CDE reviews the information provided in the waiver for compliance with 5 CCR, Section 3100, which includes the requirement that the waiver does not result in the same resource specialist having a caseload in excess of the statutory maximum for more than two years; that the waiver was agreed to by the affected resource specialist and; that the bargaining unit, if any, had participated in the development of the waiver. The existing complaint database is also examined for the district’s caseload waiver history. The Special Education Division follows up on any allegations of noncompliance with 5 CCR, Section 3100.

The Chico Unified School District requests to increase the caseload of Diane Ippisch, resource specialist teacher at Bidwell Junior High School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students, but no more than 32 students maximum. The teacher agreed to the waiver, and will receive five hours per day of instructional aide time.

The Pacifica School District (PSD) (2-4-2016) requests to increase the caseload of Michael Bobrowicz, resource specialist teacher at Vallemar School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive eight hours per day of instructional aide time.

The PSD (3-4-2016) requests to increase the caseload of Natalie Abinante, resource specialist teacher at Ocean Shore School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive seven hours per day of instructional aide time.

The PSD (4-4-2016) requests to increase the caseload of Janet Nelles, resource specialist teacher at Cabrillo Elementary School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive five hours per day of instructional aide time.

The Poway Unified School District (PUSD) (4-3-2016) requests to increase the caseload of Patricia Hough resource specialist teacher at Sundance Elementary School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive 30 hours per week of instructional aide time.

The PUSD (19-4-2016) requests to increase the caseload of Barbara Barker, resource specialist teacher at Canyon View Elementary School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the
CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive 30 hours per week of instructional aide time.

The PUSD (20-4-2016) requests to increase the caseload of Holly Mehaffie, resource specialist teacher at Canyon View Elementary School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive 30 hours per week of instructional aide time.

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

EC Section 56101 allows the State Board of Education (SBE) to waive any provision of EC or regulation if the waiver is necessary or beneficial when implementing a student IEP. Title 5 CCR specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1. The requesting agency demonstrates to the satisfaction of the SBE: (a) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (b) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

2. The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3. The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their IEPs.

4. The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs, participated in the waiver's development.

5. The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (a) the resource specialist's pupil contact time and other assigned duties; and (b) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives several waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.
FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Resource Specialist Program Summary Table (3 pages)

Attachment 2: Chico Unified School District Specific Waiver Request 19-2-2016 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Pacifica School District Specific Waiver Request 2-4-2016 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Pacifica School District Specific Waiver Request 3-4-2016 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Pacifica School District Specific Waiver Request 4-4-2016 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Poway School District Specific Waiver Request 4-3-2016 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Poway School District Specific Waiver Request 19-4-2016 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Poway School District Specific Waiver Request 20-4-2016 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)
# Resource Specialist Program Summary Table

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School District, School</th>
<th>Name of Teachers, Agrees to Excess Caseload?</th>
<th>Over Statutory Caseload for More Than Two Years?</th>
<th>Current Aide Time, Aide Time With Approved Waiver</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit, Representative, Consulted, Date, and Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-2-2016</td>
<td>Chico Unified School District, Bidwell Junior High School</td>
<td>Diane Ippisch</td>
<td>Yes</td>
<td>No</td>
<td>Current: 5 hours per day</td>
<td>Student Population: 572</td>
<td>Requested: January 4, 2016 to June 2, 2016</td>
<td>February 17, 2016</td>
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<td></td>
<td></td>
<td>Yes</td>
<td>If Approved: 5 hours per day</td>
<td>Current: 5 hours per day</td>
<td>If Approved: 8 hours per day</td>
<td>Area: Urban</td>
<td>Recommended: January 4, 2016 to June 2, 2016</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Area: Urban</td>
<td>Count: Butte</td>
<td></td>
<td>County: Butte</td>
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Revised: 7/8/2016 2:01 PM
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<tr>
<th>Waiver Number</th>
<th>School District, School</th>
<th>Name of Teachers, Agrees to Excess Caseload?</th>
<th>Over Statutory Caseload for More Than Two Years?</th>
<th>Current Aide Time, Aide Time With Approved Waiver</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit, Representative, Consulted, Date, and Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-4-2016</td>
<td>Pacifica School District, Ocean Shore School</td>
<td>Natalie Abinante</td>
<td>Yes</td>
<td>No</td>
<td>Current: 5 hours per day If Approved: 7 hours per day</td>
<td>Student Population: 3,247 Area: Small County: San Mateo</td>
<td>Requested: December 17, 2015 to June 16, 2016 Recommended: December 17, 2015 to June 16, 2016</td>
<td>March 2, 2016</td>
</tr>
<tr>
<td>4-4-2016</td>
<td>Pacifica School District, Cabrillo Elementary School</td>
<td>Janet Nelles</td>
<td>Yes</td>
<td>No</td>
<td>Current: 5 hours per day If Approved: 5 hours per day</td>
<td>Student Population: 3,247 Area: Small County: San Mateo</td>
<td>Requested: August 26, 2015 to June 16, 2016 Recommended: August 26, 2015 to June 16, 2016</td>
<td>March 2, 2016</td>
</tr>
<tr>
<td>4-3-2016</td>
<td>Poway Unified School District, Sundance Elementary School</td>
<td>Patricia Hough</td>
<td>Yes</td>
<td>No</td>
<td>Current: 25 hours per week If Approved: 30 hours per week</td>
<td>Student Population: 35,481 Area: Suburban County: San Diego</td>
<td>Requested: February 9, 2016 to June 9, 2016 Recommended: February 9, 2016 to June 9, 2016</td>
<td>February 9, 2016</td>
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<tr>
<td>Waiver Number</td>
<td>School District, School</td>
<td>Name of Teachers, Agrees to Excess Caseload?</td>
<td>Over Statutory Caseload for More Than Two Years?</td>
<td>Current Aide Time, Aide Time With Approved Waiver</td>
<td>Demographics</td>
<td>Period of Request</td>
<td>Local Board Approval Date</td>
<td>Bargaining Unit, Representative, Consulted, Date, and Position</td>
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</table>
| 19-4-2016     | Poway Unified School District, Canyon View Elementary School | Barbara Barker Yes | No | **Current:** 25 hours per week  
**If Approved:** 30 hours per week | **Student Population:** 35,481  
**Area:** Suburban  
**County:** San Diego | **Requested:** April 5, 2016 to June 9, 2016  
**Recommended:** April 5, 2016 to June 9, 2016 | April 5, 2016 | Poway Federation of Teachers, Candy Smiley President 03/14/2016 Neutral |
| 20-4-2016     | Poway Unified School District, Canyon View Elementary School | Holly Mehaffie Yes | No | **Current:** 25 hours per week  
**If Approved:** 30 hours per week | **Student Population:** 35,481  
**Area:** Suburban  
**County:** San Diego | **Requested:** April 5, 2016 to June 9, 2016  
**Recommended:** April 5, 2016 to June 9, 2016 | April 5, 2016 | Poway Federation of Teachers, Candy Smiley President 03/14/2016 Neutral |
California Department of Education  
WAIVER SUBMISSION - Specific

CD Code: 0461424  Waiver Number: 19-2-2016  Active Year: 2016

Date In: 2/19/2016 1:59:43 PM

Local Education Agency: Chico Unified School District  
Address: 1163 East Seventh St.  
Chico, CA 95928


Waiver Renewal: N  
Previous Waiver Number:  
Previous SBE Approval Date:  

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: No resource specialist shall have a caseload which exceeds 28 pupils.

Outcome Rationale: Even with an increase in Resource Specialist time at BJHS this year (from 1.0 to 1.5 FTE), the increase of newly enrolled students moving into the district has exceeded caseload capacity. The district is trying to keep students enrolled at their home school rather than move them to other district schools during the middle of the school-year.

Student Population: 572  
City Type: Urban

Local Board Approval Date: 2/17/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Olsen  
Position: Coordinator - Special Education
E-mail: dolsen@chicousd.org
Telephone: 530-891-3000 x160
Fax:

Bargaining Unit Date: 01/14/2016
Name: Chico Unified Teacher Association
Representative: Kevin Moretti
Title: President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name:  Butte County / Chico Unified S.D. / Butte County

2. Name of Resource Specialist*:  Diane Ippisch


4. Status:  Permanent _X___  Probation ____  Temporary ___

5. Number of students 28_____ (Caseload) proposed number of students 32___

6. Full time Equivalent (FTE%):  1.0____

7. Number of periods or hours taught by Resource Specialist:  Periods 4___  Hours 3.33___

8. Average number of students per hour taught:  0 – 15 (Bidwell is an inclusion/push-in model)

9. Indicate amount of Instructional Aide time:  0__ (hours) to be provided to this resource specialist with this waiver. Teacher will be provided additional teacher time (from 1.0 to 1.2FTE or 6/5ths RSP assignment)
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).

10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

   After considerations of adding an additional .2 teacher or additional aide time, it was decided in collaboration with Teacher (Diane Ippisch), that an increase of her contract from 1.0 to 1.2 or 6/5ths time would meet the needs of the additional student caseload.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

   Even with an increase in resource specialist time at BJHS this year (from 1.0 to 1.5), the increase of newly enrolled students moving into the district has exceeded caseload capacity. The district is trying to keep students enrolled at their home school rather than move them to other district schools.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

The district is in the process of restructuring the elementary and junior high school grades. This restructuring includes an analysis of special ed student enrollment and adjusting teacher FTEs to meet these needs.

Administrator/Designee Name and Title:  Diane Olsen – Coordinator of Special Education
Telephone number (and extension):  (530)891-3000 ext 156

Date:  1/14/2016

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: __Diane Ippisch_
Assigned at: ___Bidwell Junior High School

1. Is the information in Items 1 – 12 on the attached SW __RSC__ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   ☑ Yes  ☐ No

If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain: Yes, I can complete paperwork and assessing students after school and on weekends.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:
   Yes, I work additional hours over contract hours.

4. _EC_ Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per _CCR_, Title 5, Section 3100. Regulations allow your agency to request a waiver of the _EC_, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box:
   ☑ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.
   ☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☒ I did not have a student caseload of more than 28 during the last school year.

☐ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No ___
(b) Specify which months / weeks you were over caseload: From ____ to ____
(c) Other pertinent information: _____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: _5___ hours (prior to increased caseload).

7. Any additional Aide time with this waiver? _5___ total hours after increase.

Instead of increased aide time the district and affected teacher have collaborated to determine that increasing her work schedule from 1.0 FTE to 1.2 FTE (6/5ths assignment) will meet the needs of students in this setting.

_Date: 1/14/16_

_DI__ I hereby certify that the information provided on this application is true and correct (please initial).

Telephone number (and extension): _891-3080 ext 301_
California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4168932          Waiver Number: 2-4-2016          Active Year: 2016

Date In: 4/1/2016 11:09:18 AM

Local Education Agency: Pacifica School District
Address: 375 Reina del Mar Ave.
Pacifica, CA 94044

Start: 2/2/2016           End: 6/16/2016

Waiver Renewal: Y
Previous Waiver Number: 11-5-2015-W-03       Previous SBE Approval Date: 9/02/2015

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: No Resource Specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: The Resource Specialists caseload will increase to over 28 during the school year.

Student Population: 3247

City Type: Small

Local Board Approval Date: 3/2/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ray Avila
Position: Associate Superintendent
E-mail: ravila@pacificasd.org
Telephone: 650-738-6627
Fax:

Bargaining Unit Date: 02/03/2016
Name: Laguna Salada Education Association
Representative: Meghann Elsbernd
Title: LSEA President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: San Mateo County/Pacifica School District
2. Name of Resource Specialist*: Michael Bobrowicz
3. School / District Assignment: Vallemar/Pacifica
4. Status: Permanent XX Probation ____ Temporary ___
5. Number of students 28 (Caseload) proposed number of students 32
6. Full time Equivalent (FTE%): 1.0
7. Number of periods or hours taught by Resource Specialist: Periods ____ Hours 6.5
8. Average number of students per hour taught: 6-10 per hour
9. Indicate amount of Instructional Aide time: 8 (hours) to be provided to this resource specialist with this waiver. 
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).
10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

   Allocation of staff and resources are sufficient to meet the IEP needs

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

   Unexpected caseload exceeding 28 at this time of the school year.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

   If RSP caseload exceeds 28 by the time waiver expires, there will be an increase of RSP support allocated to this specific school site.

Administrator/Designee Name and Title: Ray Avila, Ed.D., Associate Superintendent

Telephone number (and extension): 650-738-6627

Date: 2/8/2016

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Michael Bobrowicz
Assigned at: Vallemar School

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   ☑ Yes ☐ No

If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

   Delivery of services, case management, etc. with expanded caseload will be accomplished by realigned scheduling, one student increases in group size (e.g. from three to four students in a group), adjustments to instructional strategies. Curriculum levels taught during any one session are not increasing, nor is age span.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes. Other assigned duties decreased to allow sufficient student contact time. Additions to caseload fit into existing groups based on age, academic situation, IEP goals so there is no incremental preparation time involved. Classroom has sufficient materials/supplies (books, technology access, etc.) to accommodate caseload increase.

4. **EC Section 56362(c)** states that no resource specialist shall have a caseload which exceeds 28 students, per **CCR**, Title 5, Section 3100. Regulations allow your agency to request a waiver of the **EC**, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box:

   ☑ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

   ☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☐ I did not have a student caseload of more than 28 during the last school year.

☒ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ☒ No ___
(b) Specify which months / weeks you were over caseload: From 3/27/2015 to 6/17/2015
(c) Other pertinent information: _____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 5 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 3 total hours after increase.

/mb I hereby certify that the information provided on this application is true and correct (please initial).

Date: 2/8/2016

Telephone number (and extension): 650-738-6655
CD Code: 4168932  Waiver Number: 3-4-2016  Active Year: 2016

Date In: 4/1/2016 11:21:13 AM

Local Education Agency: Pacifica School District
Address: 375 Reina del Mar Ave.
Pacifica, CA 94044


Waiver Renewal: Y
Previous Waiver Number: 13-5-2015-W-03       Previous SBE Approval Date: 9/02/2015

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: No Resource Specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: The Resource Specialists caseload will increase to over 29 during the school year.

Student Population: 3247

City Type: Small

Local Board Approval Date: 3/2/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ray Avila
Position: Associate Superintendent
E-mail: ravila@pacificasd.org
Telephone: 650-738-6627
Fax:

Bargaining Unit Date: 02/03/2016
Name: Laguna Salada Education Association
Representative: Meghann Elsbernd
Title: LSEA President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: San Mateo County/Pacifica School District
2. Name of Resource Specialist*: Natalie Abinante
3. School / District Assignment: Ocean Shore/Pacifica
4. Status: Permanent ___ Probation XX Temporary ___
5. Number of students 28 (Caseload) proposed number of students 32
6. Full time Equivalent (FTE%): 1.0
7. Number of periods or hours taught by Resource Specialist: Periods ____ Hours 6.5
8. Average number of students per hour taught: 6-10 per hour
9. Indicate amount of Instructional Aide time: 7 (hours) to be provided to this resource specialist with this waiver.
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).
10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):
   Allocation of staff and resources are sufficient to meet the IEP needs
11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):
   Unexpected caseload exceeding 28 at this time of the school year.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):
   If RSP caseload exceeds 28 by the time waiver expires, there will be an increase of RSP support allocated to this specific school site.

Administrator/Designee Name and Title: Ray Avila, Ed.D, Associate Superintendent

Telephone number (and extension): 650-738-6627
Date: 2/8/2016

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Natalie Abinante
Assigned at: Ocean Shore School

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   ☒ Yes  ☐ No

   If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

   Delivery of services, case management, etc. with expanded caseload will be accomplished by realigned scheduling, one student increases in group size (e.g. from three to four students in a group), adjustments to instructional strategies. Curriculum levels taught during any one session are not increasing, nor is age span.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes. Other assigned duties decreased to allow sufficient student contact time. Additions to caseload fit into existing groups based on age, academic situation, IEP goals so there is no incremental preparation time involved. Classroom has sufficient materials/supplies (books, technology access, etc.) to accommodate caseload increase.

4. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100. Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box:

   ☒ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

   ☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☐ I did not have a student caseload of more than 28 during the last school year.

☒ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

   (a) Did you have an approved waiver for this caseload? Yes ☒ No

   (b) Specify which months / weeks you were over caseload: From 3/2/2015 to 6/17/2015

   (c) Other pertinent information: _____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 5 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 2 total hours after increase.

/na I hereby certify that the information provided on this application is true and correct (please initial).

Date: 2/8/2016

Telephone number (and extension): 650-738-6650
CALIFORNIA DEPARTMENT OF EDUCATION
WAIVER SUBMISSION - SPECIFIC

CD Code: 4168932  Waiver Number: 4-4-2016  Active Year: 2016

Date In: 4/1/2016 11:50:27 AM

Local Education Agency: Pacifica School District
Address: 375 Reina del Mar Ave.
Pacifica, CA 94044


Waiver Renewal: N
Previous Waiver Number: 
Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: No Resource Specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: The Resource Specialists caseload will increase to over 28 during the school year.

Student Population: 3247

City Type: Small

Local Board Approval Date: 3/2/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ray Avila
Position: Associate Superintendent
E-mail: ravila@pacificasd.org
Telephone: 650-738-6627
Fax:

Bargaining Unit Date: 02/03/2016
Name: Laguna Salada Education Association
Representative: Meghann Elsbernd
Title: LSEA President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: San Mateo County/Pacifica School District
2. Name of Resource Specialist*: Janet Nelles
3. School / District Assignment: Cabrillo/Pacifica
4. Status: Permanent XX Probation ___ Temporary ___
5. Number of students 28 (Caseload) proposed number of students 32
6. Full time Equivalent (FTE%): 1.0
7. Number of periods or hours taught by Resource Specialist: Periods ____ Hours 6.5
8. Average number of students per hour taught: 6-10 per hour
9. Indicate amount of Instructional Aide time: 5 (hours) to be provided to this resource specialist with this waiver.
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).
10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

   Allocation of staff and resources are sufficient to meet the IEP needs

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

   Unexpected caseload exceeding 28 at this time of the school year.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

   If RSP caseload exceeds 28 by the time waiver expires, there will be an increase of RSP support allocated to this specific school site.

Administrator/Designee Name and Title: Ray Avila, Ed.D., Associate Superintendent
Telephone number (and extension): 650-738-6627
Date: February 8, 2016

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Janet Nelles
Assigned at: Cabrillo School

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   ☑ Yes   ☐ No
   If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

   Delivery of services, case management, etc. with expanded caseload will be accomplished by realigned scheduling, one student increases in group size (e.g. from three to four students in a group), adjustments to instructional strategies. Curriculum levels taught during any one session are not increasing, nor is age span.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes. Other assigned duties decreased to allow sufficient student contact time. Additions to caseload fit into existing groups based on age, academic situation, IEP goals so there is no incremental preparation time involved. Classroom has sufficient materials/supplies (books, technology access, etc.) to accommodate caseload increase.

4. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100. Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box:
   ☑ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.
   ☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☐ I did not have a student caseload of more than 28 during the last school year.

☒ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ☒ No ☐
(b) Specify which months / weeks you were over caseload: From 3/2/2015 to 6/17/2015
(c) Other pertinent information: ____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 5 hours (prior to increased caseload). Sub release time provided (2 days per week) for assessments and report writing through April 8, 2016. The need for more time from that date will be revisited.

7. Any additional Aide time with this waiver? No

/ln I hereby certify that the information provided on this application is true and correct (please initial).

Date: 2/8/2016

Telephone number (and extension): 650-738-6660
CD Code: 3768296  Waiver Number: 4-3-2016  Active Year: 2016

Date In: 3/3/2016 10:06:44 AM

Local Education Agency: Poway Unified School District
Address: 15250 Avenue of Science
San Diego, CA 92128


Waiver Renewal: N  Previous Waiver Number: 
Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: The waiver request may be up to but no more than 4 students above the statutory caseload (32 students).

Outcome Rationale: This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for student on "monitor only" which in our district means all services are provided within the general education classrooms - their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

Student Population: 32 (The LEA interpreted Student Population as the RSP caseload. The LEA’s student population is 35,481)

City Type: Suburban

Local Board Approval Date: 2/9/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Purcell
Position: Director of Special Education
E-mail: kpurcell@powayusd.com
Telephone: 858-521-2800 x2824
Fax: 858-485-1501
Bargaining Unit Date: 01/07/2016
Name: Poway Federation of Teachers
Representative: Candy Smiley
Title: President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name:  _Poway Unified___

2. Name of Resource Specialist*:  _Patricia Hough___

3. School / District Assignment:  _Sundance Elementary School___

4. Status:  Permanent _____  Probation _X___  Temporary ___

5. Number of students __29___  (Caseload) proposed number of students _32___

6. Full time Equivalent (FTE%):  _1.0___

7. Number of periods or hours taught by Resource Specialist:  Periods _____  Hours  _6___

8. Average number of students per hour taught:  ___6____

9. Indicate amount of Instructional Aide time: __6_ (hours) to be provided to this resource specialist with this waiver.
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).

10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

    This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for students on “monitor only” which in our district means all services are provided within the general education classrooms – their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

    During the current year, budget reductions were necessary to balance the District’s situation and increasing costs of staffing from the general fund was not an option.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

At expiration of this waiver, staffing readjustments will be placed for the onset of the 2016-2017 school year.

Administrator/Designee Name and Title: Kathy Purcell, Director of Special Education

Telephone number (and extension): (858) 521-2800 Ext. 2824

Date: January 7, 2015

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Patricia G. Hough
Assigned at: SDES-065

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   ☑ Yes ☐ No

   If not, please state where you believe these facts or numbers differ:


2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

   Yes. A detailed schedule has been established to meet the specific needs of each individual.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes, I have been doing this since October.

4. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100. Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box:

   ☑ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

   ☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☒ I did not have a student caseload of more than 28 during the last school year.

☐ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No ____
(b) Specify which months / weeks you were over caseload: From _____ to _____
(c) Other pertinent information: ____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 25 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 30 total hours after increase.

___PH___ I hereby certify that the information provided on this application is true and correct (please initial).

Date: 01/14/2016

Telephone number (and extension): (858) 484-2950 x 3101
CD Code: 3768296  Waiver Number: 19-4-2016  Active Year: 2016

Date In: 4/21/2016 12:04:21 PM

Local Education Agency: Poway Unified School District  
Address: 15250 Avenue of Science  
San Diego, CA 92128


Waiver Renewal: N  Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Special Education Program  
Ed Code Title: Resource Teacher Caseload  
Ed Code Section: 56362(c)  
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: The waiver request may be up to but no more than 4 students above the statutory caseload (32 students).

Outcome Rationale: This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for student on "monitor only" which in our district means all services are provided within the general education classrooms - their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

Student Population: 32 (The LEA interpreted Student Population as the RSP caseload. The LEA’s student population is 35,481)

City Type: Suburban

Local Board Approval Date: 4/5/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Purcell  
Position: Director of Special Education  
E-mail: kpurcell@powayusd.com  
Telephone: 858-521-2800 x2824  
Fax: 858-485-1501
Bargaining Unit Date: 03/14/2016
Name: Poway Federation of Teachers
Representative: Candy Smiley
Title: President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name:  _Poway Unified___

2. Name of Resource Specialist*:  _Barbara Barker___

3. School / District Assignment:  _Canyon View Elementary School___

4. Status:  Permanent __X__ Probation ____ Temporary ___

5. Number of students __32___ (Caseload) proposed number of students ____

6. Full time Equivalent (FTE%):  _1.0____

7. Number of periods or hours taught by Resource Specialist:  Periods ____ Hours _5___

8. Average number of students per hour taught:  ____6____

9. Indicate amount of Instructional Aide time:  __5_ (hours) to be provided to this resource specialist with this waiver.

   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).

10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

    This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for students on “monitor only” which in our district means all services are provided within the general education classrooms – their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

    During the current year, budget reductions were necessary to balance the District’s situation and increasing costs of staffing from the general fund was not an option.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

At expiration of this waiver, staffing readjustments will be placed for the onset of the 2016-2017 school year.

Administrator/Designee Name and Title: Kathy Purcell, Director of Special Education

Telephone number (and extension): (858) 521-2800 Ext. 2824

Date: March 14, 2016

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Barbara Barker
Assigned at: Canyon View Elementary School

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
☑ Yes ☐ No

If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

Yes. This waiver will not hinder the implementation of student services as outlined in their individualized education plan. I will be receiving additional instructional assistant support during the duration of this waiver.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes. This waiver will not hinder the implementation of student services as outlined in their individualized education plan. I will be receiving additional instructional assistant support during the duration of this waiver.

4. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100. Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box:

☑ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☒ I did not have a student caseload of more than 28 during the last school year.

☐ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No ____
(b) Specify which months / weeks you were over caseload: From ______ to _______
(c) Other pertinent information:

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 25 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 5 total hours after increase. (Instructional aide time is a total of 30 hours per week with the waiver.)

BB I hereby certify that the information provided on this application is true and correct (please initial).

Date: 3/17/16

Telephone number (and extension): (858) 484-0981 x3106
CD Code: 3768296 Waiver Number: 20-4-2016 Active Year: 2016

Date In: 4/21/2016 12:44:22 PM

Local Education Agency: Poway Unified School District
Address: 15250 Avenue of Science
San Diego, CA 92128


Waiver Renewal: N Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: The waiver request may be up to but no more than 4 students above the statutory caseload (32 students).

Outcome Rationale: This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for student on "monitor only" which in our district means all services are provided within the general education classrooms - their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

Student Population: 32 (The LEA interpreted Student Population as the RSP caseload. The LEA’s student population is 35,481)

City Type: Suburban

Local Board Approval Date: 4/5/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Purcell
Position: Director of Special Education
E-mail: kpurcell@powayusd.com
Telephone: 858-521-2800 x2824
Fax: 858-485-1501
Bargaining Unit Date: 03/14/2016
Name: Poway Federation of Teachers
Representative: Candy Smiley
Title: President
Position: Neutral
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD  
To be completed by the ADMINISTRATOR 

1. SELPA / District / COE Name:  _Poway Unified___  
2. Name of Resource Specialist*:  _Holly Mehaffie___  
3. School / District Assignment:  _Canyon View Elementary School___  
4. Status:  Permanent __X__  Probation ____  Temporary ___  
5. Number of students __32___  (Caseload) proposed number of students ____  
6. Full time Equivalent (FTE%):  _1.0____  
7. Number of periods or hours taught by Resource Specialist:  Periods ____  Hours _5___  
8. Average number of students per hour taught:  _6____  
9. Indicate amount of Instructional Aide time:  __5_ (hours) to be provided to this resource specialist with this waiver.  
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).  
10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):  
   This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for students on “monitor only” which in our district means all services are provided within the general education classrooms – their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.  
11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):  
   During the current year, budget reductions were necessary to balance the District’s situation and increasing costs of staffing from the general fund was not an option.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

At expiration of this waiver, staffing readjustments will be placed for the onset of the 2016-2017 school year.

Administrator/Designee Name and Title: Kathy Purcell, Director of Special Education

Telephone number (and extension): (858) 521-2800 Ext. 2824

Date: March 14, 2016

*Resource Specialist as defined in EC Section 56362.5
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Holly Mehaffie
Assigned at: Canyon View Elementary School

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   Yes ☒ No ☐
   If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:
   Yes. This waiver will not hinder the implementation of student services as outlined in their individualized education plan. I will be receiving additional instructional assistant support during the duration of this waiver.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:
   Yes. This waiver will not hinder the implementation of student services as outlined in their individualized education plan. I will be receiving additional instructional assistant support during the duration of this waiver.

4. *EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box:
   ☒ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.
   ☐ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

☐ I did not have a student caseload of more than 28 during the last school year.

☒ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No _X_

(b) Specify which months / weeks you were over caseload: From March 2015 to June 2015

(c) Other pertinent information: I received additional support via substitute coverage, one day a week, from May 2015 to June 2015

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: 25 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 5 total hours after increase.

HM I hereby certify that the information provided on this application is true and correct (please initial).

Date: 3/28/16

Telephone number (and extension): (858) 674-6300, ext. 6736
## General Waiver

**SUBJECT**

Request by **San Luis Coastal Unified School District** to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Kathryn Robasciotti to continue to provide services to students until June 30, 2016, under a remediation plan to complete those minimum requirements.

Waiver Number: 27-2-2016

**SUMMARY OF THE ISSUES**

The State Board of Education (SBE) must determine if Kathryn Robasciotti qualifies for an educational interpreter waiver to provide educational interpreter services until June 30, 2016.

**Authority for Waiver:** *Education Code (EC)* Section 33050

**RECOMMENDATION**

- ☒ Approval
- ☒ Approval with conditions
- ☒ Denial

The California Department of Education (CDE) recommends denial of the waiver request for Kathryn Robasciotti.

**SUMMARY OF KEY ISSUES**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are Deaf or Hard of Hearing meet state-approved or state-recognized certification, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations*, Section 3051.16(b)(3) require the following:
By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a translator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

Demographic Information: The San Luis Coastal Unified School District (USD) has a student population of one Deaf student and is located in a rural area in San Luis Obispo 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.

The CDE recommends denial of this educational interpreter waiver request for the following reason:

(1) The educational needs of the pupils are not adequately addressed.

The San Luis Coastal USD is requesting a retroactive waiver for Kathryn Robasciotti, from September 25, 2015, to June 30, 2016. This interpreter was hired with no evidence of her skill level, as she was apparently the only applicant for the position in San Luis Coast USD. She took The EIPA Pre-Hire Screening on October 23, 2015, but did not receive a clear “OK to Hire recommendation. She received an “OK to Hire/Hire with Caution” recommendation. She did not sign up to take the complete EIPA or ESSE assessment in a timely manner. The waiver request notes that she signed up to take the EIPA in May 2016, but CDE has not received confirmation from the district that she actually took the assessment, and CDE does not have any complete assessment scores for the interpreter. The remediation plan that was submitted with the waiver request notes that the interpreter received monthly mentoring from a qualified interpreter. The CDE requires weekly mentoring for interpreters on waivers. The San Luis Coastal USD has not provided adequate evidence that this interpreter is working towards meeting the qualification standard, or that the district is committed to providing the interpreter with the support and professional development opportunities needed to help the interpreter achieve this goal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the SBE approved regulations that required educational interpreters to be certified by the national RID, or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the RID,
or equivalent, or to have achieved a score of 4.0 or better on specified assessment in November, 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE State Board of Education Waiver Policy for Educational Interpreters Not Meeting Regulatory Standards, Web page 2 at http://www.cde.ca.gov/re/ir/wr/documents/interpreter_000.doc

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

Attachment 1: Waiver Number, District, and Information Regarding Test Scores and Conditions (1 page)

Attachment 2: San Luis Coastal Unified School District General Waiver Request 27-2-2016 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
### List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>LEA</th>
<th>Interpreter</th>
<th>Period of Request</th>
<th>Local Board and Public Hearing Approval Date</th>
<th>Bargaining Unit, Representative(s) Consulted, Date and Position</th>
<th>Advisory Committee Consulted, Date and Position</th>
<th>Previous Waivers (Yes/No)</th>
<th>Name, Date, and Score of Most Recent Evaluation</th>
<th>Name, Dates, and Scores of Previous Evaluations</th>
<th>Date of Hire</th>
</tr>
</thead>
</table>
| 27-2-2016     | San Luis Coastal Unified School District | Kathryn Robasciotti | **Requested:** 9/25/2015 to 6/30/2016  
**Recommended:** N/A | 12/15/2015  
Advertised in the local newspaper | California School Employees Association  
Chapter 89  
Janet Crabb  
Acting President  
12/09/2015 Support | School Site Council at C.L.Smith Elementary  
12/08/2015 | No | EIPA Pre-Hire Screening  
10/23/2015  
“OK to Hire/Hire with Caution” | None | 9/25/2015 |

**Conditions (if SBE approves):**

1. The San Luis Coastal Unified School District must provide Ms. Robasciotti with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter.

2. By June 2017, the San Luis Coastal Unified School District must provide CDE with new assessment scores for Ms. Robasciotti.
Outcome Rationale: A new student enrolled in the school district with a disability designation of Deaf, Hard of Hearing. The parents chose not to enroll in the county office of education Deaf Hard of Hearing program that is approximately 15 miles away in another town. We did not have this position of Interpreter for the Deaf in the district previously. When we recruited for this position we had only one applicant, Kathryn Robasciotti. With her experience and knowledge we have hired her as a provisional appointment while continuing to recruit and request this waiver. Kathryn has not passed the IEPA, ESE or NAD but passed the Boys Town National Research Hospital Assessment on 10/23/15. She agrees to take one of these exams in May 2016.

Student Population: 1

City Type: Rural

Public Hearing Date: 12/15/2015
Public Hearing Advertised: in the local newspaper - The Tribune on 11/25/15
Local Board Approval Date: 12/15/2015

Community Council Reviewed By: School Site Council at C. L. Smith Elementary
Community Council Reviewed Date: 12/8/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Traci Moreno
Position: Personnel Assistant
E-mail: tmoreno@slcusd.org
Telephone: 805-549-1239
Fax: 805-543-7087

Bargaining Unit Date: 12/09/2015
Name: California School Employees Association Chapter 89
Representative: Janet Crabb
Title: Acting President
Position: Support
Comments:
Remediation Plan for Kathryn Robasciotti

To facilitate Kathryn Robasciotti in the successful completion of the EIPA in May 2016 the following plan is in place:

1. Research on-line sources/study guides for both the written and performance assessments.
2. Kathryn will meet with a certified interpreter at least monthly to develop her sign language skills.
3. Kathryn also works at Cuesta College teaching sign language grammar, vocabulary, etc.

Kathryn will register for the May 2016 EIPA Written and Performance tests.

Kathryn Robasciotti            Date: ____________

Joyce Hansen                   Date: ____________
Remediation Plan for Kathryn Robasciotti

To facilitate Kathryn Robasciotti in the successful completion of the EIPA in May 2016 the following plan is in place:

1. Research on-line sources/study guides for both the written and performance assessments.
2. Kathryn will meet with a certified interpreter at least monthly to develop her sign language skills.
3. Kathryn also works at Cuesta College teaching sign language grammar, vocabulary, etc.

Kathryn will register for the May 2016 EIPA Written and Performance tests.

Kathryn Robasciotti          Date Signed: 2-10-2016
Joyce Hansen               Date signed: 2-10-2016
Specific Waiver

SUBJECT
Request by Moreland School District under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100, to waive Education Code Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 1-4-2016

SUMMARY OF THE ISSUE(S)

The local educational agency (LEA) requests to increase the caseload of one resource specialist from the maximum allowed caseload of 28 students to 32 students.

Authority for Waiver: Education Code (EC) Section 56101

RECOMMENDATION

Approval with conditions

The California Department of Education (CDE) recommends approval with the following conditions: the district must provide Donna Wohltmann instructional aide time of at least five hours daily whenever the resource specialist’s caseloads exceed the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per California Code of Regulations, Title 5 (5 CCR), Section 3100(d)(2).

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs (IEP) that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for any district requesting a caseload waiver is examined. If it appears that a particular LEA is requesting large numbers of waivers, or upon complaint from an individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up.
The Moreland School District requests to increase the caseload of Donna Wohltmann, resource specialist teacher at Payne Elementary School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive 37.5 hours per week of instructional aide time.

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

*EC* Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student IEP. *Title 5 CCR* specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1. The requesting agency demonstrates to the satisfaction of the SBE: (a) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (b) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

2. The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3. The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their IEPs.

4. The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs, participated in the waiver's development.

5. The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (a) the resource specialist's pupil contact time and other assigned duties; and (b) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives several waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.
FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Resource Specialist Program Summary Table (1 page)

Attachment 2: Moreland School District Specific Waiver Request 1-4-2016 (6 pages)
(Original waiver request is signed and on file in the Waiver Office.)
<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>School District, School</th>
<th>Name of Teachers, Agrees to Excess Caseload?</th>
<th>Over Statutory Caseload for More Than Two Years?</th>
<th>Current Aide Time, Aide Time With Approved Waiver</th>
<th>Demographics</th>
<th>Period of Request</th>
<th>Local Board Approval Date</th>
<th>Bargaining Unit, Representative, Date Consulted, and Position</th>
</tr>
</thead>
</table>
| 1-4-2016      | Moreland School District, Payne Elementary School | Donna Wohltmann Yes | No | **Current:** 27.5 hours per week  
**If Approved:** 37.5 hours per week | **Student Population:** 615  
**Area:** Suburban  
**County:** Santa Clara | **Requested:** March 21, 2016 to June 10, 2016 | March 22, 2016 | Moreland Teachers Association (MTA), Paul Mack President 3/22/2016 Support 4/14/2016 Oppose (CDE contacted Paul Mack on 4/14/2016 to confirm the MTA’s position. He said he was contacted by the district about the waiver and did not object to it at that time. He now objects to the waiver because he was not informed of the teacher’s caseload being increased prior to the increase.) |

Created by California Department of Education  
May 12, 2016
CD Code: 4369575  Waiver Number: 1-4-2016  Active Year: 2016

Date In: 4/1/2016 4:55:53 PM

Local Education Agency: Moreland School District
Address: 4711 Campbell Ave.
San Jose, CA 95130


Waiver Renewal: N  Previous Waiver Number:  
Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: 56362(c)

Outcome Rationale: This year our resource needs have increased significantly as students have qualified for specialized academic instruction. Although we have attempted to hire, we've been unable to hire a qualified applicant with the appropriate credential. By providing the Payne resource specialist with an additional 10 hours of weekly instructional aide support, we all feel that she will have the necessary support to go up to 32 students on her caseload while still providing excellent instruction to her students.

Student Population: 615

City Type: Suburban

Local Board Approval Date: 3/22/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Theresa Molinelli
Position: Director
E-mail: tmolinelli@moreland.org
Telephone: 408-874-2952
Fax: 408-374-8367
Bargaining Unit Date: 03/22/2016
Name: Moreland Teachers Association
Representative: Paul Mack
Title: President
Position: Support
Comments:
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: Moreland School District
2. Name of Resource Specialist*: Donna Wohltmann
3. School / District Assignment: Payne Elementary School
4. Status: Permanent X Probation Temporary
5. Number of students 28 (Caseload) proposed number of students 32
6. Full time Equivalent (FTE%): 1.0
7. Number of periods or hours taught by Resource Specialist: Periods ____ Hours 6
8. Average number of students per hour taught: 4
9. Indicate amount of Instructional Aide time: 10 (hours) to be provided to this resource specialist with this waiver.
   Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).

10. Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

We believe that can provide a quality program which meets the requirements of each IEP. The additional instructional aide will allow for flexible coverage of our push in model.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

This year our resource needs have increased significantly as students have qualified for specialized academic instruction. We’ve been unable to hire a qualified applicant with the appropriate credential.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

We are actively recruiting for a new resource specialist for next year. We will increase our resource fte by 1.0 in Moreland next year.

Administrator/Designee Name and Title: Theresa Molinelli, Director

Telephone number (and extension): 408-874-2952

Date: 3/17/16
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Donna Wohltmann
Assigned at: Payne

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   X Yes □ No

   If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP’s? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

   I know all students will receive their stated services in a manner they are entitled to according to their IEPs as I could not do anything less than my best to support them.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   With the additional 10 hours of weekly aide support, I feel I will be able to manage the excess caseload as far as student contact time is concerned.

4. EC Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100. Regulations allow your agency to request a waiver of the EC, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box:

   X AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

   □ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:
5. Indicate a check mark in the appropriate box:

× I did not have a student caseload of more than 28 during the last school year.

☐ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No ___
(b) Specify which months / weeks you were over caseload: From _____ to _____
(c) Other pertinent information: _____

☐ I have had a student caseload of more than 28 for more than two consecutive years.

6. Instructional Aide time currently receiving: __27.5__ hours weekly (prior to increased caseload).

7. Any additional Aide time with this waiver? _37.5___ total hours weekly after increase.

___ I hereby certify that the information provided on this application is true and correct (please initial).

Date: _3/17/16___

Telephone number (and extension): __408-874-3730___
CALIFORNIA STATE BOARD OF EDUCATION
JULY 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.

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

1. SBE Draft Preliminary Report of Actions/Minutes for the May 11-12, 2016 meeting

2. Board member liaison reports

RECOMMENDATION

The SBE staff recommends that the SBE approve the Preliminary Report of Actions/Minutes for the May 11-12, 2016, 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 and Board policy review and revision; 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 May 11-12, 2016 meeting (28 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.
Pursuant to Senate Bill (SB) 1540 (Chapter 288, Statutes of 2012), the State Board of Education (SBE) is authorized to complete work on the updated History–Social Science Framework for California Public Schools (History–Social Science Framework) that was suspended in 2009. Education Code (EC) Section 60204 calls for the Instructional Quality Commission (IQC) to recommend curriculum frameworks to the SBE. On November 20, 2015, the IQC voted unanimously to recommend that the SBE adopt the draft History–Social Science Framework. The SBE must hold a public hearing before taking action on the draft History–Social Science Framework.

RECOMMENDATION

The California Department of Education (CDE) and the IQC recommend that the SBE hold a public hearing and adopt the draft History–Social Science Framework, including the additional changes recommended by the IQC on May 19, 2016. The draft History–Social Science Framework is available on the CDE History–Social Science Curriculum Framework Web page at http://www.cde.ca.gov/ci/hs/cf/.

BRIEF HISTORY OF KEY ISSUES

Framework Components

The draft History–Social Science Framework is a major revision to a document that provides guidance for implementing standards-based instruction in California classrooms. To bring this framework into alignment with other recently adopted standards and frameworks, chapters on assessment, access and equity, instructional strategies, and professional learning were added to provide further support for teachers and administrators in meeting the instructional needs of all students. The framework also contains the evaluation criteria for the next kindergarten through grade eight adoption of instructional materials.

While California’s history–social science content standards have not changed since their adoption in 1998, the framework’s narrative course descriptions were completely
rewritten to reflect recent scholarship and advances in instructional pedagogy. The draft was heavily revised to reflect the significance of California’s adoption of the *California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects* and the *California English Language Development Standards*. More than 20 detailed classroom examples were created to provide a concrete demonstration of how teachers can integrate their instruction to build students’ history–social science content and skills, literacy skills, and English language development. Considerable information on civic learning was added throughout the document, consistent with the emphases of the State Superintendent of Public Instruction’s California Task Force on K–12 Civic Learning. References to the *College, Career, and Civic Life (C3) Framework for Social Studies State Standards* were also added. Finally, language was added to reflect statutory mandates enacted since the last revision of the framework, including information about financial literacy, voter education, genocide, and the contributions of lesbian, gay, bisexual, and transgender Americans and the disabled to the history of California and the United States.

The revised draft framework reflects major contributions from various stakeholders that have an interest in shaping history–social science instruction in California schools. This revision stimulated an unprecedented volume of public comment, as noted below.

**Framework Development Process**

The revision of the *History–Social Science Framework* was in the middle of a major update in July 2009 when the Legislature passed, and the Governor signed, Assembly Bill X4 2. The law suspended all work on instructional materials adoptions and curriculum framework development until July 1, 2013. The suspension was subsequently extended by SB 70 to July 1, 2015. When the suspension took effect, the draft-revised framework had just been approved by the Curriculum Development and Supplemental Materials Commission (later renamed the IQC) for the first of two public field reviews required by the *California Code of Regulations*, Title 5 (5 CCR), Section 9515.

In 2012, SB 1540 authorized the SBE to complete work on the framework with the stipulation that the project could only resume once the new frameworks in mathematics and English language arts were completed. The new *Mathematics Framework for California Public Schools* was adopted by the SBE at its November 2013 meeting, and the new *English Language Arts/English Language Development Framework for California Public Schools* was adopted by the SBE at its July 2014 meeting.

At its meeting on September 3, 2014, the SBE approved a revised timeline and guidelines consistent with SB 1540 and provisions of the California *Education Code* and 5 CCR that govern the framework development process. Pursuant to that timeline, at its meeting on September 17–18, 2014, the IQC approved the existing draft for the first of two 60-day field reviews with edits proposed by the CDE to reflect statutory changes since the 2009 suspension. The field review survey was posted to the CDE Curriculum Frameworks History–Social Science Web page at [http://www.cde.ca.gov/ci/hs/cf/](http://www.cde.ca.gov/ci/hs/cf/) on September 22 through November 25, 2014.

During the online survey period, the CDE received more than 700 public comments from over 480 different submitters both through the field review survey and through a
dedicated e-mail inbox established to receive comments on the draft framework. The History–Social Science Subject Matter Committee (HSS SMC) met on December 18, 2014, to review the field survey results. However, due to the volume of comments, the HSS SMC elected not to take any action on the draft at that meeting.

The IQC continued work on the draft through 2015 and took additional public comment at meetings of the HSS SMC and the full IQC held on February 5–6, 2015, May 8, 2015, September 24–25, 2015, October 8–9, 2015, and November 19–20, 2015. Significant revisions were made to the draft in response to public comment, and after conducting a final public hearing, the IQC acted on November 20, 2015, to recommend the History–Social Science Framework to the SBE.

Subsequent to IQC action, the CDE posted the recommended framework for the second of two field reviews required under 5 CCR Section 9515. That second field review was conducted from December 17, 2015, through February 29, 2016. During the second field review, the CDE received over ten thousand e-mail comments and thousands of additional printed comments. Collectively those submitted comments suggested nearly a thousand additional line edits and called for significant further changes to be made to the revised draft. These comments, and all comments received from the public during this process, were provided to SBE members via a link to a CDE Box.com account. The comments were sorted by date received. These comments are available to members of the public upon request.

To assist the SBE in its deliberations, the HSS SMC met on March 24, 2016, to review the public comments received during the second field review and to determine whether to recommend to the SBE that it accept additional edits to the revised draft History–Social Science Framework. After the HSS SMC meeting, the SBE determined that the full IQC should review those recommendations at its meeting on May 19–20, 2016, and take action on the list of edits that would be recommended to the SBE. The IQC approved a majority of the edits recommended by the HSS SMC but made changes in a number of areas. In particular it rejected a number of proposed edits that would have replaced or amended references to ancient and medieval India with “South Asia” and inserted additional content on the Armenian Genocide and World War II, including clarifications to the section on the Philippine Campaign. A summary table of the edits recommended by the IQC and an updated draft of the History–Social Science Framework that shows all of the edits recommended by the IQC are posted on the CDE Web page at http://www.cde.ca.gov/ci/hs/cf/.

Once the SBE takes action, the SBE and CDE staff will make necessary editorial changes as the document is professionally edited and prepared for publication.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 7, 2015: The SBE approved a revised timeline for the framework update.

November 13, 2014: The SBE heard an update on the progress of the field review survey for the History–Social Science Framework.
**September 3, 2014:** The SBE approved a revised timeline and guidelines for the framework update.

**November 5, 2008:** The SBE appointed 20 members to the Curriculum Framework and Evaluation Criteria Committee (CFCC) and approved guidelines for the framework update.

**March 12, 2008:** The SBE took action to approve the update plan, timeline, and CFCC application for the update of the *History–Social Science Framework*.

**FISCAL ANALYSIS (AS APPROPRIATE)**

SB 1540 provided no additional funding for the completion of the *History–Social Science Framework*. The 2015 Budget Act included funding of $274,000 in one-time funds to support the framework development activities of the Instructional Quality Commission; a portion of that funding was used to complete the draft.

**ATTACHMENT(S)**

A summary table of the edits recommended by the IQC and an updated draft of the *History–Social Science Framework* that shows all of the edits recommended by the IQC are posted on the CDE Web page at [http://www.cde.ca.gov/ci/hs/cf/](http://www.cde.ca.gov/ci/hs/cf/).
SUBJECT

Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Audeo Charter School II, which was denied by the Carlsbad Unified School District and the San Diego County Board of Education.

SUMMARY OF THE ISSUE(S)

On January 20, 2016, Carlsbad Unified School District (CUSD) voted to deny the Audeo Charter School II (ACS II) petition by a vote of four to zero. On March 9, 2016, the San Diego County Board of Education (SDCBOE) voted to deny the ACS II petition on appeal by a vote of five 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) proposes to recommend that the SBE hold a public hearing regarding the ACS II petition, and thereafter approve with one condition and 10 technical amendments (Attachment 1 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a1.doc), the request to establish ACS II under the oversight of the SBE, for a five-year term effective July 1, 2016, through June 30, 2021, based on the CDE’s findings pursuant to EC sections 47605(b)(1), 47605(b)(2), and California Code of Regulations, Title 5 (5 CCR) Section 11967.5, that the petitioners are likely to successfully implement the program set forth in the petition and that the ACS II petition is consistent with sound educational practice. Inherent to this recommendation, the CDE recommends the following condition: ACS II must adhere to the terms and conditions as noted in Attachment 1. Additionally, inherent to this recommendation, the CDE proposes the following technical amendment: the ACS II petition will be revised to remove the resource centers located in Escondido and San Marcos, as these facilities do not comply with the requirements under EC Section 47605.1(d).

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/accsnotice060716.asp.

Advisory Commission on Charter Schools

The ACCS considered the ACS II charter petition at its June 7, 2016, meeting. The ACCS voted to recommend that the SBE approve the ACS II charter petition to establish ACS II under the oversight of the SBE with eight technical amendments, instead of ten technical amendments (Attachment 1 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a1.doc), proposing the following:

- To approve the ACS II charter as recommended by the CDE, but to include all five resource centers as opposed to just the three, the two in Carlsbad and one in Westminster.
- A friendly amendment to strike the language as proposed by the CDE on admissions and to revert to what ACS II has in its petition on sibling preferences.
- To approve staff’s recommendation without both technical amendments, period.

The motion passed with a vote of seven to one.

BRIEF HISTORY OF KEY ISSUES

ACS II submitted a petition on appeal to the CDE on April 15, 2016.

The ACS II petition asserts that the mission of ACS II is to implement personalized educational programs to facilitate pupil achievement. These educational programs will demonstrate that standards-based educational reform can prove to be a prototype for changing the way teachers teach and pupils learn in the future.

The ACS II petitioner proposes to serve 510 pupils in transitional kindergarten (TK) through grade twelve in the first year of operation (2016–17) and expand to 800 pupils in TK through grade twelve in the fourth year of operation (2019–20) in an independent study, home school program with a focus on improving pupil learning, offering a safe learning environment, and providing highly qualified faculty and staff to a high-risk pupil population.

ACS II proposes to operate five resource centers: four in San Diego County with two in Carlsbad, one in San Marcos, and one in Escondido, and one in Orange County in Westminster. ACS II will model the educational program after Audeo Charter School (ACS), which has been authorized by the San Diego Unified School District (SDUSD) since 2001.

In considering the ACS II petition, the CDE reviewed the following:

• Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a2.xls.


• Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a6.pdf.

• Board agendas, minutes, and findings from the CUSD and SDCBOE regarding the denial of the ACS II petition, along with the petitioner’s responses to the CUSD and SDCBOE findings, Attachment 7 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a7.pdf.

On January 20, 2016, the CUSD denied the ACS II petition based on the following findings (Attachment 1 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a1.doc).

- The petition does not contain a reasonably comprehensive description of all of the elements prescribed by the law.

- The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition.

- The petition presents an unsound educational program.

On March 9, 2016, the SDCBOE denied the ACS II petition on appeal based on the following findings (Attachment 1 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a1.doc).

- The petition provides an unsound educational program for the pupils to be enrolled in the school.
• The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition.

• The petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.

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 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a1.doc).

Governance

The ACS II petition presents a reasonably comprehensive description of the ACS II governance structure. The petitioner has included a letter dated April 15, 2016, requesting that the SBE recognize, as technical amendments, the changes to ACS II’s governance structure that were required upon the ACS nonprofit by SDUSD as part of the renewal of the ACS (Attachment 5 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a5.pdf). The letter states that effective January 21, 2016, the ACS nonprofit corporation acted to remove Altus Institute, Inc. as the sole statutory member. The petitioner perceives these edits to be minor to the ACS II petition and bylaws that would need to be amended. This request was made by SDUSD as a condition of approval of the renewal of the ACS (charter number 0406). This decision was made by SDUSD on December 1, 2015, after the ACS II petition had been submitted to CUSD. The CDE has written a technical amendment to address the ACS II governance structure.

Educational Program

The ACS II petition presents a reasonably comprehensive description of the educational program. ACS II will model the educational program after ACS authorized by SDUSD since 2001. The focus of ACS II is to improve pupil learning, offer a safe learning environment, and provide highly qualified faculty and staff to a high-risk pupil population. The ACS II petitioners provided a kindergarten through grade five Home School Curriculum Planning Guide as outlined on pp. 430–442 of Attachment 5 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a5.pdf and a kindergarten through grade five curriculum scope and sequence as outlined on pp. 117–122 of Attachment 5 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a5.pdf.
However, the ACS II petition does not include parents in the description of individuals who should be at attendance at an Individualized Education Program meeting. The CDE has written a technical amendment to address this concern.

**Budget**

The CDE reviewed the ACS II budget and multi-year fiscal plan and concludes that ACS II is likely able to successfully implement a fiscal plan that is sustainable and fiscally viable with projected enrollment of 510, 593, and 706 with ending fund balances of $389,085, $871,217, and $1,240,931 and reserves of 11.5 percent, 20.0 percent and 23.3 percent in its first three years of operation, respectively. The CDE used the Fiscal Crisis and Management Assistance Team Local Control Funding Formula (LCFF) calculator updated on May 13, 2016, to analyze the ACS II budget and found that ACS II understated the LCFF revenues for FY 2016–17 through FY 2018–19. The CDE notes that ACS II may choose to spend this additional revenue rather than maintain the higher reserves that the CDE is projecting. The CDE concludes that the ACS II’s multi-year financial plan does provide for projected operating surpluses, increasing positive fund balances, and adequate reserves.

The ACS II petition addresses the requirements of EC Section 47605(b)(ii), including a description of the ACS II’s annual goals, for all pupils (i.e. schoolwide) and for each subgroup of pupils identified pursuant to EC Section 52052, for each of the applicable state priorities identified in EC Section 52060(d) and a description of the specific annual actions ACS II will take to achieve each of the identified annual goals.

The CDE finds that the petitioner is demonstrably likely to implement the program set forth in the petition. The ACS II petition provides an adequate description of 9 of the 16 elements, while 7 elements require a technical amendment. Additional information and amendments to the petition would be needed if ACS II 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.

A detailed analysis of the review of the entire petition is provided in Attachment 1 of Agenda Item 07 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item04a1.doc.

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

Currently, 28 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
- Twenty 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 ACS II 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 educational 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 the 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
JULY 2016 AGENDA

SUBJECT

SUMMARY OF THE ISSUE(S)

RECOMMENDATION
The California Department of Education (CDE) recommends that the SBE hold a public hearing regarding the petition, and thereafter to approve, with one condition and nine technical amendments (Attachment 1 Agenda Item 04 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item06a1.doc), the request for a material revision to the WYICS petition to change from opening in the 2016–17 school year to the 2017–18 school year. Inherent to this recommendation, the CDE recommends the following condition: WYICS must adhere to the terms and conditions as noted in Attachment 1 of the item. Additionally, inherent to this recommendation, the CDE recommends the following technical amendment: WYICS will provide the CDE with the WYICS Board-approved revised budget projections on or before April 1, 2017, to address each of the revenue and expenditure concerns as noted in the CDE analysis comments for Ability to Successfully Implement the Intended Program. Additionally, the revised WYICS budget must include budget narrative and assumptions covering the four remaining years of the charter term (Fiscal Years [FYs] 2016–17 through 2019–2020), updated location of the WYICS facility in the Moreland School District (MSD), updated expenditures for this facility, and an accompanying WYICS Board-approved and signed lease agreement for this facility in MSD.

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 ACCS Agenda is located at http://www.cde.ca.gov/be/cc/cs/accsnotice060716.asp.

Advisory Commission on Charter Schools

The ACCS considered the WYICS petition at its June 7, 2016, meeting. The CDE recommended a technical amendment to the WYICS charter petition regarding admission preferences. The admission preferences listed in the WYICS petition are as follows: (1) siblings of currently enrolled WYICS pupils; (2) children of WYICS employees; (3) children of WYICS Founding Team members; (4) children who reside within the boundaries of the Moreland School District (MSD); and (5) children who reside outside the boundaries of the MSD.

The CDE recommended a technical amendment to revise the WYICS petition to change the proposed order of admission preferences to align with California Education Code (EC) Section 47605(d)(2)(B), beginning with the lottery for the 2017–18 school year, as follows: (1) existing pupils of WYICS; and (2) pupils residing in the district. Additional preferences beyond (1) and (2) may be permitted by the SBE as the chartering authority and only if consistent with the law.

After considerable discussion at the ACCS meeting regarding admission preferences, the ACCS took the following action:

The ACCS voted to recommend that the SBE approve the material revision for WYICS to extend the opening for a year from 2016–17 to 2017–18, to strike the technical amendment recommended by the CDE on admission preferences and adopt the admission preferences listed by WYICS in their material revision, and include all other technical amendments.

The motion passed with a vote of six to two.

BRIEF HISTORY OF KEY ISSUES

WYICS was approved by the SBE on May 6, 2015, for a five-year term from July 1, 2015, through June 30, 2020. The 2015–16 school year was a planning year, and WYICS was scheduled to open in 2016–17 in the MSD boundaries. The SBE Meeting Final Minutes for May 6–7, 2015, can be found on the SBE Minutes Web page at http://www.cde.ca.gov/be/mt/ms/documents/finalminutes0607may2015.doc.

On April 15, 2016, WYICS submitted a request for a material revision to its charter proposing to delay opening until 2017–18 due to difficulties in securing facilities. (Attachment 1 Agenda Item 04 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item06a1.doc).

In considering the request for a material revision, the 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 June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item06a2.xls.


Additionally, CDE reviewed the revised multi-year budget that WYICS submitted on May 12, 2016.

Pursuant to California Education Code (EC) sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and California Code of Regulations, Title 5 (5 CCR) Section 11967.5.1, a material revision to a charter petition must provide a reasonably comprehensive description of multiple required elements as specified on p. 2 of Attachment 1 of Agenda Item 04 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item06a1.doc.

The CDE finds that the WYICS petition provides an adequate description for some of the required elements, while some of the elements require a technical amendment and are identified by a “**Yes,” and others are indicated by a “***Yes.” These amendments strengthen or clarify elements for monitoring and accountability purposes.

The CDE recommends that the SBE approve the request for a material revision of the WYICS charter, with the required technical amendments for the following reasons:

• WYICS proposes to provide pupils with an educational model that will integrate language immersion, socio-emotional learning, and California standards-aligned curriculum that includes the Science, Technology, Engineering, Arts, and Mathematics (STEAM) framework via project-based learning, ensuring that pupils are prepared to excel and prosper in the 21st century.

• WYICS has submitted all required documentation to the CDE including, but not limited to, compliance documents, and budget reports.

Budget

The CDE reviewed the revised WYICS budget and multi-year fiscal plan submitted to the CDE on May 12, 2016. WYICS projected enrollment of 100 pupils, 150 pupils, and 200 pupils with ending fund balances of $78,595, $245, and a negative ending balance of $122,412 in its first three years of operation, respectively. The CDE concludes that
the WYICS multi-year projected budget does not provide for projected operating surpluses nor recommended reserves.

The CDE finds that the WYICS material revision petition meets the standards and criteria in EC Section 47605 with the required technical amendments.

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

Currently, 28 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
- Twenty 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)**

As an SBE-authorized charter school, the CDE would receive approximately one percent of the WYICS Local Control Funding Formula funds received 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 educational 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 the 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, 2017, approval of the charter is terminated.
SUBJECT

SUMMARY OF THE ISSUE(S)

RECOMMENDATION
The California Department of Education (CDE) recommends that the SBE hold a public hearing regarding the petition, and thereafter to approve, with one condition and five technical amendments (Attachment 1 of Agenda Item 05 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item05a1.doc), the request for a material revision to the RVC charter petition from opening in the 2016–17 school year to the 2017–18 school year. Inherent to this recommendation, the CDE recommends the following condition: RVC must adhere to the terms and conditions as noted in attachment 1 of the item.

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 ACCS Agenda is located at http://www.cde.ca.gov/be/cc/cs/accsnotice060716.asp

Advisory Commission on Charter Schools
The ACCS considered the RVC petition at its June 7, 2016 ACCS meeting. The CDE recommended a technical amendment to the RVC charter petition regarding admission preferences. The admission preferences listed in the RVC petition are as follows: (1)
existing pupils of RVC will be exempt from the lottery (not applicable in the first year); (2) pupils who reside in the district and are English Learners (ELs) or free and reduced priced lunch (FRPL); (3) pupils who reside in the district and are pupils of named founders in the petition or current full time employees of RVC; (4) pupils who reside in the district and are siblings of existing or admitted pupils; (5) pupils who reside in the district; (6) pupils who reside outside of the district and are ELs or FRPL; (7) pupils who reside outside of the district and are children of current employees of RVC; (8) pupils who reside outside of the district and are siblings of existing or admitted pupils; (9) pupils who reside outside of the district.

The CDE recommended a technical amendment to revise the RVC petition to change the proposed order of admission preferences to align with California Education Code (EC) Section 47605(d)(2)(B), beginning with the lottery for the 2017–18 school year, as follows: (1) existing pupils of RVC; and (2) pupils residing in the district. Additional preferences beyond (1) and (2) may be permitted by the SBE as the chartering authority and only if consistent with the law.

After considerable discussion at the ACCS meeting regarding admission preferences, the ACCS took the following action:

The ACCS voted to recommend that the SBE approve the delay of opening for one year and to not adopt the technical amendment proposed by the CDE on admission preferences and adopt the language as submitted by RVC in the material revision petition, and include all other technical amendments.

The motion passed with a vote of seven to one.

BRIEF HISTORY OF KEY ISSUES

The SBE approved RVC on January 14, 2016, for a five-year term. The school site was undetermined within the Ross Valley School District (RVSD) boundaries in San Anselmo, California or Fairfax, California.

On April 13, 2016, RVC submitted a request for a material revision to its charter requesting to open in 2017–18. RVC will not be able to secure a facility and make necessary improvements and regulatory approvals by the operational date of September 30, 2016.

In considering the request for a material revision, the CDE reviewed the following:


- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 05 on the ACCS.
June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item05a2.xls


Pursuant to California Education Code (EC) sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and California Code of Regulations, Title 5 (5 CCR) Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements as specified on p. 2 of Attachment 1 of Agenda Item 05 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item05a1.doc.

The CDE finds that the RVC petition provides a reasonably comprehensive description for most of the required elements, as indicated by a “Yes.” Four elements require a technical amendment and are identified by a “*Yes.” These amendments strengthen the petition to clarify elements for monitoring and accountability purposes.

The CDE recommends that the SBE approve the request for a material revision of the RVC charter, with the recommended technical amendments, for the following reasons:

- RVC provides pupils with a sound educational program that emphasizes deep inquiry and exploration, hands-on, immersion-based experiences, and active learning-by-doing approaches. RVC is based on the practices and experiences of the RVSD Multi-Age Program.

- The RVC budget projections for revenues, expenditures, and fund balances appear sufficient. The CDE concludes that the RVC multi-year budget appears to be fiscally viable, with a positive ending fund balance and adequate reserves.

- RVC has submitted all required documentation to the CDE including, but not limited to, compliance documents and budget reports.

The CDE finds that the RVC material revision to the RVC petition meets the standards and criteria in EC Section 47605 with the required technical amendments.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 28 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
- Twenty 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 RVC Local Control Funding Formula funds received 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 educational 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 the 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, 2017, approval of the charter is terminated.
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

SUBJECT

Rocketship Mt. Diablo: Consider a Material Revision of the Charter to Change Grade Levels Served in 2016–17 from Transitional Kindergarten Through Grade Five to Kindergarten Through Grade Two and Reduce Enrollment.

SUMMARY OF THE ISSUE(S)

Rocketship Mt. Diablo (RSMD) a State Board of Education (SBE)-authorized charter school, requests a material revision of its charter to change grade levels served in 2016–17 from transitional kindergarten (TK) through grade five to kindergarten (K) through grade two and reduce enrollment from 510 pupils to 150 pupils during its first year of operation (Attachment 1 of Agenda Item 06 on the Advisory Commission on Charter Schools [ACCS] June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a1.doc).

RECOMMENDATION

The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing regarding the petition, and thereafter conditionally approve with two conditions and two technical amendments, the request for a material revision of the RSMD charter petition to change grade levels served in 2016–17 from TK through grade five to K through grade two and reduce enrollment from 510 pupils to 150 pupils during its first year of operation. Inherent to this recommendation, the CDE proposes the following conditions: (1) RSMD offer TK in its first year of operation; (2) RSMD must adhere to the terms and conditions as noted in Attachment 1 of the item.

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 ACCS Agenda is located at http://www.cde.ca.gov/be/cc/cs/accsnotice060716.asp.

Advisory Commission on Charter Schools

The ACCS considered the RSMD material revision at its June 7, 2016, meeting. The ACCS voted to approve the CDE staff recommendation with the withdrawal of the condition to operate TK in its first year of operation.
The motion passed with a vote of six to two.

**BRIEF HISTORY OF KEY ISSUES**

RSMD was approved by the SBE on March 10, 2016, for a five-year term from July 1, 2016, through June 30, 2021. RSMD will be located within the Mt. Diablo Unified School District (MDUSD). The SBE Meeting Final Minutes for March 9–10, 2016, can be found on the SBE Minutes Web page at [http://www.cde.ca.gov/be/mt/ms/documents/finalminutes0910mar2016.doc](http://www.cde.ca.gov/be/mt/ms/documents/finalminutes0910mar2016.doc).

RSMD applied for temporary facilities under Proposition 39 and MDUSD offered two campuses to RSMD. RSMD intends to accept MDUSD’s offer and occupy one of the campuses located at Ayers Elementary School. On April 15, 2016, RSMD submitted a request for a material revision to its charter petition to open with a smaller enrollment and reduced grade configuration to allow RSMD to operate in the facilities offered by MDUSD under Proposition 39.

In considering the request for a material revision, the CDE reviewed the following:


- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 06 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a2.xls](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a2.xls).


Pursuant to California *Education Code* (EC) sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and *California Code of Regulations*, Title 5 (5 CCR) Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements as specified on p. 2 of Attachment 1 of Agenda Item 06 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a1.doc](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a1.doc).

The CDE finds that the RSMD petition does provide a reasonably comprehensive description for most of the required elements, as indicated by a “Yes.” Two elements require a technical amendment and are identified by a “***Yes.” These amendments strengthen the petition to clarify elements for monitoring and accountability purposes.

The CDE recommends that the SBE approve the request for a material revision of the RSMD charter, with the recommended technical amendments, for the following reasons:
RSMD proposes to provide pupils with a sound educational program, which is a teacher-led, technology-supported approach to personalized learning. The RSMD educational model is a hybrid, which will offer pupils access to online learning programs that target individual levels as well as classroom access to foundational programs through classroom instruction. RSMD feels that this instructional combination will ensure that RSMD pupils are gaining competencies necessary in order to prepare them to be highly effective learners, contributors, and citizens in the 21st century.

RSMD has submitted all required documentation to the CDE including, but not limited to, compliance documents and budgets.

Budget

The CDE reviewed the RSMD budget and multi-year projected budget and fiscal plan and concludes that RSMD is likely able to successfully implement a fiscal plan that is sustainable and fiscally viable with a projected enrollment of 150, 356, and 520 with ending fund balances of $128,973, $281,248, and $376,857 in its first three years of operation, respectively. The CDE concludes that the RSMD multi-year projected budget does provide for projected operating surpluses, increasing positive fund balances, and sufficient reserves in Fiscal Years (FYs) one through three.

Revenues

The CDE used the Fiscal Crisis and Management Assistance Team (FCMAT) Local Control Funding Formula (LCFF) calculator updated on May 13, 2016, to analyze the RSMD budget and found that RSMD understated the LCFF revenues by a total amount of $183,957 for FY 2016–17 through FY 2018–19. The RSMD budget includes total start-up funding of $200,000 from the Walton Family Foundation, which is administered through Charter School Growth Fund. This funding was awarded as a $100,000 grant and a $100,000 loan. RSMD received this funding in December 2015, and states it will be used to cover start-up costs. The CDE has been able to substantiate these funding sources and includes this $200,000 in CDE’s budget analysis. In addition, the CDE included additional philanthropic funding totaling $500,000 over FY 2016–17 and FY 2017–18 of $300,000 and $200,000 respectively, in CDE’s budget analysis. RSMD states that should there be a delay in receiving this funding, Rocketship Education (RSE) will provide financial assistance to RSMD during this time. The CDE notes that the funding sources were supported with verifiable evidence (Attachment 6 of Agenda Item 06 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a6.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a6.pdf)).

Expenditures

RSE charges RSMD 15 percent of state and federal revenue as central office expense allocation fees, excluding some reimbursed revenue. The charter authorizer oversight fee is 1 percent of LCFF funding received. An increase in revenue will also increase both of these expenditures for FY 2016–17 through FY 2018–19. The lower projected
enrollment will also reduce expenditures in salaries and operating costs. For example, with the proposed reduction of enrollment in FY 2016–17 from 510 pupils to 150 pupils RSMD states it will need to hire six teachers for TK through grade two instead of sixteen teachers for TK through grade five. Additionally, the CDE anticipates that the facilities rental expense could be reduced for FY 2016–17 and FY 2017–18 for the Proposition 39 facility MDUSD offered to RSMD (Attachment 4 of Agenda Item 06 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a4.pdf). RSMD adjusted these expenditures based on the reasons identified above, and the CDE determines that the reduced expenditures appear to be reasonable.

**Cash Flow**

RSMD states it will open in district space for its first year of operation. Based on the initial offering from MDUSD, the cost is expected to be approximately $5,000 for FY 2016–17; based on the timeline needed to open a permanent facility, these projections assume RSMD will be in district space in FY 2017–18 as well. The projected cost increases to $10,000 in the second year to account for the increased enrollment. Projections assume RSMD will move into its permanent facility in FY 2018–19 (Attachment 4 of Agenda Item 06 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a4.pdf). The CDE determines that RSMD’s projected costs appear to be reasonable.

Although the RSMD lease expense in FY 2018–19 is expensed at $900,000 in the budget, the actual cash outflow for the facility in FY 2018–19 is only $540,000 as RSMD will spread out the expense of $360,000 over the remaining 29 years of lease payments. Therefore, adding a $360,000 adjustment will bring up the ending balance to $376,857 with seven percent reserves (Attachment 4 of Agenda Item 06 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item07a4.pdf).

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

Currently, 28 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
- Twenty 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)

As an SBE-authorized charter school, the CDE would receive approximately one percent of the RSMD Local Control Funding Formula funds received for CDE 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 educational 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 the 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.
SUBJECT

Flex Public Schools: 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 the Flex Public Schools (FPS) Board may have engaged in fiscal mismanagement and committed a material violation of the San Francisco Flex Academy (SFFA) 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 May 12, 2016, the State Board of Education (SBE) issued a Notice of Violation (NOV) dated May 12, 2016, informing the FPS Board that it may have violated EC sections 47607(c)(1)(A), 47607(c)(1)(C), and 47607(c)(2) and that these violations could be the basis for an action to revoke the SFFA charter. On May 13, 2016, the FPS Board was notified in writing regarding the violations alleged in the NOV. FPS was required to provide a written response and supporting evidence that addressed all of the violations outlined in the NOV by May 18, 2016.

On June 16, 2016, FPS submitted a Response to NOV pursuant to EC Section 47607(d) to the SBE and the CDE. The CDE analysis of the FPS response to the NOV is included in Attachment 2.

RECOMMENDATION

On July 13, 2016, the SBE will consider issuing a Notice of Intent to Revoke the charter of the SFFA. If the SBE issues the Notice of Intent to Revoke, the CDE recommends that the SBE hold a public hearing on July 14, 2016, to consider the Final Decision to Revoke the SFFA 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 SFFA charter and that the SBE provide notice to the FPS Board that revocation becomes effective immediately (Attachment 1).

If the SBE takes action to revoke the SFFA charter, the CDE recommends that the SBE direct FPS to immediately begin closure procedures set forth in the SFFA charter and in Appendix E of the Memorandum of Understanding between the SBE and SFFA. As set forth in Appendix E, FPS will immediately identify an individual who will serve as the single point of contact for FPS regarding the SFFA closure activities and notify the SFFA families and pupils of 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 FPS of the alleged violations by issuing a NOV to FPS at its May 12, 2016, meeting.

FPS was given until May 18, 2016, to submit evidence to the SBE that refuted, remedied, or proposed to remedy the alleged violations. In addition, FPS was given the opportunity to present evidence at the June 7, 2016, meeting of the Advisory Commission on Charter Schools (ACCS). At that meeting, the ACCS recommended that the SBE issue a Notice of Intent to Revoke the SFFA charter.

At its July 13, 2016, meeting the SBE will consider issuing a Notice of Intent to Revoke to the FPS Board, and consider whether there was substantial evidence that
FPS was unable to refute, remedy, or propose to remedy the violations (Attachment 2).

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

Currently, 28 charter schools operate under SBE authorization as follows:
- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters
- Twenty 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 SFFA charter. If the SBE were to revoke the charter, some shifting of state expenditures would occur from SFFA to other local educational agencies (due to the transfer of pupils), but state expenditures would essentially be unchanged. There would be a minor loss of revenue to the CDE from the oversight fees collected from FPS. 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 (8 Pages)

Attachment 2: Notice of Facts in Support of the Revocation of the Flex Public Schools (11 Pages)
STATE OF CALIFORNIA
EDMUND G. BROWN JR., Governor

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

July 14, 2016

Mark Kushner, Board President
Steve Henderson, Board Treasurer
Catherine Walcott, Board Secretary
Nancy Doty, Board Member
Andrew Gordon, Board Member
Flex Public Schools
1350 7th Avenue
San Francisco, CA 94122

Subject: Final Decision to Revoke and Notice of Facts in Support of Revocation Pursuant to California Education Code Section 47607(e)

Dear President Kushner, Mr. Henderson, Ms. Walcott, Ms. Doty, and Mr. Gordon:

This letter serves as notification that on July 14, 2016, the State Board of Education (SBE) made a final decision to revoke the San Francisco Flex Academy (SFFA) charter, under the governance of the Flex Public School (FPS) Board, effective immediately pursuant to California Education Code (EC) Section 47607(e). FPS is hereby directed to immediately comply with the closure procedures set forth in the SFFA charter and in Appendix E of the Memorandum of Understanding (MOU) between SFFA and the SBE, with the exception of transitioning all FPS pupils to the district or other schools. The California Department of Education (CDE) notes that all SFFA pupil cumulative and confidential files were received into the custody of the CDE on June 20, 2016, and that SFFA informed parents and enrolling districts that as of June 20, 2016, all requests for pupil records are to be made to the CDE, Charter Schools Division.

On July 13, 2016, 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 SFFA charter and a Notice of Facts in Support of Revocation at the SBE meeting on July 13, 2016, and that, should the SBE issue such a notice, a public hearing would be held on July 14, 2016, regarding final revocation of the SFFA charter. On July 13, 2016, CDE staff contacted you regarding the SBE’s action and provided notice of the SBE public hearing to be held on July 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.

CDE staff reviewed the charter petition Element 2, Measurable Pupil Outcomes (MPOs) included in the 2015–2020 SFFA renewal petition (approved by the SBE in March 2015). The SFFA MPOs addressed the state priorities. The CDE determined that SFFA did not meet the following MPOs (Attachment 2):

Under State Priority 7: Course Access (Conditions of Learning).

- **SFFA MPO:** Eighty percent of pupils will complete courses that satisfy University of California/California State University (UC/CSU) A–G entrance requirements, or Career Technical Education.
  - The CDE has determined that, based on the 2015–16 Local Control Funding Formula (LCFF) State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14, with percentages of two percent and zero percent respectively. Data for 2014–15 will be available in May 2016.

State Priorities 2 and 4: State Standards, Pupil Achievement (Conditions for Learning).

- **SFFA MPO:** Establish benchmark scores for Smarter Balanced and other California Assessment of Student Performance and Progress (CAASPP) related assessments and improve on the initial benchmark scores in subsequent years.
  - SFFA schoolwide and SFFA two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 CAASPP are below both the state average and the San Francisco Unified School District (SFUSD) average for the same grade, grade eleven.
• SFFA MPO: Improve English Learner (EL) reclassification rate.
  - The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14, SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.

• SFFA MPO: Forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT).
  - The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT.

Under State Priority 5: Pupil Engagement (Engagement).

• SFFA MPO: Meet or exceed 90 percent attendance rate.
  - The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for fiscal year (FY) 2013–14, with 84.9 percent Average Daily Attendance (ADA), FY 2014–15 P-2 Apportionment with 87.8 percent ADA, and FY 2015–16 First Principal (P-1) Apportionment with 73.6 percent ADA.

Based on the academic analysis of SFFA pupil achievement, the CDE concludes that, under the governance of the FPS Board, SFFA has not demonstrated increases in pupil academic achievement for all groups of pupils served by SFFA.

The SBE issued a Notice of Violation (NOV) dated May 12, 2016, informing the FPS Board 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 SFFA charter.

The NOV provided FPS with an opportunity to submit evidence to the SBE by May 18, 2016, that refuted, remedied, or proposed to remedy the alleged violations. FPS was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its June 7, 2016, meeting.

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

**The FPS Board engaged in fiscal mismanagement (EC Section 47607[c][1][C]).**
• **CDE Finding:** The SFFA projected enrollment of 100 pupils with ADA of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 P-1 Apportionment was 73.59, which represents a 15 percent decline from the ADA projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68. As a result of the declining enrollment, the SFUSD denied SFFA’s request for a Proposition 39 facility and therefore, SFFA does not have a facility for the 2016–17 school year.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

• **CDE Finding:** The FPS Board has not submitted the second interim budget report for FY 2015–16, which was due to the Charter Schools Division on March 15, 2016. On March 16, 2016, the CDE had a conference call with the SFFA administrator and was informed that the FPS Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board will provide it to the CDE in April 2016.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

• **CDE Finding:** The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 MOU between SFFA and the SBE.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

• **CDE Finding:** On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA’s enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA’s budget without expenditure adjustments. The CDE estimates that SFFA’s financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

• **CDE Finding:** The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to EC Section 47613, and represents one percent of the revenue amount received in the LCFF calculated pursuant to EC Section 42238.02, as implemented by EC Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response from either SFFA or the FPS Board.
CDE Conclusion: The FPS Board has remedied this violation (Attachment 2).

- CDE Finding: Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved FCAP due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA’s resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP (Attachment 2).

CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

- CDE Finding: SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP.

CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

The FPS Board failed to meet or pursue any of the pupil outcomes identified in the charter pursuant to (EC Section 47607[c][1][B]).

Under State Priority 7: Course Access (Conditions of Learning).

- SFFA MPO: Eighty percent of pupils will complete courses that satisfy UC/CSU A–G entrance requirements, or Career Technical Education.
  
  o CDE Finding: The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively. Data for 2014–15 will be available in May 2016.

  CDE Conclusion: The FPS Board has not remedied this violation (Attachment 2).

State Priorities 2 and 4: State Standards, Pupil Achievement (Conditions for Learning).

- SFFA MPO: Establish benchmark scores for Smarter Balanced and other CAASPP related assessments and improve on the initial benchmark scores in subsequent years.
o **CDE Finding:** SFFA schoolwide and SFFA two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 CAASPP are below both the state average and the SFUSD average for the same grades, grade eleven.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

- **SFFA MPO:** Improve English Learner (EL) reclassification rate.

  o **CDE Finding:** The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.

  **CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

  - **SFFA MPO:** Forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT).

    o **CDE Finding:** The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT.

    **CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

Under State Priority 5: Pupil Engagement (Engagement).

- **SFFA MPO:** Meet or exceed 90 percent attendance rate.

  o **CDE Finding:** The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for FY 2013–14 with 84.9 percent Average Daily Attendance (ADA), FY 2014–15 P-2 Apportionment with 87.8 percent ADA, and FY 2015–16 First Principal (P-1) Apportionment with 73.6 percent ADA.

  **CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).
The FPS 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:** The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California Government Code sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each Board meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.

**CDE Conclusion:** The FPS Board has not remedied this violation (Attachment 2).

- **CDE Finding:** The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:
  - 1.3 Governing Board Responsibilities
    - Governing Board Meetings
    - Brown Act
  - 3.5 Revenue and Expenditure Reporting
  - 3.5 Reserves
  - 3.7 Oversight Fees

**CDE Conclusion:** The FPS Board has partially remedied this violation with regard to Section 3.7 Oversight Fees (Attachment 2); however, the FPS Board has not remedied the remaining violations.

Based on the CDE conclusions outlined above and in Attachment 2 of the item, the CDE finds that the FPS Board has failed to adequately refute, remedy, or propose to remedy the violations identified in the NOV.

**Final Decision to Revoke**

Based upon these facts, the SBE hereby issues this Final Decision to Revoke the SFFA charter effective immediately. This revocation is pursuant to EC Section 47607(c)(1)(C), the FPS Board engaged in fiscal mismanagement which may hinder its future operations, pursuant to EC Section 47607(c)(1)(A), the FPS Board committed a material violation of the SFFA charter, and pursuant to EC Section 47607(c)(1)(B), the FPS Board failed to meet or pursue the pupil outcomes identified in the SFFA charter.

FPS is hereby directed to immediately comply with the closure procedures set forth in the SFFA charter and in Appendix E of the MOU between SFFA and the SBE. As set forth in Appendix E, FPS will immediately identify an individual who will serve as the single point of
contact for FPS regarding the SFFA closure activities and will notify SFFA families of the closure.

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/jh

cc: Karen Stapf Walters, Executive Director, California State Board of Education
    Nick Schweizer, Deputy Superintendent, Services for Administration, Finance, Technology, and Infrastructure Branch, California Department of Education
    Cindy S. Chan, Director, Charter Schools Division, California Department of Education
The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

<table>
<thead>
<tr>
<th>California Department of Education Violation as Stated in Notice of Violation Issued on May 12, 2016</th>
<th>Summary of Flex Public School’s Response to the Notice of Violation Submitted to the California Department of Education on June 16, 2016</th>
<th>California Department of Education Analysis of Flex Public School’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Flex Public Schools (FPS) Board has not submitted the second interim budget report for Fiscal Year (FY) 2015–16, which was due to the Charter Schools Division by March 15, 2016. On March 16, 2016, the California Department of Education (CDE) had a conference call with the San Francisco Flex Academy (SFFA) administrator and was informed that the FPS Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board should have it ready for the CDE in April 2016.</td>
<td>The FPS response states that FPS considers this violation to be moot. The FPS Board voted to cease operations as of June 30, 2016, because it was not able to secure a facility for the school. This year the SFFA was not managed by K12 Incorporated (K12 Inc.) and therefore did not have the resources to force the San Francisco Unified School District (SFUSD) to follow the law and issue a Proposition 39 facility. SFUSD refused to allow SFFA to continue in its Proposition 39 building in 2016–17 despite the SFFA space not being used by others.</td>
<td>CDE analysis, to this section of the FPS response, notes that SFFA submitted a Proposition 39 application which SFUSD denied. Proposition 39 requires that the charter have at least 80 in-district pupils attendance. The CDE notes that the SFFA certified 2015–16 average daily attendance (ADA) at the first attendance reporting period was 73.59. ADA for the second reporting period will not be certified until June 25, 2016. As noted in the Notice of Violation issued to the FPS Board, the FPS Board chair and the FPS Board treasurer informed the CDE that SFFA enrollment was around 68.</td>
</tr>
<tr>
<td>SF Flex will therefore not be open for the 2016–17 school year, and will submit an end of year financial budget and report prepared by the Charter Schools Development Center (CSDC) after the June 30, 2016, end of the fiscal year to remedy this lack of interim budget report. This end of year report will be</td>
<td></td>
<td>CDE analysis, to this section of the FPS response, notes that CDE Division Director, at the conclusion of the June 7, 2016, ACCS meeting, informed the CSDC Director that if his agency was agreeing to perform the financial review for the school then CDE would want the numbers to reflect the entire</td>
</tr>
</tbody>
</table>
The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

<table>
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<tr>
<th>The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to Education Code (EC) Section 47613, and represents one percent of the revenue amount received in the local control funding formula (LCFF) calculated pursuant to EC Section 42238.02, as implemented by EC Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response to date from either SFFA or the FPS Board.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The FPS Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).</td>
</tr>
<tr>
<td>subject to the regular annual audit to be submitted to the CDE and SBE. CDE has informed CSDC and SFFA that this end of year report is an acceptable replacement to the interim report (p. 1, Attachment 3).</td>
</tr>
<tr>
<td>school year; second interim only reflects financial status through January 31. A report for the entire year would better address the fiscal solvency of the school which is the most significant of the fiscal mismanagement concerns. If CDE receives a final unaudited report for the full year – it would only be an informational update to this violation, not a remedy.</td>
</tr>
<tr>
<td>The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
<tr>
<td>The FPS response states that this has been remedied. FPS notes that the school paid this year’s oversight fee. It did not know that last year’s (2014–15) oversight fee was not paid by K12 Inc., the management [sic] company. This was an oversight by K12 Inc. This oversight fee has now been paid (p. 2, Attachment 3).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that the evidence submitted by the FPS Board on June 16, 2016, in response to this violation does remedy the violation (Attachment 4).</td>
</tr>
<tr>
<td>The CDE finds that the FPS Board has remedied this violation.</td>
</tr>
<tr>
<td>The SFFA projected enrollment of 100 pupils with ADA of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 First Principal (P-1) Apportionment was 73.59, which represents a 15 percent decline from the ADA.</td>
</tr>
<tr>
<td>The FPS response states that considers [sic] this is now moot and the FPS board remedied this by cutting expenses. Due to the forced move by SFFA by SFUSD last year, SFFA did not end up with an ADA of 87.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that projected enrollment and projected ADA have not been met for FY 2015–16.</td>
</tr>
</tbody>
</table>
The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

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<tr>
<th>The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).</th>
<th>CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim.</th>
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<tr>
<td>projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68. However, the FPS Board acted promptly and responsibly by reducing expenses, and will end the year with a balanced budget.</td>
<td>The FPS response states that this is now moot and remedied by the school having sufficient reserves to cover all expenses. The reserve amount is now moot as the school will be ceasing operations until reopening criteria are met.</td>
</tr>
<tr>
<td>The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 Memorandum of Understanding (MOU) between SFFA and the SBE. As indicated above, SF Flex will prepare an end of year fiscal report which will be audited in the late Fall [sic] (p. 2, Attachment 3).</td>
<td>The school reduced expenses and has sufficient funds to meet expenses. This will be demonstrated by the end of the year report and later audit (p. 3, Attachment 3).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim.</td>
<td>CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, notes that the FPS Board Chair, Mark Kushner, verbally presented this concept to the Advisory Commission on Charter Schools (ACCS) at the June 7, 2016, ACCS meeting. The State Board of Education (SBE) has not been presented with a written plan for SFFA to cease operations and reopen.</td>
<td>The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
<tr>
<td>The Flex Public Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).</td>
<td>The FPS response states that this has been remedied. The FPS Board made significant adjustments and there are sufficient funds to meet expenses [sic] (p. 3, Attachment 3).</td>
</tr>
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<td>---</td>
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</tr>
<tr>
<td>On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA’s enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA’s budget without expenditure adjustments. The CDE estimates that SFFA’s financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised.</td>
<td>The FPS response states this has been remedied. FPS submitted a FCAP with a written narrative on what caused the decline (the move caused by SFUSD making SF Flex move again), and on what actions to adjust (cutting expenses). The school did not submit a multi-year budget because it is now ceasing operations and will not be operating next school year.</td>
</tr>
<tr>
<td>Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved Fiscal Corrective Action Plan (FCAP) due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment.</td>
<td>The FPS board did discuss and approve the FCAP at its CDE analysis, to this section of the FPS response, notes that</td>
</tr>
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The Flex Pubic Schools Board engaged in fiscal mismanagement pursuant to California Education Code Section 47607(c)(1)(C).

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<th>Numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA’s resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP. SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 7, 2015, board meeting, but inadvertently left this out of the minutes. The FPS board re-approved the FCAP at its June 13, 2016, board meeting.</td>
</tr>
<tr>
<td>FPS did not provide the agenda or minutes for the December 7, 2015, FPS Board meeting. Furthermore, on June 18, 2016, CDE did access the SFFA Web site and finds that there is no informational or action agenda item on the December 7, 2015, agenda or in the associated meeting minutes for the FCAP (Attachment 5 and Attachment 6).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, notes that FPS did not provide the agenda for the June 13, 2016, FPS Board meeting. However, CDE did access the SFFA Web site on June 18, 2016, and notes that there is an action item for the FCAP (Attachment 7). But no approved minutes were available. On June 20, 2016, the FPS Board chair provided the CDE with the Draft unofficial minutes of this associated meeting. (Attachment 8).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that FPS has not provided evidence to support this claim. The CDE finds that the FPS Board has not remedied this violation.</td>
</tr>
</tbody>
</table>

Regardless, this is now moot as the FPS board made the required reduction in expenses to end the year with a balanced budget (pp. 3–4, Attachment 3).
The Flex Public Schools Board committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).

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<td>The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California Government Code sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.</td>
<td>The FPS response states this is remedied and that this is not correct. The FPS board has always posted notices in compliance with the Brown Act at its building. For some reason, some of the agendas and minutes were not posted on the SFFA website [sic] and were only posted on the FPS website [sic] for its other school. Regardless, they are all now posted on the SFFA website. The school is in full compliance.</td>
<td>CDE analysis, to this section of the FPS response, finds that FPS provided no evidence to support this claim. The CDE agrees with this FPS statement that the minutes were not posted on the SFFA Web site and were only posted on the FPS Web site for its other school. CDE analysis, to this section of the FPS response, notes that on June 17, 2016, CDE did access the SFFA Web site located at <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a> and finds that the May 3, 2016, FPS Board meeting minutes are not posted as required by the MOU between SFFA and the SBE. Therefore, CDE maintains the violation stands and that throughout the 2015–16 school year the FPS Board has not consistently posted to the SFFA Web site as required in the MOU between SFFA and the SBE (Attachment 9). <strong>The CDE finds that the FPS Board has not remedied this violation.</strong></td>
</tr>
</tbody>
</table>
### The Flex Public Schools Board committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).

<table>
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<tr>
<th>The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:</th>
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<td>1.3 Governing Board Responsibilities Governing Board Meetings Brown Act</td>
</tr>
<tr>
<td>3.5 Revenue and Expenditure Reporting</td>
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<td>3.5 Reserves</td>
</tr>
<tr>
<td>3.7 Oversight Fees</td>
</tr>
<tr>
<td>The June 13 minutes will be approved at the next FPS meeting (p. 5, Attachment 3).</td>
</tr>
<tr>
<td>The FPS response states that this has been remedied. The multi-year budget is now moot as the school will not reopen until it meets all the CDE and SBE reopening requirements.</td>
</tr>
<tr>
<td>The FPS board is compliance with all Governing responsibilities and Brown Act matters. See: <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a></td>
</tr>
<tr>
<td>It has or will meet all Revenue and Expense reporting at the end of the fiscal year. It had sufficient reserves to cover all expenses.</td>
</tr>
<tr>
<td>It has paid all required Oversight Fees (p.5, Attachment 3).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, notes that on June 20, 2016, CDE did access the SFFA Web site located at <a href="http://www.sfflex.org/board-meeting-information.html">http://www.sfflex.org/board-meeting-information.html</a> and finds that the Web site does not list the next FPS Board meeting. The CDE finds that FPS has not submitted evidence to support this claim (Attachment 9).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, that notes that FPS Board Chair, Mark Kushner, verbally presented this concept to the ACCS at the June 7, 2016, ACCS meeting. The SBE has not been presented with a written plan for SFFA to cease operations and reopen.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that the SFFA Web site does not contain information to confirm that the FPS Board is in compliance with all Governing responsibilities and Brown Act matters (as noted previously in the CDE analysis on pp. 6–7 of this document).</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that the FPS Board has submitted no evidence to support this claim.</td>
</tr>
<tr>
<td>CDE analysis, to this section of the FPS response, finds that the FPS Board submitted evidence to support this claim (Attachment 4).</td>
</tr>
</tbody>
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The Flex Public Schools Board committed a material violation of the conditions, standards, or procedures set forth in the charter pursuant to EC Section 47607(c)(1)(A).

| The CDE finds that the FPS Board has partially remedied the violations to the MOU with regard to Section 3.7 Oversight Fees; however, the FPS Board has not remedied the remaining violations. |  |  |
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.

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<td>Both the SFFA schoolwide and two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 California Assessment of Student Performance and Progress (CAASPP) are below both the state average and the SFUSD average for the same grades, grade eleven.</td>
<td>The FPS response states that this test data is baseline of academic performance. SF Flex respectfully submits that baseline data is not appropriate grounds for revocation and that the data cited is a baseline year so it does not show a lack of improvement or performance. This reflects the level of performance of students who had recently enrolled in SFFA (p. 6, Attachment 3).</td>
<td>CDE analysis, to this section of the FPS response, finds that the publicly available pupil achievement data presents that SFFA pupils’, in two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged), scores on the 2015 CAASPP are below both the state average and the SFUSD average for the same grades, grade eleven (Attachment 10).</td>
</tr>
<tr>
<td>The SFFA Measurable Pupil Outcomes (MPOs) state that SFFA will improve the English learner (EL) reclassification rate. The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.</td>
<td>The FPS response states that this has been remedied and that either SFFA had no EL students due to its forced move by SFUSD or they graduated. Further FPS states that SFFA did not have any EL students in the 2015–16 school year as they were no longer able to make the long cross town commute required by the SFUSD move of the school. Hence none were reclassified.</td>
<td>CDE analysis, to this section of the FPS response, notes that publicly available CDE data shows that SFFA had five EL pupils in 2015–16 (Attachment 11).</td>
</tr>
<tr>
<td>In 2014-15, SFFA had three EL students. One transferred out in October 2014 due to a move to Los Angeles. The other two passed and graduated and were accepted into college.</td>
<td></td>
<td>CDE analysis, to this section of the FPS response, notes that FPS provided a letter from SFFA Principal to substantiate this claim (Attachment 12). However, publicly available CDE data</td>
</tr>
</tbody>
</table>
**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><strong>In 2013-14, two students moved before being able to take the CELDT test. The other two, who transferred from other high schools were not reclassified based on middle school data but informed us that they were reclassified at their previous high schools. SFFA was unable to get their cum files from their previous school districts before they decided [sic] to change schools. The CDE is collecting all SFFA student files on or around June 21, 2016.</strong></th>
<th><strong>CDE analysis, to this section of the FPS response, notes that publicly available CDE data shows that SFFA had four EL pupils (Attachment 11).</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The SFFA MPO states that forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT). The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT.</strong></td>
<td><strong>The CDE maintains the determination that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT (Attachment 13). The CDE finds that the FPS Board has not remedied this violation.</strong></td>
</tr>
<tr>
<td><strong>The SFFA MPO states that 80 percent of pupils will complete courses that satisfy University of California/California State University (UC/CSU) A–G entrance requirements, or Career Technical Education.</strong></td>
<td><strong>CDE analysis, to this section of the FPS response, notes that FPS did not submit verifiable pupil transcript evidence to substantiate this claim. The CDE finds that FPS did not address the violation. The publicly</strong></td>
</tr>
<tr>
<td><strong>FPS did not provide a Response to the Notice of Violation with regard to this violation (pp. 1–7, Attachment 3).</strong></td>
<td><strong>shows that SFFA had ten EL pupils (Attachment 11).</strong></td>
</tr>
<tr>
<td><strong>The FPS response states that this matter has been remedied and that the CDE data cited is incorrect. All students who graduate SFFA must meet the A–G requirements [sic].</strong></td>
<td><strong>The CDE finds that the FPS Board has not remedied this violation.</strong></td>
</tr>
</tbody>
</table>
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.

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<th>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.</th>
<th>The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent, respectively. Data for 2014–15 is currently not available.</th>
<th>In addition, evidence that SFFA courses meet A–G requirements are indicated on the UC website [sic] at: <a href="https://hs-articulation.ucop.edu/agcourselist">https://hs-articulation.ucop.edu/agcourselist</a> (p. 7, Attachment 3).</th>
<th>available data is provided in the LCFF State Priorities Snapshot (Attachment 13).</th>
<th>CDE analysis, to this section of the FPS response, finds that CDE did not note this as a violation. However, CDE did access the UC Web page on June 18, 2016, and notes that SFFA did have A–G courses for 2014–15. The CDE finds that the FPS Board has not remedied this violation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The SFFA MPO states that SFFA will: meet or exceed 90 percent attendance rate. The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for 2013–14 with 84.9 percent ADA, 2014–15 P-2 Apportionment with 87.8 percent ADA, and 2015–16 P-1 Apportionment with 73.6 percent ADA.</td>
<td>The FPS response states that a lower than expected attendance ADA was remedied by commensurate reductions [sic] in expenses. SFFA attendance was below the attendance goal mostly due to the Proposition 39 facility locations and moves forced by the SFUSD, but the school made responsible and appropriate reduction in expenses based on the reduced ADA.</td>
<td>CDE analysis, to this section of the FPS response, finds that FPS did not provide evidence to substantiate this claim. CDE analysis, to this section of the FPS response, finds that FPS did not provide evidence to substantiate this claim. The CDE finds that the FPS Board has not remedied this violation.</td>
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SUBJECT
Consideration of Requests for Determination of Funding with “Reasonable Basis”/Mitigating Circumstances 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). The ACCS may include the consideration of mitigating circumstances in conjunction with a recommendation to the SBE.

RECOMMENDATION
The CDE recommends that the SBE approve the mitigating circumstances request for four charter schools and deny the mitigating circumstances request for 10 charter schools, and approve the determination of funding and period specified for the charter schools offering nonclassroom-based instruction, as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation
The ACCS met on June 7, 2016, and voted unanimously to approve the CDE recommendation that the SBE approve the mitigating circumstances request for four charter schools and deny the mitigating circumstances request for 10 charter schools, and approve the determination of funding and period specified, as provided in Attachment 1.
The 14 charter schools listed in Attachment 1 each submitted a request to obtain a determination of funding by the SBE with the consideration of mitigating circumstances 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.

However, 5 CCR Section 11963.4(e) states that the ACCS may find a “reasonable basis” (also referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

5 CCR Section 11963.6(c) specifies that a determination of funding 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.

5 CCR Section 11963.4(e) provides specific examples of the types of mitigating circumstances and for the ACCS to consider well documented “one-time or unique or exceptional circumstances.” Mitigating circumstances described by a charter school in the funding determination process clarify and provide guidance as to whether or not a specific charter school meets the percentage requirements for a funding determination as expressed in 5 CCR Section 11963.4(a).
Pursuant to 5 CCR Section 11963.4(e):

A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

Academy of Arts and Sciences: Fresno – #1631

Academy of Arts and Sciences: Fresno (AAS-F) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported fiscal year (FY) 2014–15 data. Therefore, AAS-F submitted a request to consider mitigating circumstances. A summary of the request from AAS-F is provided below and in Attachment 3 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a3.pdf.

AAS-F is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-F reported expenditures of 25.44 percent on certificated staff costs and 52.86 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-F’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-F’s mitigating circumstances request includes spending conservatively due to the uncertainty of its enrollment and average daily attendance (ADA) in its first year of operation, and receiving the majority of its funding in the second half of the FY. Even though this is the charter school’s first request for consideration of mitigating circumstances, the charter school is managed by a charter management organization (CMO) and governing board that operates nine nonclassroom-based charter schools that have requested multiple funding determinations in the past and have yet to meet the spending requirements necessary for full funding. As such, the CDE finds that the
charter school’s CMO and governing board have demonstrated an inability to comply with the spending requirements. Furthermore, the charter school ended FY 2014–15 with approximately 68 percent or $602,214 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-F’s mitigating circumstances request.

Academy of Arts and Sciences: Los Angeles (K-8) – #1652
Academy of Arts and Sciences: Los Angeles (K-8) (AAS-LA1) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-LA1 submitted a request to consider mitigating circumstances. A summary of the request from AAS-LA1 is provided below and in Attachment 5 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a5.pdf.

AAS-LA1 is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-LA1 reported expenditures of 27.68 percent on certificated staff costs and 58.44 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-LA1’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-LA1’s mitigating circumstances request includes spending conservatively due to the uncertainty of its enrollment and ADA in its first year of operation, receiving the majority of its funding in the second half of the FY, and anticipating a decline in ADA for the subsequent FY. Even though this is the charter school’s first request for consideration of mitigating circumstances, the charter school is managed by a CMO and governing board that operates nine nonclassroom-based charter schools that have requested multiple funding determinations in the past and have yet to meet the spending requirements necessary for full funding. As such, the CDE finds that the charter school’s CMO and governing board have demonstrated an inability to comply with the spending requirements. Furthermore, the charter school ended FY 2014–15 with approximately 38 percent or $795,576 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-LA1’s mitigating circumstances request.

Academy of Arts and Sciences: Los Angeles (9-12) – #1651
Academy of Arts and Sciences: Los Angeles (9-12) (AAS-LA2) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-LA2 submitted a request to consider mitigating circumstances. A summary of the request from AAS-LA2 is provided below and in Attachment 7 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a7.pdf.
AAS-LA2 is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-LA2 reported expenditures of 24.89 percent on certificated staff costs and 44.61 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-LA2’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-LA2’s mitigating circumstances request includes spending conservatively due to the uncertainty of its enrollment and ADA in its first year of operation, receiving the majority of its funding in the second half of the FY, and anticipating a decline in ADA for the subsequent FY. Even though this is the charter school’s first request for consideration of mitigating circumstances, the charter school is managed by a CMO and governing board that operates nine nonclassroom-based charter schools that have requested multiple funding determinations in the past and have yet to meet the spending requirements necessary for full funding. As such, the CDE finds that the charter school’s CMO and governing board have demonstrated an inability to comply with the spending requirements. Furthermore, the charter school ended FY 2014–15 with approximately 91 percent or $1,088,511 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-LA2’s mitigating circumstances request.

Mosaica Online Academy of Los Angeles – #1677
Mosaica Online Academy of Los Angeles (MOALA) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, MOALA submitted a request to consider mitigating circumstances. A summary of the request from MOALA is provided below and in Attachment 9 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a9.pdf.

MOALA is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. MOALA reported expenditures of 29.05 percent on certificated staff costs and 66.96 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on MOALA’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

MOALA’s mitigating circumstances request includes spending conservatively, a delay in hiring teachers due to the uncertainty of its enrollment and ADA in its first year of operation, and the lack of review by the charter school’s former management company, Mosaica Education, which was going through a corporate receivership (bankruptcy). Since this is the first request for consideration of mitigating circumstances submitted by
MOALA, and there has been a subsequent change in operational management, currently Foundation Learning, the CDE finds that the information submitted supports a consideration for mitigating circumstances and recommends a funding determination of 100 percent for two years (2016–17 through 2017–18) instead of the three years requested by the charter school, as provided in Attachment 1.

Merced Scholars Charter – #0631
Merced Scholars Charter (MSC) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, MSC submitted a request to consider mitigating circumstances. A summary of the request from MSC is provided below and in Attachment 11 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a11.pdf.

MSC is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. MSC reported expenditures of 50.08 percent on certificated staff costs; however, it reported expenditures of 61.31 percent on instruction and instruction-related services costs, which qualifies the charter school for a 70 percent determination of funding.

MSC’s mitigating circumstances request includes spending conservatively and accumulating reserves, holding lottery funds in reserves to spend in a future year, excess special education funding, and the inability to fill a school administrator position. MSC has requested and received funding determinations on four occasions in prior years including the most recently approved funding determination with the consideration of mitigating circumstances and has yet to meet the spending requirements necessary for full funding. Furthermore, the CDE finds that the charter school ended FY 2014–15 with approximately 130 percent or $790,117 in reserves which could have been used to support instruction rather than being held for future expenses or to cover economic uncertainties. The CDE recommends that the SBE deny MSC’s mitigating circumstances request and recommends a determination of funding of 70 percent for two years (2016–17 through 2017–18) as provided in Attachment 1.

Mosaica Online Academy of Southern California – #1693
Mosaica Online Academy of Southern California (MOASC) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, MOASC submitted a request to consider mitigating circumstances. A summary of the request from MOASC is provided below and in Attachment 13 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a13.pdf.

MOASC is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. MOASC reported expenditures of 33.94 percent on certificated staff costs and 81.54 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on MOASC’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the
instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

MOASC’s mitigating circumstances request includes spending conservatively and delayed hiring teachers due to the uncertainty of its enrollment and ADA in its first year of operation, and the lack of review by the charter school’s management company, Mosaica Education, which was going through a corporate receivership (bankruptcy). Since this is the first request for consideration of mitigating circumstances submitted by MOASC, and there has been a subsequent change in operational management, currently Foundation Learning, the CDE finds that the information submitted supports a consideration for mitigating circumstances and recommends a funding determination of 100 percent for two years (2016–17 through 2017–18) instead of the three years requested by the charter school, as provided in Attachment 1.

**Academy of Arts and Sciences: El Cajon Middle and High (6-12) – #1453**

Academy of Arts and Sciences: El Cajon Middle and High (6-12) (AAS-EC) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-EC submitted a request to consider mitigating circumstances. A summary of the request from AAS-EC is provided below and in Attachment 15 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a15.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a15.pdf).

AAS-EC is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-EC reported expenditures of 31.50 percent on certificated staff costs and 56.82 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-EC’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-EC’s mitigating circumstances request includes spending conservatively due to the uncertainty of its ADA, anticipating a decline in ADA for the subsequent FY, and to build reserves for future years. The CDE notes that AAS-EC was previously approved for a 100 percent funding determination with mitigating circumstances for FYs 2014–15 and 2015–16. The charter school had reported expenditures of 38.45 percent on certificated staff costs and 58.92 percent on instruction and instruction-related services. Because the charter school had failed to meet the spending thresholds for any funding determination percentage, the CDE recommended two years instead of the five years requested by the charter school. The CDE finds that AAS-EC has requested and received funding determinations on two occasions in prior years, including the most recently approved funding determination with the consideration of mitigating circumstances, and has yet to meet the spending requirements necessary for full funding. Furthermore, the charter school ended FY 2014–15 with approximately 52 percent or $1,473,498 in reserves which could have been used to support instruction
rather than being held for future expenses. The CDE recommends that the SBE deny AAS-EC’s mitigating circumstances request.

**Academy of Arts and Sciences: Del Mar Elementary (K-5) – #1452**

Academy of Arts and Sciences: Del Mar Elementary (K-5) (AAS-DME) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-DME submitted a request to consider mitigating circumstances. A summary of the request from AAS-DME is provided below and in Attachment 17 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a17.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a17.pdf).

AAS-DME is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-DME reported expenditures of 32.56 percent on certificated staff costs and 54.96 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-DME’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-DME’s mitigating circumstances request includes spending conservatively due to the uncertainty of its enrollment and ADA, anticipating a decline in ADA for the subsequent FY, and to build reserves for future years. The CDE notes that AAS-DME was previously approved for a 100 percent funding determination with mitigating circumstances for FYs 2014–15 and 2015–16. The charter school had reported expenditures of 26.33 percent on certificated staff costs and 48.28 percent on instruction and instruction-related services. Because the charter school failed to meet the spending thresholds for any funding determination percentage, the CDE recommended two years instead of the five years requested by the charter school. The CDE finds that AAS-DME has requested and received funding determinations on two occasions in prior years, including the most recently approved funding determination with the consideration of mitigating circumstances, and has yet to meet the spending requirements necessary for full funding. Furthermore, the charter school ended FY 2014–15 with approximately 86 percent or $744,610 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-DME’s mitigating circumstances request.

**Academy of Arts and Sciences: Del Mar Middle & High (6-12) – #1454**

Academy of Arts and Sciences: Del Mar Middle & High (6-12) (AAS-DMMH) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-DMMH submitted a request to consider mitigating circumstances. A summary of the request from AAS-DMMH is provided below and in Attachment 19 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a19.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a19.pdf).
AAS-DMMH is requesting a 100 percent determination of funding for five years with the consideration of the charter school's mitigating circumstances. AAS-DMMH reported expenditures of 27.68 percent on certificated staff costs and 52.11 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-DMMH’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-DMMH’s mitigating circumstances request includes receiving a majority of funds in the second half of the school year, and spending conservatively to build reserves for future years. The CDE notes that AAS-DMMH was previously approved for a 100 percent funding determination with mitigating circumstances for FYs 2014–15 and 2015–16. The charter school had reported expenditures of 40.85 percent on certificated staff costs and 57.38 percent on instruction and instruction-related services. Because the charter school failed to meet the spending thresholds for any funding determination percentage, the CDE recommended two years instead of the five years requested by the charter school. The CDE finds that AAS-DMMH has requested and received funding determinations on two occasions in prior years, including the most recently approved funding determination with the consideration of mitigating circumstances, and has yet to meet the spending requirements necessary for full funding. Furthermore, the charter school ended FY 2014–15 with approximately 82 percent or $974,588 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-DMMH’s mitigating circumstances request.

**Delta Home Charter – #1646**
Delta Home Charter (DHC) (formerly Academy of Arts and Sciences San Joaquin) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, DHC submitted a request to consider mitigating circumstances. A summary of the request from DHC is provided below and in Attachment 21 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a21.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a21.pdf).

DHC is requesting a 100 percent determination of funding for three years with the consideration of the charter school’s mitigating circumstances. DHC reported expenditures of 20.45 percent on certificated staff costs and 50.64 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on DHC’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

DHC’s mitigating circumstances request includes improper retention of unspent apportionment funds as a result of the former charter operator’s mismanagement of the
charter school. Since this is the first request for consideration of mitigating circumstances submitted by DHC, and there has been a subsequent transfer of operational control to the chartering authority, New Jerusalem Elementary, effective July 1, 2015, the CDE finds that the information submitted supports a consideration for mitigating circumstances and recommends a funding determination of 100 percent for two years (2016–17 through 2017–18) instead of the three years requested by the charter school, as provided in Attachment 1.

**Delta Keys Charter – #1645**
Delta Keys Charter (DKC) (formerly Cal Stem San Joaquin) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, DKC submitted a request to consider mitigating circumstances. A summary of the request from DKC is provided below and in Attachment 23 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a23.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a23.pdf).

DKC is requesting a 100 percent determination of funding for three years with the consideration of the charter school’s mitigating circumstances. DKC reported expenditures of 21.68 percent on certificated staff costs and 50.07 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on DKC’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

DKC’s mitigating circumstances request includes improper retention of unspent apportionment funds as a result of the former charter operator’s mismanagement of the charter school. Since this is the first request for consideration of mitigating circumstances submitted by DKC, and there has been a subsequent transfer of operational control to the chartering authority, New Jerusalem Elementary, effective July 1, 2015, the CDE finds that the information submitted supports a consideration for mitigating circumstances and recommends a funding determination of 100 percent for two years (2016–17 through 2017–18) instead of the three years requested by the charter school, as provided in Attachment 1.

**Academy of Arts and Sciences: Sonoma – #1457**
Academy of Arts and Sciences: Sonoma (AAS-SO) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-SO submitted a request to consider mitigating circumstances. A summary of the request from AAS-SO is provided below and in Attachment 25 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at [http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a25.pdf](http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a25.pdf).

AAS-SO is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-SO reported
expenditures of 29.19 percent on certificated staff costs and 56.01 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-SO’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-SO’s mitigating circumstances request includes spending conservatively due to funds received toward the end of the school year and to build reserves for future years. The CDE notes that AAS-SO was previously approved for a 100 percent funding determination with mitigating circumstances for FYs 2014–15 and 2015–16. The charter school had reported expenditures of 24.41 percent on certificated staff costs and 65.84 percent on instruction and instruction-related services. Because the charter school failed to meet the spending thresholds for any funding determination percentage, the CDE recommended two years instead of the five years requested by the charter school. The CDE finds that AAS-SO has requested and received funding determinations on two occasions in prior years, including the most recently approved funding determination with the consideration of mitigating circumstances, and has yet to meet the spending requirements necessary for full funding. Furthermore, the charter school ended FY 2014–15 with approximately 77 percent or $663,967 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-SO’s mitigating circumstances request.

Academy of Arts and Sciences: Thousand Oaks & Simi Valley – #1455
Academy of Arts and Sciences: Thousand Oaks & Simi Valley (AAS-TOSV) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-TOSV submitted a request to consider mitigating circumstances. A summary of the request from AAS-TOSV is provided below and in Attachment 27 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a27.pdf.

AAS-TOSV is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-TOSV reported expenditures of 29.89 percent on certificated staff costs and 54.70 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-TOSV’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-TOSV’s mitigating circumstances request includes spending conservatively due to funds received toward the end of the school year, a spike in ADA, anticipating a decline in ADA for the subsequent FY, and to build reserves for future years. The CDE notes that AAS-TOSV was previously approved for a 100 percent funding determination with mitigating circumstances for FYs 2014–15 and 2015–16. The charter school had
reported expenditures of 30.07 percent on certificated staff costs and 52.57 percent on instruction and instruction-related services. Because the charter school failed to meet the spending thresholds for any funding determination percentage, the CDE recommended two years instead of the five years requested by the charter school. The CDE finds that AAS-TOSV has requested and received funding determinations on two occasions in prior years, including the most recently approved funding determination with the consideration of mitigating circumstances, and has yet to meet the spending requirements necessary for full funding. Furthermore, the charter school ended FY 2014–15 with approximately 88 percent or $2,019,643 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-TOSV’s mitigating circumstances request.

Academy of Arts and Sciences: Oxnard & Ventura – #1456

Academy of Arts and Sciences: Oxnard & Ventura (AAS-OV) does not meet the requirement to qualify for a proposed recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, AAS-OV submitted a request to consider mitigating circumstances. A summary of the request from AAS-OV is provided below and in Attachment 29 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun16item01a29.pdf.

AAS-OV is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. AAS-OV reported expenditures of 31.68 percent on certificated staff costs and 55.97 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on AAS-OV’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

AAS-OV’s mitigating circumstances request includes spending conservatively due to funds received in the second half of the school year, unpredictability in ADA, anticipating a decline in ADA for the subsequent FY, and to build reserves for future years. The CDE notes that AAS-OV was previously approved for a 100 percent funding determination with mitigating circumstances for FYs 2014–15 and 2015–16. The charter school had reported expenditures of 35.02 percent on certificated staff costs and 57.89 percent on instruction and instruction-related services. Because the charter school failed to meet the spending thresholds for any funding determination percentage, the CDE recommended two years instead of the five years requested by the charter school. The CDE finds that AAS-OV has requested and received funding determinations on two occasions in prior years, including the most recently approved funding determination with the consideration of mitigating circumstances, and has yet to meet the spending requirements necessary for full funding. Furthermore, the charter school ended FY 2014–15 with approximately 76 percent or $2,138,049 in reserves which could have been used to support instruction rather than being held for future expenses. The CDE recommends that the SBE deny AAS-OV’s mitigating circumstances request.
The funding determination requests and mitigating circumstances are provided in Attachments 2 through 29 of Agenda Item 03 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060716.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a non-recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools identified in Attachment 1 with a recommended funding determination would receive apportionment funding under the Local Control Funding Formula (LCFF) model; the charter schools with a recommended denial of a funding determination would not receive apportionment funding under the LCFF model.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (3 Pages)
## Determination of Funding Recommendation for Nonclassroom-based Charter Schools

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>Charter Authorizer / 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 With Mitigating Circumstances</th>
<th>Funding Determination Without Mitigating Circumstances (5 CCR Section 11963.4)</th>
<th>CDE Recommendation Funding Determination and Years</th>
<th>CDE Recommendation Mitigating Circumstances Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-62331-0130880</td>
<td>Orange Center / Fresno</td>
<td>Academy of Arts and Sciences: Fresno (1631)</td>
<td>2014–15</td>
<td>25.44%</td>
<td>52.86%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
<td>No</td>
</tr>
<tr>
<td>19-75309-0130773</td>
<td>Acton-Agua Dulce Unified / Los Angeles</td>
<td>Academy of Arts and Sciences: Los Angeles (K-8) (1652)</td>
<td>2014–15</td>
<td>27.68%</td>
<td>58.44%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
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<tr>
<td>19-75309-0130781</td>
<td>Acton-Agua Dulce Unified / Los Angeles</td>
<td>Academy of Arts and Sciences: Los Angeles (9-12) (1651)</td>
<td>2014–15</td>
<td>24.89%</td>
<td>44.61%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
<td>No</td>
</tr>
<tr>
<td>19-75309-0130955</td>
<td>Acton-Agua Dulce Unified / Los Angeles</td>
<td>Mosaica Online Academy of Los Angeles (1677)</td>
<td>2014–15</td>
<td>29.05%</td>
<td>66.96%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>100% for 2 Years (2016–17 through 2017–18)</td>
<td>Yes</td>
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<tr>
<td>24-10249-0106518</td>
<td>Merced County Office of Education / Merced</td>
<td>Merced Scholars Charter (0631)</td>
<td>2004–05</td>
<td>50.08%</td>
<td>61.31%</td>
<td>24.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>70%</td>
<td>70% for 2 Years (2016–17 through 2017–18)</td>
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<tr>
<td>37-68049-0131169</td>
<td>Dehesa Elementary / San Diego</td>
<td>Mosaica Online Academy of Southern California (1693)</td>
<td>2014–15</td>
<td>33.94%</td>
<td>81.54%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>100% for 2 Years (2016–17 through 2017–18)</td>
<td>Yes</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Charter Authorizer / 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 With Mitigating Circumstances</td>
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<tr>
<td>37-68213-0127050</td>
<td>Mountain Empire Unified / San Diego</td>
<td>Academy of Arts and Sciences: El Cajon Middle and High (6-12) (1453)</td>
<td>2012–13</td>
<td>31.50%</td>
<td>56.82%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
<td>No</td>
</tr>
<tr>
<td>37-68213-0127068</td>
<td>Mountain Empire Unified / San Diego</td>
<td>Academy of Arts and Sciences: Del Mar Elementary (K-5) (1452)</td>
<td>2012–13</td>
<td>32.56%</td>
<td>54.96%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
<td>No</td>
</tr>
<tr>
<td>39-68627-0129890</td>
<td>New Jerusalem Elementary / San Joaquin</td>
<td>Delta Home Charter (formerly Academy of Arts and Sciences San Joaquin) (1646)</td>
<td>2014–15</td>
<td>20.45%</td>
<td>50.64%</td>
<td>25.0 : 1</td>
<td>100% for 3 Years (2016–17 through 2018–19)</td>
<td>Denial</td>
<td>100% for 2 Years (2016–17 through 2017–18)</td>
<td>Yes</td>
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<tr>
<td>49-73882-0127092</td>
<td>Cotati-Rohnert Park Unified / Sonoma</td>
<td>Academy of Arts and Sciences: Sonoma (1457)</td>
<td>2012–13</td>
<td>29.19%</td>
<td>56.01%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
<td>No</td>
</tr>
<tr>
<td>CDS Code</td>
<td>Charter Authorizer / County</td>
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<tr>
<td>56-72504-0127043</td>
<td>Mupu Elementary / Ventura</td>
<td>Academy of Arts and Sciences: Thousand Oaks and Simi Valley (1455)</td>
<td>2012–13</td>
<td>29.89%</td>
<td>54.70%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
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<tr>
<td>56-72504-0127076</td>
<td>Mupu Elementary / Ventura</td>
<td>Academy of Arts and Sciences: Oxnard and Ventura (1456)</td>
<td>2012–13</td>
<td>31.68%</td>
<td>55.97%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2016–17 through 2020–21)</td>
<td>Denial</td>
<td>*Denial – 0% for 2 Years (2016–17 through 2017–18)</td>
<td>No</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. *5 CCR Section 11963.4(a)(4), specifies minimum criteria to qualify for a funding determination recommendation of 100 percent, 85 percent, or 70 percent. Denial of a determination of funding request may be made for a nonclassroom-based charter school that spends less than 35 percent of the school's public revenues on salaries and benefits for all employees who possess a valid teaching certificate or spends less than 60 percent of all revenues on instruction and instruction-related services.
## SUBJECT

Pupil Instruction: Courses Without Educational Content: Adopt Proposed *California Code of Regulations*, Title 5, Section 1700.

<table>
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<tr>
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<th>Action</th>
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<td>Information</td>
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<td></td>
<td>Public Hearing</td>
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</tbody>
</table>

## SUMMARY OF THE ISSUE(S)

In 2015, the Legislature passed Assembly Bill (AB) 1012 (Chapter 703, Statutes of 2015), which prohibits school districts that maintain any of grades 9 to 12, inclusive, from assigning any pupil, enrolled in a school in the district to any course period without educational content or to a course that the pupil previously completed and received a grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from a high school for more than one week in any semester unless specified conditions have occurred.

Effective beginning the 2016–17 school year, AB 1012 requires that a principal or assistant principal state in a written document to be maintained at the applicable school that, for the relevant school year, no pupils are assigned to courses without educational content or previously completed courses unless the school has met the specified conditions.

AB 1012, also requires the State Superintendent of Public Instruction to develop regulations for adoption by the State Board of Education (SBE) regarding the procedures governing placement of pupils in the aforementioned courses, including the form of the written statement.

The proposed emergency regulations and request for commencement of the 45-day comment period were approved by the SBE at the March 2016 meeting. The rulemaking process for the proposed regulations commenced on March 25, 2016. At the conclusion of the 45-day public comment period, a public hearing was held on May 9, 2016. There were two attendees at the public hearing and one written comment was received. The CDE’s Final Statement of Reasons is attached. No further amendments are proposed.
RECOMMENDATION

The California Department of Education (CDE) recommends the SBE take the following actions:

- Approve the Final Statement of Reasons
- Adopt the proposed regulations
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval
- 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

AB 1012 was sponsored by the American Civil Liberties Union and Public Counsel, who represented plaintiffs in litigation regarding pupil placement in courses without educational content and previously completed courses against the State. Passage of this bill was part of the settlement of that lawsuit.

- The successful implementation of AB 1012 will require documentation. There must be records sufficient to demonstrate that a pupil’s placement in a course without educational content or a previously completed course meets the legal requirements as specified in Education Code Sections 51228.1 and 51228.2. Additionally, there is to be a document held at each school which serves pupils in grades 9 through 12, which certifies that pupils are not placed in any course without educational content or a previously completed course without meeting the legal requirements. The procedures governing the form of the written statement are contained in these regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None. These regulations contain new content as a result of the passage of AB 1012.

FISCAL ANALYSIS (AS APPROPRIATE)

An Economic and Fiscal Impact Statement is provided as Attachment 3.

ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (2 pages)
Attachment 2: Proposed Regulations (2 pages)
Attachment 3: Economic and Fiscal Impact Statement (STD. 399) (5 pages)
FINAL STATEMENT OF REASONS
Pupil Instruction: Courses Without Educational Content

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from March 25, 2016, through May 9, 2016. No written comments were received during the 45-day comment period.

A public hearing was held at 9:30 a.m. on May 9, 2016, at the California Department of Education. Two individuals attended the public hearing and one written comment was submitted.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 25, 2016 THROUGH MAY 9, 2016.

Laura Preston, Legislative Advocate, Association of California School Administrators

COMMENT #1: “Clarification of what is considered being sent home before the end of the school day or “early release”. While the bill was intended to protect students from being involuntarily dismissed due to a lack of placement, there appears unintended consequences are occurring. There are a number of students who have completed all of their required coursework and have a shorter school day than other students. If the school day is for example 6 periods and the student only needs to complete classes through 5th period, is that considered early release? If yes, many seniors are going to fall under the provisions of this bill even if they have completed all of their a-g coursework or who may want to enroll in a community college class later in the day or work. What if the student leaves after 5th period and classes at community college aren’t until nighttime? That could be considered leaving before the end of the school day or early release since the next class the student takes may be several hours later.”

REJECT: The statute does not distinguish between those students who have satisfied all graduation requirements and those who have not. As such the edit sought by the commenter would require a legislative fix. The bill as drafted rejected the exception being sought. Parental consent, a school official determination of benefit, and a school writing that the school meets the conditions of the law for an early release are required.

COMMENT #2: “If a student has taken and passed all available coursework at a high school and attends a community college to proceed in his/her education, does this course count as an attended high school class for the purposes of AB 1012? For example, a student has completed Calculus and would like to continue their math studies at a community college. It is likely that the student would not receive high school credit for this class and is not considered dual enrollment as outlined as an exemption in the act.”

REJECT: The statute does not speak to the situation presented. The statute does not seek to change the status quo regarding whether an LEA would give consent for taking
a course at a community college. The bill as drafted rejected the exception being sought. Thus, the statute does not need clarification. If a student is released from school during the normal school day, then parental consent, a school official determination of benefit, and a school writing that the school meets the conditions are required.

COMMENT #3: “Clarification that an IEP supersedes state law.”

REJECT: It is unclear what the commenter means by this comment. If a student is released from school or is repeating a course as a condition of his or her IEP, this would arguably satisfy the conditions of the law. An IEP is a writing, signed by the parent, which includes a determination that services and instruction provided are necessary for the student to receive a Free Appropriate Public Education. The clarification the commenter asks for is not necessary.

COMMENT #4: “Clarification that AB 1012 applies only when more than one student is assigned to a credentialed employee at the same time.”

REJECT: The comment seeks a regulation which would redefine the statute, and as such would require a legislative fix. The definition in the statute speaks for itself, and cannot be changed through the regulation process.

ALTERNATIVES DETERMINATION

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

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 2. Pupils
Subchapter 8. Pupil Instruction
Article 1. Educational Content

§ 1700. District Recordkeeping for AB 1012 Requirements Regarding Courses Without Educational Content and Previously Completed Courses.

(a) Commencing with the 2016-17 school year, school districts shall ensure that a school enrolling pupils in any of grades 9 to 12, inclusive, that assigns one or more pupils for more than one week in any semester in a “course period without educational content” as defined in Education Code section 51228.1 shall maintain the following:

(1) Records sufficient to demonstrate that the pupil or, if the pupil has not reached the age of majority, the pupil’s parent, guardian, or educational rights holder, has consented in writing to the course assignment for that semester;

(2) Records sufficient to demonstrate that a school official has determined that the pupil will benefit from being assigned to the course period; and

(3) A written document maintained at the school in which the principal or assistant principal of the school states that, for the relevant school year, the school has met the conditions in subdivisions (a)(1) and (2) above, and that no pupils are being assigned to a “course period without educational content” because there are not sufficient curricular course offerings for the pupil to take during the relevant period of the designated school day.

(b) Commencing with the 2016-17 school year, school districts shall ensure that a school enrolling pupils in any of grades 9 to 12, inclusive, that assigns one or more pupils to a course that the pupil previously completed and for which he or she received a grade determined by the district to be sufficient to satisfy the district’s minimum requirements for high school graduation and to satisfy the requirements for admission to the California public institutions of postsecondary education, shall maintain the following:
(1) Records sufficient to demonstrate that the course has been designed to be taken more than once because pupils are exposed to a new curriculum year to year and are therefore expected to derive educational value from taking the course again; or

(2) All of the following:

(A) Records sufficient to demonstrate that the pupil or, if the pupil has not reached the age of majority, the pupil’s parent, guardian, or educational rights holder, has consented in writing to the course for the purpose of improving a lower grade;

(B) Records sufficient to demonstrate that a school official has determined that the pupil will benefit from being assigned to the course period; and

(C) A written document maintained at the school in which the principal or assistant principal of the school states that, for the relevant school year, the school has met the conditions in subdivisions (b)(2)(A) and (B) for each and every pupil then being assigned to a course that the pupil has previously completed and for which he or she received a grade determined by the district to be sufficient to satisfy the district’s minimum requirements for high school graduation and to satisfy the requirements for admission to the California public institutions of postsecondary education, and that no pupils are being assigned to such a course because there are not sufficient curricular course offerings for the pupil to take during the relevant period of the designated school day.

(c) This section shall not apply with regard to pupils enrolled in an alternative school, a community day school, a continuation high school, or an opportunity school.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME
Education

CONTACT PERSON
Amy Tang-Paterno

EMAIL ADDRESS
Atangpaterno@cde.ca.gov

TELEPHONE NUMBER
322-6630

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400
Pupil Instruction: Courses Without Education Content

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 clarify statute and would not impose add'l 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:
   ________________

PAGE 1
ECONOMIC IMPACT STATEMENT (CONTINUED)

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

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ ______________________
   a. Initial costs for a small business: $ ______________________ Annual ongoing costs: $ ______________________ Years: ________________
   b. Initial costs for a typical business: $ ______________________ Annual ongoing costs: $ ______________________ Years: ________________
   c. Initial costs for an Individual: $ ______________________ Annual ongoing costs: $ ______________________ Years: ________________
   d. Describe other economic costs that may occur: ____________________________________________________________

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

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

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO
   If YES, enter the annual dollar cost per housing unit: $ ______________________
   Number of units: ______________________

5. Are there comparable Federal regulations? ☐ YES ☐ NO
   Explain the need for State regulation given the existence or absence of Federal regulations: ______________________

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: ____________________________________________________________

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

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: ____________________________________________________________

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

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: ____________________________________________________________
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:  Benefit: $___________  Cost: $___________

Alternative 1:  Benefit: $___________  Cost: $___________

Alternative 2:  Benefit: $___________  Cost: $___________

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

________________________________________________________________________

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  

☐ YES  ☐ NO

Explain:________________________________________________________________________

E. MAJOR REGULATIONS  Include calculations and assumptions in the rulemaking record.

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million?  

☐ YES  ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1:_____________________________________________________________________

Alternative 2:_____________________________________________________________________

(Associated 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 (SR/IA) as specified in Government Code Section 11346.3(c) and to include the SR/IA 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

      ________________________________ or Chapter __________________, Statutes of ________________________

   ☐ b. Funding will be requested in the Governor's Budget Act of

      ________________________________ Fiscal Year: ________________________

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

   $ ______________________________

   Check reason(s) this regulation is not reimbursable and provide the appropriate information:

   ☐ a. Implements the Federal mandate contained in ________________________________

   ☐ b. Implements the court mandate set forth by the ________________________________ Court.

      Case of: ________________________________ vs. ________________________________

   ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. ________________________________

      Date of Election: ________________________________

   ☐ d. Issued only in response to a specific request from affected local entity(s).

      Local entity(s) affected: ________________________________

   ☐ e. Will be fully financed from the fees, revenue, etc. from:

      ________________________________

      Authorized by Section: ________________________________ of the ________________________________ Code;

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

   ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in ________________________________

☐ 3. Annual Savings. (approximate)

   $ ______________________________

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program. Regulations are pursuant to AB 1012.

☐ 6. Other. Explain ________________________________
FISCAL IMPACT STATEMENT (CONTINUED)

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _______________________

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the ______________________ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _______________________

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain ________________________________

________________________________________________________

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _______________________

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _______________________

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program. Regulations are pursuant to AB1012

☐ 4. Other. Explain ________________________________

________________________________________________________

FISCAL OFFICER SIGNATURE __________________________ DATE February 8, 2016

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

AGENCY SECRETARY __________________________ DATE 2/11/16

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER __________________________ DATE
Economic and Fiscal Impact Statement


**Department Name:** Education

**Contact Person:** Amy Tang-Paterno

**E-mail Address:** atangpaterno@cde.ca.gov

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

**Descriptive Title From Notice Register Or From 400:** Pupil Instruction: Courses Without Education Content

**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 clarify statute and would not impose additional private sector costs.

---

**Fiscal Impact Statement**

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

- Selected option is 5: No fiscal impact exists. This regulation does not affect any local entity or program. Regulations are pursuant to AB 1012.

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

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

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

- Selected option is 3: No fiscal impact exists. This regulation does not affect any federally funded State agency or program. Regulations are pursuant to AB 1012.
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 11, 2016

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

Department of Finance Program Budget Manager: No signature.
## SUBJECT


| ☒ Action |
| ☒ Information |
| □ Public Hearing |

## SUMMARY OF THE ISSUE(S)

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

The 2015–16 SARC includes 47 data tables and narrative descriptions, making it a comprehensive accountability tool.

## RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the proposed template for the 2015–16 SARC that will be published during the 2016–17 school year (Attachment 1).

The 2015–16 SARC template has been modified to: (1) align with the new state and federal accountability reporting requirements, (2) make the format more user-friendly and comprehensive for the parents/guardians and community members of the public, and (3) update the school years and fiscal years to reflect the date the data are being collected.

Beginning in 2013–14, the SARC template was redesigned to group and highlight the Local Control Funding Formula (LCFF) state priorities. The proposed template continues to emphasize these state priorities. The CDE recommends that the SBE approve these changes.
BRIEF HISTORY OF KEY ISSUES

As a requirement of Proposition 98, passed in 1988, the SARC is an accountability tool that reports data on various indicators. The purpose of the SARC is to apprise parents/guardians and members of the public about school conditions and performance. The CDE is responsible for annually preparing a SARC template for SBE approval that includes all legally required data elements. Beginning with the 2012–13 SARC, the CDE provided an online SARC Web application. The application is pre-populated with approximately 75 percent of the data necessary to complete the SARC. The SARC Web application allows SARC Coordinators to complete their SARCs online free of charge. For the 2014–15 SARCs, approximately 89 percent of California’s schools (kindergarten through grade twelve) posted their SARCs using the SARC Web application.

Any material changes to the required data elements in the SARC must be legislated. However, the State Superintendent of Public Instruction (SSPI), the CDE, and the SBE have considerable flexibility in making changes to the formatting of the SARC template, including how the data elements are displayed (e.g., tables or graphics) and the order in which the data elements appear in the SBE-approved SARC template.

The CDE has historically produced a Data Element Definitions document that corresponds to the SBE-approved SARC template to provide information on data descriptions and data sources. Pending approval of the 2015–16 SARC template, the CDE will modify the associated Data Element Definitions document to include data descriptions similar to those previously used in the SARC template.

Beginning in 2013–14, the SARC template was reformatted, to the extent possible, to group the SARC data elements according to the eight state priorities required under the Local Control and Accountability Plan (LCAP), and this information is now included at the beginning of the SARC template. However, additional legislation is needed to fully align the SARC with the LCAP.

The SARC template may require revisions consistent with the LCFF evaluation rubrics scheduled to be approved by the SBE in September of 2016. The CDE and the SBE continue to make the SARC responsive to state and federal accountability reporting requirements. The following two broad areas of modifications, pending SBE approval, have been made to the proposed 2015–16 SARC template, to be published during the 2016–17 school year.

1. Update to the Academic Assessment Tables

- The California High School Exit Examination (CAHSEE) was last administered in the 2014–15 school year and has been suspended for three years; therefore, all CAHSEE tables have been deleted.
• The California Assessment of Student Performance and Progress (CAASPP) English language arts/literacy and mathematics table headers pertaining to the achievement levels (i.e., 1, 2, 3, and 4) were defined using the Smarter Balanced Summative Assessment achievement levels respectively as Standard Not Met, Standard Nearly Met, Standard Met, and Standard Exceeded. These categories have been combined into one single category, ‘Percent Met or Exceeded.’ This modification has been made to accommodate the inclusion of results from the California Alternate Assessments (CAAs) and Smarter Balanced Summative Assessments into the tables. The CAAs, which became operational in the 2015–16 year, are aligned to alternate achievement standards and report three levels of achievement. These modifications have been made because the Smarter Balanced Summative Assessments and the CAAs are based on different performance standards; therefore, combined assessment results must be reported as ‘Percent Met or Exceeded’ rather than by achievement level.

• The table California Standards Tests Results by Student Group in Science (newly named to CAASPP Test Results in Science by Student Group Grades Five, Eight, and Ten) has been modified to replace the category ‘Percent of Students Scoring at Proficient or Advanced’ with ‘Percent Met or Exceeded.’ In addition, the categories of ‘Total Enrollment,’ ‘Number Tested,’ and ‘Percent Tested,’ are added to this table. These modifications have been made to align data reporting in all subject area CAASPP tables.

• The names of the following CAASPP tables have been revised; as well as the achievement level data collected for these tables has been the modified as described above in bullet #2:

  Current: California Assessment of Student Performance and Progress Results for All Students

  Proposed: CAASPP Test Results in English Language Arts/Literacy (ELA) and Mathematics for All Students

  Current: CAASPP Assessment Results – English Language Arts (ELA) Disaggregated by Student Groups, Grades Three through Eight and Eleven

  Proposed: CAASPP Test Results in ELA by Student Group Grades Three through Eight and Eleven

  Current: CAASPP Assessment Results – Mathematics Disaggregated by Student Groups, Grades Three through Eight and Eleven

  Proposed: CAASPP Test Results in Mathematics by Student Group Grades Three through Eight and Eleven
Current: California Standards Tests for All Students in Science – Three-Year Comparison

Proposed: CAASPP Test Results in Science for All Students

Current: California Standards Tests Results by Student Group in Science

Proposed: CAASPP Test Results in Science by Student Group Grades Five, Eight, and Ten

2. Update to the State and Federal Accountability Tables

- In December 2015, President Barack Obama signed the Every Student Succeeds Act (ESSA) which substantially changed federal accountability requirements, including the reporting elements in accountability report cards. In May 2016, the U.S. Department of Education (ED) issued guidance to states in order to ensure an orderly transition from the Elementary and Secondary Education Act (ESEA) as amended by No Child Left Behind to the ESEA as amended by ESSA. The ED guidance specified that Adequate Yearly Progress (AYP) data are not required to be reported in the accountability report cards beginning with the 2015–16 school year; therefore, the AYP table has been deleted.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2015, the SBE approved the 2014–15 SARC template that was used for SARCs published during the 2015–16 school year. The approved SARC template was modified based on the administration of the CAASPP, the revision of the state and federal accountability reporting requirements, and the addition of a new student group.

FISCAL ANALYSIS (AS APPROPRIATE)

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

The costs of maintaining the SARC Web application are contained in an existing contract with the San Joaquin County Office of Education.

ATTACHMENT(S)

Attachment 1: 2015–16 School Accountability Report Card Template (Word Version) (27 pages)
2015–16
School Accountability Report Card Template
(Word Version)

(To be used to meet the state reporting requirement by February 1, 2017)

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

Posted to the CDE Web site:
September 2016

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

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

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

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

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

DataQuest

DataQuest is an online data tool located on the CDE DataQuest Web page at http://dq.cde.ca.gov/dataquest/ that contains additional information about this school and comparisons of the school to the district and the county. Specifically, DataQuest is a dynamic system that provides reports for accountability (e.g., test data, enrollment, high school graduates, dropouts, course enrollments, staffing, and data regarding English learners).

Internet Access

Internet access is available at public libraries and other locations that are publicly accessible (e.g., the California State Library). Access to the Internet at libraries and public locations is generally provided on a first-come, first-served basis. Other use restrictions may include the hours of operation, the length of time that a workstation may be used (depending on availability), the types of software programs available on a workstation, and the ability to print documents.

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

District Contact Information (School Year 2016–17)

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

School Contact Information (School Year 2016–17)

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

School Description and Mission Statement (School Year 2016–17)

Narrative provided by the LEA

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

Student Enrollment by Grade Level (School Year 2015–16)

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Number of Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 1</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 2</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 3</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 4</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 5</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 6</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 7</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 8</td>
<td>DPC</td>
</tr>
<tr>
<td>Ungraded Elementary</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 9</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 10</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 11</td>
<td>DPC</td>
</tr>
<tr>
<td>Grade 12</td>
<td>DPC</td>
</tr>
<tr>
<td>Ungraded Secondary</td>
<td>DPC</td>
</tr>
<tr>
<td>Total Enrollment</td>
<td>DPC</td>
</tr>
</tbody>
</table>
Student Enrollment by Student Group (School Year 2015–16)

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

A. Conditions of Learning

State Priority: Basic

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

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

Teacher Credentials

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

Teacher Misassignments and Vacant Teacher Positions

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

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

* Total Teacher Misassignments includes the number of Misassignments of Teachers of English learners.
Core Academic Classes Taught by Highly Qualified Teachers (School Year 2015–16)

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

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

Quality, Currency, Availability of Textbooks and Instructional Materials (School Year 2016–17)

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

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

School Facility Conditions and Planned Improvements

Narrative provided by the LEA

Using the most recently collected Facility Inspection Tool (FIT) data (or equivalent), provide the following:

- Description of the safety, cleanliness, and adequacy of the school facility
- Description of any planned or recently completed facility improvements
- Description of any needed maintenance to ensure good repair
School Facility Good Repair Status
Using the most recently collected FIT data (or equivalent), provide the following:
- Determination of repair status for systems listed
- Description of any needed maintenance to ensure good repair
- The year and month in which the data were collected
- The overall rating

Year and month of the most recent FIT report: DPL

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

Overall Facility Rate

Year and month of the most recent FIT report: DPL

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

B. Pupil Outcomes

State Priority: Pupil Achievement
The SARC provides the following information relevant to the State priority: Pupil Achievement (Priority 4):
- Statewide assessments (i.e., California Assessment of Student Performance and Progress [CAASPP] System, which includes the Smarter Balanced Summative Assessments for students in the general education population and the California Alternate Assessments [CAAs] for English language arts/literacy [ELA] and mathematics given in grades three through eight and eleven. The CAAs have replaced the California Alternate Performance Assessment [CAPA] for ELA and mathematics, which were eliminated in 2015. Only eligible students may participate in the administration of the CAAs. CAA items are aligned with alternate achievement standards, which are linked with the Common Core State Standards [CCSS] for students with significant cognitive disabilities); and
The percentage of students 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

CAASPP Test Results in English Language Arts/Literacy (ELA) and Mathematics for All Students

<table>
<thead>
<tr>
<th>Subject</th>
<th>Percentage of Students Meeting or Exceeding the State Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Language Arts/Literacy (grades 3-8 and 11)</td>
<td>DPC</td>
</tr>
<tr>
<td>Mathematics (grades 3-8 and 11)</td>
<td>DPC</td>
</tr>
</tbody>
</table>

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

CAASPP Test Results in ELA by Student Group Grades Three through Eight and Eleven (School Year 2015–16)

ELA – Grade 3

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
<th>Percent Tested</th>
<th>Percent Met or Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Male</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Female</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Black or African American</td>
<td>DPC</td>
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<td>American Indian or Alaska Native</td>
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<tr>
<td>Asian</td>
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<tr>
<td>Filipino</td>
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<tr>
<td>Hispanic or Latino</td>
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<td>Native Hawaiian or Pacific Islander</td>
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<td>White</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Two or More Races</td>
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<td>DPC</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
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<td>English Learners</td>
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<td>Students with Disabilities</td>
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<td>DPC</td>
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<tr>
<td>Students Receiving Migrant Education Services</td>
<td>DPC</td>
<td>DPC</td>
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</tr>
<tr>
<td>Foster Youth</td>
<td>DPC</td>
<td>DPC</td>
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</tr>
</tbody>
</table>

Note: ELA test results include the Smarter Balanced Summative Assessment and the CAA. The “Percent Met or Exceeded” is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the
The number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

### ELA – Grade 4

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
<th>Percent Tested</th>
<th>Percent Met or Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Male</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<td>Female</td>
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## ELA – Grade 5

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<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
<th>Percent Tested</th>
<th>Percent Met or Exceeded</th>
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</thead>
<tbody>
<tr>
<td>All Students</td>
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## ELA – Grade 6

<table>
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<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
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<th>Percent Met or Exceeded</th>
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<td>All Students</td>
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</table>

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## ELA – Grade 7

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
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<th>Percent Met or Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
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## ELA – Grade 8

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
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## CAASPP Test Results in Mathematics by Student Group
### Grades Three through Eight and Eleven (School Year 2015–16)

### Mathematics – Grade 3

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<tr>
<td>Black or African American</td>
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<td>Asian</td>
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<tr>
<td>Filipino</td>
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<tr>
<td>Hispanic or Latino</td>
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<tr>
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<td>White</td>
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<tr>
<td>Two or More Races</td>
<td>DPC</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
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<td>English Learners</td>
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<td>Students with Disabilities</td>
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<tr>
<td>Students Receiving Migrant Education Services</td>
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<td>DPC</td>
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</tr>
<tr>
<td>Foster Youth</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

**Note:** Mathematics test results include the Smarter Balanced Summative Assessment and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

**Note:** The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.
## Mathematics – Grade 11

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
<th>Percent Tested</th>
<th>Percent Met or Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Female</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Black or African American</td>
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<td>Filipino</td>
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<tr>
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<td>DPC</td>
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<tr>
<td>Two or More Races</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
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<tr>
<td>English Learners</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Students with Disabilities</td>
<td>DPC</td>
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<tr>
<td>Students Receiving Migrant Education Services</td>
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<tr>
<td>Foster Youth</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Mathematics test results include the Smarter Balanced Summative Assessment and the CAA. The “Percent Met or Exceeded” is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.
CAASPP Test Results in Science for All Students

<table>
<thead>
<tr>
<th>Subject</th>
<th>Percentage of Students Meeting or Exceeding the State Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Science (grades 5, 8, and 10)</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Science test results include California Standards Tests (CSTs), California Modified Assessment (CMA), and California Alternate Performance Assessment (CAPA) in grades five, eight, and ten.

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

CAASPP Test Results in Science by Student Group
Grades Five, Eight, and Ten (School Year 2015–16)

<table>
<thead>
<tr>
<th>Student Group</th>
<th>Total Enrollment</th>
<th>Number Tested</th>
<th>Percent Tested</th>
<th>Percent Met or Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Male</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Female</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Black or African American</td>
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<tr>
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<td>DPC</td>
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<tr>
<td>Asian</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Filipino</td>
<td>DPC</td>
<td>DPC</td>
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<td>DPC</td>
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<tr>
<td>Hispanic or Latino</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>DPC</td>
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<td>DPC</td>
</tr>
<tr>
<td>White</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Students with Disabilities</td>
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<tr>
<td>Students Receiving Migrant Education Services</td>
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<td>DPC</td>
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<tr>
<td>Foster Youth</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

Note: Science test results include CSTs, CMA, and CAPA in grades five, eight, and ten. The “Percent Met or Exceeded” is calculated by taking the total number of students who met or exceeded the standard on the science assessment divided by the total number of students who participated in the science assessment.

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.
Career Technical Education Programs (School Year 2015–16)

Narrative provided by the LEA

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

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

Career Technical Education Participation (School Year 2015–16)

<table>
<thead>
<tr>
<th>Measure</th>
<th>CTE Program Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Pupils Participating in CTE</td>
<td>DPL</td>
</tr>
<tr>
<td>Percent of Pupils Completing a CTE Program and Earning a High School Diploma</td>
<td>DPL</td>
</tr>
<tr>
<td>Percent of CTE Courses Sequenced or Articulated Between the School and Institutions of Postsecondary Education</td>
<td>DPL</td>
</tr>
</tbody>
</table>

Courses for University of California (UC) and/or California State University (CSU) Admission

<table>
<thead>
<tr>
<th>UC/CSU Course Measure</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015–16 Pupils Enrolled in Courses Required for UC/CSU Admission</td>
<td>DPC</td>
</tr>
<tr>
<td>2014–15 Graduates Who Completed All Courses Required for UC/CSU Admission</td>
<td>DPC</td>
</tr>
</tbody>
</table>

State Priority: Other Pupil Outcome

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

- Pupil outcomes in the subject area of physical education

California Physical Fitness Test Results (School Year 2015–16)

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

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

State Priority: Parental Involvement

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

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

Opportunities for Parental Involvement (School Year 2016–17)

*Narrative provided by the LEA*

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

State Priority: Pupil Engagement

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

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

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

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Dropout Rate</td>
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<tr>
<td>Graduation Rate</td>
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</tbody>
</table>

Completion of High School Graduation Requirements – Graduating Class of 2015

<table>
<thead>
<tr>
<th>Student Group</th>
<th>School</th>
<th>District</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
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<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Black or African American</td>
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<td>DPC</td>
<td>DPC</td>
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<td>American Indian or Alaska Native</td>
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<tr>
<td>Asian</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Filipino</td>
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<tr>
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<tr>
<td>Native Hawaiian or Pacific Islander</td>
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<td>DPC</td>
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</tr>
<tr>
<td>White</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
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<tr>
<td>English Learners</td>
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</tr>
<tr>
<td>Foster Youth</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>
State Priority: School Climate
The SARC provides the following information relevant to the State priority: School Climate (Priority 6):

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

Suspensions and Expulsions

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

School Safety Plan (School Year 2016–17)

Narrative provided by the LEA

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

D. Other SARC Information
The information in this section is required to be in the SARC but is not included in the state priorities for LCFF.

Federal Intervention Program (School Year 2016–17)

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

Note: Cells with NA values do not require data.
### Average Class Size and Class Size Distribution (Elementary)

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Avg. Class Size</th>
<th>2013–14 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2014–15 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2015–16 Number of Classes*</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>1-20</td>
<td>21-32</td>
<td>33+</td>
<td>1-20</td>
<td>21-32</td>
<td>33+</td>
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<td>Other</td>
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<td>DPC</td>
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</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Subject</th>
<th>Avg. Class Size</th>
<th>2013–14 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2014–15 Number of Classes*</th>
<th>Avg. Class Size</th>
<th>2015–16 Number of Classes*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-22</td>
<td>23-32</td>
<td>33+</td>
<td>1-22</td>
<td>23-32</td>
<td>33+</td>
</tr>
<tr>
<td>English</td>
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<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
<td>DPC</td>
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<tr>
<td>Mathematics</td>
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<td>Science</td>
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<td>Social Science</td>
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<td>DPC</td>
<td>DPC</td>
</tr>
</tbody>
</table>

* Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.

### Academic Counselors and Other Support Staff (School Year 2015–16)

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

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

* One Full Time Equivalent (FTE) equals one staff member working full time; one FTE could also represent two staff members who each work 50 percent of full time.
### Expenditures Per Pupil and School Site Teacher Salaries (Fiscal Year 2014–15)

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

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

### Types of Services Funded (Fiscal Year 2015–16)

*Narrative provided by the LEA*

Provide specific information about the types of programs and services available at the school that support and assist students. For example, this narrative may include information about supplemental educational services related to the school’s federal Program Improvement status.

### Teacher and Administrative Salaries (Fiscal Year 2014–15)

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

For detailed information on salaries, see the CDE Certificated Salaries & Benefits Web page at [http://www.cde.ca.gov/ds/fd/cs/](http://www.cde.ca.gov/ds/fd/cs/).
Advanced Placement (AP) Courses (School Year 2015–16)

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

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

* Where there are student course enrollments of at least one student.

Professional Development

Narrative provided by the LEA

Use this space to share information on the number of days provided for professional development and continuous professional growth for the school years 2016–17, 2015–16, and 2014–15. Questions that may be answered include:

- What are the primary/major areas of focus for staff development and specifically how were they selected? For example, was student achievement data used to determine the need for professional development in reading instruction?
- What are the methods by which professional development is delivered (e.g., after school workshops, conference attendance, individual mentoring, etc.)?
- How are teachers supported during implementation (e.g., through in-class coaching, teacher-principal meetings, student performance data reporting, etc.)?
SUBJECT
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 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 nine 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 1,685 LEAs. Attachment 1 represents the sixth 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 1,830 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 page)
## Consolidated Applications List (2015–16) – Regular Approvals

The following nine 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>Total 2014–15 Entitlement Per Student</th>
<th>Total 2014–15 Title I Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>07617960132100</td>
<td>Aspire Richmond Ca. College Preparatory Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>07617960132118</td>
<td>Aspire Richmond Technology Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>43694270131995</td>
<td>B. Roberto Cruz Leadership Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>57105790132464</td>
<td>Empowering Possibilities International Charter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>30664230131417</td>
<td>GOALS Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>19647330131771</td>
<td>KIPP Ignite Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>19647330131797</td>
<td>KIPP Promesa Prep</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>34769350132480</td>
<td>Paramount Collegiate Academy</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>01612590131896</td>
<td>Roses in Concrete</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total ConApp entitlement funds for districts receiving regular approval: $ 0
## 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, four direct-funded charter schools submitted an LEA Plan as part of the application for ESEA federal funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

While the ESEA has been reauthorized as the Every Student Succeeds Act (ESSA) and signed into law by President Barack 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 four direct-funded charter school LEA Plans listed in Attachment 1.

## Brief History of Key Issues

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA 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 ESEA 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 ESEA.

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, 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 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 1,866 LEA Plans.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no fiscal impact to state operations.

**ATTACHMENT(S)**

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (1 Page)
Direct-Funded Charter Schools Recommended  
For State Board of Education Approval

<table>
<thead>
<tr>
<th>Local Educational Agency Name</th>
<th>County-District-School Code</th>
<th>Academic Performance Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equitas Academy #3 Charter School</td>
<td>19 64733 0129650</td>
<td>None available; opened in September 2015.</td>
</tr>
<tr>
<td>iQ Academy California-Los Angeles</td>
<td>19 73452 0120600</td>
<td>See Attachment 2.</td>
</tr>
<tr>
<td>Renaissance Arts Academy K-12</td>
<td>19 64733 0131680</td>
<td>None available; opened in September 2015.</td>
</tr>
<tr>
<td>Vista Heritage Charter Middle School</td>
<td>30 10306 0132613</td>
<td>None available; opened in August 2015.</td>
</tr>
</tbody>
</table>
**Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval**

of Local Educational Agency Plans

<table>
<thead>
<tr>
<th>LEA Name: iQ Academy California-Los Angeles</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDS CODE:</strong> 19 73452 0120600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Student Groups</th>
<th>Made Adequate Yearly Progress (AYP) Criteria</th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)*****</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent at or Above Proficient (100.0%)</td>
<td>Met 2014 AYP Criteria**</td>
<td>Percent at or Above Proficient (100.0%)</td>
<td>Met 2014 AYP Criteria**</td>
</tr>
<tr>
<td>Schoolwide</td>
<td>No, met 1 of 11</td>
<td>44.2</td>
<td>21.2</td>
<td></td>
</tr>
<tr>
<td>Black or African American</td>
<td>45.7</td>
<td>28.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>39.1</td>
<td>4.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>55.6</td>
<td></td>
<td>27.8</td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>41.2</td>
<td>21.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>43.6</td>
<td></td>
<td>19.2</td>
<td></td>
</tr>
<tr>
<td>Two or More Races</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>35.8</td>
<td></td>
<td>13.0</td>
<td></td>
</tr>
<tr>
<td>English Learners</td>
<td>18.2</td>
<td></td>
<td>9.1</td>
<td></td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>14.3</td>
<td></td>
<td>4.8</td>
<td></td>
</tr>
</tbody>
</table>

-- Indicates no data are available or there are too few students in this student group to be numerically significant.

** California received a one-year waiver from the U.S. Department of Education (ED) that allows AYP determinations to exclude the percent proficient. However, the ED is requiring California to display the percent proficient data on the AYP Report. The AYP Report used only the participation information from the 2015 Smarter Balanced Summative Assessments and California Alternate Assessment Field Test, not the assessment results. The results from the assessments will be displayed within the percent proficient but will not be used for AYP determinations.

*** California’s education system went through landmark changes in 2014 with the implementation of the Local Control Funding Formula (LCFF), the transition to a new testing system, and the shift to develop a new state accountability system. Given these changes, at the March 2015 meeting, the State Board of Education (SBE) approved the State Superintendent of Public Instruction’s (SSPI) recommendation to not calculate the following Academic Performance Index (API) reports:

- 2014 Base API
- 2015 Growth API
- 2015 Base API

As a result of suspending the APIs, the SBE also approved the removal of the API as an additional indicator for all schools for AYP reporting purposes.
CALIFORNIA STATE BOARD OF EDUCATION

JULY 2016 AGENDA

SUBJECT
2017 History–Social Science Instructional Materials Adoption: Approval of the Schedule of Significant Events (Timeline) and the Application to Serve on the Review Panel (Application).

SUMMARY OF THE ISSUE(S)

Education Code (EC) sections 60200 and 60212 authorize the State Board of Education (SBE) to adopt instructional materials for kindergarten and grades one through eight (K–8), inclusive, in history–social science and to charge publishers a fee for their participation in that adoption.

In accordance with statute and regulations, and as recommended by the Instructional Quality Commission (IQC), the SBE approval of the draft Timeline and the draft Application is required.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the draft Timeline and the draft online Application that will be used to recruit applicants to serve as reviewers during the 2017 History–Social Science Instructional Materials Adoption (HSS Adoption).

BRIEF HISTORY OF KEY ISSUES

Assembly Bill (AB) X4 2 (Chapter 2, Statutes of 2009–10 Fourth Extraordinary Session) suspended the process and procedures for adopting instructional materials until the 2013–14 school year. SB 70 (Chapter 7 of the Statutes of 2011) extended that suspension until the 2015–16 school year. As a result, the adoption of instructional materials in history–social science was postponed from the originally planned date of 2011. The previous adoption in this subject area was conducted in 2005.

The dates on the Timeline are largely dictated by the requirements in statute and the California Code of Regulations, Title 5 (5 CCR). Specific citations are included on the Timeline. The recruitment of reviewers will take place during the summer and fall, with the IQC recommending reviewers to the SBE in November 2016 and SBE action to appoint them at its January 2017 meeting. The IQC will recommend, and the SBE will
approve, the materials that will be used to train those reviewers at the same meetings. The reviewers will be trained in Sacramento in April 2017 and will then review the submitted instructional materials for several months before reconvening in panels in Sacramento in July 2017.

After multiple opportunities for public feedback and comment, the IQC will make its own recommendations on the submitted programs at its September 2017 meeting. The SBE, which has final authority and responsibility to adopt materials, will take action on the HSS Adoption at its November 2017 meeting.

The Application is for two categories of reviewers: Instructional Materials Reviewers (IMRs) and Content Review Experts (CREs). IMRs are typically classroom teachers (5 CCR requires that teachers comprise a majority of the reviewers) but also include administrators, teachers on non-classroom assignment, and interested members of the public. CREs are required to have a Ph.D. degree in history or a related discipline and serve as a resource to the panel in their discipline. IMRs and CREs serve together on the panels assigned to review submitted instructional materials programs and jointly prepare a Report of Findings to the IQC.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 13–14, 2016: The SBE is scheduled to approve the evaluation criteria for the 2017 HSS Adoption as part of its adoption of the History–Social Science Framework.

FISCAL ANALYSIS (AS APPROPRIATE)

EC Section 60212 requires the CDE, prior to conducting the HSS Adoption, to provide public notice to all publishers and manufacturers that they will be assessed a fee to offset the cost of conducting the adoption process. The CDE estimates that the cost of the upcoming HSS Adoption will be $320,000 exclusive of staff costs.

In February 2017, the CDE will collect letters of intent to participate from publishers and manufacturers of HSS instructional materials. Thereafter, the CDE will assess fees that will be payable by these entities based upon the number of programs and grade levels that they indicate will be submitted. Following receipt of the assessed fees, the CDE will begin the process of associating costs via its approved accounting systems process.

ATTACHMENT(S)

Attachment 1: 2017 History–Social Science Primary Adoption, Draft Schedule of Significant Events (1 Page)

Attachment 2: 2017 History–Social Science Adoption of Instructional Materials, Application to Serve on the Review Panel (8 Pages)
## 2017 History–Social Science Primary Adoption

### Schedule of Significant Events

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructional Quality Commission (IQC) approves timeline, reviewer application</td>
<td>May 19, 2016</td>
</tr>
<tr>
<td>SBE approves timeline, reviewer application <em>(California Code of Regulations, Title 5 [5CCR], §9513)</em></td>
<td>July 13–14, 2016</td>
</tr>
<tr>
<td>Recruitment of reviewers (at least 90 days per 5CCR §9513)</td>
<td>July 19 – October 19, 2016</td>
</tr>
<tr>
<td>Small publisher fee waiver requests due (5CCR §9517.3)</td>
<td>November 16, 2016</td>
</tr>
<tr>
<td>IQC recommends reviewers to SBE</td>
<td>November 17–18, 2016</td>
</tr>
<tr>
<td>IQC approves training materials (5CCR §9512h)</td>
<td>November 17–18, 2016</td>
</tr>
<tr>
<td>SBE appoints reviewers</td>
<td>January 11–12, 2017</td>
</tr>
<tr>
<td>SBE approves training materials (5CCR §9512h) and small publisher fee waiver requests (5CCR §9517.3)</td>
<td>January 11–12, 2017</td>
</tr>
<tr>
<td>Invitation to Submit Meeting</td>
<td>January 18, 2017</td>
</tr>
<tr>
<td>Intent to Submit forms due from publishers (5CCR §9517.3)</td>
<td>February 1, 2017</td>
</tr>
<tr>
<td>Submission Date and deadline for payment of publisher fees to participate in the adoption (5CCR §9517.3)</td>
<td>March 8, 2017</td>
</tr>
<tr>
<td>Reviewer Training</td>
<td>April 24–28, 2017</td>
</tr>
<tr>
<td>Independent Review</td>
<td>April–July 2017</td>
</tr>
<tr>
<td>Reviewer Deliberations</td>
<td>July 24–28, 2017</td>
</tr>
<tr>
<td>IQC holds public meeting to receive comment (5CCR §9524a)</td>
<td>August 2017</td>
</tr>
<tr>
<td>IQC makes recommendation</td>
<td>September 2017</td>
</tr>
<tr>
<td>SBE holds public meeting to receive comment <em>(Education Code §60203 and 5CCR §9524b)</em></td>
<td>November 2017</td>
</tr>
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<td>SBE takes action on recommendation</td>
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DRAFT
2017 History–Social Science Adoption of Instructional Materials – Application to Serve on the Review Panel

Applications must be received by 3 p.m. Wednesday, October 19, 2016.

The California Constitution, Article 9, Section 7.5, and the California Education Code Section 60200 authorize the State Board of Education (SBE) to adopt instructional materials for kindergarten through grade eight.

The SBE and the State Superintendent of Public Instruction (SSPI) are seeking candidates to serve on review panels for the 2017 History–Social Science Adoption of Instructional Materials. Panel members will evaluate instructional materials for use in kindergarten through grade eight, inclusive, that are aligned with the California History–Social Science Content Standards for California Public Schools.

Each panel will consist of multiple instructional materials reviewers (IMRs) and at least one content review expert (CRE). IMRs and CREs serve as advisors to the Instructional Quality Commission (IQC) and the SBE in the review of instructional materials submitted for adoption. A majority of IMRs, as stated in regulation (California Code of Regulations, Title 5 (5 CCR) Section 9512), shall be teachers who teach students in kindergarten or grades 1–12, have a professional credential under California law, and who have experience with, and expertise in, standards-based educational programs and practices in the content field under consideration. At least one such teacher shall have experience in providing instruction to English learners, and at least one such teacher shall have experience in providing instruction to students with disabilities. Other IMRs may be administrators, parents, local school board members, teachers not described above, and members of the public. CREs are required to hold a doctorate degree (Ph.D.) in history or a related discipline. Please note that a doctorate degree in history–social science education (Ed.D.) is not sufficient to serve as a CRE, but such applicants are invited to apply as IMRs.

Panel members will attend a four-day training in Sacramento on April 24–28, 2017. They will review instructional materials independently at home and will then reconvene in panels for up to four days of deliberations with the preparation of a report to the IQC on July 24–28, 2017. IMRs and CREs will receive their actual and necessary travel expenses for attending the training and deliberation session activities. CREs are eligible receive an honorarium for each day of training and deliberations that they attend. The amount of the honorarium will be subject to budgetary constraints.

Instructions:

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

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

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

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

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

Employer’s Business Name:
Current Position Title:
Business Street Address:
Business City:
Business State:
Business Zip Code:

Position on the Panel:
Check one.
  o Instructional Materials Reviewer

  o Content Review Expert (Ph.D. in history or related field is required)

Areas of Expertise:
Check the one that applies to your current position.
  o Administrator

  o Teacher in public school providing instruction to students in kindergarten or grades one to twelve
Teacher in private school providing instruction to students in kindergarten or grades one to twelve

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

Parent

Community Member

School Board Member

College/University Professor

Self-Employed

Other Areas of Expertise

Describe Self-Employed Selection Above:

Describe Other Areas of Expertise:

Grade Levels of Expertise:
Check all that apply.

- K–2
- 3–5
- 6–8
- 9–12
- Other Grade Levels (e.g., university, college):

Years Teaching:

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

Experience Teaching Students with Disabilities:
Have you provided instruction to students with disabilities? □ No □ Yes
If yes, at what grade levels and for how many years? List any specialized credential, certificate, or training in this area.
Highest Degrees/Certifications:
List your four highest academic degrees and/or certifications, including those specific to history–social science education, earned and the awarding institution. List your highest achievement first.

Degree/Certification #1:
Institution #1:

Degree/Certification #2:
Institution #2:

Degree/Certification #3:
Institution #3:

Degree/Certification #4:
Institution #4:

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

Areas of Expertise and Leadership:
Describe how your education and experience prepare you to participate as a review panel member. As part of your response, please describe your knowledge and use of the History–Social Science Content Standards for California Public Schools and your experience providing effective instruction to all students, including English learners and special education students, developing curriculum or assessments, and/or serving as an instructional leader. (Use 2,000 characters or less.)

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

Relationship with Publishers: Conflict of Interest Disclosure Statement
Your answers below will serve as the disclosure of certain information as required by the “Statement of Activities that are Inconsistent, Incompatible, or in Conflict with Duties of a Member of an Educational Policy Advisory Commission or a Committee or Panel Thereof,” as amended January 1978 and 5 CCR Section 18600. Your answers will be the basis for an eligibility ruling in the event some activity appears to be inconsistent, incompatible, or in conflict with the duties assigned to the advisory framework committee.
For the questions below, “immediate family” is defined as your spouse and dependent children (California Government Code Section 82029).

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

**Question 1:**
Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last 12 months with a publisher that produces instructional materials for California? If YES, list the company(-ies) that you have dealt with and the amount (if any) of remuneration received. (Use 1,000 characters or less.)

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

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

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

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

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

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

Language 2:
Skill for Language 2:
- Speak
- Read
- Write

Gender:
- Male
- Female

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

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

Supervisor/Employer Information
First Name:
Last Name:
Position Title:
Phone:
E-mail: (generates e-mail message to employer)
When you submit your application form, a message will be automatically sent to the employer’s e-mail address you enter above.
Dear <First Name> <Last Name>,

This message is being sent to notify you that <First Name> <Last Name> (<e-mail address>), a member of your staff, has submitted an application to participate as a panel member for the 2017 History–Social Science Adoption of Instructional Materials. If appointed by the State Board of Education (SBE), the candidate is committing to attend a sequence of meetings and to perform a review of the materials as part of the adoption. Panel members will first participate in a four-day training session in April 2017 in Sacramento, then spend up to three months independently reviewing materials, returning to Sacramento in July 2017 for up to four days of deliberations. Travel and per diem costs are reimbursed at standard state rates.

**Professional References**

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

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

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

First Name:  
Last Name:  
Position Title:  
Institution:  

Street Address:
City:
State:
Zip Code:
Phone:
E-mail:

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

Please limit the size of the file to under 5 MB. This document will replace any previously uploaded résumé.
SUBJECT
Approve Commencement of the Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Section 9517.3 for the History-Social Science Instructional Materials Adoption.

SUMMARY OF THE ISSUE(S)
In order for the California Department of Education (CDE) and State Board of Education (SBE) to conduct an adoption of instructional materials for history–social science (HSS) as set forth in California Education Code (EC) Section 60212, the attached proposed regulations must be adopted.

RECOMMENDATION
The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking (Notice)
- Approve the Initial Statement of Reasons (ISOR)
- Approve the proposed regulations
- Direct the CDE to commence the rulemaking process
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations

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 60200, kindergarten).

EC Section 60212 stipulates that for the purposes of an HSS instructional materials adoption, the CDE “shall assess a fee” for those publishers declaring their intent to participate. While EC Section 60200 and the California Code of Regulations, Title 5, (5
CCR) sections 9510 through 9525 fully establish a process by which the CDE and the SBE conduct instructional materials adoptions, 5 CCR does not address the process for collecting fees for an HSS adoption nor the amount of any fees. These proposed regulations will allow the CDE and the SBE to conduct an HSS instructional materials adoption.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt instructional materials for use in grade one through eight (and, pursuant to EC 60200, kindergarten).

In 2009 the State Legislature and Governor suspended, until July 2015, all statewide instructional materials adoptions due to the financial crisis and in part to alleviate the expense of the adoption process from the general fund. On September 27, 2012, Governor Brown signed into law Assembly Bill (AB) 1246 (Brownley), Statutes of 2012, which authorized the SBE to take action on a new statewide mathematics instructional materials adoption no later than March 30, 2014.

At its January 2013 meeting, the SBE approved the commencement of the rulemaking process to establish 5 CCR 9517.3 to facilitate the collection of fees for the 2014 Mathematics Instructional Materials Adoption. Those regulations were subsequently enacted.

At its January 2014 meeting, the SBE approved the commencement of the rulemaking process to amended 5 CCR Section 9517.3 for the 2015 English Language Arts/English Language Development (ELA/ELD) Instructional Materials Adoption. The ELA/ELD regulations closely resembled the Mathematics Instructional Materials Adoption regulations, which were subsequently enacted in 2013.

FISCAL ANALYSIS (AS APPROPRIATE)

These regulations will not result in any additional costs or savings to local education agencies (LEA), state agencies, or federal funding to the State. The process regulated will be self-funded by fees from participating publishers. Further, pursuant to law, LEA will be under no obligation to purchase or implement the instructional materials approved as a result of a possible adoption process.

An Economic Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)

Attachment 2: Initial Statement of Reasons (5 pages)
Attachment 3: Proposed Regulations (2 pages)

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING HISTORY–SOCIAL SCIENCE INSTRUCTIONAL MATERIALS ADOPTION

[Notice published July 29, 2016]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:30 a.m. on September 14, 2016, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on September 14, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.
AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 60206, Education Code.

References: Sections 60200, 60207 and 60212, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Education Code section 60212, which became effective July 24, 2015, requires the collection of fees from publishers voluntarily choosing to participate in an adoption of basic instructional materials for history–social science pursuant to Education Code section 60200. While Education Code section 60200 and the California Code of Regulations, title 5, sections 9510 through 9525 establish the process by which the CDE and the SBE conduct instructional materials adoptions, title 5 does not address the process for collecting fees for history-social science as specified in Education Code section 60212, nor the amount of the fee. These proposed new regulations will address this fee and the CDE’s collection process. These regulations will allow the CDE and the SBE to conduct a history–social science instructional materials adoption and provide to local educational agencies (LEAs) and the public a list of SBE approved and recommended kindergarten through grade eight instructional materials.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will benefit the State of California by offsetting the costs of conducting history-social science instructional materials adoption. No State General Funds will be required due to the requirement of submission fees to be paid by publishers voluntarily participating. The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted. School districts in turn will benefit from the availability of a list of instructional materials programs that have been reviewed for consistency with an SBE-adopted evaluation criteria.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to instructional materials and found that
none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight history-social science instructional materials. The proposed regulations add an element of detail specific to one adoption process as set forth in Education Code section 60212, which became effective July 24, 2015.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

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

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

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary costs or savings imposed on LEAs: None

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

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

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an adverse effect on any small business because small businesses may request a reduced participation fee. Education Code section 60212(b) stipulates that “before incurring substantial costs” for the adoption, the CDE “shall assess a fee” from publishers who have declared their intent to submit instructional materials for consideration of SBE adoption. The law allows the SBE to reduce the fee for a small publisher, defined as “an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years.”
RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) adversely affect the expansion of businesses currently doing business within California.

The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

Benefits of the Proposed Action: The proposed regulations will benefit the State of California by offsetting the costs of conducting an instructional materials adoption. No State General Funds will be required due to the requirement of submission fees to be paid by publishers voluntarily participating.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

David Almquist, Education Programs Consultant
Curriculum Framework & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, CA 95814
Telephone: 916-319-0444

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.
INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting the Curriculum Frameworks & Instructional Resources Division, 1430 N Street, Suite 3207, Sacramento, CA, 95814; telephone, 916-319-0881. Please request assistance at least two weeks prior to the hearing.
INITIAL STATEMENT OF REASONS
History–Social Science Instructional Materials Adoption

INTRODUCTION

The California Department of Education (CDE) is proposing these regulations in order to facilitate a State Board of Education (SBE) adoption of history–social science (HSS) instructional materials as set forth in California Education Code sections 60200 and 60212. Education Code section 60212 requires the CDE to assess participating publishers a fee, while providing “small publishers” a reduction in the fee. In order to assess this fee, the State requires these new regulations.

In 2013, the CDE first established California Code of Regulations, title 5, section 9517.3 to facilitate the collection of fees for the 2014 Mathematics Instructional Materials Adoption. In 2014, the CDE amended section 9517.3, pursuant to the rulemaking process, in order to facilitate the collection of fees for the 2015 English Language Arts/English Language Development (ELA/ELD) Instructional Materials Adoption. The proposed amendments herein would modify section 9517.3 to facilitate the collection of fees for a 2017 HSS Instructional Materials Adoption.

PROBLEM AGENCY INTENDS TO ADDRESS

Education Code section 60212 stipulates that “before incurring substantial costs” for the instructional materials adoption, the CDE “shall assess a fee” for those publishers declaring their intent to participate. The law requires that the fee be reasonable and relative to the cost of conducting the adoption, be payable even if the publisher withdraws from the process, and that the publisher must submit the fee prior to the review of the submitted materials. The law allows the SBE to reduce the fee for a small publisher, defined as “an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years.”

While Education Code section 60200 and the title 5, sections 9510 through 9525 fully establish the process by which the CDE and the SBE conduct instructional materials’ adoptions, title 5 does not address the process for collecting the fee nor the amount of the fee. These proposed regulations will address this fee and the CDE’s collection process. These regulations will allow the CDE and the SBE to conduct an instructional materials adoption process upon approval of the SBE and provide to school districts and the public a list of SBE approved and recommended kindergarten through grade eight HSS instructional materials.

In order for the CDE to comply with the requirements of Education Code section 60212, these proposed regulations must be established to provide both the details and mechanism for implementation.
The proposed fee for the HSS Instructional Materials Adoption is the same fee collected for both the 2014 Mathematics and 2015 ELA/ELD Instructional Materials Adoptions.

**BENEFITS ANTICIPATED FROM REGULATORY ACTION**

The benefit of the proposed amendment to title 5 will be the implementation of a State HSS instructional materials adoption process upon SBE approval in compliance with State law.

**SPECIFIC PURPOSE OF EACH SECTION – GOV. CODE SECTION 11346.2(b)(1)**

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

General changes were made to the regulations to include removing the acronym ELA/ELD and replacing it with HSS.

**Section 9517.3** is amended to replace the section title from the now completed 2015 ELA/ELD instructional materials adoption with a title referencing HSS instructional materials adoption.

**Section 9517.3(a)** is amended to replace the reference to the now completed 2015 ELA/ELD instructional materials adoption with a reference to the pending HSS instructional materials adoption. Also deleted is a reference to the final completion date of the ELA/ELD instructional materials adoption which has not been replaced with a final completion date for the HSS instructional materials adoption. The reason for this difference is that the ELA/ELD instructional materials adoption occurred under special legislative authorization, pursuant to Education Code section 60211, during a period of instructional materials adoptions suspension, pursuant to Education Code section 60200.7, and a final completion date was included in that special authorization. The instructional materials adoptions suspension period expired on July 1, 2015.

**Section 9517.3(a)(5)** is amended to delete the reference to Education Code section 60211 and replace it with Education Code section 60212. The amendment is necessary in order to identify the authorizing statute.

**ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SECTION 11346.3(b)**

**Purpose:**

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 Education Code section 60200, kindergarten). Education Code section 60200 and title 5, sections
9510 through 9525 fully establish the process by which the CDE and the SBE conduct instructional materials adoptions. Education Code section 60212 stipulates that the CDE shall collect fees from publishers participating in a HSS instructional materials adoption.

These proposed regulations utilize the same details and fee structure as was utilized by the 2014 mathematics adoption and 2015 ELA/ELD adoption.

The implementation of this publisher participation fee will fund the HSS adoption—just as the fees during the mathematics and ELA/ELD adoptions funded those activities. These fees elevate pressure from the state general fund.

**Creation or Elimination of Jobs Within the State of California:**

The proposed regulations are designed to comply with the requirements of Education Code section 60212 and provide both the details and mechanism for implementation. The proposed fee for the HSS Instructional Materials Adoption is the same fee collected for both the 2014 Mathematics and 2015 ELA/ELD Instructional Materials Adoptions. The regulations will not have a direct or indirect effect of eliminating any jobs within the State of California; however, they may expand or create opportunities in California for businesses by facilitating an instructional material adoption which will stimulate the sale of instructional materials.

**Creation of New or Elimination of Existing Businesses Within the State of California:**

The proposed regulations are designed to comply with the requirements of Education Code section 60212 and provide both the details and mechanism for implementation. The proposed fee for the HSS Instructional Materials Adoption is the same fee collected for both the 2014 Mathematics and 2015 ELA/ELD Instructional Materials Adoptions. The regulations will not have a direct or indirect effect of eliminating any existing businesses within the State of California; however, they may expand or create opportunities in California for businesses by facilitating an instructional material adoption which will stimulate the sale of instructional materials.

**Expansion of Businesses or Elimination of Businesses Currently Doing Business Within the State of California:**

The fiscal impact of the publisher fee on business is offset by the potential gains. While these proposed regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

The proposed regulations may expand or create opportunities in California for businesses by facilitating an instructional material adoption which will stimulate the sale of instructional materials.
Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

These proposed regulations will have no adverse effect nor benefit on worker safety or the State’s environment.

These proposed regulations will affect positively the health and welfare of California residents by making possible a new HSS instructional materials adoption. The resulting list of approved instructional materials, adopted for use in California schools by the SBE as a result of the process, will make available to California’s students, and everyone involved with educating California’s students, current, relevant, content-standards aligned, rigorously reviewed, educational curriculum designed to impart California citizens with a world-class education.

OTHER REQUIRED SHOWINGS

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

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

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

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

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

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


The proposed regulations will not have a significant adverse economic impact on any business because the only businesses required to pay the fee are those that voluntarily choose to participate in the adoption process. Rather, this instructional materials adoption may create new business opportunities for those that wish to participate. The proposed regulations will expand or create opportunities in California for business by facilitating an instructional material adoption which will stimulate the sale of instructional materials. This assumption is validated by the historically high level of publisher participation in both the recent mathematics and ELA/ELD adoptions, both of which utilized nearly identical regulations (2014 mathematics adoption: 35 programs submitted
by 15 publishers; 2015 ELA/ELD adoption: 28 programs submitted by ten publishers).

Analysis Of Whether The Regulations Are An Efficient And Effective Means Of Implementing The Law In The Least Burdensome Manner – Gov. Code Section 11346.3(e):

The proposed regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner. The proposed regulations are necessary in order for the CDE to conduct the instructional materials adoption pursuant to the stipulations of the law.

05-17-16 [California Department of Education]
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in strikeout.

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 9. Instructional Materials
Subchapter 1. Elementary Instructional Materials

Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials–Procedures

§ 9517.3. English Language Arts/English Language Development History-Social Science Instructional Materials Adoption.

(a) The State Board of Education (SBE) adoption of basic instructional materials for history-social science (HSS) English language arts/English language development (ELA/ELD) scheduled to occur no later than November 30, 2015, shall be conducted according to the following requirements:

(1) CDE staff shall prepare the following documents for review and approval of the SBE at a public meeting:

(A) A Schedule of Significant Events specific to the HSS ELA/ELD adoption;
(B) A notice of intent to hold the HSS ELA/ELD adoption with the information specified in section 9517.3(a)(2)(A) and (B);

(2) A notice of intent to hold the HSS ELA/ELD adoption shall be posted on the CDE Web site, shall be mailed to all publishers who have participated in prior adoptions, shall be mailed to all publishers known to produce basic instructional materials in that subject, and shall be made available upon request.

The notice shall include:

(A) A Schedule of Significant Events.
(B) A statement that each publisher choosing to participate will be charged a fee as described in section 9517.3(a)(4).

(3) Each publisher shall provide a statement of intent to submit to the CDE in accordance with the dates set forth in the Schedule of Significant Events that specifies...
the following:

(A) Number of programs that the publisher will submit.

(B) Number of grade levels covered by each program.

(4) Based on the information included in a publisher’s statement of intent to submit, the CDE shall assess a fee of $5,000 per grade level for each program submitted for review. The fee shall be payable by the publisher even if the publisher subsequently chooses to withdraw a program or reduce the number of grade levels submitted for review.

(5) A “small publisher” as defined in Education Code section 60212(f)(2) 60211(b)(6)(B), may request a reduction of the fee by submitting documentation in accordance with the date set forth in the Schedule of Significant Events, that includes the following:

(A) A statement of earnings for the most recent three fiscal years.

(B) A statement verifying the number of full-time employees excluding contracted employees.

(C) A statement verifying that the small publisher is independently owned or operated and is not dominant in its field for the subject matter being submitted.

(b) The HSS ELA/ELD adoption shall follow all other procedures set forth in this article.


03-01-16 [California Department of Education]
A. ESTIMATED PRIVATE SECTOR COST IMPACTS. Include calculations and assumptions in the rulemaking record.

1. Check the appropriate box(es) below to indicate whether this regulation:
   - [ ] a. Impacts business and/or employees
   - [ ] b. Impacts small businesses
   - [ ] c. Impacts jobs or occupations
   - [ ] d. Impacts California competitiveness
   - [ ] e. Imposes reporting requirements
   - [ ] f. Imposes prescriptive instead of performance
   - [ ] g. Impacts individuals
   - [X] h. None of the above (Explain below):

   The regulations align to statute and would not impose additional private sector costs.

   If any box in Items 1a through g is checked, complete this Economic Impact Statement. If box in Item 1h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The __________________________ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:
   - [ ] Below $10 million
   - [ ] Between $10 and $25 million
   - [ ] Between $25 and $50 million
   - [ ] Over $50 million [If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)].

3. Enter the total number of businesses impacted:

   Describe the types of businesses (include nonprofits):

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

4. Enter the number of businesses that will be created: __________________________ eliminated: __________________________

   Explain:

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

6. Enter the number of jobs created: __________________________ and eliminated: __________________________

   Describe the types of jobs or occupations impacted:

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?  
   - [ ] YES  
   - [ ] NO

   If YES, explain briefly:
ECONOMIC IMPACT STATEMENT (CONTINUED)

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

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ ______________________
   a. Initial costs for a small business: $ ______________________ Annual ongoing costs: $ ______________________ Years: ______________________
   b. Initial costs for a typical business: $ ______________________ Annual ongoing costs: $ ______________________ Years: ______________________
   c. Initial costs for an individual: $ ______________________ Annual ongoing costs: $ ______________________ Years: ______________________
   d. Describe other economic costs that may occur:

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

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

4. Will this regulation directly impact housing costs? □ YES □ NO
   If YES, enter the annual dollar cost per housing unit: $ ______________________
   Number of units: ______________________

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

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment:

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

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation:

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

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not:
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

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

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

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  

[ ] YES  [ ] NO

Explain:

E. MAJOR REGULATIONS  
Include calculations and assumptions in the rulemaking record.

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million?  

[ ] YES  [ ] NO

If YES, complete E2. and E3  
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1:

Alternative 2:

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Total Cost $</th>
<th>Cost-effectiveness ratio: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1</td>
<td>Total Cost $</td>
<td>Cost-effectiveness ratio: $</td>
</tr>
<tr>
<td>Alternative 2</td>
<td>Total Cost $</td>
<td>Cost-effectiveness ratio: $</td>
</tr>
</tbody>
</table>

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?  

[ ] YES  [ ] NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the initial Statement of Reasons.

5. Briefly describe the following:

The Increase or decrease of Investment in the State:

The Incentive for Innovation in products, materials or processes:

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency:
A. FISCAL EFFECT ON LOCAL GOVERNMENT  Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).
   $ ........................................
   
   □ a. Funding provided in  
   Budget Act of ____________ or Chapter ____________, Statutes of ____________.
   
   □ b. Funding will be requested in the Governor’s Budget Act of ____________.
   Fiscal Year: ____________________

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
   (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).
   $ ........................................
   
   Check reason(s) this regulation is not reimbursable and provide the appropriate information:
   □ a. Implements the Federal mandate contained in ____________________________.
   
   □ b. Implements the court mandate set forth by the ____________________________ Court.
   Case of: ____________________________ vs. ____________________________

   □ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. ____________________________.
   Date of Election: ____________________________

   □ d. Issued only in response to a specific request from affected local entity(s).
   Local entity(s) affected: ____________________________

   □ e. Will be fully financed from the fees, revenue, etc. from: ____________________________
   Authorized by Section: ____________________________ of the ____________________________ Code;

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

   □ g. Creates, eliminates, or changes the penalty for a new crime or Infraction contained in ____________________________.

☐ 3. Annual Savings. (approximate)

$ ........................................

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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

☒ 6. Other. Explain  
   The regulations do not impose any additional costs as they further define the Education Code related to publisher fees.

__________________________________________

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ __________________________

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____________________ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ __________________________

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

☐ 4. Other. Explain The regulations do not impose any additional costs upon the state as they concur with existing regulations and serve only to define specifics of publisher fees 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

DATE
March 14, 2016

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

AGENCY SECRETARY

DATE
3/17/16

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE
Economic and Fiscal Impact Statement


Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: History -- Social Studies Instructional Materials Adoption (dated March 1, 2016)

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 statute and would not impose additional private sector costs.

Fiscal Impact Statement

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

- Selected option is 6: Other. Explain. The regulations do not impose any additional costs as they further define the Education Code related to publisher fees.

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 upon the state as they concur with existing regulations and serve only to define specifics of publisher fees 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 March 14, 2016

*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 March 17, 2016

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

Department of Finance Program Budget Manager: No signature.
SUBJECT

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 the charter schools listed on Attachment 1, after the filing deadline, thereby making the requests retroactive, not prospective. Since each charter school failed to submit a completed request by the regulatory filing deadline, the charter school was required to request a waiver for SBE approval to allow the charter school to request a non-prospective funding determination.

The waiver was submitted to the SBE requesting approval for a retroactive funding determination and was approved by the SBE at its May 2016 meeting. The waiver request is provided in the Meeting Notice for the SBE Web page located at http://www.cde.ca.gov/be/ag/ag/yr16/documents/May16w17.doc.

RECOMMENDATION

The CDE recommends that the SBE approve the determination of funding for the period specified for the six nonclassroom-based charter schools listed in Attachment 1.
Advisory Commission on Charter Schools Recommendation

The ACCS met on June 7, 2016, and voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding for the period specified for the six nonclassroom-based charter schools listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The nonclassroom-based charter schools identified 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.

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 period, 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 three charter schools that are requesting a determination of five years. For these charter schools, the CDE proposes to recommend five years for two charter schools that meet the API requirement. For the remaining charter school that did
not meet the API requirement, the CDE proposes to recommend four years for this charter school that has been in operation for three or more years. The CDE also proposes to recommend three years for two charter schools that are requesting three years and two years for one charter school that is requesting two years.

The funding determination request is provided in Attachments 2 through 7 of Agenda Item 01 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060716.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2016 meeting, 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 six charter schools identified in Attachment 1, to submit a determination of funding request for the non-prospective fiscal period of July 1, 2015, through June 30, 2016.

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 these requests are a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (2 Pages)
## California Department of Education

### Determination of Funding Recommendations for Nonclassroom-based Charter Schools

<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>04-61531-0121715</td>
<td>Paradise Unified</td>
<td>Butte</td>
<td>Paradise eLearning Charter Academy (1189)</td>
<td>2010–11</td>
<td>62.15%</td>
<td>71.22%</td>
<td>19.0:1</td>
<td>85% for 3 Years (2015–16 through 2017–18)</td>
<td>#**85% for 3 Years (2015–16 through 2017–18)</td>
</tr>
<tr>
<td>19-75309-0129411</td>
<td>Acton-Agua Dulce Unified</td>
<td>Los Angeles</td>
<td>SCALE Leadership Academy (1636)</td>
<td>2014–15</td>
<td>66.51%</td>
<td>100.96%</td>
<td>23.0:1</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>31-66951-0122507</td>
<td>Western Placer Unified</td>
<td>Placer</td>
<td>Partnerships for Student-Centered Learning (1227)</td>
<td>2010–11</td>
<td>53.22%</td>
<td>80.54%</td>
<td>19.12:1</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>36-67876-0128405</td>
<td>San Bernardino City Unified</td>
<td>San Bernardino</td>
<td>Center for Learning and Educational Success (1574)</td>
<td>2013–14</td>
<td>61.55%</td>
<td>84.25%</td>
<td>20.0:1</td>
<td>100% for 2 Years (2015–16 through 2016–17)</td>
<td>#***100% for 2 Years (2015–16 through 2016–17)</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>
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</tr>
<tr>
<td>44-69807-4430179</td>
<td>San Lorenzo Valley Unified</td>
<td>Santa Cruz</td>
<td>SLVUSD Charter (0025)</td>
<td>1993–94</td>
<td>53.99%</td>
<td>82.33%</td>
<td>24.3:1</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>45-10454-0111674</td>
<td>Shasta County Office of Education</td>
<td>Shasta</td>
<td>Chrysalis Charter (0778)</td>
<td>2006–07</td>
<td>59.81%</td>
<td>85.45%</td>
<td>15.0:1</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>#***100% for 5 Years (2015–16 through 2019–20)</td>
</tr>
</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 (CDE).

# At its May 2016 meeting, the State Board of Education approved the request to waive specific portions of California Code of Regulations, Title 5 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 recommends a funding determination of four years for a charter school that has been in operation for more than three years.

**For the funding determination effective period, the CDE considers the number of years requested by a charter school.

***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.
Subject: Consideration of a Retroactive Request for Determination of Funding with “Reasonable Basis”/Mitigating Circumstances as Required for a Nonclassroom-based Charter School 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). The ACCS may include the consideration of mitigating circumstances in conjunction with a recommendation to the SBE.

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 a completed determination of funding request from Taylion High Desert Academy/Adelanto (THDAA) after the February 1, 2015, deadline, thereby making the request retroactive, not prospective. Since THDAA did not submit a completed request by the regulatory filing deadline, THDAA was required to request a waiver for SBE approval to allow the charter school to request a non-prospective funding determination.

A waiver was submitted to the SBE requesting approval for a non-prospective funding determination for fiscal year (FY) 2015–16. The waiver was approved by the SBE at its May 2016 meeting. The waiver request is provided in the SBE May 2016, Meeting Notice for the SBE Web page located at http://www.cde.ca.gov/be/ag/ag/yr16/documents/May16w17.doc.
RECOMMENDATION

The CDE recommends that the SBE approve the mitigating circumstances request and the determination of funding and period specified for THDAA as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on June 7, 2016, and voted unanimously to approve the CDE recommendation that the SBE approve the mitigating circumstances request and the determination of funding as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

THDAA submitted a request to obtain a determination of funding by the SBE with the consideration of mitigating circumstances 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.

However, 5 CCR Section 11963.4(e) states that the ACCS may find a "reasonable basis" (also referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

5 CCR Section 11963.6(c) specifies that a determination of funding 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. 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.

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).
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.

5 CCR Section 11963.4(e) provides specific examples of the types of mitigating circumstances and for the ACCS to consider well documented “one-time or unique or exceptional circumstances.” Mitigating circumstances described by a charter school in the funding determination process clarify and provide guidance as to whether or not a specific charter school meets the percentage requirements for a funding determination as expressed in 5 CCR Section 11963.4(a).

Pursuant to 5 CCR Section 11963.4(e):

A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

THDAA does not meet the criteria to qualify for a proposed recommendation of 100 percent funding based on reported FY 2013–14 data. Therefore, THDAA submitted a request to consider mitigating circumstances. A summary of the request from THDAA is provided below and in Attachment 3.

THDAA is requesting a 100 percent determination of funding for five years with the consideration of the charter school’s mitigating circumstances. THDAA reported expenditures of 33.67 percent on certificated staff costs and expenditures of 67.20 percent on instruction and instruction-related services costs, which make the charter school ineligible for a determination of funding. Based on THDAA’s reported expenditure percentages, the charter school’s nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 CCR Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to
recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

THDAA’s mitigating circumstances request cited having to reduce spending and conserve cash due to the uncertainty in the amount of funding that the charter school would be funded for from the first year implementation of the Local Control Funding Formula (LCFF) in FY 2013–14. THDAA received approximately 29 percent or $277,134 of its total LCFF entitlement after the FY 2013–14 ended. The CDE finds that the information submitted supports the claim for mitigating circumstances in that due to the uncertainties of LCFF funding levels, THDAA exercised fiscal caution during its first year of operation, FY 2013–14, and, as a result, was unable to meet the funding determination criteria for full funding. However, the CDE recommends a funding determination of 100 percent for two FYs (2015–16 through 2016–17) instead of the five years requested by the charter school as provided in Attachment 1.

The funding determination and mitigating circumstances requests are provided in Attachments 2 through 3 of Agenda Item 02 on the ACCS June 7, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice060716.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2016 meeting, the SBE approved the CDE’s recommendation to approve the request to waive specific portions of 5 CCR, Section 11963.6(c), which allow the charter school identified in Attachment 1, to submit a determination of funding request for the non-prospective fiscal period of July 1, 2015, through June 30, 2016.

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 school listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation for a Nonclassroom-based Charter School (1 Page)
# California Department of Education

## Determination of Funding Recommendation for a Nonclassroom-based Charter School

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>Charter Authorizer / 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 With Mitigating Circumstances</th>
<th>Funding Determination Without Mitigating Circumstances (5 CCR Section 11963.4)</th>
<th>CDE Recommendation Funding Determination and Years</th>
<th>CDE Recommendation Mitigating Circumstances Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>36-67587-0128462</td>
<td>Adelanto Elementary / San Bernardino</td>
<td>Taylion High Desert Academy/Adelanto / 1520</td>
<td>2013–14</td>
<td>33.67%</td>
<td>67.20%</td>
<td>25.0 : 1</td>
<td>100% for 5 Years (2015–16 through 2019–20)</td>
<td>Denial</td>
<td>*100% for 2 Years (2015–16 through 2016–17)</td>
<td>Yes</td>
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</tbody>
</table>

^The spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).

*At its May 2016 meeting, the State Board of Education approved the request to waive specific portions of California Code of Regulations, Title 5 Section 11963.6(c), for the period of July 1, 2015, through June 30, 2016.
SUBJECT
Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. 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 1,805 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 and the SBE as noted. Copies of the charter petitions are on file in the Charter Schools Division.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. 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 (3 Pages)
## 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>1806</td>
<td>7/1/2016– 6/30/2021</td>
<td>Arts in Action Community Middle School</td>
<td>Los Angeles</td>
<td>Los Angeles Unified School District</td>
<td>Classroom-Based</td>
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<tr>
<td>1807</td>
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<td>Excellence Performance Innovation Citizenship (EPIC) Charter School</td>
<td>Orange</td>
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<td>Nonclassroom-Based</td>
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<tr>
<td>1808</td>
<td>7/1/2016– 6/30/2021</td>
<td>Scholarship Prep Charter School</td>
<td>Orange</td>
<td>Orange County Department of Education</td>
<td>Classroom-Based</td>
</tr>
<tr>
<td>1809</td>
<td>7/1/2016– 6/30/2021</td>
<td>California Heritage Youth Build Academy II</td>
<td>Trinity</td>
<td>Trinity County Office of Education</td>
<td>Classroom-Based</td>
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<tr>
<td>1810</td>
<td>7/1/2016– 6/30/2021</td>
<td>California STEAM Sonoma</td>
<td>Sonoma</td>
<td>Liberty Elementary School District</td>
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<tr>
<td>1811</td>
<td>7/1/2016– 6/30/2018</td>
<td>Come Back Butte Charter</td>
<td>Butte</td>
<td>Butte County Office of Education</td>
<td>Nonclassroom-Based</td>
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<tr>
<td>1812</td>
<td>7/1/2016– 6/30/2021</td>
<td>Kinetic Academy</td>
<td>Orange</td>
<td>Huntington Beach City School District</td>
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<tr>
<td>Number</td>
<td>Term</td>
<td>Charter Name</td>
<td>County</td>
<td>Authorizing Entity</td>
<td>Classroom-Based/ Nonclassroom-Based</td>
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<td>1814</td>
<td>7/1/2016–6/30/2019</td>
<td>Intellectual Virtues Academy</td>
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<td>1815</td>
<td>7/1/2016–6/30/2021</td>
<td>Imperial Pathways Charter School</td>
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<td>1816</td>
<td>7/1/2016–6/30/2021</td>
<td>Inspire Charter School - Kern</td>
<td>Kern</td>
<td>Maricopa Unified School District</td>
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<tr>
<td>1817</td>
<td>7/1/2016-6/30/2021</td>
<td>LA's Promise Charter High School #1</td>
<td>Los Angeles</td>
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<tr>
<td>1818</td>
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<td>LA's Promise Charter Middle School #1</td>
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<tr>
<td>1819</td>
<td>7/1/2016–6/30/2020</td>
<td>Great Valley Academy-Salida</td>
<td>Stanislaus</td>
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<td>1820</td>
<td>7/1/2016–6/30/2019</td>
<td>PUC International Preparatory Academy</td>
<td>Los Angeles</td>
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<td>Number</td>
<td>Term</td>
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<td>County</td>
<td>Authorizing Entity</td>
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<tr>
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<td>1821</td>
<td>7/1/2016–6/20/21</td>
<td>Pinnacle Academy Charter Independent Study Program</td>
<td>Monterey</td>
<td>South Monterey County Joint Union High School District</td>
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<tr>
<td>1822</td>
<td>7/1/2016–6/30/20</td>
<td>Century High School An Integrated Global Studies Academy</td>
<td>Placer</td>
<td>Roseville Joint Union High School District</td>
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<tr>
<td>1823</td>
<td>7/1/2016–6/30/21</td>
<td>International Studies Language Academy</td>
<td>Los Angeles</td>
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<td>1824</td>
<td>7/1/2016–6/30/21</td>
<td>California STEAM San Bernardino</td>
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<td>1825</td>
<td>7/1/2016–6/30/21</td>
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<td>1826</td>
<td>7/1/2016–6/30/21</td>
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<td>Winship-Robbins Elementary School District</td>
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<td>1827</td>
<td>7/1/2016–6/30/21</td>
<td>Celerity Achemar Charter School</td>
<td>Los Angeles</td>
<td>Compton Unified School District</td>
<td>Classroom-Based</td>
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</tbody>
</table>
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JULY 2016 AGENDA**

**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.

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

**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.